

DIAKON LUTHERIAN SOCIAL MINISTRIES

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comply with the mandated PREA standards. The Executive Director of Diakon's Youth Services, Central Region is the PREA Coordinator.

4. Rape Crisis Center – An entity that provides intervention and related assistance to victims of sexual assault of all ages.

5. Sexual abuse includes—

a. Sexual abuse of a resident by another resident

Sexual abuse of a resident by another resident 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:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- 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.

b. Sexual abuse of a resident by a staff member

Sexual abuse of a resident by a staff member includes any of the following acts, with or without consent of the resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- 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;
- 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;
- 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;

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- Any attempt, threat, or request by a staff member to engage in the activities described in the paragraphs of section 5,b above;
 - Any display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of a resident and voyeurism by a staff member.
 - Voyeurism by a staff member means an invasion of privacy of resident by staff for reasons unrelated to official duties, such as peering at a resident who is using a toilet to perform bodily functions; requiring a resident to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a resident's naked body or of a resident performing bodily functions.
6. Sexual Harassment –
- a. Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, physical conduct, gestures or actions of a derogatory/offensive sexual nature or creating an intimidating, hostile or offensive environment, by one person directed toward another.
 - b. Repeated verbal comments or gestures of a sexual nature to a resident by a staff member including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
7. Gender nonconforming– A person whose appearance or manner does not conform to traditional societal gender expectations.
8. Transgender – A person whose gender identity (i.e. internal sense of feeling male or female) is different from the person's assigned sex at birth.
9. Substantiated allegation– An allegation that was investigated and determined to have occurred.
10. Unfounded allegation – An allegation that was investigated and determined not to have occurred.
11. Unsubstantiated allegation – An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

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IMPLEMENTATION

Prevention planning

A. Supervision and Monitoring

1. The Executive Director for Youth Services at the Wilderness Center shall develop, implement, and document a plan for staffing to ensure compliance with the PREA Standard 115.313 to provide for mandated levels of staffing. In calculating the above staffing compliance levels and determining the need for video monitoring, the following shall be taken into consideration:
 - a. the composition of the resident population
 - b. the number and placement of supervisory staff
 - c. programming occurring on a particular shift
 - d. any applicable Commonwealth or local laws, regulations, or standards
 - e. the prevalence of substantiated and unsubstantiated incidents of sexual abuse
 - f. any other relevant factors
2. Any deviations from the staffing plan shall be documented with a justification by the Executive Director.
3. The staffing plan shall maintain staff to resident ratios of no less than 1:8 during resident waking hours and no less than 1:16 during resident sleeping hours.
4. A management level employee shall conduct and document unannounced rounds, at a minimum of twice each month, (one during a waking shift and one during a sleeping shift) to identify and deter staff sexual abuse and/or sexual harassment. All rounds shall be documented and maintained.
 - a. Staff is prohibited from alerting other staff members or residents that the rounds are, or will be, occurring.
5. Staff of the opposite gender of the residents shall announce their presence when entering a resident housing unit or any areas where residents are likely to be showering, performing bodily functions, or changing clothing.
6. Staff are prohibited from searching or physically examining a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
7. All direct supervision staff shall be trained to conduct resident searches.

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8. All staff shall be proactive in the prevention of sexual abuse and/or sexual harassment.
 9. All staff shall receive initial PREA training, and refresher training every year.
 10. The Executive Director, working with the Compliance Department, will schedule and conduct an annual audit to review the above standards.
- B. Residents, who are limited in English proficiency, shall have equal opportunity to all aspects of DWC's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.
1. Posters containing information regarding confidential reporting of sexual abuse/harassment are posted in Spanish as well as English.
 2. Resident written training material in Spanish.
 3. Diakon bilingual counselors are available to discuss materials presented.
- C. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, Diakon shall consider how such technology may enhance the agency's ability to protect residents from sexual abuse.
- D. Hiring and Promotions
1. *Recruitment and Selection Policy*, HR-245
 2. *Background Checks*, EH-13-108
 3. *Diakon Code of Conduct*

Response planning

- A. *Act 31 of 214 Mandated Reporter Policy*, PRIV
- B. *Reporting of Sexual Abuse and Sexual Harassment and Staff Response*, DCFCM-WC105.
1. DWC shall provide the victim with access to external 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 of local, state, or national victim advocacy or rape crisis organizations. DWC shall facilitate communication between residents and these organizations and agencies in as confidential a manner as possible.
 2. As requested by the victim, the victim advocate, qualified facility staff member, 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.
 3. The Executive Director for Diakon's Youth Services, Central Region will initiate and maintain MOU (Memorandum of Understanding) with the YWCA, address, contact, etc

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3. The Executive Director shall ensure that administrative, child abuse, and/or criminal investigations are completed for all allegations of sexual abuse and sexual harassment in accordance with policy DCFCM-WC105.

