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Title: Prison Rape Elimination Act (PREA) Policy

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PURPOSE:

The Prairie Lakes Youth Programs Joint Powers Board has adopted this policy on the Prison Rape Elimination Act (PREA). The purpose of this policy is to provide procedures to assist in identifying, monitoring, counseling, and tracking residents that have a tendency for committing nonconsensual sexual acts, abusive sexual contact, or possible vulnerability to being a victim of nonconsensual sex or abusive sexual contact. PLYP employees, contract workers, teachers, volunteer, or any persons providing services in the facility are trained to recognize such behaviors and take appropriate action, and to ensure residents receive orientation and have a mechanism for pursuing criminal prosecution as deemed appropriate.

This policy complies with the Prison Rape Elimination Act (PREA) of 2003. The Prison Rape Elimination Act of 2003 (PREA) prompted the creation of mandatory national standards to eliminate rape and other forms of sexual abuse in confinement settings. Standards were developed by the National Prison Rape Elimination Commission and released in a report. The Commission recommends that Federal, State, and community corrections agencies that manage adult and juvenile correctional and/or detention facilities meet and maintain these standards.

Zero Tolerance - Prairie Lakes Youth Programs has zero-tolerance concerning all forms of sexual abuse and sexual harassment of PLYP residents, through compliance with the standards set forth in the Prison Rape Elimination Act 115.311 of 2003. Additionally, PLYP has zero tolerance for sexual misconduct through the PLYP discipline plan.

PLYP is committed to preventing, detecting, and responding to all reports of sexual abuse, sexual misconduct, and sexual harassment. All reports of victimization can be made confidentially. All complaints will be reported promptly and thoroughly investigated by the proper authorities. Information regarding sexual abuse, misconduct, or harassment will only be disclosed to those who need to know for the purpose of investigation, decision making and/or prosecution.



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Violation of this policy may result in disciplinary sanctions and/or criminal prosecution, as authorities deem appropriate, for any staff, teacher, contractor, intern, volunteer or youth perpetrators.

DEFINITIONS 115.5:

Agency - the unit of a state, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority

Agency Head - the principal official of an agency

Community Confinement Facility - a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours

Contractor - a person who provides services on a recurring basis pursuant to a contractual agreement with the agency

Detainee - any person detained in a locked facility, regardless of adjudication status

Direct Staff Supervision - security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate

Employee - a person who works directly for the agency or facility

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 - a place, institution, building (or part thereof), set of building, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals

Facility Head - the principal official of a facility

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



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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

Juvenile - any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail

Juvenile Facility - a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system

Law Enforcement Staff - employees responsible for the supervision and control of detainees in lock facilities

Locked Facility - a facility that contains holding cells, cell blocks, or other secure enclosures that are: under the control of law enforcement, court, or custodial officer; and primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency

Medical Practitioner - a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified medical practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims

Mental Health Practitioner - a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified mental health practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims

Pat-down Search - a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband

Resident - any person confined or detained in a juvenile facility or in a community confinement facility

Secure Juvenile Facility - a juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the use of physical



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barriers or intensive staff supervision. A facility that allows residents access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility

Security Staff - employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility

Substantiated Allegation - an allegation that was investigated and determined to have occurred

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

Unfounded Allegation - an allegation that was investigated and determined not to have 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

Volunteer - an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency

ABUSE-RELATED DEFINITIONS 115.6:

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
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of any person, excluding contact incidental to a physical altercation

Sexual Abuse of a resident by a staff member, contractor, teacher, volunteer, or intern - includes:

- 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



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- Contact between the mouth and any body part where the staff member, teacher, contractor, volunteer, or intern 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, teacher, contractor, volunteer, or intern 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, teacher, contractor, volunteer or intern has the intent to abuse, arouse, or gratify sexual desire
 - Any attempt, threat, or request by a staff member, contractor, volunteer, or intern to engage in the activities described in this section
 - Any display by a staff member, teacher, contractor, volunteer, or intern of his or her uncovered genitalia, buttocks, or breast in the presence of a resident
 - Voyeurism by a staff member, teacher, contractor, volunteer, or intern

Sexual Harassment - includes:

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another

Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, teacher, contractor, volunteer, or intern, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures

Sexual Misconduct – Examples include, but are not limited to holding hands, sexually explicit drawings or writings, and making a physical or verbal sexual gesture toward another person. Sexual misconduct behaviors are not reported to PREA but do follow the PLYP discipline major/minor plan. In the event that these behaviors are repeated, become repetitive, or with a pattern, they may be referred to the PREA Coordinator.

