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<b>Coosa Valley Youth Services</b>	<b>Effective Date: August 1, 2015</b> <b>Updated: 08/22</b>  <b>Approved:</b>  <hr/> <b>Jason Granholm, Executive Director</b>
<b>Subject:</b> Prison Rape Elimination Act (PREA)	<b>Applicability:</b> (X) Staff/Volunteers/Interns/Contractors (X) Administration (X) Community Services (X) CVYS Programs

## I. POLICY:

Coosa Valley Youth Services (CVYS) has zero tolerance towards all forms of sexual abuse and sexual harassment. The agency will take appropriate actions to reduce the risk of all forms of sexual abuse and sexual harassment within all Coosa Valley Youth Services programs.

Coosa Valley Youth Services prohibits any form of sexual activities involving youth-on-youth, and administration/staff/visitors/contractors/volunteers/interns-on-youth. Such conduct is subject to administrative, disciplinary sanctions, termination, and/or criminal prosecution.

## II. DEFINITIONS:

**Age Appropriate:** A way of communicating, explaining, interviewing, or providing services to a youth that is suitable for the youth's age and level of emotional and cognitive development.

**Agency-wide PREA Coordinator:** A Full-time upper level position that has the authority and responsibilities to develop, implement, and oversee the agency's efforts to comply with the PREA Standards in all of CVYS facilities/programs/offices.

**Allegation:** An oral, written, or electronic statement that sexual abuse has occurred or might occur that is provided to a staff member or outside agency.

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**Applicant:** An individual seeking employment with CVYS, a volunteer subject to a background investigation as outlined by CVYS policy, interns, and contractors who provide a service to a youth.

**Audits:** For the purposes of this policy audits are defined as a thorough investigatory review of information, including written records and interviews with staff and youths, to determine whether and the extent to which an agency and/or facility/program/offices' policies, practices, and protocols comply with PREA standards.

**Contractor:** A contract employee is hired for a specific job at a specific rate of pay. A contract employee does not become a regular addition to the staff and is not considered a permanent employee.

**CVYS:** Coosa Valley Youth Services

**Direct Care Staff:** Staff responsible for the direct supervision of youth under the care and custody of CVYS

**Incident Report:** A report that provides details regarding an event involving youth, employees, or facilities that interrupts normal procedures or precipitates a crisis.

**Prison Rape Elimination Act (PREA):** A United States federal law that supports the elimination, reduction, and prevention of sexual assault and rape within corrections systems. It applies to all federal, state, and local prisons, juvenile facilities, jails, police lock-ups, private facilities, and community settings such as residential facilities.

**PREA Standards:** Guidelines established by the United States Department of Justice to ensure compliance of the prevention, detection, response, monitor, and eradication of sexual abuse and harassment.

**PREA Compliance Manager:** A designated administrator assigned the responsibility of assisting the facility or community program with PREA planning, self-assessment, and serving as the program liaison with the Agency-Wide PREA Coordinator. This will generally be the Program Manager.

**Sexual abuse:**

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

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Sexual abuse of a youth by another youth 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) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) 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.

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

- (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 display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a youth, and
- (7) Voyeurism by a staff member, contractor, or volunteer.  
Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of a youth by staff for reasons unrelated to official duties, such as peering

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at a youth who is using a toilet to perform bodily functions; requiring a youth to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a youth's naked body or of a youth performing bodily functions.

**Sexual harassment—**

(1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another; and

(2) Repeated verbal comments or gestures of a sexual nature to a youth 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.

**Shift Report:** A log of routine and non-routine events that occur during an assigned shift. This log is maintained by the staff members on duty during all shifts. Each CVYS program will maintain a separate shift report.

**Special Management Plan:** A plan developed by the Program Manager to ensure the safety of a youth identified to be at risk for attack, retaliation, or other danger in the general population.

**Youth:** Any individual who is court ordered into any CVYS program.

### III. Prevention Planning

(115.311) Zero Tolerance of sexual abuse and sexual harassment; PREA coordinator

- A. The Assistant Director will serve as the Agency-wide PREA Coordinator, unless otherwise designated by the Executive Director. The Agency-Wide PREA Coordinator will have complete and unrestricted access to all agency facilities, offices, records, staff, and youth. Facility staff will cooperate fully with the PREA Coordinator without fear of reprisal or reprimand.
- B. Each CVYS Program Manager will serve as the PREA Compliance Manager for their respective programs unless otherwise designated by the Executive Director. The PREA Compliance Manager must be included in the agency and facility organization charts.

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1. The PREA Compliance Manager:
  - a. Commits, on average, 10% of a 40-hour work week to coordinate the facility efforts to comply with PREA Standards.
  - b. Maintains a culture of preventing, detecting, and responding to any form of sexual abuse and harassment within the facility.
  - c. Completes all policy attachments as required and applicable, and submits the appropriate reports to the Agency-wide PREA Coordinator.
  - d. Has access to and prepares additional reports as required by the Agency-wide PREA Coordinator or other authorized requested entities.
  - e. Monitor retaliation against anyone who reports or cooperates with investigations of sexual abuse or sexual harassment.
  - f. Other responsibilities as required to ensure PREA compliance.

