

# What to Know about Sexual Misconduct

## What is sexual misconduct?

Sexual misconduct can happen to anyone. It can include many different things:



- Sexual comments
- Putting someone down for being gay, lesbian, bisexual, or transgender
- Offering to trade protection from others for sex or sexual activity like touching, kissing, or oral sex
- Giving gifts or food or special items in exchange for sexual activity
- Requests for sex or sexual activity
- Threats to harm someone unless the person takes part in sexual activity
- Exposing someone's body
- Touching private areas of a person's body when not part of an official search or medical examination
- Rape and sexual assault

## What are my rights?

- You have the right to be safe while you are here. DYRS has a zero tolerance policy for sexual misconduct. That means that nobody is ever allowed to do any of the things listed above. This includes staff, volunteers, and other youth.
- You have the right to make a complaint and have DYRS investigate and respond to it.
- You have the right to make a complaint without worrying that someone will punish you for speaking up or call you a "snitch."
- You have a right to free medical and mental health care whether you report an incident or not.



## What do I do if I have a problem?

Remember, sexual harassment and abuse are never your fault. No one deserves it. If you experience any kind of sexual misconduct or see it happen to someone else, remember to do two things:



### (1) Tell someone you trust right away.

- Fill out a grievance form or write your complaint on any piece of paper. Put it in the grievance box, give it to a DYRS staff member, or give it to someone from PDS.
- Talk to someone at PDS.
- Talk to anyone who works at the facility, including medical or mental health staff, your counselor, or any other staff member.
- Call the Office of Internal Integrity (OII) hotline.

### (2) If you are sexually assaulted, save as much evidence from the incident as possible.

- Do not shower or wash, eat or drink anything, use the restroom, brush your teeth, or change your clothes until you see a medical professional.

## What if I have questions or just want to talk to someone?

- Ask to talk to someone in mental health or another DYRS staff member.

## DYRS Youth Sexual Misconduct Education Program Curriculum

**Note: Document each youth’s participation in his or her YES! file after the conclusion of the program.**

Goal	Discussion Questions	Material to Cover
Overview	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Inform youth of the purpose of the session (understand what sexual misconduct is and why it is a problem, know their rights and the ways the facility is trying to keep them safe and tips for keeping themselves safe, explain what to do if they have a problem or see someone else having a problem, and answer any questions they may have)</li> <li>Tell youth that if they feel uncomfortable or want to leave during the session, they should let a staff member know</li> <li>Let youth know that mental health staff are available to help them talk about any issues related to the session</li> </ul>
Define sexual misconduct	<ul style="list-style-type: none"> <li>When you hear the term “sexual misconduct,” what kinds of things do you think of?</li> </ul>	<ul style="list-style-type: none"> <li>Can represent a range of conduct, ranging from sexual harassment (unwanted comments or touching) to sexual assault or rape</li> </ul>
	<ul style="list-style-type: none"> <li>What are some of the things that staff could do that would be sexual misconduct?</li> </ul>	<ul style="list-style-type: none"> <li>Inappropriate comments, such as comments related to sex, past sexual experiences, or your body.</li> <li>Making fun of someone for being gay or transgender or giving them a hard time because of it, or letting other youth give them a hard time.</li> <li>Ignoring someone who is being sexually abused or harassed.</li> <li>Requests for sex or sexual activity such as touching or kissing someone or performing oral sex.</li> <li>Promises to provide gifts or special items in exchange for sex or taking part in sexual activity.</li> <li>Exposing his or her body.</li> <li>Voyeurism (watching you when you are undressed or using the restroom, except when required by the facility’s rules for safety and security, taking pictures of youth when not related to their job).</li> <li>Abuses of searches. While you are here, staff are trained to conduct thorough searches to keep everyone safe, but staff are not allowed to touch you beyond how they are trained. (Trainers may want to have staff demonstrate a proper pat frisk search for youth to reference.)</li> <li>Following someone around beyond the staff member’s assigned duties.</li> <li>Use of force and sexual assault. This could range from touching to rape.</li> </ul>
	<ul style="list-style-type: none"> <li>What are some of the things other youth could do that would be sexual misconduct?</li> </ul>	<ul style="list-style-type: none"> <li>This could include the things mentioned above, but it can also include some other acts.</li> <li>Offers to protect you at the facility in exchange for sex or sexual favors.</li> <li>Threats to harm you or take things from you or let someone else harm you or take things from you unless you provide sexual favors.</li> </ul>

