

**NEW YORK STATE**  
**Division of Juvenile Justice and Opportunities for Youth**  
**VOLUNTEER**  
**PREA Training**

**POLICY STATEMENT**

OCFS has a zero tolerance policy concerning sexual abuse and assault, and sexual harassment of OCFS youth and is committed to the prevention and elimination of sexual abuse/assault within Division of Juvenile Justice and Opportunities for Youth (DJJOY) facilities through compliance with the Prison Rape Elimination Act (PREA) of 2003. Violations of this policy may result in disciplinary sanctions and/or criminal prosecution as authorities deem appropriate. Violations of this policy which may be a criminal matter will be referred to the appropriate authorities.

**DEFINITIONS**

**Sexual Abuse** - Subjecting another to sexual contact by forcible compulsion.

**Sexual Assault** - Sexual intercourse, anal sexual conduct or oral sexual acts by means of forcible compulsion.

**Sexual Contact** - Defined by current Penal Law section 130.00(3) as any touching of the sexual or other intimate parts of a person not married to the actor for the purpose of gratifying the sexual desire of either party, including touch of the victim by the actor or touching of the actor by the victim, whether directly or through clothing. The aforementioned definition may change should Penal Law section 130.00(3) be amended. "Sexual contact" as used in this policy also includes sexual touching including but not limited to caressing and kissing regardless of whether youth voluntarily engage in such activity. A youth placed with OCFS and in a residential facility cannot legally consent to sexual contact with an employee, regardless of the youth's age (Penal Law, section 130.05[2] [h]).

**Sexual Harassment** - Unwelcome or unsolicited sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

**PROHIBITIONS**

Under New York State law youth in OCFS operated facilities cannot consent to sexual activity of any kind regardless of their age. Therefore, it is a criminal offense for any employee, contractor or volunteer to engage in any form of sexual activity with youth in OCFS facilities. OCFS policy prohibits opposite gender viewing of youth under circumstances when breasts, buttocks or genitalia would normally be exposed (shower/hygiene time, performing bodily functions, changing cloths).

**REPORTING REQUIREMENTS**

All OCFS employees, contractors and volunteers are required to report knowledge of any alleged, threatened or actual violations of this policy to their supervisor, any on-duty employee above them in the chain of command, the On Call Administrator (OCA) or the facility/program director. They also have the ability to privately report abuse and sexual harassment of residents to the Justice Center. Failure to report may result administrative, criminal or disciplinary sanctions appropriate to individual status.

**ACKNOWLEDGEMENT**

My signature acknowledges that I have received a copy of OCFS PPM 3247.01, *Prevention of Sexual Abuse and Assault of Youth in OCFS Care* and have received training on the above information. I agree to comply with the provisions of OCFS PPM 3247.01, *Prevention of Sexual Abuse and Assault of Youth in OCFS Care*.

Volunteer Name:	Signature:	Date:
Staff Witness:	Signature:	Date: