1. SCOPE: This policy applies to all programs, detainees, employees, volunteers, and supporting staff members at the Lewis County Juvenile Detention Center (LCJDC) and Lewis County Juvenile Justice Center (LCJJC).
2. DEFINITIONS:
	1. Staff: Includes anyone working for, is contracted with, or volunteers at LCJDC. Specific roles may be listed in the policy to compel specific positions to act a certain way to comply with PREA.
	2. Sexual harassment: Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one detainee toward another detainee, or, a staff member to a detainee.
	3. Sexual abuse: Includes sexual abuse of a detainee by another detainee OR sexual abuse of a detainee by a staff member. Sexual abuse includes any of the following acts between detainees:
		1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
		2. Contact between the mouth and the penis, vulva, or anus.
		3. Penetration of the anal or genital opening of another person, however slight, by a finger, object or other instrument; and
		4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, excluding contact incidental to a physical altercation or a recreational sports activity.

Sexual abuse includes any of the following acts between a detainee and staff:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
2. Contact between the mouth and the penis, vulva, or anus.
3. Contact between the mouth and any body part where staff has the intent to abuse, arouse or gratify sexual desire.
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where staff has the intent to abuse, arouse, or gratify sexual desire.
5. Any attempt, threat, or request by staff to engage in the activities described above in this section.
6. Any display by staff of his or her uncovered genitalia, buttocks, or breast in the presence of a detainee; and
7. Voyeurism by a staff member.
	1. Sexual fondling: The touching of the private body parts of another person, including the genitalia, anus, groin, breast, inner thigh, or buttocks, for the purpose of sexual gratification.
	2. Voyeurism: The invasion of privacy of a detainee by staff for reasons unrelated to official duties, such as peering at a detainee who is using the bathroom; requiring a detainee to expose his or her buttock, genitals, or breasts; or taking images of all or part of a detainee’s naked body.
8. POLICY:
	1. Detention officers and the PREA Coordinator are informed of PREA and will advise all of LCJDC’s staff, volunteers, and contractors in addition to the detainees regarding the “zero tolerance” philosophy in regards to sexually abusive behavior and how to report these incidents.
	2. Standard procedures are in place to detect and prevent sexually abusive behavior at LCJDC.
	3. Victims of sexually abusive behavior receive prompt and effective response to their physical, psychological, and security needs.
	4. Allegations of sexually abusive behavior receive prompt intervention and investigation upon report.
	5. The perpetrators of sexually abusive behavior will be disciplined and, when appropriate, prosecuted in accordance with local, state and/or federal law.
9. PROCEDURAL GUIDELINES:
	1. The PREA Coordinator is responsible for oversight of all Prison Rape Elimination Act (PREA) related activities. The PREA coordinator/PREA Compliance Manager will coordinate procedures to identify, monitor, and track sexual statistics in conjunction with the court administrator. The PREA coordinator/PREA Compliance Manager ensures LCJDC is in compliance with the Prison Rape Elimination Act of 2003.
	2. The detention manager will coordinate administrative and criminal investigations of alleged incidents of sexual misconduct in cooperation with the PREA coordinator/PREA Compliance Manager and local law enforcement as needed.
	3. All detainees will receive information about sexual misconduct during intake processing. Booking officers will communicate the information verbally and in writing, in a manner that is clearly understood by detainees. Information provided will include, but is not limited to:
		1. Presentation of this policy/procedure.
		2. LCJDC’s zero tolerance stance.
		3. Self-protection methods.
		4. Prevention and intervention.
		5. Treatment and counseling options.
		6. Reporting incidents.
		7. Protection against retaliation.
		8. Consequences of false allegations.
	4. Detention officers will document verification of offender orientation and education on PREA by completing the Detainee PREA Acknowledgement Form. The LCJDC staff will maintain the original signed acknowledgement form in the offender’s main file.
10. OFFENDER REPORTING:
	1. Detainees who are victims of, or have knowledge of, sexual misconduct should immediately report the incident to a staff member.
