



<p>COLORADO DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH CORRECTIONS</p> 	<p>POLICY 9.19</p>	<p>PAGE NUMBER 1 OF 13</p>
<p>THIS POLICY RELATES TO:</p> <p><input checked="" type="checkbox"/> State-Operated Treatment Facilities <input checked="" type="checkbox"/> State-Operated Detention Facilities <input checked="" type="checkbox"/> Secure Residential Treatment Centers <input checked="" type="checkbox"/> Therapeutic Residential Child Care Facilities <input checked="" type="checkbox"/> CHILD PLACEMENT AGENCIES <input checked="" type="checkbox"/> RESIDENTIAL CHILD CARE FACILITIES <input checked="" type="checkbox"/> Regional Offices <input type="checkbox"/> Central Office</p>	<p>CHAPTER: Security and Control</p>	
<p>SUBJECT: Sexual Contact Prevention Policy</p>		<p>EFFECTIVE DATE: March 12, 2012</p>
<p>RELATED DIVISION OF YOUTH CORRECTIONS STANDARDS: EC 4.0</p>		<p>DIVISION OF YOUTH CORRECTIONS RELATED POLICIES: 1.12, 3.7, 3.4, 3.14, 3.20, 3.22, 3.31, 4.1, 4.2, 9.8, 9.17, 14.3A, 14.3B, 16.1, 17.12.</p>
<p>FEDERAL LAW: PL 108-79, 42 U.S.C. 147 s.15601-15609</p>		<p>STATE LAW: HB-07-1093; CRS: 18-3-401 thru 417; 17-1-115.5; 19-2-214</p>
<p>COLORADO DEPARTMENT OF HUMAN SERVICES' POLICIES: NONE</p>		 <p>John Gomez, Director</p>

I. POLICY:

The Prison Rape Elimination Act of 2003 establishes a zero-tolerance standard for the incidence of juvenile nonconsensual sex, abusive sexual contact and staff sexual misconduct; makes prevention of juvenile nonconsensual sex, abusive sexual contact and staff sexual misconduct a top priority in each facility; develops/implements national standards for the detection, prevention, and punishment of nonconsensual sex, abusive sexual contact and staff sexual misconduct; increases available data and information of the incidence of juvenile nonconsensual sex, abusive sexual contact and staff sexual misconduct; standardizes the definitions used for data collection; increases accountability of employees who fail to detect, prevent, reduce and punish nonconsensual sex, abusive sexual contact and staff sexual misconduct. The Colorado Division of Youth Corrections has a zero-tolerance policy relating to nonconsensual sex, abusive sexual contact and staff or juvenile sexual misconduct. It is the policy of the Division to fully investigate and aggressively prosecute those who are involved in such conduct if in fact a crime has been committed.

All juveniles placed in the custody of the Division of Youth Corrections shall be maintained in facilities that promote healthy and safe environments. All facilities responsible for the custody of juveniles shall actively implement this policy to prohibit and prevent any staff sexual misconduct, juvenile sexual misconduct, abusive sexual contact, nonconsensual sex, or consensual sex regardless of a juvenile's age or sexual orientation.

CHAPTER	SUBJECT	POLICY	PAGE 2 of 13
Security and Control	Sexual Contact Prevention Policy	9.19	3/1/08 11/30/09 4/30/08 7/30/09

The purpose of this policy is to provide procedures to assist in identifying, monitoring, counseling, and tracking juveniles that have a propensity for committing nonconsensual sexual acts, abusive sexual contact, or possible vulnerability to being a victim of nonconsensual sex, abusive sexual contact; to ensure that Division of Youth Corrections' employees, contract workers, volunteers, or any persons providing services in the facility are trained to recognize such behaviors and take appropriate action; and to ensure juveniles receive orientation and have a mechanism for pursuing criminal prosecution as deemed appropriate.

Note: The intent of this policy is applicable to all Licensed Secure Residential Treatment Centers (SRTC), Therapeutic residential child care facilities (TRCCF), Residential Child Care Facilities (RCCF), and child placement agencies (CPA). The tools and/or instruments to meet the policy requirements are to be determined by each individual licensed facility.

II. DEFINITIONS:

- A. Abuse/Child Abuse or Neglect: An act or omission which threatens the health or welfare of a child.
- B. Abusive Sexual Contact: Unwanted intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
- C. Chain of Custody: The sequence of the procedures that collect, handle, store and test substances or other physical evidence, disseminate the results, and retain samples in a manner that ensures the data's accuracy.
- D. Consensual Sex: This is not permitted in any Division of Youth Corrections facility or off-site facility function. When two or more persons within legal age parameters, similar age, intellectual and developmental levels agree to equal participation in or giving permission for sexual contact.
- E. Grooming Behaviors: Actions by the perpetrator to set up the victim for sexual contact and is part of the aggressor's pre-assault pattern. It is a way of gauging victim responses to intrusive behaviors, directions, or boundary violations.
- F. JUVENILE SEXUAL MISCONDUCT: Any behavior or act of a sexual nature, either consensual or nonconsensual between juveniles. Such acts include intentional touching of the genitalia, groin, anus, breast, inner thigh or buttocks with the intent to abuse, arouse, or gratify sexual desire, and occurrences of indecent exposure, invasion of privacy, or voyeurism for sexual gratification. Completed, attempted, threatened, or requested sexual acts are included.
- G. NDR: No Double Room. Classification for juveniles signifying they are not to be housed in the same sleeping room with other juveniles.

CHAPTER	SUBJECT	POLICY	PAGE 3 of 13
Security and Control	Sexual Contact Prevention Policy	9.19	3/1/08 11/30/09 4/30/08 7/30/09

- H. Nonconsensual Sex: When two or more persons outside legal age parameters or who differ in intellectual and developmental levels engage in sexual contact or when there is not agreement, equal participation, or permission for sexual contact.
- I. Prison Rape Elimination Act (PREA) of 2003 (42 U.S.C. 147): Prison Rape Elimination Act of 2003 supports the elimination, reduction and prevention of nonconsensual sex, abusive sexual contact and staff sexual misconduct within corrections systems; mandates national data collection efforts; applies to all federal, state and local prisons, jails, police lockups, private facilities and community setting such as residential facilities.
- J. Sexual Aggressor: A juvenile who has been adjudicated in a criminal proceeding or an institutional proceeding for an act of nonconsensual sex or abusive sexual contact.
- K. Sexually Aggressive Behavior/Vulnerability to Victimization (SAB/VV)/Overall Risk Assessment Instrument: A risk assessment questionnaire given to all new intakes immediately upon admission to a state operated facility, excluding transfers between state operated facilities. The results of the assessment are intended to ascertain a potential risk for victimization, risk for aggression, No Double Room designation, and overall level of risk (see Attachment A).
- L. Staff Sexual Misconduct: Any behavior or act of a sexual nature, either consensual or nonconsensual, directed toward a juvenile by an employee, volunteer, official visitor, or agency representative. Such acts include intentional touching of the genitalia, groin, anus, breast, inner thigh or buttocks with the intent to abuse, arouse, or gratify sexual desire, and occurrences of indecent exposure, invasion of privacy, or voyeurism for sexual gratification. Completed, attempted, threatened, or requested sexual acts are included.
1. See division of youth corrections' policy 3.22, sexual harassment for sexual misconduct not involving juveniles.
 2. See division of youth corrections' policy 9.17, child abuse reporting for sexual abuse involving juveniles.
- M. Zero-tolerance policy: consensual sex between juveniles is not allowed in facilities and will be addressed by facilities' disciplinary processes. all allegations of nonconsensual sex, abusive sexual contact, staff sexual misconduct and juvenile sexual misconduct shall be investigated. if applicable, criminal charges may be filed.

III. PROCEDURES:

- A. Juvenile Orientation and Education:

CHAPTER	SUBJECT	POLICY	PAGE 4 of 13
Security and Control	Sexual Contact Prevention Policy	9.19	3/1/08 11/30/09 4/30/08 7/30/09

1. During the juveniles' intake process to the Division of Youth Corrections, all juveniles shall receive an orientation that includes the Division of Youth Corrections' brochure (see Attachment B) relating to nonconsensual sexual contact and abusive sexual contact. The information shall be communicated orally and in written form in a language that is clearly understood by the juvenile. Information provided shall include, but not be limited to self-protection, prevention/intervention, reporting procedures, treatment and counseling, protection against retaliation, disciplinary actions for making false allegation and the zero-tolerance policy within the Division.
2. Juveniles shall be required to sign an acknowledgment of having received the "What you should know about sexual abuse" brochure during the intake process. A copy of the acknowledgment shall be maintained in the juveniles' case file.

B. Screening:

1. All new arrivals, detained and committed, to a Division of Youth Corrections' facility, as well as juveniles returning to a Division of Youth Corrections' facility on a parole violation, shall be screened upon arrival for potential risk. The Vulnerability to Victimization (VV), Sexually Aggressive Behavior (SAB), and Overall Risk Assessment Tool shall be utilized as deemed necessary to assess potential risk.
 - a. Regarding all juvenile transfers, the assessment shall be reviewed in the Colorado Trails database. If there have been circumstances that warrant, another SAB/VV/Overall Risk Assessment Tool shall be completed.
2. Each Division of Youth Corrections' facility and contract facility shall implement a juvenile risk assessment process (see Attachment A) and develop security procedures that supports zero-tolerance of any sexual contact/activity.
3. Results from the SAB/VV/Overall Risk Assessment Tool shall be entered in the Colorado trails database where available and maintained in the juveniles' case file.
4. If the results from the SAB/VV/Overall Risk Assessment Tool indicate a probability for victimization or sexually aggressive behavior, and an overall high level of risk, appropriate interventions shall be implemented to ensure the safety of the juvenile and others, such as No Double Room (NDR), referral to clinician, treatment interventions, or special management program (SMP).

CHAPTER	SUBJECT	POLICY	PAGE 5 of 13
Security and Control	Sexual Contact Prevention Policy	9.19	3/1/08 11/30/09 4/30/08 7/30/09

5. EACH DIVISION OF YOUTH CORRECTIONS' FACILITY AND CONTRACT FACILITY SHALL UTILIZE THE SAB/VV INTERPRETATION/CRITERIA GUIDE WHEN ADMINISTERING THE SAB/VV.

C. Sexually Aggressive Behavior/Vulnerability to Victimization (SAB/VV)/Overall Risk Assessment Instrument:

1. If a juvenile is suspected of being a potential/documented sexual victim or a potential/documented sexual aggressor at any time during his/her commitment or detainment; is convicted of a Major Rule Violation for nonconsensual sex or abusive sexual contact; has disclosed being a victim or nonconsensual sex or abusive sexual contact, the following steps shall be initiated:
 - a. The appropriate SAB/VV/Overall Risk re-assessment shall be completed to determine the appropriate risk level. The updated assessment shall be entered into the Colorado trails database, and a copy maintained in the juvenile's case file.
 - b. If a committed juvenile is adjudicated as a sexual offender and/or the underlying factual basis is a sexual offense, the juvenile shall be referred for placement into an appropriate Sex Offender Treatment Program by the juvenile's Client Manager, facility's Clinical Director, and/or Multi-disciplinary Team.
 - c. Juveniles identified as victims of nonconsensual sex, abusive sexual contact, staff sexual misconduct or juvenile sexual misconduct shall be referred to a mental Health Professional (Detention) or Clinical Service Provider (Committed) for recommended counseling or programs.
2. The SAB/VV/Overall Risk Assessment information regarding sexual aggressors or victims, both committed and detained, shall be available in the juvenile's case file and the Colorado Trails database. When the identified juvenile is transferred from one facility to another, or when transferred to community placement or parole, the SAB/VV/Overall Risk Assessment shall be accessible in the case file. Confidentiality of the SAB/VV/Overall Risk Assessment information shall be maintained.