C. CVYS will implement its zero-tolerance approach to preventing, detecting, responding, and monitoring sexual abuse and sexual harassment as outlined in this policy.

**(115.312) Contracting with other entities for the confinement of youth**

D. CVYS does not contract with any entity for the confinement of youth.

**(115.313) Supervision and monitoring**

- E. Programs will develop, implement, and document an approved staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring to protect youth against sexual abuse.
- F. CVYS requires that intermediate-level (Supervisors) and higher level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment. These unannounced rounds cover all shifts and all areas of the facility. Staff members are prohibited from alerting other staff of such rounds. All such rounds are logged into the program shift report and and/or a log maintained by the Program Manager.
- G. Programs will maintain a clear and unobstructed view into offices, classrooms, or any room/location where youth and staff may interact. If

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the area has a solid door, the door must remain open when staffs and youth are both in the room.

H. Clear and Unobstructed View:

1. In secure facilities areas, windows, and doors will be free of posters, blinds, paper, etc. that obstruct the direct line of sight into offices and rooms/locations. Locations that are primarily used for administrative (non-youth) purposes may have blinds; however, the blinds must be up anytime youth are in the location.
  2. Blinds may remain in the intake room. The blinds must remain up except for when an intake is occurring. During this time the blinds and door will be shut. Staff will remain on camera at all times during an intake. Staff will not cross the red shower line while a youth is showering or getting dressed.
  3. Blinds may remain in the medical examination rooms. The blinds must remain up except for when a health care provider is examining a youth in the room.
  4. With the exception of medical examination and intake rooms, areas that have solid doors will remain open at all times in which staffs and youth are both in the room.
  5. Facilities servicing delinquent youth will install "PREA Friendly" shower curtains on all shower stalls that provide a view of the youth's upper body (shoulder and head) and lower body (knees and feet) while the middle of the curtain prevents viewing of the youth's mid-sections.
- I. Blind spots will be identified and managed by repositioning staff or installing or updating video monitoring systems or other monitoring technologies on internal and external grounds, or by other appropriate means.
- J. Staff will ensure that all hidden or secluded areas (such as janitor closets, blind spots, etc.) where covert sexual behavior may occur are monitored and the doors kept locked and secured at all times. Staff must follow the key control procedures to ensure that youth or other unauthorized personnel cannot enter these areas unmonitored.

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(115.315) Limits to cross-gender viewing and searches

- K. Staff members of the opposite gender are required to announce their presence when entering youth wings/sleeping bays/sleeping rooms.
- L. All programs will not restrict youth access to regularly available programming in order to comply with PREA provisions. Secure programs will not restrict youth access to out-of-room opportunities in order to comply with PREA provisions.
- M. Non-medical staff will not search or physically examine a transgender youth or intersex youth for the sole purpose of determining the youth's genital status. If the youth's genital status is unknown, it may be determined from intake paperwork supplied by the court, or during conversation with the youth during intake.
- N. Programs will not conduct cross-gender strip, pat, or body cavity searches. **\*\*Exception noted in item O. below\*\***
- O. Residents who identify as transgender or Intersex during SABVV screening at intake will document their preferred gender for searches at the time of the search. CVYS will make effort to accommodate their preference. That preference will be recorded on a form at the time of each search.
- P. With the exception of medical examinations or urine drug screens, staff will not view youth when the youth is showering, performing bodily functions, or changing clothing except when such viewing is incidental to routine safety checks or suicide/self-harm watch.

(115.316) Residents with disabilities and residents who are limited English proficient

- Q. Accommodations will be made in accordance with the Americans with Disabilities Act. Language Assistance Services will be arranged through local resources to include the International House at Jacksonville State University and the Alabama School for the Deaf and Blind to ensure that youth who are limited English proficient (LEP), deaf or disabled are able to report sexual abuse to staff directly or through non-youth interpreters. Coordination will be made with the juvenile court having jurisdiction over the youth to assist in securing a necessary accommodation or interpreter when needed.

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R. CVYS prohibits the use of youth interpreters or youth assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the youth's safety, the performance of first response duties under 115.364, staff first responder duties, or the investigation of the youth's allegations. In exigent circumstances, all cases must be documented.