	2. Detainees may utilize the formal grievance procedure to report sexual misconduct in accordance with facility procedures. Staff will process such grievances, both formal and verbal, as a high priority and will immediately inform a supervisor or the detention manager.
	3. Detainees are not required to file written reports; however, detention officers who receive verbal reports from detainees are required to report the information immediately to a supervisor and document the information via an incident report.
	4. Substantiated deliberately malicious or false reports by detainees or other parties will result in disciplinary action or criminal charges.
11. SCREENING:
	1. All detention officers and detainees will be alert to signs of potential situations in which sexual abuse might occur. Signs may include, but aren’t limited to:
		1. Detention officer and detainee undue familiarity.
		2. Preferential treatment.
		3. Material and/or financial rewards.
		4. Favors.
	2. At intake, staff will identify, assess, and manage detainees with special needs, including those who are potentially vulnerable and potentially dangerous, to provide safe housing, adequate protection, and programmatic resources to meet their needs. Staff will inquire whether detainees have been victims of, or perpetrators of, sexual abuse to establish a safe housing environment for all detainees. Detainees are only isolated as a last resort.
	3. Victims or perpetrators of sexual abuse are referred to medical or mental health specialists within 14 days of intake screening without financial costs to victim. Ongoing treatment is provided if deemed necessary by health care providers while youth is in custody.
	4. Detention officers cannot physically examine transgendered or intersex youth to determine the detainee’s genital status.
	5. All staff will be trained on both statutory laws in addition to PREA policies that pertain to their official duties.
	6. Cross gender strip searches are prohibited unless performed by a medical practitioner. Cross gender pat-down searches are prohibited.
12. INTERVENTION:
	1. Detention officers who receive an initial report of sexual misconduct must separate the alleged victim from the alleged assailant to protect the victim and prevent further violence.
	2. Detention officers who receive an initial report of sexual misconduct are required to promptly intervene on the alleged victim’s behalf to ensure the victim receives prompt medical and psychological assistance, as appropriate to his or her needs and the circumstances of the alleged offense. Alleged victims of sexual misconduct must have an assessment for potential risk of suicide.
	3. The detention officer who is the first responder to a report of sexual abuse has the responsibility to protect the scene to preserve the evidence.
	4. Psychological trauma may occur to individuals other than the alleged victim of sexual misconduct. Mental health staff may be called to support and assist those in need.
	5. Shift supervisors will refer incidents of sexual misconduct reported more than 72 hours after the incident to our contract on call health care providers who will:
		1. Complete a patient history and conduct an examination to document the extent of physical injury to determine whether referral to another medical facility is indicated.
		2. Offer to all alleged victims, as appropriate, prophylactic treatment and follow up care for sexually transmitted or other communicable diseases (e.g. HIV, hepatitis B).
		3. Request an evaluation by a qualified mental health professional for crisis intervention counseling.
		4. Submit a report to the detention manager to effect separate housing assignments for the alleged victim and his or her alleged assailant.
13. SERVICES PROVIDED: The detention manager will coordinate available services to detainees who allege that they are victims of sexual misconduct and will ensure that detainees who allege that they are victims have access to the following services:
	1. Medical examination, documentation, and treatment of injuries, including testing for HIV and other sexually transmitted diseases.
	2. Mental health crisis intervention and treatment.
	3. Reasonable measures taken to protect and prevent future assaults such as classification procedures to identify predator and vulnerable detainees and separation needs.
14. INVESTIGATION:
	1. If the alleged sexual misconduct is reported within 72 hours of the incident, with the alleged victim’s permission, detention officers will immediately transport the victim to a community medical facility equipped to evaluate and treat sexual assault/rape victims.
	2. If the alleged sexual misconduct is reported more than 72 hours after the incident, with the victim’s permission, law enforcement may request that facility and program staff transport the victim to a community medical facility for evidence collection.
	3. If the alleged victim refuses medical attention following a sexual abuse incident or allegation, staff will document refusal.
	4. A written report will contain descriptions of evidence and testimonial of all criminal and administrative investigations. These reports must be kept for a minimum of five years. LCJDC will not terminate an investigation if the detainee is released before the case is closed.
