

**Idaho Department of
Juvenile Corrections
Administrative
Policy/Procedure**

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SUBJECT: PRISON RAPE ELIMINATION ACT (PREA) COMPLIANCE

APPROVED: 
SHARON HARRIGFELD, DIRECTOR

CATEGORY: LEGAL SERVICES

Policy

Incidents of sexual activity, whether consensual or nonconsensual; threats to engage in nonconsensual sexual activity; and solicitation to engage in sexual activity are recognized problems that can occur in juvenile correctional facilities in the United States. The occurrence of such behavior within the Idaho Department of Juvenile Corrections (IDJC) interferes with the agency's mission and seriously compromises the welfare of the juveniles within the agency's care and custody.

It is therefore the policy of the IDJC that all facilities and contract providers will adhere to a zero tolerance standard for incidences of sexual abuse or misconduct. Furthermore, it is the policy of the IDJC that all allegations of sexual abuse or misconduct within IDJC facilities will be investigated and responded to accordingly. The IDJC will provide a coordinated response to incidents of sexual abuse among staff first responders, medical and mental health staff, investigators, and facility leadership.

Operating Procedure

- I. The IDJC will implement the following procedures to reduce the risk of sexual abuse and harassment:
 - A. The IDJC will aggressively respond to, investigate, and support the prosecution of sexual abuse and sexual harassment, both internally and externally, in partnership with law enforcement and prosecutors.
 - B. The IDJC will comply with all mandatory reporting laws. The IDJC will contact law enforcement and any relevant licensing bodies when staff, volunteers, interns or contractors violate IDJC sexual abuse or sexual harassment policy, unless the activity was clearly not criminal.
 - C. All resignations in lieu of terminations for violations of agency sexual abuse or sexual harassment policies shall be reported to law enforcement agencies and any relevant licensing bodies, unless the activity was clearly not criminal.
 - D. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse, subject to Idaho rules and statutes and IDJC policies regarding due process.
 - E. All staff will respect the dignity and privacy of those involved in an allegation of sexual abuse, including the alleged offender, alleged victim, and any witness.

Incidents of sexual abuse are not topics for casual conversation with staff or juveniles.

- F. Staff shall accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties, and shall promptly document any verbal reports. The appropriate designated staff shall contact law enforcement if requested by the alleged victim.
 - G. Staff shall not reveal information related to an allegation of sexual abuse to anyone, including other staff, except for purposes of reporting as outlined below or to the extent necessary to assist in an investigation, to provide medical or mental health treatment, or for other security purposes.
 - H. All information and/or questions regarding an allegation or investigation of sexual abuse shall be provided to the Facility PREA Compliance Manager (Facility PCM), Agency PREA Coordinator, or IDJC Legal Services for a response and follow-up.
 - I. Through education of staff and juvenile offenders, the IDJC will increase awareness of safe reporting mechanisms, grievance procedures, and available services to victims, thereby creating institutional cultures that discourage sexual misconduct and encourage reporting of such incidents.
 - J. The IDJC will conduct incident reviews following an allegation of sexual abuse or harassment in order to identify opportunities to protect potential victims from sexually aggressive juvenile offenders in an effort to reduce the incidence of sexual abuse.
 - K. The IDJC will employ multiple protection measures, such as housing changes or transfers for juvenile victims or abusers, removal of alleged staff or juvenile abusers from contact with victims, and emotional support services for juveniles or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
 - L. The IDJC will separate and carefully monitor sexually aggressive juvenile offenders from their known victims.
 - M. The IDJC will provide for the medical and mental health needs of identified victims.
 - N. The IDJC will monitor for and respond to acts of retaliation.
 - O. The IDJC will establish data collection systems to track sexual abuse.
- II. The IDJC will identify an Agency PREA Coordinator. The Agency PREA Coordinator will be responsible for:
- A. Facilitating and advising IDJC leadership in the development and implementation of agency efforts to comply with PREA standards in all of its facilities and will oversee the application of those efforts.
 - B. Establishing sexual abuse incident data collection systems, tracking this data, and compiling the data.
 - C. Tracking sexual abuse investigation activities, reviewing sexual abuse incident responses, and maintaining records related to sexual abuse incidents and responses.