**(115.317) Hiring and promotion**

- S. CVYS will not hire or promote anyone who has been found guilty of sexual abuse, sexual misconduct, or sexual harassment.
- T. All Interns / contractors (having contact with juveniles), new hires and employees being considered for promotion will have a background investigation completed in accordance with CVYS personnel policies.
- U. CVYS will conduct background record checks at least every five years for current employees in accordance with CVYS personnel policies.
- V. Employees/Contractors/Interns/Volunteers must read and sign the Staff PREA Acknowledgement Statement (Attachment A). A copy of the Statement will be maintained in the personnel file or, if not a paid employee, in an appropriate file.
- W. CVYS will submit a CA/N registry check on all applicants for Employment/Volunteer/Intern in accordance with CVYS policy. All applicants will be asked directly about previous sexual abuse misconduct during interviews.
- X. All staff members who engage in sexual abuse and/or misconduct with a youth will be terminated and will be denied access to CVYS facilities/programs/offices. CVYS will report all terminations and staff resignations for violations of agency sexual abuse policy to proper authorities in accordance with CVYS policies.
- Y. Any contractor/volunteer/intern who engages in sexual abuse or sexual harassment shall be prohibited from contact with youth and CVYS property. The contractor/volunteer/intern will be reported to proper authorities in accordance with CVYS *policies*.
- Z. Unless prohibited by law, CVYS will provide information on substantiated allegations of sexual abuse or sexual harassment

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involving a current or former employee upon receiving a request from an institutional employer for whom such employee has applied for work.

**(115.318) Upgrades to facilities and technologies**

When the agency designs or acquires any new facility and in planning any substantial expansion or modification of existing facilities, the agency will consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect youth from sexual abuse. The Agency-wide PREA Coordinator will serve on the agency primary planning committee for these purposes.

#### **IV. Responsive Planning**

**(115.321) Evidence protocol and forensic medical examinations**

- A. CVYS administration at the level of Program Manager and above will be responsible for conducting administrative investigations including youth-on-youth and staff-on-youth sexual abuse. Criminal investigations will be conducted by the appropriate law enforcement agency having jurisdiction.
- B. All information regarding sexual abuse and victimization obtained via intake screenings, assessments, or evaluations are confidential and will be stored in the youth's permanent file.
- C. If a youth discloses prior sexual victimization during intake, the staff will report the abuse in accordance with CVYS *Reporting of Child Abuse* policy.
- D. Victims of sexual abuse will have timely, unimpeded access to emergency medical treatment, crisis intervention services, and victim advocacy.
  - a. Any youths reported or believed to have been sexually assaulted shall be immediately referred to the agency nurse for evaluation to determine the need for emergency care. The youth shall be sent to the hospital for further examination, treatment, and collection of forensic evidence in accordance with CVYS *Emergency Medical Care* policies.
- E. At the hospital, examinations are conducted by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs). When

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SANEs or SAFEs are not available, a qualified medical practitioner performs the medical examination, and it is documented in accordance with applicable standards and law.

- F. CVYS will enter into agreements or memoranda of understanding (MOU) with community service providers that are able to provide youth with access to outside victim advocates for emotional support services related to sexual abuse. CVYS will maintain copies of agreements. Reasonable communication between youth and these organizations will be enabled in as confidential a manner as possible.
- G. CVYS will ensure that all youth victims of assault will receive the same level of care as if they were in a community setting. Victims will be referred for outside medical testing and evaluation in accordance with CVYS *Emergency Medical Care* policies.
- H. Victim services will be provided through a combination of internal medical and mental health staff. Access to external medical and mental health providers will be provided upon request from youth or recommendation from SANE or SAFE in accordance with CVYS policy and Alabama Department of Youth Services standards.

**(115.322) Policies to ensure referrals of allegations for investigations**

- I. CVYS *Reporting of Child Abuse policy, PREA policy, and MOU with Anniston Police Department* ensures that substantiated allegations of sexual abuse are referred for investigation.
- J. CVYS will investigate all allegations of sexual abuse and sexual harassment on CVYS property or in CVYS programs, including third-party and anonymous reports. All substantiated reports of sexual abuse will be reported for outside investigation.

**V. Training and Education**

**(115.331) Employee Training**

- A. All staff must be able to fulfill his/her responsibilities under this policy. Staff must complete the PREA training modules assigned to their current position as outlined in (Attachment C) of this policy *PREA Training*. Staff must complete training annually.
- B. In addition to training, the PREA Compliance Manager will ensure that key information is continuously and readily available and/or visible to all staff

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through posters and PREA compliance discussions, reminders, and staff meetings.

**(115.332) Volunteer/Intern/Contractor Training**

- C. **Volunteers/Interns/Contractor Training:** CVYS shall ensure that all volunteers/interns/contractors who have contact with youths have been trained on their responsibilities under the agency's sexual abuse prevention, detection, and response policies and procedures. The level and type of training provided to volunteers/interns/contractors is based upon the services they provide and level of contact they have with the youth. Interns/Volunteers/Contractors who provide unsupervised services to youth will receive training at the same level and method as required by staff. Volunteers/Interns/Contractors who provide services under direct supervision will be required to watch a training video to familiarize themselves with PREA requirements. All volunteers/interns/contractors will be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment, and informed on how to report sexual abuse via an acknowledgment statement (Attachment A). The PREA Compliance Manager shall maintain documentation confirming the volunteers/interns/contractors understand the zero-tolerance policy training they received.