	5. For administrative investigations, LCJDC cannot enforce any higher than a preponderance of evidence to determine substantiation of sexual abuse allegations. If these allegations are found to be substantiated, the following may occur:
		1. Corrective action against volunteers and contractors.
		2. Termination for staff who engage in sexual abuse, which will then be reported to law enforcement.
		3. Individualized disciplinary action for detainees who engage in sexual abuse, except in cases where detainees have sexual contact with staff unless staff member did not consent.
	6. Any outside agency conducting investigation must follow §115.371 PREA guidelines.
	7. After any sexual abuse investigation, the facility will conduct an incident review within 30 days of the conclusion of the investigation. The review team will include upper-level management officials and input from the supervisors, investigators and medical practitioners. The review team will consider all the conditions listed in §115.371 PREA guidelines.
15. REPORTING:
	1. Regardless of its source, LCJDC employees, support staff members, and volunteers who receive information concerning detainee on detainee sexual misconduct at LCJDC, or who observe an incident of detainee on detainee sexual misconduct, or have reasonable cause to suspect a detainee is a victim of sexual misconduct, must immediately report the information or incident directly to their immediate supervisor. The supervisor will notify the detention manager and the PREA coordinator, complete an incident report and forward it to the detention manager. The detention manager will forward the report to the court administrator with relevant amplifying comments, including a recommended course of action, if appropriate.
	2. Regardless of its source, LCJDC employees, support staff members, and volunteers who receive information concerning detainee on detainee sexual misconduct, or who observe an incident of officer on detainee sexual misconduct, or have reasonable cause to suspect a detainee is a victim of sexual misconduct, must immediately report the information or incident directly to their supervisor. The supervisor will notify the detention manager and PREA coordinator, who in conjunction with the court administrator will initiate an appropriate plan of action.
	3. In addition to the above reporting requirements, LCJDC employees, support staff members, or volunteers who know or have reasonable cause to suspect that a detainee has been abused or neglected, must immediately report the matter to their supervisor, or designee, who will subsequently report to the appropriate authorities.
	4. Any LCJDC employee, support staff member, or volunteer who fails to report an allegation, or coerces or threatens another person to submit inaccurate, incomplete, or untruthful information with the intent to alter a report, may face disciplinary action, up to and including termination of employment.
	5. Detainees can report any instances of sexual abuse through the following modes:
		1. Fill out a formal grievance form in the dayroom and place it in the secured grievance box located in the central corridor.
		2. Verbally tell a LCJDC staff member.
		3. Leave a message in the detention manager’s secured voicemail box, number posted in the dayrooms.
		4. For anonymous reporting, detainees can call the CPS hotline posted in the dayrooms.
	6. LCJDC does not have a time limit on when detainees can submit a grievance regarding sexual abuse.
	7. After any grievance of sexual abuse has been made, LCJDC will arrange victim access to counselors or other emotional support services.
	8. Third party reports can be filed with LCJDC on behalf of the detainee using one of the above listed modes referenced in letter E above.
	9. Staff has a duty to report any allegation of sexual abuse as required by mandatory reporting laws (RCW 26.44.030). Detainees shall be informed of the limitations of confidentiality between detainees and staff.
	10. If LCJDC staff are informed of alleged sexual abuse at another confinement facility, the detention manager will notify the head of the facility where the alleged abuse occurred and shall also notify the appropriate investigative agency.
16. SECURITY PROCEDURES: Detention officers will follow appropriate security procedures, which include:
	1. Arranging for mental health and medical assistance for the alleged victim as soon as possible.
	2. Separating the alleged victim from the alleged perpetrator.
	3. Taking reasonable measures to identify, isolate, and separate witnesses.
	4. Securing the incident scene so items cannot be removed or introduced.
	5. If necessary, segregated housing can be used to protect the alleged victim as a last resort when less restrictive measures are inadequate to keep them safe.
	6. Allowing only assigned investigators access to the scene.
	7. Staff first responders, medical practitioners, investigators, the detention manager and PREA coordinator will have a coordinated and cooperative response to allegations of sexual abuse.
