

PRISON RAPE ELIMINATION ACT (PREA) POLICY

Prevention Planning

Zero tolerance of sexual abuse and sexual harassment; PREA coordinator.

The Bartholomew County Youth Services Center maintains a zero tolerance toward all forms of sexual abuse and sexual harassment. *Sexual abuse* includes

(1) Sexual abuse of a youth by another youth; and (2) Sexual abuse of a youth by a staff member, contractor, or volunteer.

Sexual abuse of a youth by another youth includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

(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 hand, 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 the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of a youth by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

(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 the staff member, contractor, or volunteer 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 the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;

(7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and

(8) Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of a youth by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual harassment includes—

(1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another; and

(2) Repeated verbal comments or gestures of a sexual nature to a youth by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

The Bartholomew County Youth Services Center has designated an upper-level, agency-wide PREA coordinator. The PREA Coordinator has sufficient time and authority to develop, implement, and oversee the Center's efforts to comply with the PREA standards. The PREA Coordinator is an intake officer employed by the Center. Currently Cathy Vawter is the PREA coordinator.

Supervision and monitoring.

The Bartholomew County Youth Services Center documents a staffing plan that provides for adequate levels of staffing, which can be seen on the staff schedule. There is a comprehensive digital video monitoring system, to protect residents against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, this Center has taken into account:

- Generally accepted juvenile detention and correctional/secure residential practices;
- All components of the Center's physical plant (including "blind spots" or areas where staff or residents may be isolated);
- The composition of the resident population;
- The number and placement of supervisory staff;
- Institution programs occurring on a particular shift;
- Any applicable State or local laws, regulations, or standards;
- Any other relevant factors.

While not applicable at this time, the Center shall take into account any of the following should it occur at a future time:

- Any judicial findings of inadequacy;
- Any findings of inadequacy from Federal investigative agencies;
- Any findings of inadequacy from internal or external oversight bodies; and
- The prevalence of substantiated and unsubstantiated incidents of sexual abuse.
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The Bartholomew County Youth Services Center complies with the staffing plan except during limited and discrete exigent circumstances, and fully documents deviations from the plan during such circumstances. These documents will be maintained in the control room in a PREA designated folder as well as in the Building incident reports.

The Center maintains staff ratios of a minimum of 1.5:8 during resident waking hours and 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances, which are fully documented. Only security staffs are included in these ratios.

Whenever necessary, but no less frequently than once each year, the Director of Bartholomew County Youth Services Center, in consultation with the PREA coordinator, assess, determines, and documents whether adjustments are needed to the staffing plan, which includes:

- Prevailing staffing patterns;

- The Center's deployment of video monitoring systems
- The resources the Center has available to commit to ensure adherence to the staffing plan.

The Bartholomew County Youth Services Center implements a policy and practice of having Intake Officers, Shift Supervisors, and/or administration conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. This is implemented for night shifts as well as day shifts and is documented in the Center's daily log. The Youth Services Center prohibits staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the Center.

Limits to cross-gender viewing and searches.

Under no circumstances does the Bartholomew County Youth Services Center utilize cross-gender searches at the facility. This includes strip-searches or pat downs.

Searching or physically examining transgender or intersex youth solely for the purpose of determining genital status is prohibited. All staff are trained in conducting professional, respectful searches of transgendered and intersex youth.

Residents with disabilities and residents who are limited English proficient.

The Bartholomew County Youth Services Center takes appropriate steps to ensure that residents with disabilities (including, for example, residents who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the Center's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps include:

- When necessary to ensure effective communication with residents who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
- The Youth Services Center shall ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities, including residents who have intellectual disabilities, limited reading skills, or who are blind or have low vision.
- The Bartholomew County Youth Services Center takes reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to residents who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. When necessary, the Bartholomew County Youth Services Center contacts Su Casa of Columbus, Indiana.

The Youth Services Center does not rely on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties, or the investigation of the resident's allegations.

Hiring and promotion decisions.