**(115.333) Resident Education**

- D. During the intake process, youth will receive, at a minimum, age-appropriate oral information, the PREA intake handout explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. The youth will also be given a rule manual that provides additional PREA education. At the time of admission to the facility, including transfers between facilities, the youth will complete the required PREA education
- E. Within 72 hours of intake, the facility will provide comprehensive age-appropriate education to youth either in person or through the use of video. The education will also include agency policies and procedures for responding to such incidents.
- F. Within 72 hours of intake, the youth will sign the *Youth PREA Acknowledgment Statement* (Attachment B). The signed statement will be placed in the youth's permanent file. A copy will be given to the PREA Compliance Manager for compliance verification.

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- G. Staff will log each youth's participation in these classes onto the shift report.
- H. In addition to providing education sessions, the facility will ensure that key information is continuously and readily available or visible to youth through posters, student rule books, or other written formats.
- I. Education staff will provide youth under the Individuals with Disabilities Education Improvement Act (IDEA 2004) equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

**(115.334) Specialized Training: Investigations**

- J. The Executive Director, Assistant Director, and Program Managers will receive specialized training as required by PREA standards. Specialized training includes case law demonstrating legal liability issues for agencies, facilities, and investigators to consider when working to eliminate sexual abuse and sexual harassment in confinement settings; proper use of Miranda and Garrity warnings; trauma and victim response; processes of a forensic medical exam; first-response best practices; evidence-collection best practices in a confinement setting; techniques for interviewing male, female, and juvenile alleged victims of sexual abuse and sexual harassment; report writing techniques; and information on what prosecutors consider when determining whether to prosecute sexual abuse cases. The agency shall maintain documentation of required training.

**(115.335) Specialized Training: Medical and Mental Health Care**

- K. The agency nurse and all counseling staff will receive specialized training as required by PREA standards and the agency. All specialized trainings will be documented.

## **VI. Screening for Risk of Sexual Victimization and Abusiveness**

**(115.341) Obtaining information from residents**

- A. At the time of a youth's admission to a CVYS program, including transfers between CVYS programs, and every six months after intake while in the facility, the youth will complete the required *Screening for Vulnerability to Victimization and Sexually Aggressive Behavior* (Attachment D)

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- B. During intake and at all subsequent reassessments throughout a youth's time in a CVYS program, the staff will obtain and use information about each youth's personal history and behavior to reduce the risk of sexual abuse by or upon a youth. The assessment information may be obtained from the following assessments or screening instruments:
1. Intake information provided by the Juvenile Court;
  2. Intake screening/Processing;
  3. Medical Screenings;
  4. Education Screenings; and
  5. Counselor's Intake
- C. A youth who has disclosed any prior sexual victimization during screening is referred by agency staff to an agency counselor for follow-up. The counselor will further assess the youth and make a recommendation to the program manager regarding creating a special management plan for the youth or housing with the general population.
- D. CVYS prohibits disciplining youth for refusing to answer or for not disclosing complete information related to the youth's mental, physical, or developmental disability; whether the youth is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming; whether the youth has previously experienced sexual victimization; or the youth's own perception of his or her vulnerability.
- E. Youth identified to be at high risk of sexual victimization will receive a Special Management Plan. Special Management Plans should be used when there is credible evidence that the youth is at risk of attack, retaliation or other danger in the general population.
- (115.342) Placement of residents in housing, bed, program, and work assignments
- F. Youth will be housed based upon his/her assessment/screening conducted at the time of intake or admission to the facility. Housing assignments will not be based solely on a youth's sexual orientation or gender identity. Housing, program, and education assignments are based on information obtained from assessments/screenings. CVYS makes individualized determinations about how to ensure the safety of each youth.
- G. Lesbian, gay, bisexual, transgender, or intersex youth will not be placed in a particular housing, bed, or other assignment solely on the basis of such identification or status. The agency will not consider lesbian, gay, bisexual,

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transgender, or intersex identification or status as an indicator of a greater likelihood the person would be sexually abusive.

- H. In deciding whether to assign a transgender or intersex youth to a male or female wing in the Secure Detention program, CVYS will consider on a case-by-case basis whether a placement would ensure the youth's health and safety, and whether the placement would present management or security problems.
- I. A transgender or intersex youth's own views, with respect to his or her safety, will be given consideration in the making of housing assignments.
- J. Transgender and intersex youth will be given the opportunity to shower separately from other youth.
- K. Youths at risk of sexual victimization may only be placed in isolation as a last resort if less restrictive measures are inadequate to keep them and other residents safe, and only until an alternative means of keeping all residents safe can be arranged. If placement in isolation for these reasons occurs, a report must be written by the staff making the decision to place the youth in isolation. Such report must outline the basis for the facility's concern for the resident's safety, and the reason(s) why alternative methods of separation cannot be arranged.

