

## **Prison Rape Elimination Act of 2003**

### **Policy:**

**SteppenStone Youth Treatment Services shall be committed to a zero-tolerance policy for incidents of sexual abuse/harassment/assault/misconduct or rape and the failure of “duty to report” such incidents.** SteppenStone Youth Treatment Services shall also be committed to reducing the risk of abuse, assault and misconduct by providing employees and youth with guidelines and training on prevention, detection, response, investigation and education to create a culture that discourages such incidents. SteppenStone Youth Treatment Services shall ensure that any sexual abuse/harassment/assault/misconduct or rape between youth, employees, volunteers, visitors, contractors or between youth on youth regardless of consensual status is prohibited and subject to termination and/or criminal actions.

### **Authority:**

Prison Rape Elimination Act of 2003, *Juvenile Standards Documentation Requirements*, 1-5p.

### **Definitions:**

PREA Coordinator- This position is designated by the Program Manager.

High Risk Client – A client who will be one-on-one supervised with staff and not engaged with other clients during normal routine.

### **Procedures:**

SteppenStone Youth Treatment Services shall also be committed to reducing the risk of abuse, assault and misconduct by providing employees and youth with guidelines and training on prevention, detection, response, investigation and education to create a culture that discourages such incidents. SteppenStone Youth Treatment Services shall ensure that any sexual abuse/harassment/assault/misconduct or rape between youth, employees, volunteers, visitors, contractors or between youth on youth regardless of consensual status is prohibited and subject to termination and/or criminal actions.

An Institutional Plan has been developed and implemented for SteppenStone Staff.

## **Reporting Procedure:**

SteppenStone Youth Treatment Services employees must immediately report any knowledge, suspicion, or information received regarding an incident, alleged or detected incidents of sexual abuse/harassment/assault/misconduct or rape.

Allegations of sexual abuse/harassment/assault/misconduct or rape are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior.

All reports made verbally, in writing, anonymously, and from third parties shall be accepted by staff and shall promptly be documented.

The follow procedure must be followed by the staff.

1. Immediately contact the Program Manager.
2. If the Program Manager is not able available, contact the Executive Director or Clinical Director.
3. The Program Manager will make a report to Child Protective Services, as outlined in policy XIX.
4. Department of Children Services will conduct all investigations, at this time, SteppenStone staff will not question or interview either the alleged perpetrator and/or alleged victim.
5. The Program Manager, or designee, shall offer any resident who experiences sexual abuse access to forensic medical examinations by a Sexual Assault Forensic Examiner (SAFE) or a Sexual Assault Nurse Examiner (SANEs) examiner, if possible. If the specific examiners are not available, then a qualified medical practitioner is required to perform this exam. This shall be documented.
6. The agency shall make an attempt to make provide the victim with a victim advocate from the rape crisis center. All efforts of the staff shall be documented.
7. Program Manager, Executive Director and or Clinical Director, or designated staff is responsible for contacting Department of Children Services, Department of Mental Health and any insurance company providers (if applicable) are required to be notified.

SteppenStone Youth Treatment Services will ensure that that the name of the person or persons reporting the allegation and revealing any information related to the sexual abuse

report to anyone other than to the extent necessary. Necessary reporting includes staff who are developing treatment, people involved in the investigation, and other security and management decisions, otherwise all information is kept confidential.

The possibility of retaliation or negative consequences for reporting sexual abuse/harassment/assault/misconduct or rape will not be tolerated and may result in disciplinary action up to and including termination. Residents or staff who report or cooperate with investigations shall be free from retaliation by other residents or staff. SteppenStone Youth Treatment services will assign staff members to monitor retaliation if the incident is client to client.

All outcomes of the allegation, should be reported to the client as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Any investigation reports shall be documented.

Failure to report incidents of sexual abuse/harassment/assault/misconduct or rape will result in termination and/or criminal charges.

Reporting of false information, whether verbal or written, encouraging, aiding, counseling or procuring another to report is considered a Class E Felony.

If a SteppenStone staff becomes aware of an allegation of sexual abuse from another facility, the staff is required to report this information to the Program Manager and the Program Manager shall report to the Executive Director. The Executive Director is required to notify, within 72 hours, the head of the facility that the client reported the allegations of abuse were reported to have occurred and shall also notify the DCS hotline. This communication shall be documented.

### **Grievance Procedure on Alleged Sexual Abuse:**

In compliance with PREA, SteppenStone Youth Treatment Services shall not impose time limits on submitting grievances regarding sexual abuse or an alleged incident of sexual abuse or require a formal grievance process or otherwise attempt to resolve with staff or to submit the grievance to a staff member who is the subject of complaint. The grievance shall not be referred to the staff member who is subject of the complaint.

The staff shall follow SteppenStone's grievance policy to be in compliance with the requirements of any emergency procedures of a client who is subject to a substantial risk for imminent sexual abuse.

Any third party member, i.e. attorney, another client, staff member, or family member may file a grievance on the behalf of the client.

If the client's parents submit a grievance regarding allegations on behalf of the juvenile, the grievance shall not be conditioned upon the client's agreement filed on his behalf.

SteppenStone shall not have restricted ability to defend against a lawsuit filed by a resident on the ground that the applicable statute of limitations has expired.

### **Community Support:**

Abuse Hotline numbers are posted throughout the campus for clients, staff and visitors.

Clients also have the right to access his attorney or legal representation with reasonable and confidential access and with reasonable access to his parents or legal guardian(s).

### **Assessment Process:**

The Assessment, Checklist and Protocol for Behavior and Risk for Victimization will be administered to all clients within twenty-four (24) hours of admission. The Case Manager, who has been appropriately trained, will administer the assessment. Clients who are identified as vulnerable for at-risk sexual victimization, will have a completed by the Case Manager an At-Risk Protocol to ensure appropriate actions are taken place to decrease the risk of sexual victimization.

