

Responding to Sexual Abuse of Youth in Custody: Addressing the Needs of Boys, Girls, and Gender Nonconforming Youth Notification of Curriculum Use
April 2014

The enclosed Responding to Sexual Abuse of Youth in Custody: Addressing the Needs of Boys, Girls, and Gender Nonconforming Youth curriculum was developed by the Project on Addressing Prison Rape at American University, Washington College of Law as part of contract deliverables for the National PREA Resource Center (PRC), a cooperative agreement between the National Council on Crime and Delinquency (NCCD) and the Bureau of Justice Assistance (BJA). The Prison Rape Elimination Act (PREA) standards served as the basis for the curriculum's content and development with the goal of the Responding to Sexual Abuse of Youth in Custody: Addressing the Needs of Boys, Girls, and Gender Nonconforming Youth curriculum being to satisfy specific PREA standard requirements.

It is recommended that the Responding to Sexual Abuse of Youth in Custody: Addressing the Needs of Boys, Girls, and Gender Nonconforming Youth curriculum be reviewed in its entirety before choosing which modules to use. Any alterations to the original materials require either acknowledgement during their presentation or removal of the PRC and Project on Addressing Prison Rape logos.

BJA is currently undergoing a comprehensive review of the enclosed curriculum for official approval, at which point the BJA logo may be added.

Note: Use of the enclosed curriculum, either in part or whole, does not guarantee that an auditor will find a facility "meets standards." Rather, an auditor will take into consideration the curriculum used as part of their overall determination of compliance.

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**Training Curriculum:
Responding to Sexual Abuse of Youth in Custody:
Addressing the Needs of Boys, Girls and Gender Non-Conforming Youth**

**Module 9:
Policy**

**The Project on Addressing Prison Rape
February 2014**

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Objectives

- Identify and discuss the role policy plays in the field of juvenile justice.
- Discuss why gender matters when making policy.
- Identify and discuss the factors that contribute to an agency's organizational context for policy development and implementation.
- Identify key elements of good PREA policies.
- Identify challenges and dilemmas in policy making.
- Conduct a review of elements of your jurisdiction's policy.



PREA Standards that have Gender Responsiveness Implications

§115.313. Supervision and Monitoring.

§115.315. Cross gender viewing and searches.

§115.321. Evidence protocol and forensic medical examinations.

§115.331-115.335. Training and Education Standards

§115.341-115.342. Screening Standards

§115.365. Staff first responder duties.

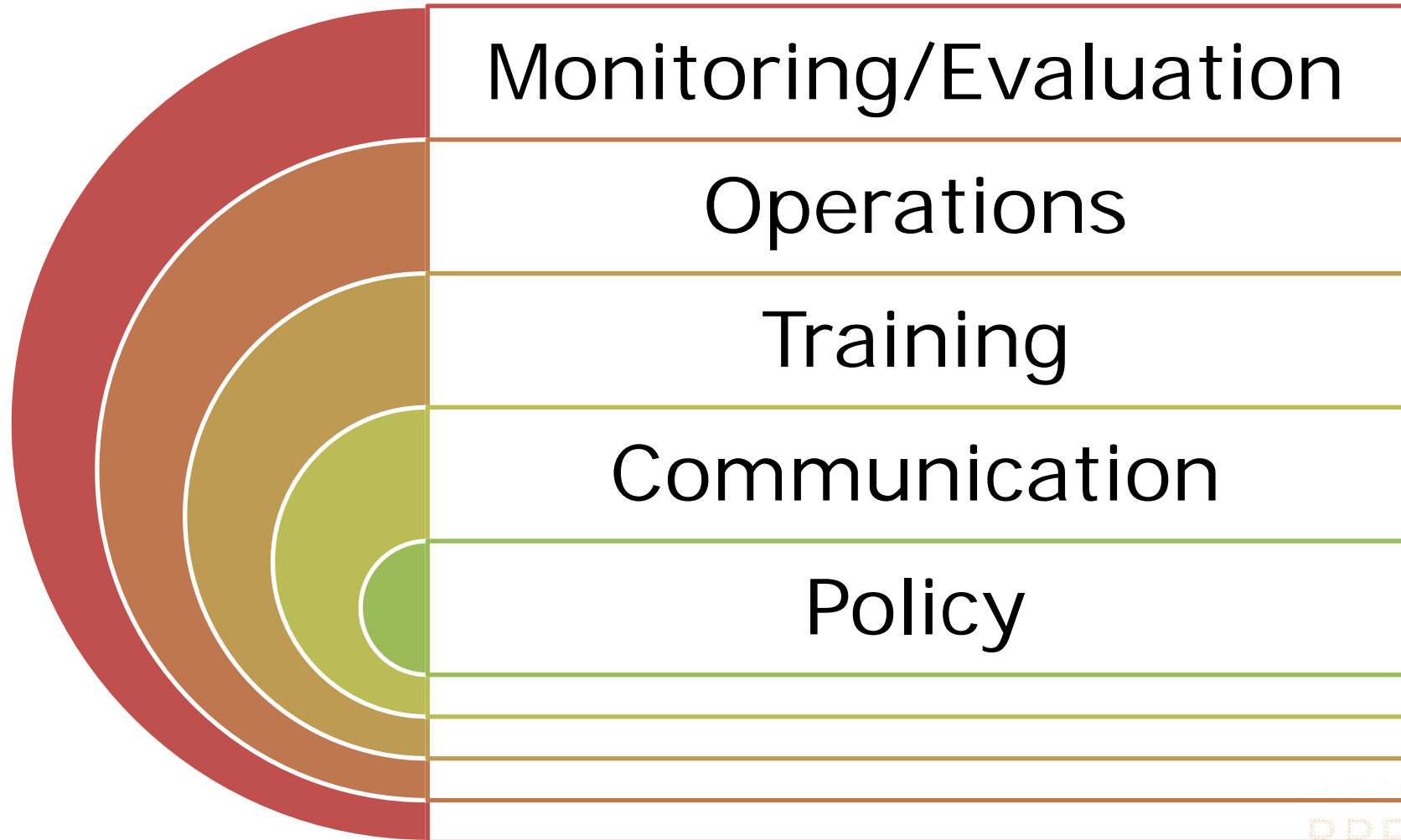
§115.371. Criminal and administrative agency investigations.