## VII. Reporting

### (115.351) Resident reporting

- A. CVYS programs and offices shall use the CVYS PREA Incident Report as the official written reporting process for any type of sexual abuse, to include accepting reports of sexual assault made verbally, in writing, anonymously, and from third parties. All reports of sexual assault and harassment will be documented on a PREA Incident Report (Attch. H) for record and data collection purposes. The PREA Incident Report must be submitted to their assigned program manager, prior to the staff member receiving the report exiting their shift, not to exceed 24 hours.
- B. CVYS programs and offices will provide easily understood, private, and secure methods for youth to report sexual abuse, retaliation by other youth or staff for reporting sexual abuse, and staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse.
- C. Youth may report sexual abuse or seek relief against retaliation by:

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- a. Filing a grievance;
  - b. Dropping a note in the Program Manager's Box;
  - c. Telling a counselor, teacher, medical staff, Program Manager, Assistant Director, Director, Parent/Guardian, Volunteer/Intern, Preacher/Minister, or any trusted adult;
  - d. Calling the Assistant Director number posted on facility PREA posters (Automated access available on Silver Phones)
- D. Each CVYS program will provide a means for youth to report sexual abuse and/or sexual harassment to an outside entity.
- E. The CVYS Executive Director will, upon receiving an allegation that a youth was sexually abused while in another facility, notify the Director of the other facility or appropriate office where the sexual abuse is alleged to have occurred. This notification may be withheld or delayed if the Director of the other facility has been accused of an active or implicit role in the abuse allegation.
- F. CVYS shall give youth mailing addresses and telephone numbers (including toll-free numbers), when available, for immigrant services' agencies for youth detained solely for civil immigration purposes and enable communication between youth and the agency in as confidential a manner as possible, and upon approval of the court having jurisdiction over the youth.

**(115.352) Exhaustion of administrative remedies**

- G. CVYS programs will use the grievance process as an administrative procedure to address youth allegations of sexual abuse. Youths will be informed on the grievance form that if they feel they are in imminent danger of sexual abuse, they should file an emergency grievance by reporting this verbally or in writing to an on-duty staff member who they trust. If a youth reports a substantial risk of imminent danger of sexual abuse to a staff member, the staff member shall take steps to ensure the immediate safety of the youth (through enhanced staff supervision and/or segregation of the youth and the potential abuser), and thereafter contact the on-call person for the facility and report this. Coosa Valley Youth Services will provide a decision on the merits of any grievance or portion of a grievance alleging sexual abuse be made within 90 days of the filing of the grievance. Emergency grievances alleging substantial risk of imminent sexual abuse required that a final agency decision be issued within five (5) days.

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- H. CVYS programs will not impose a time on when a youth may submit a grievance regarding an allegation of sexual abuse.
- I. Youth who allege sexual abuse against a CVYS staff member may submit a grievance without submitting it to a staff who is the subject of the complaint. Such grievance will not be referred to a staff member who is the subject of the complaint for handling the complaint.
- J. CVYS will not discipline a youth for filing a grievance alleging sexual abuse unless the administration determines that the youth filed the grievance in bad faith.

(115.353) Resident access to outside support services and legal representation

- K. CVYS will offer youth access to outside victim advocates for emotional support services related to sexual abuse through coordinated efforts between juvenile courts, administration, and counseling staff. CVYS maintains relationships with several local service providers to ensure youth have access to necessary services and advocates.
- L. CVYS has established an agreement with 2<sup>nd</sup> Chance to provide Crisis Intervention/Counseling and Advocacy Support Services.
- M. CVYS provides youth with reasonable and confidential access to their attorneys, Juvenile Probation Officers, and other legal representation and reasonable access to parents/guardians as outlined in program manuals (Visitation, Access to mail, Home Passes, Special Visitation, Phone Calls), and as approved by the court having jurisdiction over the youth.

(115.354) Third-party reporting

- N. Third-parties can report by:
  - a. Calling the Assistant Director's number listed on PREA posters and listed on acknowledgment forms. (Automated access via silver phones)
  - b. Notifying any staff member or administrator verbally, in writing, or by phone.

## **VIII. Official Response Following a Youth Report**

(115.361) Staff and agency reporting duties

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- A. CVYS requires all staff to report immediately any knowledge, suspicion, or information they receive regarding an incident of sexual abuse that occurred in a CVYS facility and/or any retaliation against a youth or staff who reported such an incident. All staff members are required to report sexual abuse and sexual harassment to their designated supervisors and all staff are prohibited from revealing any information related to a sexual abuse/harassment report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.
- B. Upon receiving any allegation of sexual abuse, the Executive Director will make follow-up contact with the appropriate agencies or make Mandated Report if not already reported. (Mandated Reporters turn in a copy of report to administration). The Executive Director will also contact the alleged victim's Juvenile Probation Officer, Alabama Department of Youth Services (DYS), and parents/guardians unless officially instructed by the court having jurisdiction over the youth that the parents/guardians should not be notified.

**(115.362) Agency protection duties**

- C. Each program will immediately report any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation for reporting sexual abuse or sexual harassment.
- D. CVYS requires staff to take appropriate steps to protect all youth and staff that report sexual abuse or cooperate with sexual abuse investigations from retaliation by other youth or staff. Programs will employ multiple protection measures including housing/wing changes, Special Management Plans, or making transfer arrangements with juvenile courts for youth victims or abusers.