- D. Within 30 days of concluding the PREA investigation, conducting a PREA incident review with appropriate staff. This is documented on the PREA Incident Review (DJC-262) form.
 - E. Ensuring all staff, volunteers, interns and contractors receive training on IDJC's sexual abuse response procedures, including required specialized PREA training for all full- and part-time medical and mental health care practitioners and specialized PREA training for investigators.
 - F. Completing the annual Survey of Sexual Violence issued by the Department of Justice.
- III. Each of the state facilities will identify a Facility PCM. The Facility PCM will be responsible for:
- A. Serving as the liaison between the IDJC PREA Coordinator and the state facility.
 - B. Ensuring that the IDJC PREA Incident Supplemental Information Report (DJC-089) is completed. Once form DJC-089 is completed, it must be forwarded to the PREA Coordinator within five calendar days.
 - C. Ensuring that all incident-related documentation is tracked, compiled, and forwarded to the IDJC PREA Coordinator.
 - D. Tracking onsite investigation activities and providing updates regarding the status of open cases and implementation of a corrective action plan to the IDJC PREA Coordinator.
 - E. Ensuring any medical and/or mental health needs of the alleged offender or victim are met.
 - F. Ensuring the parents/guardians of victims of alleged sexual abuse are promptly notified within 24 hours.
- IV. Upon suspicion of and/or becoming aware of a possible sexual abuse incident occurring at an IDJC Juvenile Correction Center, staff will:
- A. Ensure the safety of the alleged victim and take steps to separate the alleged offender, alleged victim and any witnesses. Separation does not mean isolation, unless other less restrictive measures to ensure the safety of those involved have failed.
 - B. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.
 - C. If the abuse occurred within a time frame that still allows for evidence collection from the alleged victim or abuser, staff shall request that the alleged victim or abuser not take any action that could destroy physical evidence.
 - D. Immediately contact their supervisor or if not available, the designee or Duty Officer.
- V. Within 5 days of learning of a sexual abuse or sexual harassment allegation, the Facility PCM shall complete Section B of the PREA Incident Review (DJC-262).
- A. The Facility PCM will gather input from the Superintendent, supervisors, investigators, and medical or mental health practitioners.

- B. The Facility PCM will submit the completed Section B of DJC–262 to the Superintendent, Agency PREA Coordinator and Deputy Attorney General for review and feedback.
 - C. The Agency PREA Coordinator and Deputy Attorney General will review the information provided in Section B of form DJC-262 and make preventative or corrective recommendations to the facility PREA Compliance Manager and Superintendent, if applicable.
 - D. The development of corrective actions that the facility implements shall be a collaborative process between the Facility PCM, the Agency PREA Coordinator, and the Deputy Attorney General.
 - E. The Superintendent shall ensure recommendations for improvement(s) are implemented or request the Facility PCM to document any reasons for not implementing the recommendations.
 - F. The juvenile making the allegation shall receive a copy of Section C of form DJC-262 notifying them of the outcome of the investigation.
- VI. Within 24 hours of having received a DJC-262 form in which it is indicated that an employee, volunteer, intern or contractor (who is not directly accused of sexual abuse or harassment) may have indirectly contributed to a possible PREA incident by having neglected policy or procedures, the Superintendent shall:
- A. Meet with appropriate parties to develop, implement, document and communicate a plan of action.
 - B. Maintain the documented plan of action.
- VII. Upon receiving report of a possible sexual abuse incident, the supervisor or Duty Officer will:
- A. Initiate a response to ensure that all sections of this and other relevant policies are followed.
 - B. Immediately notify the Superintendent and the Facility PCM.
 - 1. The Facility PCM will notify the PREA Coordinator of the possible sexual abuse incident within 24 hours of the incident.
 - 2. The PREA Coordinator will notify IDJC Legal Services.
 - C. The Facility PCM will ensure that medical and mental health services are offered to alleged victim.
- VIII. Upon suspicion and/or becoming aware of a possible sexual abuse incident occurring at a contract facility, IDJC staff will:
- A. Immediately contact the Clinical Supervisor or if not available, the designee or Duty Officer.
 - B. The Clinical Supervisor will notify the PREA Coordinator of the possible sexual abuse incident no later than 24 hours after receiving the report.