Goal	Discussion Questions	Material to Cover
	<ul style="list-style-type: none"> <li>• Would someone calling someone a name be sexual misconduct?</li> </ul>	<ul style="list-style-type: none"> <li>• It depends, but if the name calling has to do with their gender or sexual orientation or it is offensive and has to do with sexual behavior or sexual body parts, it would be considered sexual misconduct.</li> </ul>
Understand why sexual misconduct is a problem	<ul style="list-style-type: none"> <li>• Who can be a victim of sexual misconduct?</li> </ul>	<ul style="list-style-type: none"> <li>• Anyone can be a victim – sexual misconduct happens to people of all ages, races and ethnicities, and sexual orientations.</li> </ul>
	<ul style="list-style-type: none"> <li>• What do you think can happen to a victim of sexual misconduct? How would they feel?</li> </ul>	<ul style="list-style-type: none"> <li>• People involved might get sexually transmitted diseases and have other medical or emotional problems after an incident.</li> <li>• Victims may feel angry, sad, depressed, or confused. They may blame themselves for the incident.</li> </ul>
	<ul style="list-style-type: none"> <li>• Can sexual misconduct affect you even if you are not the victim? How?</li> </ul>	<ul style="list-style-type: none"> <li>• Sexual misconduct makes everyone at the facility less safe.</li> <li>• If someone gave special gifts to someone else in exchange for sex, then other people might be jealous and angry and that might lead to conflicts or fights. If staff bring in contraband like phones or drugs, that can also make the facility less safe.</li> <li>• There could also be heightened level of tension and distrust in the facility.</li> </ul>
	<ul style="list-style-type: none"> <li>• If someone was victimizing someone else and nobody said anything, what might happen?</li> </ul>	<ul style="list-style-type: none"> <li>• If other youth and staff don't do anything, it makes it seem as if the abuse is okay.</li> <li>• If the youth who is being hurt or others who witness the abuse don't tell, the survivor might not be able to get help.</li> <li>• DYRS can take action if they know about the abuse.</li> <li>• Even if you don't tell, you still deserve to get support and help.</li> </ul>
	<ul style="list-style-type: none"> <li>• Share Troy's video or Cyryna's story and review discussion questions.</li> </ul>	<ul style="list-style-type: none"> <li>• Watch Troy's video or read Cyryna's story and pose the discussion questions related to those materials to the group. (You could also choose to start out with this material to get people's attention.)</li> </ul>
Know the rules against sexual misconduct	<ul style="list-style-type: none"> <li>• What does zero tolerance mean?</li> </ul>	<ul style="list-style-type: none"> <li>• DYRS has a zero-tolerance policy toward sexual misconduct. This means that nobody is ever allowed to do things like make sexual comments or gestures to you, or pressure or force you to engage in sexual activity. This includes staff members, volunteers, residents, and anyone else here. Zero tolerance also means that we take complaints about sexual misconduct very seriously and will investigate them to find out what happened. We will punish anyone (youth or staff) who we find out has done any of those things or who tries to retaliate against you for reporting something. (Retaliating means doing something bad to someone just because they reported bad behavior or cooperated with an investigation.)</li> </ul>