**(115.363) Reporting to other confinement facilities**

- E. Upon receiving an allegation that a youth was sexually abused while in a facility or program prior to arrival at CVYS, the Executive Director will notify the Director or appropriate office of the agency where the alleged abuse occurred as soon as possible, but no later than 72 hours. This notification may be withheld or delayed if the Director of the other facility has been accused of an active or implicit role in the abuse allegation. The Executive Director will also notify The Alabama Department of Youth Services, and the alleged victim's juvenile probation officer. CVYS will document that it has provided the required notifications.

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(115.364) Staff first responder duties

- F. The staff member receiving sexual abuse information will immediately refer the youth to the agency nurse for initial evaluation and determination of the need for an outside medical referral for further testing and evaluation.
- G. The first direct care staff member to respond to the report is required to:
- a. Separate the alleged victim and perpetrator
  - b. Preserve and protect any incident scene until appropriate steps can be taken to collect any evidence.
  - c. **Request** the alleged victim not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating. **Ensure** that the alleged abuser not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating.
  - d. If the first staff responder is a non-direct care staff member, he or she is required to instruct the alleged victim and perpetrator not to take any actions that could destroy physical evidence and then immediately notify direct care staff.
    - i. Youth who are alleged victims of sexual abuse will be treated in a sensitive and non-judgmental manner.
    - ii. CVYS prohibits the use of youth interpreters, youth readers, or other types of youth assistance except in limited circumstances where the extended delay in obtaining an effective interpreter could compromise the youth's safety, the performance of first-response duties, or the investigation of the youth's allegations.

(115.365) Coordinated Response

- H. All CVYS programs and staff will follow the guidelines of the *Agency Coordinated Response to a Sexual Assault Incident* (Attachment G) to respond to all sexual assault incidents.

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- I. The Executive Director and Assistant Director will be notified of all allegations of sexual assault and sexual harassment. In the cases of alleged sexual assault, the mandated report will notify law enforcement who will conduct the investigation in accordance with local, state and federal law. The Executive Director will make follow-up contact with law enforcement to assist and cooperate with the investigation. In cases other than alleged sexual assault, the Executive Director and Assistant Director will carry out the internal investigation directly or through assigned supervisory level administrators.
  
- J. The Agency-wide PREA Coordinator (Assistant Director) will be notified of all PREA related incidents as part of the coordinated response. The PREA Compliance Managers and Agency-wide PREA Coordinator are notified via email of any PREA call made on the NCIC telephone system (NCIC phone system at detention and Lewis Academy only).
  
- K. The Executive Director and Assistant Director will review incidents and make a determination regarding the immediate and critical need for additional services. Services will be rendered based on the nature and circumstances surrounding the allegation.
  
- L. Medical and counseling staff maintain secondary materials (e.g. form, log) documenting the timeliness of emergency medical treatment and crisis intervention services provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported; and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis.

(115.366, 115.367) Preservation of ability to protect residents from contact with abusers., Agency Protection against Retaliation

- M. The Executive Director, Assistant Director, Program Managers, and their Supervisors will take steps to ensure that youth or staff alleging or reporting sexual abuse and sexual harassment are not victims of any form of retaliation. PREA Compliance Managers and Supervisors will monitor for possible retaliation for a minimum of 90 days. Special Management Plans will be utilized to protect residents from contact with alleged abusers.

(115.368) Post-allegation protective custody

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N. Upon returning from the emergency room, the program manager will make a housing assessment and develop a housing plan to ensure the alleged victim and alleged perpetrator do not have contact with each other. The safety, security, and wellbeing of the alleged victim will be primary in these decisions. Information obtained from the health authority and counseling staff will be utilized in these decisions. In cases where program design is not conducive, the juvenile court having jurisdiction over the alleged victim or perpetrator may be contacted to assist by moving either youth to another location or facility. The alleged victim will not be housed in the same area as the alleged perpetrator.

## IX. Investigations

(115.371; 115.372) Criminal and administrative agency investigations; evidentiary standard for administrative investigations

- A. Coosa Valley Youth Services' will investigate all instances of sexual abuse and harassment. Cases involving sexual abuse will be reported to law enforcement in accordance with Coosa Valley Youth Services' *Reporting of Child Abuse* policy. Criminal investigations will be conducted by law enforcement. Coosa Valley Youth Services will cooperate with criminal investigations.
- B. The Executive Director or designee (at the Program Manager level or above) is responsible for conducting internal administrative investigations of sexual abuse / sexual harassment. In cases of alleged sexual abuse, once physical evidence has been preserved by the first responder, CVYS staff should avoid handling it to prevent damaging the evidence. Forensic evidence will be collected by law enforcement or by trained forensic medical examiner (SAFE/SANE) as appropriate.
- C. The agency internal administrative investigator will be assigned by the Executive Director within 24 hours of receiving the report of sexual abuse / sexual harassment.
- D. The agency internal administrative investigator will produce a final investigative report to the Executive Director within 72 hours of being assigned to the investigation. A copy of this report will be provided to the agency-wide PREA Coordinator.