Voyeurism - by a staff member, teacher, contractor, volunteer, or intern means an invasion of privacy of a resident by staff for reasons unrelated to official duties (such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body)

LOCATIONS:

PREA Locations at PLYP:

The following PREA locations follow PREA standards and ratio and include:

- Toledo's Passage and Leo's Legacy secure building



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- Toledo's Passage and Leo's Legacy outdoor spaces

PREVENTION PLANNING:

PREA Coordinator 115.311- Prairie Lakes Youth Programs will employ and provide scheduled time for a PREA Coordinator to develop, implement, and coordinate PLYP policies and procedures in order to comply with the standards of the Prison Rape Elimination Act.

Supervision and Monitoring 115.313 - Pursuant to PLYP's staffing plan policy, staff ratios will be maintained at 1:8 during resident waking hours and 1:16 during sleeping hours

Facilities will comply with the staffing plan except during limited, exigent circumstances. Deviations from this staffing plan will be fully documented in the Program Director Quarterly Binder.

The Secure programs will develop, document, and implement a staffing plan that provides adequate levels of staffing, and use video monitoring to protect residents against sexual abuse

Annually, the facility along with the PREA Coordinator, will conduct an assessment to determine whether adjustments are needed to the staffing plan, and whether further video monitoring systems need to be deployed

Unannounced Rounds 115.313 - PLYP administrative staff will conduct unannounced rounds to identify and deter staff sexual abuse and harassment. These rounds will occur on all shifts and areas of the facility at a minimum of once per month. PLYP prohibits staff from alerting other staff when these rounds occur.

Cross-Gender Viewing and Searches 115.315 - Pursuant to policy 2960, Prairie Lakes Youth Programs will only conduct trauma-informed searches

Resident gender is determined by gender assigned at birth

Staff gender is determined by gender assigned at birth, unless there is approval from DOC for the staff member's preferred gender documented as their gender

Staff will not conduct searches or invade the privacy of a resident who is of the opposite gender

Cross-gender pat searches, strip searches, or visual body cavity searches are strictly prohibited and conducted only when performed by medical practitioners in a medical facility



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Examination of residents to determine genital status is prohibited. Determination of the resident genital status will be made during intake conversations with the resident, by reviewing medical records, or if necessary, as part of a broader medical examination at a medical facility

Pursuant to policy 2960 residents are able to shower, perform bodily functions, and change clothing without staff of the opposite gender viewing private body parts, except in exigent circumstances or when such viewing is incidental to routine bedroom checks.

Opposite gender staff will announce their presence when entering an area where opposite gender residents may be showering, performing bodily functions, or changing clothing

Residents with Disabilities and Limited English Proficiency 115.316 - At intake, all residents regardless of ability will receive an orientation that includes PLYP's resident brochure and resident handbook relating to nonconsensual sexual contact and abusive sexual contact. The information will be communicated verbally and translated so that it is clearly understood by the resident

Residents who have limited English proficiency and/or any physical or cognitive impairment which may impact their ability to report sexual abuse/ harassment must be provided with assistance. Staff will have access to technology with translator resources to communicate with non-English speaking residents, or another staff who speaks the language as the resident will translate

Information provided to residents will include, but not be limited to self-protection, prevention/intervention, reporting procedures, treatment and counseling, protection against retaliation, disciplinary actions for making false allegations, and zero-tolerance at PLYP

Residents will sign a PREA Comprehensive Education Form acknowledging that they have received the PREA information during the intake process. A copy of this form will be maintained in the resident's electronic file

PLYP prohibits the use of other residents as interpreters, readers, or other types of assistants. An exception to this would be circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, or the performance of first-responder duties under 115.364. If this circumstance should arise, PLYP will document the reason for the exception

PLYP is not mandated to take steps which would result in a fundamental alteration in a service program or activity, or in undue financial and administrative burdens in accordance with Title II of the Americans with Disabilities Act



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Hiring and Promotion Decisions 115.317 - PLYP will exclude the hiring or promoting of any individuals who have:

- Engaged in sexual abuse in an institutional setting
- Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, the threat of force, or coercion
- Been civilly or administratively adjudicated to have engaged in such activity

PLYP will consider any incident of sexual harassment when determining whether or not to:

- Hire or promote staff
- Enlist the services of any contractor who may have contact with residents

Pursuant to Prairie Lakes Youth Programs Hiring and Recruitment Policy, in addition to background checks for new employees, the following checks will also occur:

- PLYP will contact all prior institutional employers for information on substantiated allegations of sexual abuse, consistent with Federal, State, and local law
- Consult any abuse or predatory offender registry maintained by the state or locality in which the employee would work
- Directly ask prospective employees about previous misconduct as reported on applications or during interviews for hiring

Current employees and contractors that have unsupervised contact with residents, PLYP will:

- Complete criminal background checks a minimum of every five years
- Complete criminal background checks for every promotional opportunity
- Directly ask current employees about previous misconduct in written applications or interviews for promotions
- Directly ask current employees about previous misconduct in any interviews or written self-evaluations conducted as part of performance reviews

All instances of hiring and promoting at PLYP will be conducted according to PREA standards. Material omissions or false information will be grounds for termination

Unless prohibited by law, PLYP will respond to requests from institutional employers for information regarding substantial allegations of sexual abuse perpetrated by a former PLYP employee

Upgrades to Facilities and Technology 115.318 - All designing, acquiring, renovations, additions, and new construction will be of a design that facilitates direct contact between youth and staff, while considering the agency's ability to protect youth from sexual abuse



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Video monitoring will be utilized in order to enhance PLYP's ability to protect residents from sexual abuse. With upgrades and new construction, video monitoring is considered as a part of each upgrade project

RESPONSIVE PLANNING:

Evidence Protocol and Forensic Medical Examinations 115.321 - PLYP will offer all residents who experience sexual abuse transportation and access to forensic medical exams. This service will be provided at no financial cost to the victim

Staff will advocate that the resident be treated by a sexual assault nurse examiner (SANE)

In the event a SANE nurse is not available, a sexual assault forensic exam (SAFE) will be performed by an emergency room physician

PLYP will document its efforts to provide SANES or SAFES

Victim Advocacy Services 115.321 - Every attempt will be made to make available to the victim a victim advocate from Safe Avenues, or another rape crisis center. Safe Avenues is a nongovernmental entity and offers confidential victim services. PLYP will document efforts to secure services from a rape crisis center

If a resident is more comfortable with a staff member than a victim advocate, that staff member will be appointed to provide support services to the victim

The staff member will be screened for appropriateness to serve as victim support

The staff member will receive education concerning sexual assault and forensic examination issues

As requested by the victim, the victim advocate or qualified staff member will accompany and support the victim through the forensic medical exam process and investigatory interviews, and provide emotional support, crisis intervention, information, and referrals

In the event an outside law enforcement agency investigates an allegation of sexual abuse, that agency will be requested to follow the requirements of this policy

Referrals of Allegations for Investigation 115.322 - An administrative investigation will be completed for all allegations of sexual abuse and sexual harassment

Any allegation that involves potentially criminal behavior will be referred for investigation by local law enforcement



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Sexual abuse and sexual harassment referrals will be documented by PLYP

PLYP will publish this PREA Policy on the Prairie Lakes Youth Programs website

TRAINING AND EDUCATION:

Employee PREA Training 115.331 - All PLYP staff, including paid interns, will be trained in how to fulfill their responsibilities in the detection, prevention, investigation, and reporting of sexual abuse and sexual harassment.

PREA training will occur during new employee orientation and each year during annual training. PREA training will be facilitated by the PREA Trainer. Training will be documented indicating attendance and understanding of the policy and procedures

Training topics will consist of, but not be limited to the following:

- Zero-tolerance for sexual abuse, sexual harassment, and sexual misconduct
- How to fulfill responsibilities regarding the prevention, detection, reporting, and response of sexual abuse and sexual harassment
- Resident rights to be free from sexual abuse and harassment
- Rights of both residents and employees to be free from retaliation for reporting
- Dynamics of sexual abuse and sexual harassment in juvenile facilities
- Common reactions of juvenile victims of sexual abuse and sexual harassment
- Detecting and responding to signs of threatened and actual sexual abuse, and how to distinguish between consensual sexual contact and sexual abuse between residents
- Boundaries and Grooming
- Avoiding inappropriate relationships with residents
- Communicating effectively and professionally with residents, including those who are lesbian, gay, bisexual, transgender, intersex, or gender non-conforming
- Relevant laws regarding mandatory reporting
- Relevant laws regarding the applicable age of consent

Training will be tailored to the unique needs and attributes of residents of juvenile facilities and to the gender of the youth at the employee's facility

The employee will receive additional training if the employee is reassigned from a facility that houses only male residents to a facility that houses both males and females

Investigator Training 115.334 - PLYP utilizes area law enforcement to conduct investigations. Internal investigations are conducted by the PREA Coordinator. Investigator training will be specialized for investigators in conducting such investigations in the secure setting



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Specialized training shall include techniques for interviewing juvenile sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral

PLYP will maintain documentation that the PREA Coordinator has completed specialized training in conducting sexual abuse investigations

Local law enforcement provides such training to its agents and investigators who conduct such investigations and maintain documentation

Volunteer & Contractor PREA Training 115.332 - Volunteers and contractors who have unsupervised interaction with residents will be trained on their responsibilities under PLYP's PREA Policy on sexual abuse and sexual harassment prevention, detection, and response policies and procedures