Goal	Discussion Questions	Material to Cover
	<ul style="list-style-type: none"> <li>What are some of the rules that are designed to protect you from sexual misconduct and keep you safe?</li> <li>What does it mean to keep appropriate boundaries?</li> <li>Why are things like hugging and kissing not allowed here even though they may be okay with certain people when you are not here?</li> </ul>	<ul style="list-style-type: none"> <li>We have rules for staff, but the same applies for youth. Breaking these rules can lead to consequences.</li> <li>It is a major rule violation to engage in sexual activity with anyone while you are here. Even if you agree to do something with someone, it's still not allowed and you can be punished for it. You might also be charged with a crime and prosecuted in court if the person was younger than you or if there is evidence that the other person didn't do it willingly.</li> <li>It is also against the rules to say sexual things to anyone, including other youth. That could mean calling someone a name because they are gay or transgender. It could also mean insulting someone by telling someone to do something sexual to you or to another person. These are minor rule violations, and you can be held accountable for saying these things.</li> <li>We keep appropriate boundaries here. That means that any sexual or romantic activity between staff members and youth is not allowed. It is also never allowed between youth. Things like hugging or kissing can be ways of showing that someone cares about you in certain situations, but they are never allowed here.</li> <li>In a secure facility, things like hugging and kissing are often signs that someone is crossing professional boundaries. Even though you are in a secure facility where your freedom is restricted, we do not want anyone to ever make you feel like you have to do those types of things, even staff members who are normally allowed to tell you what to do. We do not allow those behaviors between youth because we want to make sure that youth are not being pressured into something against their will. That is why we draw clear boundaries here and say that hugging and kissing are never allowed.</li> </ul>
Know how to stay safe from victimization	<ul style="list-style-type: none"> <li>What are some ways of keeping yourself safe while you are here?</li> <li>What should you do if someone offers to protect you? Why might that be a problem?</li> <li>What should you do if you are in a conversation with someone that makes you uncomfortable?</li> </ul>	<ul style="list-style-type: none"> <li>Make sure you are aware of your surroundings, and avoid being in places where you are alone with other youth.</li> <li>Avoid being in places where staff members cannot see you.</li> <li>Do not accept gifts or other special items from youth or staff.</li> <li>Do not accept medication that is not prescribed for you. (What could happen if you take someone else's medication? Your judgment could be compromised, it could make you black out, it could have bad effects on your body)</li> <li>Do not accept offers of "protection."</li> <li>Remember, however, that no matter what, if you are abused it is not your fault. It is not because you didn't do these things 'right.'</li> <li>Tell the person "no," stay away from them.</li> <li>Tell a staff member if the person doesn't leave you alone.</li> <li>Accepting an offer of protection may be a problem because that person may ask you for something in return later on, including sex.</li> <li>If conversation becomes uncomfortable, just walk away or tell the person that you don't like it.</li> <li>If something feels wrong, get out of the situation as quickly as you can and report it to someone you trust.</li> </ul>

Goal	Discussion Questions	Material to Cover
Learn what to do if there is a problem	<ul style="list-style-type: none"> <li>How do you think someone might feel if they experienced sexual misconduct?</li> </ul>	<ul style="list-style-type: none"> <li>Victims of sexual misconduct may feel angry, embarrassed, or even guilty after an incident. These are all common reactions. They do not mean that the incident was the victim's fault.</li> <li>You have the right to be safe. Your body belongs to you. No one ever has to do the right to do any of the things that we talked about under any circumstances.</li> </ul>
	<ul style="list-style-type: none"> <li>What are some of the things you can do if something like this happens to you or if you see it happen to someone else?</li> </ul>	<ul style="list-style-type: none"> <li>If anything like this happens to you, or you see it happen to someone else, you should remember to do two things: <ul style="list-style-type: none"> <li>Tell someone you trust.</li> <li>Save any evidence of the incident so that the evidence can help with the investigation. That means that you should not shower or wash, eat or drink anything, use the restroom, brush your teeth, or change your clothes until you see a medical professional.</li> <li>Even if it has been several days or weeks since the abuse and you were not able to save any evidence, you can still report and ask for help.</li> </ul> </li> <li>There are many ways of reporting something, and you can use whichever ones you feel most comfortable using. You can: <ul style="list-style-type: none"> <li>Fill out a grievance form or write your complaint on any piece of paper. You can put it in the grievance box, give it to a DYRS staff member, or give it to someone from PDS.</li> <li>Talk to someone at PDS.</li> <li>Talk to anyone who works at the facility, including medical or mental health staff, your unit counselor, or any other staff member.</li> <li>Call the Office of Internal Integrity (OII) hotline.</li> </ul> </li> <li>What will happen in response to your complaint? <ul style="list-style-type: none"> <li>We will meet with you and start investigating your complaint very soon after you make it. The investigation is done by the Office of Internal Integrity, a part of DYRS that investigates allegations of sexual misconduct and other types of abuse and neglect.</li> <li>We will take steps to make sure you are as safe as possible while we investigate the complaint, including separating you from the person who abused or harassed you.</li> <li>We will give you medical attention right away if you need it, and you will go to Children's Hospital for an exam right away if something happened to you that was physical.</li> <li>You will be able to talk to mental health staff or another trained supportive advocate about the incident. That person will be there for you during the entire investigation to help you understand what is going on.</li> <li>We will not share your complaint with anyone at the facility unless they need to know about it to investigate the incident or fix the problem. We will notify your attorney, and in some cases, we are required to notify your parent or caregiver and/or the DC Child and Family Services Administration and the police so that they can investigate.</li> <li>After completing the investigation, someone from OII will meet with you to let you know the outcome of the investigation and what they plan on doing about it. If you do not agree with OII's decision, you should talk to your lawyer about other options for pursuing your complaint.</li> </ul> </li> </ul>