(115.373) Reporting to residents

- E. If the investigation reveals that a youth has made a false accusation that the youth could not have believed to be true, CVYS may take disciplinary

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action against the youth through all means available within the agency's disciplinary process (Program Rules and Procedures Manuals). However, CVYS prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient enough to substantiate the allegation.

- F. Following an investigation into a youth's allegation of sexual abuse / sexual harassment, the Executive Director will inform the youth as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. For these purposes, the investigation will be deemed complete at the approval of the investigative report by the Executive Director. CVYS will inform the alleged victim when the alleged abuser has been indicted on a charge related to the sexual abuse within the facility; or when the alleged abuser has been convicted on a charge related to the sexual abuse within the facility. For these purposes, there may be limitations on what information is available to CVYS and what can be shared, if the alleged abuser is a juvenile. If an outside agency conducts such investigations; CVYS will request the relevant information from the investigative entity in order to inform the youth of the outcome of the investigation.
- G. Following a youth's allegation that a staff member has committed sexual abuse against the resident, the agency subsequently informs the youth (unless the investigation has determined that the allegation is unfounded) whenever 1) the staff member is no longer posted within the youth's residential area, 2) the staff member is no longer employed at the facility, 3) the agency learns that the staff member has been indicted on a charge related to sexual abuse within the agency, or 4) the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility. The notification of the youth to any of these details will be documented in the youth's file upon occurrence.
- H. Following a youth's allegation that he or she has been sexually abused by another resident in an agency facility, the agency subsequently informs the alleged victim whenever 1) the agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility, or 2) the agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility. The notification of the youth to any of these details will be documented in the youth's file upon occurrence.

**X. Discipline**

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(115.376) Disciplinary sanctions for staff

- A. Staff will be subject to disciplinary sanctions up to and including termination and prosecution for violating agency sexual abuse and sexual harassment policies.
- B. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment will be commensurate with the nature and circumstances of the acts committed and the staff member's disciplinary history. These sanctions will be reported to law enforcement investigating the alleged sexual assault and to any relevant agency licensing authority.
- C. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, will be reported to law enforcement investigating the alleged sexual assault and to any relevant agency licensing authority.

(115.377) Corrective action for contractors and volunteers

- D. Any contractor, vendor, or volunteer who engages in sexual abuse will be prohibited from contact with youth and will be reported to law enforcement investigating the alleged sexual assault and to any relevant agency licensing authority.
- E. CVYS will take appropriate remedial measures, and shall consider whether to prohibit further contact with youth, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor, vendor, or volunteer.

(115.378) Interventions and disciplinary sanctions for residents

- F. Youth will receive appropriate interventions if they engage in youth on youth sexual abuse. Decisions regarding which types of interventions to use in particular cases, including treatment, counseling, education programs, or disciplinary sanctions, are made with the goal of promoting improved behavior by the youth and ensuring the safety of other youth and staff.
- G. CVYS reports youth to law enforcement and youth will be referred for criminal prosecution when appropriate. The agency disciplines youth for sexual conduct with staff only upon finding that the staff did not consent to such conduct.

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- H. CVYS prohibits disciplinary action for a youth reporting of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.

## **XI. Medical and Mental Care**

(115.381) Medical and mental health screening; history of sexual abuse

- A. Screening pursuant to section **VI A.B.C.** indicates a youth who has disclosed any prior sexual victimization during screening is referred to a counselor for follow-up. The counselor will further assess the youth and make a recommendation to the program manager regarding creating a special management plan for the youth or housing with the general population.
- B. If a screening pursuant to section **VI** indicates that a youth has previously been the victim of sexual abuse, whether it occurred in a facility setting or in the community, staff will ensure that the youth is referred to a counselor for follow-up.
- C. Information collected during the screening is strictly limited to informing security and management decisions, including treatment plans, housing, bed, work, education, and program assignments, or as otherwise required by law.

(115.382) Access to emergency medical and mental health services

- D. CVYS shall provide juvenile victims of sexual abuse with timely and unimpeded access to emergency medical treatment in accordance with CVYS medical emergency policies, and crisis intervention services, as determined by medical and counseling staff according to their professional judgement.
- E. Following an allegation of sexual assault/abuse CVYS shall facilitate healing in the youth:
  - a. Counselors role:
    - i. Shall delay primary trauma intervention until after a forensic interview, to be conducted by a forensically trained law

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enforcement representative or a forensically trained interviewer from a Child Advocacy Center; but

- ii. Shall not delay primary trauma intervention for longer than 24 hours; and
- iii. Shall provide trauma intervention immediately if the youth is in acute crisis.
- iv. Following a forensic interview, the counselor will assess the need for crisis intervention, and long-term follow-up, and make recommendations to the Program Manager to include referral to outside mental health and victim advocacy services, and a safety plan to include suicide prevention.
- v. During interventions with the youth, if the youth discloses further information regarding the abuse, the counselor shall document direct quotes and promptly report this information to the Program Manager to be forwarded to investigators.

b. Medical Responsibilities:

- i. First Responders shall immediately notify the agency nurse when a youth is believed to be the victim of sexual assault/abuse. The scene and any evidence is secured and safeguarded. This may include placing the alleged victim into a protective cover suit from a PREA Kit, when appropriate. (115.364, Attach G “Coordinated Response”)
- ii. The agency nurse or approved health trained staff members shall:
  - 1. provide any emergency treatment for and limit exams to immediate serious injuries. (Otherwise the suit from the PREA Kit should not be removed or tampered with once in place);
  - 2. not make any attempt to gather physical evidence or statements from the youth alleging the sexual assault.
  - 3. document any spontaneous statements made by the victim concerning the alleged or suspected sexual

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abuse and report them to the Program Manager to be forwarded to investigators;

4. arrange for the victim to be transported to the appropriate medical facility, as approved by the court having jurisdiction over the youth, for a sexual assault forensic examination.