D. Housing Assignments/ Residential Placements:

1. Results of the SAB/VV/Overall Risk Assessment shall primarily be used to establish housing assignments and to increase employee awareness of

CHAPTER	SUBJECT	POLICY	PAGE 6 of 13
Security and Control	Sexual Contact Prevention Policy	9.19	3/1/08 11/30/09 4/30/08 7/30/09

potential safety concerns. Housing assignments shall be made with the intent of separating victims and aggressors by unit, room or floor. Under no circumstances shall those identified or confirmed as sexually aggressive be housed in the same room as individuals that have been identified as sexually vulnerable, in either Division of Youth Corrections facilities or private contract facilities. Housing assignments shall also be in compliance with Division of Youth Corrections' policy 16.1, **ADMISSION, RECEPTION, AND ORIENTATION.**

2. EACH DIVISION OF YOUTH CORRECTIONS' FACILITY AND CONTRACT FACILITY SHALL UTILIZE THE SAB/VV INTERPRETATION/CRITERIA GUIDE FOR DETERMINING OVERRIDE APPROPRIATENESS.

E. Reporting of Nonconsensual Sex, Abusive Sexual Contact, Staff Sexual Misconduct, OR JUVENILE SEXUAL MISCONDUCT:

1. Division of Youth Corrections' employees, contract workers, volunteers, or any persons providing services in the facility who receive any information, regardless of its source, concerning nonconsensual sex, abusive sexual contact, staff sexual misconduct or juvenile sexual misconduct, or who have reason to suspect, or who observe an incident, are required to immediately report the incident to the shift supervisor AND facility director/designee as outlined in facilities' implementing procedures.
 - a. If applicable, the Facility Director/Designee shall complete a Colorado TRAILS database Critical Incident report as defined in Division of Youth Corrections' policy 9.8, Reporting Critical Incidents.
 - b. ALLEGATIONS OF SEXUAL CONTACT REPORTED TO HAVE OCCURRED AT A PREVIOUS DYC OR PRIVATE-CONTRACTED FACILITY SHALL REQUIRE A DIRECTOR TO DIRECTOR NOTIFICATION.
2. Cases involving nonconsensual sex shall be referred to local law enforcement AND the Department of Social Services for investigation. Aggressors may also be charged pursuant to Division of Youth Corrections' policy 14.3A, Major Rule Violations.
 - a. The Division of Youth Corrections does not utilize an inspector general. In cases of alleged nonconsensual sex, the following shall be notified immediately:

CHAPTER	SUBJECT	POLICY	PAGE 7 of 13
Security and Control	Sexual Contact Prevention Policy	9.19	3/1/08 11/30/09 4/30/08 7/30/09

- 1) Facility Director, and/or
 - 2) DIRECTOR OF FACILITY OPERATIONS, and/or
 - 3) Associate Director, and
 - 4) The facility medical staff or,
 - 5) The on-call physician, and
 - 6) Local law enforcement authorities, and
 - 7) The Department of Social Services.
3. The Facility Director/Designee shall gather information on all allegations of abusive sexual contact, **CONSENSUAL SEX, AND JUVENILE SEXUAL MISCONDUCT**. If the information gathered meets the reporting requirement of the Division of Youth Corrections' policy 9.17, Reporting Alleged Child Abuse, appropriate reporting procedures shall be followed. If criminal charges are warranted, local law enforcement shall be contacted.
- a. **FACILITY DIRECTOR/DESIGNEE SHALL DOCUMENT FINDINGS IN THE ACTION PLAN SECTION OF THE INCIDENT REPORT, OR THE HARD COPY IF THE COLORADO TRAILS DATABASE IS NOT AVAILABLE.**
 - b. **FINAL DISPOSITION OF AN INCIDENT, I.E., CHILD ABUSE FINDINGS, LAW ENFORCEMENT INVESTIGATION AND/OR INTERNAL INVESTIGATION, SHALL BE ADDED TO THE OUTCOMES/FOLLOW-UP SECTION OF THE REPORT, OR THE HARD COPY IF THE COLORADO TRAILS DATABASE IS NOT AVAILABLE, AND FAXED OR E-MAILED TO THE DESIGNATED PERSONS PER DYC POLICY 9.8.**
 - c. **FOLLOWING COMPLETION OF THE INCIDENT REPORT, THE FACILITY DIRECTOR/DESIGNEE FOR STATE-OPERATED FACILITIES OR REGIONAL DIRECTOR/DESIGNEE FOR PRIVATE-OPERATED CONTRACT FACILITIES SHALL REVIEW THE REPORT ENSURING ALL SECTIONS ARE COMPLETE AND LOCK THE REPORT.**
4. All allegations of staff sexual misconduct shall be reported to the Department of Social Services AND local law enforcement according to

CHAPTER	SUBJECT	POLICY	PAGE 8 of 13
Security and Control	Sexual Contact Prevention Policy	9.19	3/1/08 11/30/09 4/30/08 7/30/09

the division of youth corrections' policy 9.17, reporting alleged child abuse.