Training and Education

- A. DWC shall train all employees who may have contact with residents as per *Weekend Alternate Program Process and Continuing Education Requirements for the Staff*, DCFCM-WC101, during Weekly Staff meetings and using YWCA informal training and resources. Staff training will include at a minimum:
 1. The *DWC Zero Tolerance for Sexual Abuse and Sexual Harassment* policy DCFCM-WC103.
 2. How to fulfill their responsibilities under the sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures.
 3. Residents' right to be free from sexual abuse and sexual harassment.
 4. The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment.
 5. The dynamics of sexual abuse and sexual harassment in juvenile facilities and specific gender related issues.
 6. The common reactions of juvenile victims of sexual abuse and sexual harassment.
 7. How to detect and respond to signs of threatened and actual sexual abuse.
 8. How to avoid inappropriate relationships with residents.
 9. How to communicate effectively and professionally with all residents, to include lesbian, gay, bi-sexual, transgender, intersex, or gender nonconforming residents.
 10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
 - a. All staff training will be documented.
- B. Resident Education
 1. During the intake process, residents shall receive PREA related information in accordance with *Resident Intake and Education*, DCFCM-WC104.
 2. In addition to providing such education, DWC shall ensure that key information is continuously and readily available to residents through posters, resident handbooks, or other formats.
 3. The facilities shall maintain documentation of resident participation in educational sessions in the resident's file.

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C. Screening for risk of sexual victimization and abusiveness, policy:

1. *Resident Intake and Education*, DCFCM-WC104.

Reporting

A. *Reporting of Sexual Abuse and Sexual Harassment and Staff Response*, DCFCM-WC105.

B. DWC shall provide multiple internal methods for residents to privately report sexual abuse and/or sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and/or staff neglect or violation of responsibilities that may have contributed to such incidents.

C. DWC shall also provide at least one method for residents to report sexual abuse and/or sexual harassment to a public or private entity or office that is able to receive and immediately forward resident reports of sexual abuse and/or sexual harassment to Diakon allowing the resident to remain anonymous upon request.

D. Discipline

1. Disciplinary Sanctions for Staff (*Employee Discipline* policy EH-B-113)

- a. Diakon employees who violate agency sexual abuse and/or sexual harassment policies; or who engage in behavior that contributes to the sexual abuse and/or sexual harassment of residents shall be subject to disciplinary sanctions up to and including termination.
- b. Disciplinary sanctions 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.
- c. All terminations for violations of agency sexual abuse and/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 relevant licensing bodies.

2. Interventions and Disciplinary Sanctions for Residents

- a. A resident may be disciplined in accordance with discipline policy..
- b. DWC prohibits all sexual activity between residents and may discipline residents for such activity. Diakon may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

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Sexual Abuse Incident Reviews

- A. DWC will conduct a sexual abuse incident review, using the *Resident Abuse Incident Review* form, 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.
- B. Such review will occur within thirty (30) days of the conclusion of the investigation.
- C. The Executive Director shall convene a review team, at a minimum of upper-level management officials. The review team shall obtain input from direct supervision supervisors, investigators, medical, mental health professional and other employees as appropriate.
- D. 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 facility.
 3. Examine the area in the facility 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. Document all Incident Reviews and the conclusions.
 6. The review team shall annually assess all *Resident Abuse Incident Review* forms to improve the effectiveness of their sexual abuse prevention, detection, and response policies, practices, and training by identifying problem areas, taking ongoing corrective action, and preparing an annual report.
 7. Diakon's annual report shall:
 - a. compare the current year's data and corrective action with prior year's;
 - b. assess the agency's progress in addressing sexual abuse;
 - c. be approved by the Executive Director; and
 - d. be available to the public through Diakon's website.

ATTACHMENTS

Unannounced Rounds documentation form

Intake and Incident Report form

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REFERENCES

*PRISON RAPE ELIMINATION ACT,
JUVENILE FACILITY STANDARDS*, 28 C.F.R. Part 115, May 17, 2012

Zero Tolerance of Sexual Abuse and/or Sexual Harassment, BUREAU OF JUVENILE JUSTICE SERVICES,
August 20, 2013

PREA Compliance Audit Tool Checklist of Policies/Procedures and Other Documents, BUREAU OF
JUVENILE JUSTICE SERVICES, April 18, 2014