Volunteers and contractors include individuals who are: contractors, contracted providers, teachers and school employees, volunteers, and unpaid interns who provide service at PLYP but are not paid by PLYP

The level and type of training provided to contractors will be based on the services they provide and level of contact they have with youth, but all providers at PLYP who have contact with residents will be notified of zero tolerance regarding sexual abuse and sexual harassment, and informed how to report such incidents

115.312 - PLYP will maintain documentation confirming that volunteers and contractors have received and understood their training and procedures to follow

Resident Education 115.333 - Upon intake to PLYP residents will receive:

- Information in an age-appropriate fashion explaining zero tolerance regarding sexual abuse and sexual harassment
- How to report incidents or suspicions of sexual abuse or sexual harassment

All residents will receive PREA orientation within 72 hours of their arrival into the PLYP secure programs. All residents will sign documentation verifying understanding of the PREA orientation

Education will be provided to residents upon transfer between programs at PLYP

Documentation will be maintained of resident participation in all PREA Education sessions



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PLYP will provide youth education in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to residents who have limited reading skills

Within 10 days of intake, PLYP will provide comprehensive education to secure program residents regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents. This information will be given through a variety of methods including the video "PREA: What You Need to Know" and will teach residents how to:

- Avoid risky situations related to sexual assault
- Safely report rape or sexual activity
- Obtain counseling services and/or medical assistance if victimized
- Evaluate the risks and potential consequences for engaging in any type of sexual activity while incarcerated

Key information will be continuously and readily available or visible to residents through posters, resident handbooks, video, and brochures

Specialized Training for Medical and Mental Healthcare 115.335 - All full and part-time medical and mental health care practitioners will be trained to:

- Detect and assess signs of sexual abuse and sexual harassment
- Preserve physical evidence of sexual abuse
- Respond effectively and professionally to victims of sexual abuse and sexual harassment
- Report allegations or suspicions of sexual abuse and sexual harassment

Medical and mental health care practitioners will also receive the PREA training mandated for contractors

Documentation of attendance and training will be obtained to indicate understanding of PREA requirements and procedures

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSE:

Obtaining Information from Residents 115.341 -

Within 72 hours of a resident's arrival at PLYP, they will be given an intake interview which will, at minimum, contain the following criteria for screening residents:

- Prior acts of sexual abuse and prior convictions for violent offenses
- Any gender non-conforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to sexual abuse
- Current charges and offense history
- Age
- Level of emotional and cognitive development



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- Physical size and stature
 - Mental illness
 - Mental, physical, intellectual, or developmental disabilities
 - The resident's own perception of vulnerability
 - Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents

This information will be obtained through conversations with residents, through the intake process, through medical and mental health screenings, during classification assessments, and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the resident's files

All residents will be screened in the CSTS Admission Screening for sexual victimization and abusiveness upon intake

PLYP staff will notify the on-duty supervisor or appropriate program director when screening identifies a resident with a potential vulnerability and/or tendency to act out with sexually aggressive behavior

Privacy and/or confidentiality of responses to screening questions will be maintained to ensure the resident is not exploited

RESIDENT PLACEMENT:

Placement of Residents in Housing, Bed, Program, Education, and Work Assignments

115.342 - PLYP will use information from the intake risk screening to inform housing, bed, work, education, and program assignments with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive

PLYP prohibits placing lesbian, gay, bisexual, transgender, and intersex residents in particular housing, bed, or other assignments solely based on such identification or status. It also prohibits their status as being used as an indicator for being sexually abusive

When determining housing and program assignments for transgender and intersex inmates, the following guidelines will be used:

- Review on an individualized basis
- Make assignments to ensure the residents' health and safety
- Assess whether the housing assignment would present management and/or security problems
- Take into serious consideration the residents' own views with respect to his or her own safety



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- Reevaluate housing assignments weekly

PLYP will only separate residents as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of keeping all residents safe can be arranged. The safety separation will follow PLYP's Safety Separation Plan, Medical Separation, or Administrative Separation procedures

During safety separation, residents will be given access to programs, privileges, education, exercise, and work opportunities as much as possible. If PLYP restricts access, the reasons for these limitations will be documented

If requested, residents in safety separation will also be provided with daily visits from a medical or mental health care clinician

If a resident is isolated for safety reasons, PLYP will document the basis for the facility's concern for the resident's safety, and the reason why no alternative means of separation can be arranged

Following the safety separation plan, continued need for separation will be evaluated, determined, and documented

REPORTING:

Resident Reporting 115.351 - There will be multiple internal methods provided for residents to privately report sexual abuse and sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents

Residents will be provided at least one method to report abuse or harassment to a public or private entity or office that is not part of PLYP and that is able to receive and immediately forward youth reports of sexual abuse and sexual harassment to facility officials, allowing the youth to remain anonymous upon request

PLYP staff will provide youth with access to the PREA Grievance Form to make a written report

Staff will accept reports made verbally, in writing, anonymously, and from third parties and will promptly document any verbal reports

Residents detained solely for civil immigration purposes will be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security



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Staff may use a private reporting mechanism to report sexual abuse and sexual harassment of residents by using the anonymous medical drop boxes or through the following methods:

Kandiyohi County Sheriff's Department
2201 23rd St. NE
Willmar, MN 56201
320-214-6700 Ext. 3315

Kandiyohi County Family Service Department
2200 23rd St. NE Suite 1020
Willmar, MN 56201-6600
320-231-7800

Safe Avenues
P.O. Box 568
Willmar, MN 56201
320-262-3829

Exhaustion of Administrative Remedies 115.352 - Parents, professionals, or any third-party person known to the victim may submit a grievance on behalf of the alleged victim for any report of sexual abuse and sexual harassment

PLYP will:

- Process grievances according to PLYP procedures
- Inform an alleged victim of the grievance and their right to request that it not be processed
- Allow a parent or legal guardian of a resident to file a grievance regarding sexual abuse, including appeals, on behalf of such resident regardless of whether or not the resident consents
- Document any requests to have a sexual abuse and/or sexual harassment grievance withdrawn/not processed
- Accept any grievance filed by a parent or legal guardian of a juvenile regarding an allegation of sexual abuse, including appeals, on behalf of the juvenile
- Inform the alleged victim that the facility may require them to personally pursue any subsequent steps in the administrative remedy process
- Follow guidelines to determine if a resident has exhausted their administrative remedies in instances of allegations of sexual abuse

Final decisions are based upon the results of the investigation regardless of where the report initiated. PLYP will monitor deadlines for decisions, appeals, and extensions of grievance process. A final decision needs to be made within 90 days of filing the grievance. Computation of the 90-day period does not include:



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- The date of the alleged abuse
 - Time required to appeal decisions

Extensions of up to 70 days may be permitted in the event a decision requires more consideration and time

Residents are notified in writing of any extensions and are provided a date by which a decision will be made

A resident seeking immediate protection from imminent sexual abuse will be deemed to have exhausted his or her administrative remedies 48 hours after notifying any facility staff member of his or her need for protection

Grievances involving allegations of sexual abuse have no time limits to be filed

Incidents involving sexual abuse do not require an informal grievance process prior to filing a formal grievance

Residents can file an emergency grievance where a resident is subject to a substantial risk of imminent sexual abuse

All emergency grievances are immediately forwarded to a level of review at which corrective action may be taken

An initial response is provided within 48 hours

A completed final agency decision is provided within 5 calendar days

The PREA Coordinator will document the determination of whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance in the initial response and final decision

If the grievance is determined not to be an emergency:

- Provide the resident with a written explanation of why the grievance does not qualify as an emergency
- Return the grievance to the resident and have them follow normal grievance procedures
- Consider discipline for any resident who intentionally filed an emergency grievance where no emergency exists, only when filed in bad faith

Resident Access to Outside Support Services and Legal Representation 115.353 - Victims of sexual abuse will be provided access to outside victim advocates for emotional support services by providing, posting, or otherwise making accessible the mailing



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address and telephone number, including a toll-free hotline number, for a local rape crisis organization.

PLYP uses Safe Avenues, a local crisis organization:

Safe Avenues
P.O. Box 568
Willmar, MN 56201
320-262-3829

Abuse Hotline
1-800-799-SAFE (7233)

PLYP enables reasonable communication between residents and this organization, in as confidential a manner as possible

PLYP informs residents, prior to giving them access, the extent to which communications will be monitored and which reports will be forwarded to authorities in accordance with mandatory reporting laws

PLYP provides victims of sexual abuse with reasonable and confidential access to their attorney or other legal representation, and reasonable access to parents or legal guardians

Third-Party Reporting 115.354 - Third parties can file reports of sexual abuse and sexual harassment by contacting PLYP, or by filling out a PREA Grievance Form that can be found on our website. PLYP will publicly distribute methods for reporting through the through PREA brochures and posted information

OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT:

Staff and Agency Reporting Duties 115.361 - All staff will report immediately any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether it is a part of the agency

Staff will report retaliation against youth or staff who reported such an incident of sexual abuse or sexual harassment; and any staff neglect or violation of responsibilities may have contributed to an incident or retaliation

All staff will comply with mandatory child abuse reporting laws pursuant to PLYP policy, rule 2960.0080, 260E, 626.557, and Federal and State law

Except for reporting to supervisors, facility directors, designated state or local service agencies, staff is prohibited from revealing any information related to a sexual abuse



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report to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions

All medical and mental health practitioners will report immediately any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is a part of the agency. All medical and mental health practitioners will report retaliation of residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Medical and mental health practitioners will report sexual abuse in accordance with contract provisions and mandatory child abuse reporting laws. They are also to report immediately to the facility's director or designated supervisors.