5. Retaliation against juveniles who refuse to submit to sexual activity, intimidation of a witness or intimidation against reporting or investigation of a nonconsensual sex, abusive sexual contact, staff sexual misconduct or juvenile sexual misconduct complaint is prohibited and shall be referred to local law enforcement.
6. CRS 17-1-115.5 requires disciplinary action for Division of Youth Corrections' employees, contract workers, volunteers, or any persons providing services in the facility who fail to report incidents of nonconsensual sex, abusive sexual contact or staff sexual misconduct. If an employee is found negligent of not reporting they shall be held accountable by the Facility Director or Designee for failing to report (See Division of Youth Corrections' policy 3.4 Administering Corrective And Disciplinary Actions, and Division of Youth Corrections' policy 3.14 Personnel Actions Related To Alleged Child Abuse).
7. All information related to a victim of nonconsensual sex, abusive sexual contact, staff sexual misconduct, or juvenile sexual misconduct shall be considered confidential and shall only be released to those who need this information to perform their duties.

F. Juvenile Reporting Procedure:

1. Juveniles placed in a Division of Youth Corrections' facility or private contract facility may report any act of nonconsensual sex, abusive sexual contact, staff sexual misconduct or juvenile sexual misconduct in writing or verbally to any Division of Youth Corrections' employee, private facility employee, contract worker or volunteer.
2. All committed and detained juveniles in the custody of the Division of Youth Corrections shall be given the opportunity at minimum once every six months to submit a self-report survey which shall provide them a confidential method to report nonconsensual sex, abusive sexual contact, staff sexual misconduct or juvenile sexual misconduct issues to the Division of Youth Corrections.

G. Division of Youth Corrections' Employee REQUIRED RESPONSE to Sexual Allegations:

1. If any sexual activity/contact is reported to an employee or is observed by an employee, the employee shall immediately separate the allegedly involved juveniles. If necessary, the alleged juvenile perpetrator shall be placed in Administrative Seclusion (see Division of Youth Corrections' policy 14.3B) to protect them from others. THE INCIDENT SHALL BE

CHAPTER	SUBJECT	POLICY	PAGE 9 of 13
Security and Control	Sexual Contact Prevention Policy	9.19	3/1/08 11/30/09 4/30/08 7/30/09

DOCUMENTED ON THE APPROPRIATE INFORMATIONAL OR CRITICAL INCIDENT REPORT, IN TRAILS WHERE AVAILABLE. NOTIFICATION TO THE FACILITY DIRECTOR/DESIGNEE SHALL BE DOCUMENTED UNDER THE NOTIFICATION SECTION OF THE INCIDENT REPORT

- a. If there is a reason to believe that nonconsensual sex, abusive sexual contact, staff sexual misconduct or juvenile sexual misconduct has occurred, the employee shall take reasonable and appropriate measures to assure victim safety by doing the following:
 - 1) An initial victim safety plan/acute trauma plan shall be developed by the responding employee (see Attachment E) and then the appropriate Multi-disciplinary team shall be convened. The Mental Health Professional/Clinical Service Provider shall ensure the safety plan /acute trauma plan appropriately addresses all victim psychological and physical safety needs.
 - 2) The alleged victim and the aggressor shall be physically separated. Non- punitive change in housing shall be provided.
 - 3) Also see division of youth corrections' policy 3.14 personnel actions related to child abuse investigations.

2. When an incident involves potential physical evidence, local law enforcement shall need to maintain a chain of custody. Facility employees shall do the following:
 - a. The alleged victim shall not be allowed to shower until all investigation and examination protocols are completed.
 - b. The room/area where the alleged sexual contact occurred shall be secured until it is released by law enforcement.
 - c. All evidence shall be collected including clothing, sheets, and blankets by proper collection methods. Collection of evidence shall be done in coordination with and at the direction of local law enforcement. In most circumstances the extent of this cooperation shall involve securing the possible crime scene and securing articles of clothing. Examples of securing the scene

CHAPTER	SUBJECT	POLICY	PAGE 10 of 13
Security and Control	Sexual Contact Prevention Policy	9.19	3/1/08 11/30/09 4/30/08 7/30/09

may include restricting access to a particular area or securing a lockable room.

3. All investigations shall be kept confidential. Information shall be shared only with persons who have a “need to know”, as defined by prevailing statute or policy.
4. If a juvenile in the custody of the Division of Youth Corrections is a victim of nonconsensual sex, abusive sexual contact staff sexual misconduct, or juvenile sexual misconduct and criminal charges have been filed, they may enroll in the victim notification program (see Division of Youth Corrections’ policy 1.12 A AND 1.12BVictim Notification Program). Information may also be obtained from the link for the COVA Victim Services Directory. <http://cova.civicore.com/>

H. Treatment for Victims of Nonconsensual Sex, Abusive Sexual Contact, Staff Sexual Misconduct, OR JUVENILE SEXUAL MISCONDUCT:

1. A juvenile victim shall be taken to the facility’s medical clinic for an initial medical assessment, during clinic hours. If after clinic hours, the facility’s on-call medical protocol shall be followed. The juvenile shall be provided outside medical treatment pursuant to the Divisions’ clinical protocols, and when necessary transported to a medical facility. When available and appropriate, the employee shall advocate that the juvenile be treated by the sexual assault nurse examiner program (SANE). The SANE program is preferred to ensure proper procedures are followed for the collection of evidence.
2. Victims that are Division of Youth Corrections’ employees, contract workers, volunteers, or any persons providing services in the facility shall be immediately transported to a local medical facility for necessary medical care and the collection of evidence. The Facility Directors/Designee shall provide information on local support services to alleged victims.
3. Acute trauma care shall be provided to victims of nonconsensual sex, abusive sexual contact, staff sexual misconduct or juvenile sexual misconduct including but not limited to, treatment of injuries, HIV/AIDS education, and testing for sexually transmitted diseases. The facility shall utilize the safety and acute trauma plan, (see Attachment E). Ongoing counseling shall be provided by the agencies’ clinical services provider to the committed juvenile victim(s) if deemed appropriate. Detained juvenile victims shall be referred to a Mental Health Professional for appropriate care.
4. Victims shall be provided trauma assessment, crisis intervention, safety planning and address treatment needs.

CHAPTER	SUBJECT	POLICY	PAGE 11 of 13
Security and Control	Sexual Contact Prevention Policy	9.19	3/1/08 11/30/09 4/30/08 7/30/09

- a. A Mental Health Professional (Detention)/Clinical Services Provider (Committed) shall see the juvenile victim as soon as possible, but no later than the end of the following workday for assessment and crisis intervention as appropriate.
- b. If the allegation is made after hours, the Clinical Director, on-call Clinical Services Provider or Facility Director/Designee shall arrange for appropriate follow-up.
- c. Based on the results of the trauma assessment, the Mental Health Professional/Clinical Services Provider shall develop a short-term trauma plan (i.e. psychiatric care, medication, mental health counseling, etc.) and on-going counseling plan as needed.

I. Juvenile Victims Rights for Nonconsensual Sex, Abusive Sexual Contact, Staff Sexual Misconduct, OR JUVENILE SEXUAL MISCONDUCT:

1. The facility Clinical Director or designee shall ensure that a Victim Rights brochure is provided to the victim of a nonconsensual sex, abusive sexual contact, staff sexual misconduct or juvenile sexual misconduct in a language they understand, with an explanation of any right(s) the juvenile may have concerning the investigation and prosecution. This information shall be provided immediately upon reporting the incident to law enforcement, (see Attachment C).