17. DOCUMENTATION:
	1. All detention officers who witness or have knowledge of alleged sexual misconduct must submit an incident report before the end of their shift. This includes detention officers who secured the incident scene, transported detainees, or talked to possible witnesses.
	2. At the completion of a criminal investigation, the detention manager will notify the victim as appropriate.
		1. Detention manager will inform detainee whether the allegation has been substantiated, unsubstantiated, or unfounded.
		2. LCJDC will collect relevant information from investigating agency to inform the detainee if necessary.
		3. After an allegation of sexual abuse has been made between a detainee and staff member, LCJDC will inform the detainee whenever:
			1. The staff member is no longer employed at the facility.
			2. The agency learns that the staff member has been indicted or convicted on a charge of sexual abuse within the facility.
		4. After an allegation of sexual abuse has been made between a detainee and another detainee, LCJDC will inform the detainee whenever the alleged abuser has been indicted or convicted on a charge related to sexual abuse within the facility.
		5. All attempts to notify will be documented.
18. TRAINING: All LCJDC personnel, support staff members, and volunteers with direct and/or incidental contact with detainees will receive documented PREA training during orientation and every two years. Volunteers and contractors will have training based on the level of contact they have with detainees.
	1. Training will include, but is not limited to:
		1. Review of this policy, the PREA policy, and any other applicable state or federal laws.
		2. Prevention, investigation, and prosecution of sexual misconduct and duty to report.
		3. Zero tolerance stance and that detainees have the right to be free from sexual abuse and retaliation of reporting sexual abuse.
		4. Recognition and dynamics of sexual misconduct, predatory detainees, potential victims, and/or officer involvement.
		5. Reporting procedures and the duty to report.
		6. How to avoid inappropriate relationships with detainees and how to communicate effectively and professionally with detainees including gender non-conforming detainees.
	2. Trainings will be designed to meet the unique needs of the gender of LCJDC’s detainees.
	3. Refresher training will be offered every two years for each staff member.
	4. All trainings shall include documentation that staff understood the training .
	5. LCJDC will ensure that all medical staff have been trained to respond effectively to victims of sexual abuse and are in compliance with the PREA policies of the facility and that they know they also have a duty to report any suspicions of sexual abuse.
	6. LCJDC will ensure that the investigators of alleged sexual abuse are in compliance with the PREA policies and understand the criteria and limitations of conducting such investigations.
19. EDUCATION: All detainees will be educated at intake of their PREA rights in an age appropriate manner.
	1. At intake all detainees will be informed of their PREA rights, which include:
		1. LCJDC’s zero tolerance policy regarding sexual abuse.
		2. How to report incidents of sexual abuse.
	2. A comprehensive education program will be offered to detainees who have been detained for 10 or more days. This program will include:
		1. The detainee’s right to be free from sexual abuse.
		2. The detainee’s right to be free from retaliation of reporting instances of sexual abuse.
		3. An overview of LCJDC’s policies and procedures for responding to instances of sexual abuse.
	3. Formats for the comprehensive education program must be accessible to all detainees, including detainees with disabilities and those with limited reading skills.
	4. The comprehensive education program must be completed within 30 days of intake.
	5. All education sessions must be documented.
20. DATA COLLECTION/TRACKING: The PREA coordinator will ensure records including incident and investigative reports, offender information, case disposition, medical and counseling findings, and recommendations for post-release treatment and/or counseling are maintained in the appropriate files.
	1. LCJDC will collect data for every allegation of sexual abuse using a survey of sexual violence provided by the Department of Justice.
	2. The PREA coordinator will review every sexual abuse incident and report to the director of Office of Investigations and the Department of Justice no later than June 30 of every calendar year.
	3. Reviews must take place within 30 days of concluding the investigation.
	4. The facility will make available to the public aggregated sexual abuse data, with personal identifiers removed, through the county website.
	5. Data must be maintained for at least ten years after the date of initial collection.

|  |  |
| --- | --- |
|  Effective Date: |  Approved By: |
| November 3, 2022 | Vanessa L. Conwell, Detention Manager |