The Bartholomew County Youth Services Center does not hire or promote anyone who may have contact with residents, and shall not enlist the services of any contractor who may have contact with residents, who—

- Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution
- Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
- Has been civilly or administratively adjudicated to have engaged in the activity described above.

The Youth Services Center shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents.

Before hiring new employees who may have contact with residents, the Youth Services Center:

- Performs a criminal background records check;
- Consults any child abuse registry maintained by the State or locality in which the employee would work; and
- Consistent with Federal, State, and local law, makes its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

The Center also performs a criminal background records check, and consults applicable child abuse registries, before enlisting the services of any contractor who may have contact with residents.

The Center conducts criminal background records checks at least every four years of current employees and contractors who may have contact with residents or have in place a system for otherwise capturing such information for current employees.

The Center asks all applicants and employees who may have contact with residents directly about previous misconduct in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The Center also imposes upon employees a continuing affirmative duty to disclose any such misconduct.

Material omissions regarding such misconduct, or the provision of materially false information, is grounds for immediate termination.

Unless otherwise prohibited by law, the Center provides information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

Upgrades to facilities and technologies.

When planning any substantial expansion or modification of the Bartholomew County Youth Services Center, the Center shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect residents from sexual abuse.

When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Center shall consider how such technology may enhance the agency's ability to protect residents from sexual abuse.

Responsive Planning

Evidence protocol and forensic medical examinations.

All instances of alleged abuse that are reported shall be forwarded to the Indiana Department of Child Services (DCS). Bartholomew County Youth Services Center administration shall fully cooperate with the DCS investigation and follow recommendations.

The Youth Services Center shall offer all residents who experience sexual abuse access to forensic medical examinations at an outside facility, Bloomington Hospital, without financial cost, where evidentiary or medically appropriate. Such examinations shall be conducted, as ordered, by DCS or law enforcement. The Youth Services Center shall document its efforts to provide the necessary examinations.

The Center shall make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the Center shall make available to provide these services a qualified staff member from a community-based organization or the Center's resident Counselor. The Center shall document efforts to secure services from rape crisis centers, Specifically; Bloomington Hospital will be handling all of our incidents where forensic medical exams will need to be conducted and Susie's place for victim advocate services and rape crisis services.

As requested by the victim, the victim advocate, the Center's Counselor, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

For the purposes of this policy, a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

Policies to ensure referrals of allegations for investigations.

The Bartholomew County Youth Services Center shall ensure that an administrative, criminal investigation, or DCS investigation is completed for all allegations of sexual abuse and sexual harassment.

The Center has a policy in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to DCS, which has the legal authority to conduct criminal investigations. The Bartholomew County Youth Services Center has published this policy on its website- www.bartholomewco.com.

The above publication on the website describes the responsibilities of both the agency and the investigating entity.

DCS has in place a policy governing the conduct of such investigations.

Training and Education

Employee training.

The Bartholomew County Youth Services Center has trained all employees who may have contact with residents on:

- Its zero-tolerance policy for sexual abuse and sexual harassment;
- How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- Residents' right to be free from sexual abuse and sexual harassment;

- The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- The dynamics of sexual abuse and sexual harassment in juvenile facilities;
- The common reactions of juvenile victims of sexual abuse and sexual harassment;
- How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents;
- How to avoid inappropriate relationships with residents;
- How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents; and
- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;
- Relevant laws regarding the applicable age of consent, as well as professional and respectful searches of transgendered youth

Training has been tailored to the unique needs and attributes of residents of juvenile facilities and to the gender of the residents at the employee's facility.

All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and the Center shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the Center shall provide refresher information on current sexual abuse and sexual harassment policies.

The Center shall document, through employee signature or electronic verification, that employees understand the training they have received. The PREA Coordinator is responsible for the training of PREA requirements and signed forms stating understanding and completion of trainings are in staff files.

Volunteer and contractor training.

The Bartholomew County Youth Services Center shall ensure that all volunteers and contractors who have contact with residents have been trained on their responsibilities under the Center's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

The level and type of training provided to volunteers and contractors is based on the services they provide and level of contact they have with residents, but all volunteers and contractors who have contact with residents shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

The Center maintains documentation confirming that volunteers and contractors understand the training they have received.