Goal	Discussion Questions	Material to Cover
	<ul style="list-style-type: none"> <li>You have the right to be free from retaliation. What does that mean?</li> </ul>	<ul style="list-style-type: none"> <li>You have the right to be free of retaliation for making a complaint. This means that you have the right to speak up without worrying that someone will punish you for speaking up or call you a “snitch.” We will punish anyone who does any of those things.</li> </ul>
Group Scenarios	<ul style="list-style-type: none"> <li>Either act out or read group scenarios and ask questions to test knowledge, promote discussion, and reinforce content</li> </ul>	<ul style="list-style-type: none"> <li>Group scenarios.</li> </ul>
Conclusion	<ul style="list-style-type: none"> <li>What is one thing you learned today that you didn’t know before this session?</li> <li>Do you have any questions about anything we have talked about today?</li> </ul>	<ul style="list-style-type: none"> <li>Ask youth if they have any questions about any of the material covered.</li> <li>Remind youth that their handbook contains a page summarizing the information in the session (if you didn’t give out the page during the session).</li> <li>Remind youth that mental health staff are available to talk about any issues related to the session and answer any questions that they do not want to ask at this time.</li> </ul>

## **Brief Intake Script for Medical Staff**

While you are here, we want you to be safe. At this facility, there is zero tolerance for sexual abuse and sexual harassment by staff or youth. This means that nobody is ever allowed to do things like make sexual comments or gestures to other people, or pressure or force anyone to engage in any kind of sexual activity, including touching or having sex. If any of these things happen to you or to someone else, tell a staff member you trust right away or fill out a complaint form and put it in one of the grievance boxes in the facility or ask to speak with the PDS lawyers in the JSP office. People who work here will investigate and take action to protect you. We will not share information about your complaint with anyone other than the people who need to fix the problem.



## Cyryna Pasion's Story

Cyryna Pasion is an 18 year old transgender girl who was sexually harassed, assaulted and threatened with rape by other wards while incarcerated at the Hawaii Youth Correctional Facility. The Youth Corrections Officers or YCOs were aware that this abuse was occurring, and even contributed to it by calling her derogatory names, but did nothing to protect her. She says:

*"We all have the right to be free from sexual violence and sexual harassment. We are in these youth facilities to help rehabilitate us so we can be law abiding adults. It should not matter whether we are small in stature, with brown or black skin, or if we have a different gender identity or sexual orientation. I accept that my GI is different but I affirm my humanity by being here and my right to have the YCOs responsible for protecting me do their jobs, rather than abusing me and refusing to stop others from abusing me"*

Cyryna began dressing as a girl, wearing her hair long and taking hormones when she was 15. She identified as transgender and got medical treatment that helped her body better match her female identity. She began having trouble at home and stayed out late to avoid going home. She eventually had run-ins with the law and one day her mother reported her as a runaway and the police arrested her.

For the first seven months, she was housed at HYCF with the girls. She said that YCOs would threaten to send her to the boys section if she acted up. They told her she would get it much worse over there. She said they also would call her derogatory names.