J. Division of Youth Corrections Employee, Contract Worker and Volunteer Training:

1. Nonconsensual sex, abusive sexual contact, staff sexual misconduct and juvenile sexual misconduct prevention training shall be provided to all Division of Youth Corrections employees (see Division of Youth Corrections' policy 4.1 and 4.2), volunteers (see Division of Youth Corrections' policy 20.1), and contract workers during Division of Youth Corrections' Pre-service Training. Training shall include, but is not limited to:
 - a. Review of the Prison Rape Elimination Act of 2003, 19-2-214, C.R.S., Division of Youth Corrections' policy 9.8 Critical Incident Reporting, 9.17 Child Abuse Reporting, and any other related Division of Youth Corrections' policies, and any other applicable state or federal laws, and
 - b. The prevention, investigation, and possible prosecution of nonconsensual sex, abusive sexual contact, staff sexual misconduct and juvenile sexual misconduct, and

CHAPTER	SUBJECT	POLICY	PAGE 12 of 13
Security and Control	Sexual Contact Prevention Policy	9.19	3/1/08 11/30/09 4/30/08 7/30/09

- c. Zero-tolerance, and
 - d. Recognition of signs of nonconsensual sex, abusive sexual contact, staff sexual misconduct or juvenile sexual misconduct; sensitivity to juvenile allegations of nonconsensual sex, abusive sexual contact, staff sexual misconduct or juvenile sexual misconduct; confidentiality; recognition of signs of predatory juveniles and potential victims; Division of Youth Corrections' employee, contract worker, volunteer, or any persons providing services in the facility required reporting of incidents; consequences of failure to report; informed supervision; therapeutic care.
2. Annual training shall be provided by a Certified Trainer that supports areas listed in J.1, a-d of this policy.

K. Data Collection/Tracking:

1. Any Critical Incident report, as defined in Division of Youth Corrections' policy 9.8, Reporting Critical Incidents that is alleging nonconsensual sex, abusive sexual contact or staff sexual misconduct, shall be collected by the Office of Research and Evaluation.
2. The Office of Research and Evaluation shall be responsible for compiling records and annually reporting statistical data to the Federal Bureau of Justice as required by PREA of 2003.
3. THERE SHALL BE A SURVEY FOR COLLECTING DATA REGARDING SEXUAL CONTACT PREVENTION. THE DIVISION OF YOUTH CORRECTIONS "YOUTH SURVEY – SEXUAL CONTACT" FORM SHALL BE THE REQUIRED FORMAT IN WHICH THE SURVEY IS ADMINISTERED. THE SURVEY SHALL BE ADMINISTERED QUARTERLY FOR DETAINED JUVENILES AND BI-ANNUALLY FOR COMMITTED JUVENILES.
4. WITHIN 30 DAYS OF ADMINISTERING THE SURVEY, EACH NYC STATE-OPERATED AND PRIVATE-CONTRACTED FACILITY SHALL SUBMIT THE COMPLETED SURVEYS TO THE NYC OFFICE OF RESEARCH AND EVALUATION.
5. THE NYC OFFICE OF RESEARCH AND EVALUATION SHALL PROVIDE DATA FROM THE YOUTH SURVEYS TO THE NYC LEADERSHIP TEAM ON AN ANNUAL BASIS TO IDENTIFY TRENDS, SAFETY RISKS AND TRAINING NEEDS TO BE ADDRESSED AT FACILITIES.

CHAPTER	SUBJECT	POLICY	PAGE 13 of 13
Security and Control	Sexual Contact Prevention Policy	9.19	3/1/08 11/30/09 4/30/08 7/30/09

L. Disciplinary Actions for Making False Allegations:

1. Juveniles who make false allegations may be charged with a Major Rule Violation and/or criminally charged.
2. Employees who make false allegations shall be subject to corrective, disciplinary action and/or criminally charged.

M. Physical Plant Assessment:

1. A physical plant vulnerability assessment shall be completed annually and submitted to the Facility Director and the assigned Associate Director. The assessment shall be reviewed during the annual Division of Youth Corrections' audits and during the Division of Youth Corrections' quarterly monitoring visits, (see Attachment D).