Resident education.

During the intake process, residents receive information explaining, in an age appropriate fashion, the Center's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

Within 10 days of intake, the Center provides comprehensive age-appropriate education to residents either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding Center's policies and procedures for responding to such incidents.

The Center shall provide resident education in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to residents who have limited reading skills.

The Center maintains documentation of resident participation in these education sessions.

In addition to providing such education, the Center ensures that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats.

Specialized training: Investigations.

Indiana DCS shall complete all investigations into sexual abuse claims at the Bartholomew County Youth Services Center.

Specialized training: Medical and mental health care.

The Center's nurse, nurse practitioner and counselor have been trained in:

- How to detect and assess signs of sexual abuse and sexual harassment;
- How to preserve physical evidence of sexual abuse;
- How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment; and
- How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

The Center maintains documentation that the Nurse, Nurse Practitioner and Counselor have received the training referenced in this standard either from the agency or elsewhere.

The Nurse and Counselor receive all pertinent training per PREA standards.

Screening for Risk of Sexual Victimization and Abusiveness

Obtaining information from residents.

Within 72 hours of the resident's arrival at the Center and periodically throughout a resident's confinement, the Center shall obtain and use information about each resident's personal history and behavior to reduce the risk of sexual abuse by or upon a resident.

Such assessments are conducted using an objective screening instrument.

At a minimum, the Center shall attempt to ascertain information about:

- Prior sexual victimization or abusiveness;
- Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to sexual abuse;
- Current charges and offense history;
- Age;
- Level of emotional and cognitive development;
- Physical size and stature;
- Mental illness or mental disabilities;
- Intellectual or developmental disabilities;
- Physical disabilities;
- The resident's own perception of vulnerability; and
- Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents.

This information shall be ascertained through conversations with the resident during the intake process and medical and mental health screenings; during classification assessments;

and by reviewing court records, case files, Center behavioral records, and other relevant documentation from the resident's files.

The Center has implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents. Information gathered of this nature shall be placed in the Nurse's private file and/or the counselor's private file. Both places are only accessible by the Nurse and Counselor.

Placement of residents in housing, bed, program, education, and work assignments.

The Center shall use all information obtained and subsequently to make housing, bed, program, education, and work assignments for residents with the goal of keeping all residents safe and free from sexual abuse.

Residents will only be isolated from others as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of keeping all residents safe can be arranged. During any period of isolation, The Center does not deny residents daily large-muscle exercise and any legally required educational programming or special education services. Residents in isolation receive daily visits from the Nurse or Counselor. Residents also have access to other programs to the extent possible.

Lesbian, gay, bisexual, transgender, or intersex residents are not placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor shall the Center consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive. The center will Consider on a case by case basis whether a placement would ensure the resident's health and safety, and whether the placement would present management or security problems.

The Bartholomew County Youth Services Center is a co-ed detention center and housing decisions are based on risk level to reoffend based on an empirically validated risk assessment tool.

Placement and programming assignments for each transgender or intersex resident shall be reassessed at least twice each year to review any threats to safety experienced by the resident.

All detention youth at the Center shower separately from the rest of the residents.

If a resident is isolated, the Center shall clearly document:

- The basis for the Center's concern for the resident's safety; and
- The reason why no alternative means of separation can be arranged.

Every 30 days, the Center shall afford each resident described in above a review to determine whether there is a continuing need for separation from the general population.

Reporting

Resident reporting.

The Youth Services Center provides multiple internal ways for residents to privately report sexual abuse and sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Ways of resident reporting include:

- Informing any security staff in the Center
- Informing Intake Officers or Administration either in writing or face to face
- Informing the Center Nurse in either writing or face to face
- Informing the Center Counselor in either writing or face to face
- Informing the resident's attorney Or Probation officer
- Informing a family member or any adult they trust.

The Center shall also provide at least one way for residents to report abuse or harassment to a public or private entity or office that is not part of the Center, and that is able to receive and immediately forward resident reports of sexual abuse and sexual harassment to Center administrators, allowing the resident to remain anonymous upon request. Residents are informed they may report to Department of Child Services and phone is made available for a private call. The DCS Hotline number has been made available to all youth in the facility; Residents detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.

Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

The Center shall provide residents with access to tools necessary to make a written report.

The Center shall provide a method for staff to privately report sexual abuse and sexual harassment of residents.

The Center will not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse.

The Center will not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

The Center shall ensure that:

- A resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
- Such grievance is not referred to a staff member who is the subject of the complaint.

The Center will issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.

Computation of the 90-day time period shall not include time consumed by residents in preparing any administrative appeal.

The Center may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The Center shall notify the resident in writing of any such extension and provide a date by which a decision will be made.

At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, the resident may consider the absence of a response to be a denial at that level.

Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of residents.

If a third party, other than a parent or legal guardian, files such a request on behalf of a resident, the Center may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

If the resident declines to have the request processed on his or her behalf, the Center shall document the resident's decision.

A parent or legal guardian of a juvenile shall be allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile. Such a grievance shall not be conditioned upon the juvenile agreeing to have the request filed on his or her behalf.

In a situation where the residents feels he/she must file an emergency grievance alleging that he/she is subject to a substantial risk of imminent sexual abuse, the following would be made available to the resident:

- The resident has the ability to call the DCS hotline without staff interference to report the alleged abuse
- DCS makes the decision whether there is an immediate danger to the resident and makes the decision if an investigation should be completed immediately
- Center administration shall follow all recommendations from DCS, including transferring a youth to another facility pending the completion of the investigation.

The Center will discipline a resident for making a false accusation related to alleged sexual abuse only if the Center demonstrates that the resident made the accusation in bad faith.

Resident access to outside support services and legal representation.

The Youth Services Center provides residents with access to outside victim advocates for emotional support services related to sexual abuse, by providing, posting, or otherwise making accessible mailing addresses and telephone numbers, including toll free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The Center enables reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible.

The Center shall inform residents, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

The Center maintains a memoranda of understanding with a community service provider, Susie's Place (MOU is on file with facility) that is able to provide residents with confidential emotional support services related to sexual abuse. The Center maintains copies of agreements or documentation showing attempts to enter into such agreements.

The Center shall also provide residents with reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians.

Third-party reporting.

The Center has an established method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of a resident. The procedure includes:

- Contacting the Center's Director via telephone, email or mail;
- Contacting the Bartholomew County Chief Probation Officer via telephone, email or mail;
- Contacting DCS's neglect/abuse hotline

The above information is posted in the Center's website.

Official Response Following a Resident Report

Staff and agency reporting duties.

The Center requires all staff (including the Nurse and Counselor) to report immediately and promptly to the Director any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against residents or staff who reported such an incident; and any staff

neglect or violation of responsibilities that may have contributed to an incident or retaliation. This information shall be reported to:

- Bartholomew County Youth Services Center Administration;
- If the allegation concerns Center administration, the report needs to be made to the Bartholomew County Circuit Court Judge and the DCS abuse/neglect hotline

The Center requires all staff to comply with any applicable mandatory child abuse reporting laws.

Apart from reporting to designated supervisors or officials and designated State or local services agencies, staff is prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in Center's policy, to make treatment, investigation, and other security and management decisions.

Either the Center's administrator, Nurse, or Counselor will inform the resident that the report has been filed.

Upon receiving any allegation of sexual abuse, the administrator or designee shall promptly report the allegation to DCS, the Bartholomew County Circuit Court Judge, and to the alleged victim's parents or legal guardians, unless the Center has official documentation showing the parents or legal guardians should not be notified.

If the alleged victim is under the guardianship of the child welfare system, the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians.

If a juvenile court retains jurisdiction over the alleged victim, the Center administrator or designee shall also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation.

The Center shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to DCS and the Bartholomew County Circuit Court Judge.

Agency protection duties.

If the Center learns that a resident is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the resident, up to transferring the resident to another detention facility.

Reporting to other confinement facilities.