In September of 2004, all of the girls were temporarily transferred to Utah. Cyryna was not allowed to go with them. She was transferred to the boys section. She describes her experience in this way:

*"I was terrified. A number of the medical staff and counselors spoke out against me being placed with the boys, but the director of the facility ignored them. It was very clear I would be targeted for abuse; the director even ordered the staff not to allow me to interact with the male wards for this reason. I was told not to sit close to them or even look at them. I had to sit one or two chairs away from the nearest boy even during free time and meals, which was very isolating and felt like I was segregated. I had my own cell, whereas the boys slept together in a dormitory-style unit. However, this did not protect me from daily sexual harassment and abuse. The boys began to sexually harass me immediately and would say awful things. I endured this verbal harassment nearly every day."*

She said that when they were watching television the boys would touch her; they would pull out their private parts and show her. They come up behind her and grab her and rub against her. She said that staff were always present and sometimes laughed or encouraged the boys conduct. She says:

*“When I told one of the guards I trusted how tired I was of putting up with the abuse, he told me to “just ignore it.” I eventually tried to talk to several other staff members about what was happening but the sexual harassment, unwanted touching, taunting, and threats of violence continued. I felt tortured and alone. The boys threatened to beat me up if I wrote a complaint, and because the YCOs never did anything to help, I did not file an official grievance regarding the sexual abuse. I had become extremely depressed as a result of the sexual abuse and being so isolate. I felt miserable. I couldn’t sleep, couldn’t eat, and felt anxious and sick most of the time. The whole time I was on the boys’ side at HYCF I was threatened with violence and rape, touched sexually on various parts of my body, and experienced constant sexual harassment. Except for isolating me, which made my pain and loneliness worse, nobody helped me. It is quite painful having to relive the memories of what happened at HYCF – my time there was a living hell.”*

### **Discussion Questions**

- What does it mean that Cyryna was a “transgender girl?”
  - Transgender is a word that describes people who do not identify with the gender roles assigned to them by society based on their biological sex. For example, Cyryna identifies as female and expresses herself as a female through her clothing, hairstyle, and body characteristics, but her birth sex was male.
  
- Why do you think youth and staff picked on Cyryna?
  - Youth and staff may have picked on Cyryna because she was different. They may not have ever known a transgender person before, or they might not have understood what being “transgender” meant.
  - Youth may have seen staff treating Cyryna poorly and thought that meant it was acceptable.
  
- What are some of the things that staff did that might be considered sexual misconduct?
  - Calling Cyryna names related to her gender identity.
  - Threatening to transfer Cyryna to the boys’ unit if she acted out.
  - Allowing other youth to verbally and physically assault her.
  - Telling Cyryna to just ignore the abuse.
  
- How do you think Cyryna felt as a result of this abuse?
  - Anxious
  - Isolated (when staff decided to separate her from the other male youth)
  - Depressed

- Helpless (when staff did not respond to her complaints)
- What could staff have done to prevent other youth from harassing and abusing Cyryna?
  - Helped Cyryna file a complaint.
  - Punish youth when they called Cyryna names or physically abused her.
  - Held groups with the other youth on the unit to let them know that there was zero tolerance for sexual abuse and sexual misconduct.
  - Report other staff members who harassed Cyryna or counseled them to follow appropriate procedures in protecting Cyryna.
- What could youth have done to prevent other youth from harassing and abusing Cyryna?
  - Spoken up and told the other youth it isn't cool to do that
  - Reported to staff or to a hotline

(Cyryna is part of Just Detention International's (JDI's) Survivor Council. She has agreed to allow her story to be used for education and to improve conditions in facilities. Thanks to Cyryna and to JDI.)

## Scenarios for Discussion for Youth Sexual Misconduct Education

*Presenters may choose to act out these scenarios or to read a description to the group.*

### *Scenario 1:*

Darren has just been admitted to New Beginnings. He is programming on the New Horizons unit. During his first day at the facility, another youth on the unit, Keith, comes up to Darren and tells him that there is a lot of beefing among different crews right now and that there have been a number of fights at the facility in the past month. Keith tells Darren that he will protect him from other youth who might try to start fights with Darren because he is new. Darren asks Keith what he wants in exchange for the protection. Keith says not to worry about it right now, and Darren thanks Keith for his offer to help. A month goes by and Darren doesn't have any incidents with any other youth at the facility.

