

PREA DEFINITIONS

Exigent circumstances – any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Facility – building (or part thereof), set of buildings, structure or are (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of youth.

Full compliance – compliance with all material requirements of each standard except for de minimis violations, or discrete and temporary violations during otherwise sustained periods of compliance.

Gender nonconforming - a person whose appearance or manner does not conform to traditional societal gender expectations.

Intersex – a person who’s sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Pat down search – a running of the hands over the clothed body of a youth or resident by an employee to determine whether the individual possesses contraband.

Strip search – a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person’s breasts, buttocks or genitalia.

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.

Substantiated allegation – an allegation that was investigated and determined to have occurred.

Unfounded 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.

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.

Sexual Abuse includes:

- 1) Sexual abuse of a resident by another resident; and
- 2) Sexual abuse of a resident by a staff member, contractor or volunteer.

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:

- 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2) Contact between the mouth and the penis, vulva or anus;
- 3) 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;
- 4) 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;
- 5) 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;
- 6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs 1)-5) of this section;
- 7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a resident and
- 8) Voyeurism by a staff member, contractor or volunteer.

Voyeurism by a staff member, contractor or volunteer means an invasion of privacy of a resident by staff for reasons unrelated to official duties, such as peering at a resident who is using a toilet in his or her room 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.

Sexual Harassment includes –

- 1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by resident directed toward another; and
- 2) Repeated verbal comments or gestures of a sexual nature to a resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.