(115.383) Ongoing medical and mental health care for sexual abuse victims and abusers.

- F. CVYS offers medical and counseling services, as appropriate, to all youth including those who have been victimized by sexual abuse
  - a. The evaluation and treatment of victims shall include appropriate follow-up services and, when necessary, referrals for continued care, with approval and cooperation from the court having jurisdiction over the youth.
  - b. Provide victims with medical and mental health services consistent with the community level of care through a combination of in house services and referrals, with approval and cooperation from the court having jurisdiction over the youth.
  - c. Provide pregnancy tests and timely pregnancy results to juvenile victims of sexually abusive vaginal penetration while in CVYS custody.
  - d. Offer tests for sexually transmitted infections as medically appropriate.
  - e. Provide treatment services to the victim, without financial cost to the victim, and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
  - f. CVYS will attempt to arrange for a mental health evaluation of all known juvenile-on-juvenile abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by counseling staff.

## **XII. Data Collection and Review**

(115.386) Sexual abuse incident reviews

- A. PREA Incident Review Team:

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Each program at CVYS will treat all instances of sexual abuse as critical incidents to be examined by the PREA Incident Review Team. The PREA Incident Review Team includes the Executive Director, Assistant Director (Agency-wide PREA Coordinator), Program Manager (PREA Compliance Manager), Medical Staff, and outside law enforcement agencies (for criminal investigations).

1. The PREA Compliance Manager (Program Manager) will coordinate the evaluation of each incident to include:
  - a. Ensuring that the victim receives the required treatment;
  - b. Assessing potential causes of the incident or allegation (e.g., race, ethnicity, gender identity, sexual orientation, gang affiliation, interpersonal dynamics, etc.);
  - c. Identify any physical barriers that may have enabled the abuse (e.g., blind spots, covered windows, poor lighting, outstanding work orders, etc.);
  - d. Identifying adequacy of staffing levels during different shifts;
  - e. Assessing technology, policy, or training, to better prevent, detect, and/or respond to incidents of sexual abuse; and
  - f. Ensuring all identified corrective action is documented.
2. Following an alleged Youth on Youth Sexual Penetration and Staff/Contractor/Volunteer/Intern on Youth Sexual Penetration, the PREA Compliance Manager will complete a report detailing the response action, recommendations and overall management of the alleged victim and perpetrator. The PREA Compliance Manager will submit the report to the Agency-wide PREA Coordinator and Executive Director. The Agency-wide PREA Coordinator will assist the program in the implementation of the recommendations.
3. The Executive Director will ensure that a report of the PREA Incident Review Team is completed and filed in a secure location. The report must be completed within 30 days of conclusion of the investigation.

(115.387) Data Collection

#### B. Data Collection:

1. CVYS collects accurate, uniform data for every allegation of sexual abuse at facilities using the standardized PREA Incident Report (Attachment H). CVYS maintains, reviews, and collects data as

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needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

2. The Executive Director or appointed administrator will complete all federal, DYS, and other relevant statistical reports.

(115.388) Data review for corrective action

3. The Agency-wide PREA Coordinator will review, analyze, and use all sexual abuse data, including incident-based and aggregate data, to assess and improve the effectiveness of the agency sexual abuse prevention, detection, and response policies, practices, and training.
4. The Agency-wide PREA Coordinator will maintain a current link on the CVYS website to provide PREA information to the public.

(115.389) Data storage, publication, and destruction

5. CVYS will maintain sexual abuse data collected pursuant to 115.387 for at least 10 years after the date of its initial collection or until the year the youngest youth involved turns 26; whichever is longer, unless Federal, State, or local law requires otherwise.
6. The Agency-wide PREA Coordinator will submit an Annual Report with redacted material to the Executive Director for publication in the CVYS Annual Report. Before making aggregate sexual abuse data publically available, the agency will remove all personal identifiers.

(115.393) Audits of Standards

### C. Audits and Monitoring

The PREA Compliance Manager at each CVYS program will complete Department of Justice PREA Pre-Audit Questionnaire and all reports required by the Agency-wide PREA Coordinator.

The Executive Director will schedule a Department of Justice Certified Auditor to conduct an independent audit of all CVYS facilities every three years.

1. The Agency-wide PREA Coordinator and the program PREA Compliance Managers will monitor programs to determine compliance with the national PREA standards.