Four weeks later, Darren makes his first level. The day after Darren finds out that he has made his level, Keith approaches Darren in the cafeteria and tells him that it's time to "pay up." When Darren asks what Keith means, Keith makes it clear that he expects him to give him oral sex in exchange for the protection he offered Darren during his first day. Keith tells Darren that if he complains to anyone, he will tell everyone that Darren is a snitch. Keith also says that if Darren doesn't do what he asks, he will make sure that members of his crew fight with Darren so that he cannot make his next level.

- What could DYRS staff have done to help avoid this situation?
  - ✓ Let all youth know that it is staff's job to ensure that youth are safe, not the responsibility of youth.
  - ✓ Make sure that all youth know how to report if they are feeling unsafe, and that nobody is allowed to ask them to do anything in return for safety.
  - ✓ Take steps to prevent fights among different crews.
  - ✓ Keep an eye out for any unusual behavior by youth.
- If you were Darren, what could you have done after Keith approached you the first time with the offer of protection?
  - ✓ Tell Keith that you appreciate the offer, but that you don't need any protection.
  - ✓ Tell a staff member or someone else at the facility that Keith offered to protect you.
  - ✓ Avoid interacting with Keith.
- What should Darren do now to make the situation better?
  - ✓ Tell Keith that he will not "pay up."
  - ✓ Darren should tell someone he trusts right away by:

- Filling out a grievance form or write a complaint on any piece of paper. Darren should put the form in a grievance box, give it to a DYRS staff member, or give it to someone from PDS.
  - Talking to someone at PDS.
  - Talking to anyone who works at the facility, including medical or mental health staff, your unit counselor, or any other staff member.
  - Calling the Office of Internal Integrity (OII) hotline.
- ✓ Staff will protect Darren from any retaliation for making a complaint and will punish anyone who tries to harm him or prevent him from moving to his next level

*Scenario 2:*

Jasmine has been programming on B100 at YSC. She is doing very well in school, particularly in her English class. The English teacher, Mr. Jones, seems to pay extra attention to Jasmine during class, calling on her more than the other students. During the past week, Mr. Jones has hugged Jasmine at the end of each class and told her what a good student she is. On Friday, he brought Jasmine four books from his home which he said he hoped Jasmine would like, along with a bag of candy. Mr. Jones did not bring books or candy for any other students.

- Do you see any problems with the relationship between Jasmine and Mr. Jones?
  - ✓ Mr. Jones is giving Jasmine special treatment, which may cause the other girls on the unit to be jealous and may lead to fights. If Mr. Jones had brought candy or books for all of the other youth, things might be different.
  - ✓ There is a rule that staff and youth are not supposed to hug.
  - ✓ Mr. Jones may be doing this because she thinks Jasmine is a good student. But it also may mean that Mr. Jones is not keeping safe boundaries, or that Mr. Jones expects something of Jasmine in return for the books and candy.
- If you were another youth on the unit, what would you do?
  - ✓ Let a staff member know that you have noticed Mr. Jones treating Jasmine differently.
  - ✓ Ask Jasmine if everything is okay between her and Mr. Jones and encourage Jasmine to say something if the answer is “no.”

Imagine that Mr. Jones has asked Jasmine to stay after class to help with a special project for parent night at YSC, and staff allowed her to stay back. Jasmine is the only student helping Mr. Jones with the project, which they work on in the library at YSC without any other youth or staff members present. While working together, Mr. Jones tells Jasmine that she reminds Mr. Jones of his daughter. He then places his hand on Jasmine’s hand.

- If you were Jasmine, what would you do?
  - ✓ Tell Mr. Jones “No” and “Stop.”
  - ✓ Get away from the situation as quickly as possible, either by yelling or by leaving the room.
  - ✓ Jasmine should tell someone she trusts right away by:
    - Filling out a grievance form or write a complaint on any piece of paper. Jasmine should put the form in a grievance box, give it to a DYRS staff member, or give it to someone from PDS.
    - Talking to someone at PDS.
    - Talking to anyone who works at the facility, including medical or mental health staff, your unit counselor, or any other staff member.
    - Calling the Office of Internal Integrity (OII) hotline.