### **Employee, Contract Workers and Volunteers Training**

All employees, volunteers and contracted employees, who engage with clients, will receive orientation/training on recognizing the signs of sexual assault and understanding their responsibilities.

1. Training on PREA will be included in both pre-service and annual training.
2. Employees properly trained will help prevent sexual assaults by:
  - Knowing & Enforcing the rules regarding sexual conduct of youth;
  - Maintaining professionalism at all times; and
  - Treating any allegation of sexual assault seriously and follow appropriate reporting procedures.
3. SteppenStone employees, which include residential, medical, mental health and employees, volunteers and contractors are required to sign = Notification of Prison Rape Elimination Act form, to state he or she has received training and understands the

policies and procedures of PREA. This documentation shall be kept in the employee personnel file.

4. All Case Managers completing the intake will receive training on the Assessment, Checklist and Protocol for Behavior and Risk for Victimization.
5. Documentation of training will be maintained for Employee Training, Volunteer & Contractor Training, Resident Education, Specialized Investigation Training, Specialized training for Medical & Mental health care and obtaining information from residents.

### **Client Notification/Acknowledgement of PREA**

During intake process all clients will receive written and verbal information about sexual abuse/harassment/assault/misconduct or rape and mandatory reporting requirements.

Written and verbal information on PREA will be provided to the client within 48 hours of arrival at SteppenStone Youth Treatment Services and will include but not limited to:

1. SteppenStone Youth Treatment Services Zero-Tolerance Policy regarding PREA;
2. Prevention/Intervention
3. Self-Protection and how to avoid risk situations;
4. Consequences for engaging in any type of sexual activity while at SSYTS;
5. How to obtain medical, mental health treatment and counseling;
6. Steps of how to safely report sexual abuse/harassment/assault/misconduct or rape such as:
  - Reporting the abuse incident directly to DCS Central intake office 1-877-237-0004
  - Reporting the abuse incident to a facility personnel
  - Filing a grievance; and/or
  - Reporting the abuse incident directly to DCS Central intake office 1-877-237-0004
  - Reporting the abuse incident to their attorney.

All clients are required to sign the Youth Acknowledgement and Notification of Prison Rape Elimination Act (PREA) to acknowledge they have been informed and notified of PREA and how to report incidents of sexual abuse/harassment/assault/misconduct.

- Copies of the signed form will be provided to the youth's parents or guardians and Family Service Worker
- The original signed form will be maintained in the youth's case file.

### **Supervision & Monitoring**

In order to ensure the safest facility, the Leadership team of SteppenStone Youth Treatment Services will conduct and document random unannounced visits during both day and night shifts to identify and deter staff sexual abuse/harassment/assault/misconduct. Staff are strictly prohibited from alerting other staff members that these supervisory rounds are occurring, unless the announcement is due to a legitimate operations function at the facility. Failure to comply will result in disciplinary action up to and including termination.

### **Staffing Plans**

To ensure that Steppenstone operates with adequate levels of staff to protect residents from sexual abuse, the management team shall take the following considerations into place.

- a. Generally accepted juvenile detention and correctional/secure residential practices;
- b. Any judicial findings of inadequacy;
- c. Any findings of inadequacy from Federal investigative agencies;
- d. Any findings of inadequacy from internal or external oversight bodies;
- e. All components of the facility's physical plan (including blind spots or areas of isolation for residents and/or staff);
- f. The composition of the residential population;
- g. The number and placement of supervisory staff;
- h. Institution programs occurring on a particular shift;
- i. Any applicable State or local laws, regulations, or standards;
- j. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- k. Other relevant factors

Staffing ratios are outlined under policy XVII, which sets forth a direct care staff ratio of 1:5 during the day and evening hours and 1:8 during the night time hours. If at any time, the staffing plan is deviated from due to exigent circumstances, it shall be fully documented the deviations from the plan during such circumstance.

The PREA Coordinator will ensure that each facility will assess, determine and document any adjustments to;

- a. Staffing plan established earlier
- b. prevailing staffing patterns
- c. facilities deployment of video monitoring systems and other monitoring technologies, if applicable; and
- d. the resources the facility has available to commit to ensure adherence to the staffing plan.

## **Client Placement**

If a client is placed on high risk status, it may only be because of other least restrictive measures are inadequate for keeping the client and others safe. If high risk is found to be used for a period of time, then SteppenStone shall not deny the client exercise and any educational programming, including special education services. He shall also receive daily visits from a medical or mental health clinician. The client shall have access to other programs and work opportunities to the extent possible.

Gay, bisexual, transgender, or intersex residents are not to be placed in separate housing based on the client's identification status or with the assumption that the client would be sexually abusive to others.

In deciding a housing assignment for each transgender, SteppenStone will consider placement to ensure the residents health and safety. For any transgender clients who are residents for longer than 6 months, it shall be reassessed at least twice a year to review any threats to safety experience by the resident.

If any resident is separated due to the above stated reasons, then it shall be documented as to why the concern for the client's safety and the reason why no alternative means can be arranged.

## **Incident Review**

The incident review will consist of the immediate supervisor, direct care manager, program manager, HR and Clinical Coordinator.

## **Annual Data Reviews**

In order to assess and improve the effectiveness of our sexual abuse prevention, detection, and response policies, practices and training a review will be conducted annually by preparing an annual report of any findings and corrective actions for each facility, as well as the agency as a whole. The report shall include the following:

- Comparison of the current year's data and corrective actions with those from prior years and an assessment of progress in addressing sexual abuse.
- Approved by the Executive Administrative Director and made readily available to the public through our website.