Upon receiving an allegation that a resident was sexually abused while confined at another facility, the Youth Services Center supervisor receiving the information shall notify DCS via the Abuse/Neglect Hotline immediately as well as reporting incident to the other confinement facility's director or Agency Head.

The Center shall document that it has provided such notification.

DCS shall assume the responsibility of investigating the allegation as it deems appropriate

Staff first responder duties.

Upon learning of an allegation that a resident was sexually abused, the first staff member to respond to the report shall be required to:

- (1) Separate the alleged victim and abuser;
- (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
- (3) If the abuse occurred within four days of incident, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; and

(4) If the abuse occurred within four days of the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating.

If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify the supervisor.

Coordinated response.

The Center has a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership. First Responder plans are displayed in each wing as well as Intake officers and Director as well as counselor have been trained in procedure as to who to contact for incident of Sexual abuse.

Preservation of ability to protect residents from contact with abusers.

The Youth Services Center shall not, either create any policy, or enter into any agreement that limits the Center's ability to remove alleged staff sexual abusers from contact with residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

Agency protection against retaliation.

The Center has created a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff, which is monitored by the PREA coordinator.

The Center employs multiple protection measures, including wing and room changes, transfers for resident victims or abusers to other facilities, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

For at least 90 days following a report of sexual abuse, the Center shall monitor the conduct or treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff, and shall act promptly to remedy any such retaliation. Intake Officers as well as the Director and Counselor will monitor treatment of reporting staff and youth to ensure there is no retaliation. Among the areas that shall be monitored include:

- Any resident disciplinary reports,
- housing or wing changes
- program changes
- or negative performance reviews or reassignments of staff

The Center shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

In the case of residents, such monitoring shall also include periodic status checks.

If any other individual who cooperates with an investigation expresses a fear of retaliation, the Center shall take appropriate measures to protect that individual against retaliation.

The Center's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

Post-allegation protective custody.

Any use of segregated housing to protect a resident who is alleged to have suffered sexual abuse shall be accompanied by all the rights, opportunities, and services offered to all residents of the Youth Service Center, unless specific exceptions must be made, which will be documented in detail and approved by the Center administrator and the PREA coordinator.

Investigations

Criminal and administrative agency investigations.

Any report of abuse occurring at the Bartholomew County Youth Services Center shall be immediately reported to Indiana DCS for investigation. The Center shall follow all recommendations of DCS and assist in the investigation only when requested by DCS.

Administrative investigations includes an effort to determine whether staff actions or failures to act contributed to the abuse; and shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

The facility shall retain all written reports of investigations for as long as the alleged abuser is incarcerated or employed by the agency, plus five years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention.

The departure of the alleged abuser or victim from the employment or control of the facility shall not provide a basis for terminating an investigation.

Reporting to residents.

Following an investigation into a resident's allegation of sexual abuse suffered in the Center, the Center will inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

The Center shall request the relevant information from DCS in order to inform the resident.

Following a resident's allegation that a staff member has committed sexual abuse against the resident, the Center will inform the resident (unless the agency has determined that the allegation is unfounded) whenever:

- The staff member is no longer working in the resident's wing;
- The staff member is no longer employed at the Center;
- The Center learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
- The Center learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

Following a resident's allegation that he or she has been sexually abused by another resident, the Center shall subsequently inform the alleged victim whenever:

- The Center learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
- The Center learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

All such notifications or attempted notifications shall be documented.

An agency's obligation to report under this standard shall terminate if the resident is released from the agency's custody.

Discipline

Disciplinary sanctions for staff.

Staff shall be subject to disciplinary sanctions up to and including termination for violating Center sexual abuse or sexual harassment policies.

Termination shall be the disciplinary sanction for staff who have engaged in sexual abuse.

Disciplinary sanctions for violations of Center's policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

All terminations for violations of the Center's sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

Corrective action for contractors and volunteers.

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to the Columbus Police Department (CPD) and Indiana DCS, unless the activity was clearly not criminal, and to relevant licensing bodies.

The Center shall prohibit further contact with residents, in the case of any violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

Interventions and disciplinary sanctions for residents.