Medical practitioners will inform residents at the initiation of services of their duty to report and the limitations of confidentiality unless otherwise precluded by Federal, State, or local law.

Upon receiving an allegation of sexual abuse or sexual harassment, including third-party and anonymous reports, the on-call supervisors or facility director will promptly report the allegation to law enforcement. They will also notify the alleged victim's parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians should not be notified.

If the alleged victim is under the guardianship of the child welfare system, the report will be made to the alleged victim's caseworker instead of the parents or legal guardians.

If a juvenile court retains jurisdiction over the alleged victim, the facility director will also report the allegation to the appropriate juvenile judge, the juvenile's attorney, or other legal representative of record within 14 days of receiving the allegation.

Agency Protection Duties 115.362 - PLYP will take immediate action to protect a resident when the facility obtains or discovers a resident is subject to a substantial risk of imminent sexual abuse. Such measures will include separating the victim from the abuser by placing them on separate floors, in separate activity rooms or bedrooms, or by providing a staff shadow. PLYP may also take measures to remove the abuser from the facility.

Reporting To Other Confinement Facilities 115.363 - Upon receiving an allegation that a resident was sexually abused while confined at another facility, the PREA Coordinator who received the allegation will notify the facility director or appropriate office of the agency where the alleged abuse occurred and will also notify the appropriate investigating agency.



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Such notice will be provided as soon as possible, but no later than 72 hours after receiving the allegation. This notification will be documented

The PREA Coordinator who receives such notification will ensure that the allegation is investigated in accordance with PREA standards

Staff First Responder Duties-Coordinated Response 115.364,115.365 - PLYP has zero tolerance for incidents of sexual abuse and sexual harassment in order to promote a safe and secure setting. All complaints of sexual abuse, misconduct, and harassment will be investigated and PLYP will take every measure necessary to support a safe environment

In the event a report of sexual abuse is given, the following steps will be followed:

- Separate the alleged victim and perpetrator from both sight and sound
- Inform the victim you are required to report the incident
- Secure and protect the crime scene
- Remain with the victim to provide safety and support. Request that the victim does not wash, shower, change clothes, brush their teeth, use the bathroom, or do anything to destroy evidence.
- The alleged perpetrator will be placed into their room with the water turned off so as to ensure they do not wash, shower, use the bathroom, or brush their teeth to destroy evidence
- Inform the PREA Coordinator or their designee
- Inform the Supervisor, Program Director, or Facility Director
- Contact the Kandiyohi County Sheriff's Department, to inform them of the alleged assault
- Complete a Maltreatment Report and a PREA Sexual Abuse form
- Coordinate transportation of the alleged victim to medical care for a forensic exam
- Contact Safe Avenues for victim advocate services to support the victim
- Contact PLYP's medical and mental health staff for follow-up care and crisis counseling

Preservation of Ability to Protect Residents from Contact with Abusers 115.366 - No collective bargaining agreement or other agreement can be entered into that would limit the facility's ability to remove alleged staff sexual abusers from contact with youth pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted

Nothing in this section will restrict the entering into or renewal of agreements that govern:

- The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of this policy regarding evidentiary standards for administrative proceeding



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- Whether a no-contact assignment that is imposed pending the outcome of an investigation will be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

Agency Protection Against Retaliation 115.367 - Residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations will be protected from retaliation by other residents or staff

For at least 90 days following a report of sexual abuse, supervisory staff with primary staff will monitor the conduct or treatment of residents or staff who reported the sexual abuse, and of youth who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by youth or staff, and will act promptly to remedy any such retaliation.