- C. Follow other applicable IDJC policies and procedures.
- IX. Upon suspicion of and/or becoming aware of a possible sexual abuse incident that is reported to have occurred at another facility:
- A. The Superintendent of the facility where the juvenile is located, or the IDJC Director, shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred, and shall also notify the appropriate investigative agency.
 - B. Such notification shall be provided as soon as possible, but no later than 24 hours after receiving the allegation.
 - C. The PREA Coordinator shall document that such notification has been made.
- X. Juvenile education, interventions and disciplinary sanctions
- A. PREA education provided to juveniles shall be age-appropriate and accessible to juveniles who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as juveniles who have limited reading skills.

Within ten days of intake, juveniles shall be educated regarding the following:
 - 1. Their right to be free from sexual abuse and sexual harassment,
 - 2. Their right to be free from retaliation for reporting such incidents, and
 - 3. IDJC policies and procedures for responding to such incidents.
 - B. The IDJC prohibits all sexual activity between residents. Following an administrative finding that a juvenile(s) engaged in juvenile-on-juvenile sexual abuse, or following a criminal finding of guilt for juvenile-on-juvenile sexual abuse, the IDJC will provide appropriate discipline.
 - C. Disciplinary sanctions shall be commensurate with the nature and circumstances of the abuse committed, the juvenile's disciplinary history, and the sanctions imposed for comparable offenses by other juveniles with similar histories.
 - D. The disciplinary process shall consider whether a juvenile's mental disabilities or mental illness contributed to their behavior when determining what type of sanction, if any, should be imposed.
 - E. The IDJC will only discipline a juvenile for sexual contact with staff upon a finding that the staff member did not consent to such contact.
 - F. For the purpose of disciplinary action, a report of sexual abuse made in good faith, based upon a reasonable belief that the alleged conduct occurred, shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- XI. The Director will be notified of sexual abuse incidents occurring within the facilities or at a contract provider that involve staff, force/threats of force, or penetration. For all other incidents, the director will be notified at the discretion of the Superintendent or PREA Coordinator.

Reference: [Glossary of Terms and Acronyms](#)
The Prison Rape Elimination Act of 2003
Idaho Code § 16-1605
IDAPA 05.01.01 and 05.01.05

Desk Manual(s): *N/A*

Related Policies: [Ethics and Standards of Conduct \(324\)](#)
[Problem-Solving Procedures for IDJC Employees \(312\)](#)
[Reporting of Critical Incidents \(601\)](#)
[Abuse, Neglect, and Exploitation of Juveniles \(606\)](#)
[Behavioral Management \(602\)](#)
[Documentation of Incidents \(600\)](#)
[Juvenile Grievance \(671\)](#)
[Juvenile Supervision \(608\)](#)
[Juvenile Disclosure of Criminal Activity/Abuse \(673\)](#)
[Confidentiality/Privacy \(328\)](#)

Related Forms: [IDJC PREA Incident Supplemental Information Report \(DJC-089\)](#)
[Notification of Disclosure and/or PREA Incident \(DJC-131\)](#)
[Juvenile Understanding of Prison Rape Elimination Act \(DJC-162\)](#)
[PREA Incident Review \(DJC-262\)](#)
[Sexual Abuse/Harassment Retaliation Monitoring \(DJC-266\)](#)