A resident may be subject to disciplinary sanctions only pursuant to a formal disciplinary process following a DCS and/or CPD finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse.

Any disciplinary sanctions shall be commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories. In the event a disciplinary sanction results in the isolation of a resident, the Center will not deny the resident daily large-muscle exercise or access to any legally required educational programming or special education services. Residents in isolation receive daily visits from a medical or mental health care clinician. Residents will also have access to other programs to the extent possible.

The disciplinary process shall consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

The Center will offer counseling, or a possible a special program designed to address and correct underlying reasons or motivations for the abuse. The agency will require participation in such interventions as a condition of access to any rewards-based activities or other behavior-based incentives, but not as a condition to access to general programming or education offered by the Center.

The Center will only discipline a resident for sexual contact with staff upon a finding that the staff member did not consent to such contact.

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.

The Center prohibits sexual activity among residents and may discipline residents for such activity. However the center will not deem such activity to be sexual abuse unless it was coerced.

Medical and Mental Care

Medical and mental health screenings; history of sexual abuse.

If the screening indicates that a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the resident is offered a follow-up meeting with the Center Nurse and Center Counselor within 7 days of the intake screening.

If the screening indicates that a resident has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the resident is offered a follow-up meeting with the Center Nurse and Center Counselor within 7 days of the intake screening.

Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to the Center Nurse and Counselor and other staff, as necessary, to inform treatment plans and security and management decisions, including wing assignment, room placement, education, and program assignments, or as otherwise required by Federal, State, or local law.

The Center Nurse, Counselor, or Intake Officer shall obtain informed consent from residents before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the resident is under the age of 18.

Access to emergency medical and mental health services.

Resident victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by DCS, the Center Nurse, and Center Counselor according to their professional judgment.

Resident victims of sexual abuse while in the Youth Services Center shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Ongoing medical and mental health care for sexual abuse victims and abusers.

The Center shall offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in the Youth Services Center.

The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.

The Center shall provide such victims with medical and mental health services consistent with the community level of care.

Resident victims of sexually abusive vaginal penetration while in the Center shall be offered pregnancy tests.

If pregnancy results from sexual abuse within the Center, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

Resident victims of sexual abuse while in the Center shall be offered tests for sexually transmitted infections as medically appropriate.

Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

The Center shall have a mental health evaluation conducted of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

Data Collection and Review

Sexual abuse incident reviews.

The Center shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.

Such review shall ordinarily occur within 30 days of the conclusion of the investigation.

The review team shall include upper-level management officials, with input from line supervisors, DCS employees, the Center PREA coordinator, and the Center Nurse and Counselor.

The review team shall:

- (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
- (2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the Center;
- (3) Examine the area in the Center where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- (4) Assess the adequacy of staffing levels in that area during different shifts;
- (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
- (6) Prepare a detailed report of its findings, including but not necessarily limited to information listed above, and any recommendations for improvement and submit such report to the Center Administrator and Circuit Court Judge for review.

The Center shall implement the recommendations for improvement, or shall document its reasons for not doing so.

Data collection.

The Center shall collect accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions.

The Center shall aggregate the incident-based sexual abuse data at least annually.

The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

The Center shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

Upon request, the Center shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

Data review for corrective action.

The Center shall review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:

- Identifying problem areas;
- Taking corrective action on an ongoing basis; and
- Preparing an annual report of its findings and corrective actions.

Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the Center's progress in addressing sexual abuse.

The agency's report shall be approved by the Center administrator and made readily available to the public through its website.

The Center has the option of redacting specific material from the reports when publication would present a clear and specific threat to the safety and security of the Center, but it will indicate the nature of the material redacted.

Data storage, publication, and destruction.

The Center shall ensure that data collected are securely retained.

The Center shall make all aggregated sexual abuse data readily available to the public annually through its website.

Before making aggregated sexual abuse data publicly available, the Center shall remove all personal identifiers.

The Center shall maintain sexual abuse data collected for at least 10 years after the date of its initial collection unless Federal, State, or local law requires otherwise.

The Youth Services Center has no violations of this policy to date.