Multiple protection measures will be employed, such as housing changes or transfers for youth victims or abusers, removal of alleged staff or youth abusers from contact with victims, and emotional support services for youth or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations

Monitoring will be documented and will include:

- Resident disciplinary reports
- Resident housing or program changes
- Negative performance reviews or reassignments of staff
- Periodic status checks of residents

If there is a need, monitoring will continue beyond 90 days until there are no indications for the continuing need to do so

If any other individual who cooperates with an investigation expresses a fear of retaliation, the facility will take appropriate measures to protect that individual against retaliation

The facility's obligation to monitor will terminate if an investigation determines that the allegation is unfounded

Post-Allegation Protective Custody 115.368 - Any use of segregated housing to protect a youth who is alleged to have suffered sexual abuse will be subject to the requirements set forth previously in standard 115.34

INVESTIGATIONS:

Criminal and Administrative Agency Investigations 115.371 - When local law enforcement investigates sexual abuse, the facility will cooperate with outside



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investigators and will endeavor to remain informed about the progress of the investigation

Any State entity or Department of Justice component that conducts such investigations will inform the facility of their compliance with the requirements set forth in standard 115.371

PLYP will not terminate an investigation solely because the source of the allegation recants the allegation

Investigators will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; will interview alleged victims, suspected perpetrators, and witnesses; and will review prior complaints and reports of sexual abuse involving the suspected perpetrator

When the quality of evidence appears to support criminal prosecution, the facility will conduct compelled interviews, only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution as appropriate

The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as youth or staff. A resident who alleges sexual abuse will not be compelled to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation

The departure or resignation of the alleged abuser or victim from the employment or control of the facility or agency will not provide a basis for terminating an investigation

Administrative Investigations - Will include an effort to determine whether staff actions or failures to act contributed to the abuse and will be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings

Criminal Investigations - Will be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence; and copies of all documentary evidence will be attached to the report, where feasible.

Substantiated allegations of conduct that appear to be criminal will be referred for prosecution

PLYP will retain all written reports as outlined under all administrative and criminal investigations in this section for as long as the alleged abuser is incarcerated or



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employed by the facility, plus five (5) years, unless the abuse was committed by a youth and applicable law requires a shorter period of retention

Evidentiary Standard for Administrative Investigations 115.372 - In determining whether allegations of sexual abuse or sexual harassment are substantiated, the agency will not use a standard higher than preponderance of the evidence

Reporting to Residents 115.373 - When an investigating agency conducts investigations of sexual abuse, PLYP will request relevant information from the investigative agency in order to inform the youth as to whether the allegation has been substantiated, unsubstantiated, or unfounded

Following a resident's allegation that a staff member has sexually abused the resident, PLYP will inform the resident (except where an allegation has been determined to be unfounded) whenever:

- The staff member is no longer posted within the resident's building
- The staff member is no longer employed at the facility
- The facility learns that the staff member has been indicted on a charge related to sexual abuse within the facility
- The facility learns that the staff member has been convicted on a charge related to sexual abuse within the facility

Following a resident's allegation that he or she has been sexually abused by another resident, PLYP will inform the alleged victim whenever:

- The facility learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility
- The facility learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility

The obligation to report under standard 115.373 will terminate if the resident is released from the agency's custody

All such notifications or attempted notifications will be documented

DISCIPLINE:

Disciplinary Sanctions for Staff 115.376 - Staff must never tolerate any level of incidents of sexual abuse or sexual harassment directed toward residents by staff, teachers, volunteers, interns, and/or contractors. Staff failure to address these behaviors as mandated by PREA and this policy will result in disciplinary action up to and including dismissal

Discipline will be administered per agreed upon sanctions and guidelines pursuant to PLYP's Offensive Conduct, Harassment, and Violence Policy



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Termination will be the presumptive disciplinary sanction for staff who engaged in sexual abuse

Disciplinary sanctions for violations of PLYP's policies relating to sexual abuse or sexual harassment (other than engaging in sexual abuse) will 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

All terminations for violations of PLYP sexual abuse or sexual harassment policies, or resignations by staff who resigned to avoid termination will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies through the Special Incident Reporting Form

Corrective Action for Contractors 115.377 - Any contractor who engages in sexual abuse at a minimum will be prohibited from contact with residents and will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies through the Special Incident Reporting Form

PLYP will take appropriate remedial measures and will consider whether to prohibit further contact with residents, pursuant to any other violations regarding PLYP's, Offensive Conduct, Harassment, and Violence Policy

Consensual sexual contact/activity between a resident and staff, teacher, volunteer, intern, or contractor is strictly prohibited

Interventions and Disciplinary Sanctions for Residents 115.378 - Residents may be subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse

Any disciplinary sanctions will be commensurate with the nature and circumstances of the abuse committed, the youth's disciplinary history, and the sanctions imposed for comparable offenses by other youth with similar histories

In the event a disciplinary sanction results in safety separation of a resident, the facility will provide residents with daily large-muscle exercise, and access to any legally required educational programming or special education services, following safety separation reintegration plan. If requested, residents in safety separation will receive daily visits from a medical or mental health care clinician. Residents will also have access to other programs and work opportunities to the extent possible



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The disciplinary process will consider whether a resident's disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any should be imposed

The facility may discipline a resident for sexual contact with staff only upon finding that the staff member did not consent to such contact

For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred will not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation

All sexual activity between residents is prohibited and will be addressed by the facilities' disciplinary processes. However, such activity will not be deemed to constitute sexual abuse if it determines that the activity is not coerced

MEDICAL AND MENTAL CARE:

Medical and Mental Health Screenings; History of Sexual Abuse 115.381 - If the intake screening indicates that a resident has experienced prior sexual victimization or that they have perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff will ensure that the resident is offered a follow-up meeting with a medical or mental health practitioner within 14 days of intake screening

PLYP will strictly limit information related to sexual information or abusiveness that occurred in the institution to medical and mental health practitioners and other staff as necessary to inform treatment plans, and security and management decisions including housing, bed, work, education, and program assignments or as otherwise required by Federal, State, or local law

If the resident is 18 or over, medical, and mental health practitioners will obtain informed consent before reporting information about prior sexual victimization that did not occur in an institutional setting

Access To Emergency Medical and Mental Health Services 115.382 - When a resident reports to staff that they have been a victim of sexual abuse, staff and first responders will follow the steps as outlined above in order to protect the victim pursuant to standard 115.364

Residents will be offered unimpeded access to emergency medical treatment and crisis intervention services, which are to be determined by medical and mental health professionals according to their professional judgment

These treatment services will be provided at no cost to the victim and these services will be provided whether or not the victim names the abuser



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Treatment services will be provided to the victim regardless of whether or not the victim cooperates with the investigation. Should the victim refuse or decline such services, the victim will sign a Refusal of Treatment form

Resident victims of sexual abuse will be offered timely information and access to emergency contraception and follow-up care for sexually transmitted or other communicable diseases, as appropriate, and will be documented

Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers

115.383 - If a resident discloses prior sexual victimization or abusiveness, whether it occurred in any institutional setting or the community, staff will ensure that the resident is offered a follow-up with medical or mental health practitioners within 14 days of the initial health screening

Pregnancy testing, as well as comprehensive information and access to all lawful pregnancy related medical services, will be provided in a timely manner if a resident becomes a victim of sexually abusive vaginal penetration while incarcerated

Follow-up will be done by a mental health professional to assess the need for crisis intervention and long-term follow-up services, in the event that the resident transfers to, or gets placed in another facility, or is released from custody

A mental health evaluation will be conducted on all known resident-on-resident abusers within 60 days of learning such abuse history and offer treatment when deemed appropriate

DATA COLLECTION AND REVIEW:

Sexual Abuse Incident Reviews 115.386 - PLYP will conduct a sexual abuse incident review 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

Such review will occur within 30 days of the conclusion of the investigation

The review team include the PREA Coordinator, Directors and include input from Supervisors, Investigators, and Medical or Mental health Practitioners related to the incident reported

The review team will:

- Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse
- Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; LGBTI identification, status, or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at PLYP



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- Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse
 - Assess the adequacy of staffing levels in that area during different shifts
 - Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff
 - Prepare a report on its findings, including but not necessarily limited to determinations made, and any recommendations for improvement. This report will be documented and saved by the PREA Coordinator

PLYP will use a Site Visit Reporting form to identify any vulnerable areas and implement any recommendations for improvement or will document its reasons for not doing so

Data Collection 115.387 - PLYP will collect accurate, uniform data for every allegation of sexual abuse within its secure programs in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, and make such data available to the public

PLYP will collect accurate, uniform data for every allegation of sexual abuse using the standardized instrument known as the Survey of Sexual Violence (SSV)

The data will be collected, reviewed, and maintained on an ongoing basis as needed from all available incident-based documents, reports, investigative reports, and sexual abuse incident reviews

PLYP will aggregate incident-based sexual abuse data annually

Upon request, all such data from the previous calendar year will be forwarded to the Department of Justice annually as requested

Data Review for Corrective Action 115.388 - PLYP will review data collected and aggregated pursuant to standard 115.387 to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:

- Identifying problem areas
- Taking corrective action on an ongoing basis

PLYP will prepare an annual report of its findings and corrective actions for the secure programs

Such report will include a comparison of the current year's data and corrective actions taken with sexual abuse and an assessment of the agency's progress in addressing sexual abuse



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PLYP's report will be approved by the facility director and made readily available to the public through its website

Before making aggregated sexual abuse data publicly available, PLYP will remove all personal identifiers and any other specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted

Data Storage, Publication, and Destruction 115.389 - The data collected pursuant to this section will be securely maintained and retained for at least 10 years after the date of its initial collection, or following data compliance dates

CHANGES TO THIS POLICY:

Exceptions to the procedures listed in this policy are determined in consultation with the PLYP PREA Coordinator and the PLYP Executive Director prior to implementation. All changes will be reflected in policy revisions and will include staff training