§115.378. Sanctions for residents.

§115.381-115.383. Medical and Mental Care Standards



Good Policies are the Core



Policy

- Provides a clear statement of the agency's mission, goals and values
- Gives direction to staff
- Helps to manage risk and keep staff and youth safe and secure
- Helps to avoid costly litigation
- Creates agency culture



Why?



From a *safety and security lens*

- We know from the BJS data that the LGBTI population's rate of sexual victimization while in custody is higher than the rates of heterosexual boys and girls.
- We know sexual assault of transgender individuals is 13 times more prevalent among transgender women compared to men- 59% reported assaults. (Center for Evidence Base Corrections, 2009)
- From the BJS data we know gender is a factor in the rate of custodial sexual victimization
- Addressing youths' needs can increase their safety and improve security



Why?



From a *human rights perspective*:

- These incidents account for untold personal costs ...physical and emotional harm...to victims and their families.
- We have an ethical, professional obligation to keep those committed to our supervision safe from sexual abuse.



Why?



From a *practical perspective*:

- These incidents can result in **costly** litigation.
- Implementation of PREA standards generates a sense of urgency and opportunity to address these issues more proactively.
- Policies can increase staff comfort level

From a *personal perspective*:

- It is the right thing to do.



Agency Policy Context

Agency culture

Role of leadership

Data

Legal requirements

Implementation barriers



Policy Process: Considerations

Assessment of current agency/facility norms, written policies, informal practice and norms and training that address gender issues.

- Identify Gaps

Structural Preference

- Going forward, will you have one policy or embed specifics in each policy?



Policy Process: Considerations

Role of Stakeholders

- Which staff members should be at the table?
- Should external stakeholders be invited, if any?
- Mechanisms to facilitate stakeholder input?

Implementation Issues

- Determine the desired level of transparency
- Is a pilot necessary?
- Monitor/oversight mechanisms



Good Policies...

Should answer **who, what, when, where** and **why** (if possible).

Are more than well written policies.

Have the support of all levels of management.
Leadership must believe in the policies from top down.

Are consistently and routinely reviewed, revised, monitored and enforced.

Are trained, trained, and re-trained. Reinforcement of training and real life scenarios make policies meaningful.



Key Elements of Good PREA Policy

Includes clear language regarding:

- Intent
- Definitions

Staff responsibilities

- Scope of applicability
- Prohibited activities
- Consequences of failure to follow requirements

Refer closely to PREA standard:

- Auditors will look for all elements of the PREA standard that is required in your policy.



Key Elements of Good PREA Policy

- Addresses the needs of boys, girls and gender non-conforming youth
- References relevant procedures
- Training, reporting, documentation and confidentiality requirements, if any
- Addresses need for periodic review of policy by interdisciplinary group



Key Policies to Revisit: Are they gender responsive?

Policies that are relevant to or address specific activities should be reviewed with an eye to addressing the needs of boys, girls and gender non-conforming youth.

What policies/ topics areas should be included in this review?



Group Activity: Policy and Standard Review



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Group Activity: Review Elements of Your Current Policies

Each group has been assigned a PREA standard.

As a group, you are asked to:

- Assess your current relevant department policy(ies) and determine if the requirements of the standard and the associated needs of boys, girls and gender non-conforming youth are addressed in your department's policy instrument.
- Identify gaps in your policy and places for improvement
- Assess whether your agency has any promising practices
- Identify what key decisions need to be made at the agency level
- Identify any barriers you may have in your policy development process.



Group Activity Assignments

§ 115.315 Limits to cross-gender viewing and searches.

§ 115.321 Evidence protocol and forensic medical examinations

§ 115.331 Employee training and § 115.333 resident education.

§ 115.334 Specialized training: Investigations, § 115.335 Specialized training: Medical and mental health care

§ 115.341 Screening for risk of victimization and abusiveness, § 115.342 Use of screening information

§ 115.381 Medical and mental health screenings; history of sexual abuse

§ 115.364 Staff first responder duties

§ 115.371 Criminal and administrative agency investigations

§ 115.378 Disciplinary sanctions for youth

§ 115.382 Access to emergency medical and mental health services and § 115.383 On-going medical and mental health care for sexual abuse victims and abusers



Group Activity: Teams Report Out



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Summary

It is important to read the PREA standards carefully

Pattern your policy to include all elements of the PREA standards

Look at the PREA audit instrument and pre-audit checklists NOW when reviewing or amending your policies

Pay attention to detail in PREA standards

