

Addressing Sexual Abuse of Youth in Custody

Module 9: Policy Development

Developed by the NIC/WCL
Project under NIC CA
#06S20G.111

Objectives:

- Understand what a PREA guided policy is
- Define policies needed to respond to sexual abuse of youth in custody
- Define what makes a good policy
- Identify policy considerations and decisions
- Identify challenges and dilemmas in policy making
- Understand how staff, youth, contractors and volunteers know policies
- Define avenues for policy review

PREA Guided Policies

- Definitions
- Data Collection: methodology and responsibility
- Division Responsibilities
 - Operations: programs, facilities management
 - Support: training, compliance
- Standard Operating Procedures

PREA Guided Policies

- Staff and youth training
- Prevention and detection efforts
- Monitoring culture
 - Gang activity, contraband, racial tensions
- Safety of vulnerable populations
- SART
- Victim safety and support

PREA Guided Policies

- Medical and mental health
 - examination and treatment
 - communicable diseases
 - Confidentiality v. mandated reporting
- Timelines for responses
- Investigative responsibility and procedure
- Reporting
 - who, to whom, when, procedure

Policies Needed to Address Sexual Abuse of Youth in Custody

- Classification
- Sexual Assault
- Medical and Mental Health
- Sexual Behavior
- Sexual Assault Response Teams (SART)
- Investigations
- Reporting
- Grievance

Classification Policies

- Risk Assessment Tools
- Do you classify based on risk or something else
- Who is responsible for Classification
- Housing
- Separation

Sexual Assault Policies

- Employee Training
 - prevention, detection, response, investigation
- Youth Training
 - prevention, self-protection, reporting, treatment
- Screening
 - predators, prey, housing, separation
- Medical and Mental Health
 - reporting, confidentiality, victim services, examinations
- Data Collection

Medical/ Mental Health Policies

- Reporting and Confidentiality
 - incident reports, reporting up the chain of command
- Procedures
 - Evidence collection, off-site medical care, referral for mental health services
- Providing emergency care
- Consent of victim for services
- Follow up

Sexual Behavior

- Visitation
- What if any sexual behavior is allowed
Masturbation, touching, fondling
- What type of publications will be allowed

Sexual Assault Response Teams (SART)

- Who will be on your SART Team?
- What will the responsibilities of SART members be
- SARTs are generally composed of:
 - ┌ Medical and Mental Health
 - ┌ Agency Investigators and/or Law Enforcement
 - ┌ Agency and Facility Representatives
 - ┌ Prosecution Representatives
 - ┌ Advocacy Organizations (such as Rape Crisis Centers)

Investigative Policies

- Reporting and Notification
- Evidence Collection
- Medical and Mental Health Services Responsibilities
- Separation of victim
- Procedures
 - Recent v. non-recent sexual assaults
- Administrative v. Criminal Cases
- Timeframes

Reporting Policies

- Procedure for reporting
- Reporting requirements
- Inclusions in report
- Record keeping

Grievance Procedures

- Authority and responsibility
 - Contents of grievance
 - Procedure for filing a grievance
 - Procedural requirements
 - Responding to a grievance
- timeframes
- Emergency procedures
 - Record-keeping

What makes a good policy?

- Clear and inclusive definitions
- Clear and inclusive responsibilities for staff
- Clear and inclusive procedures
- Clear sanctions for not following policy

What makes a good policy?

- Multiple reporting points for employees and youth
- Strong investigative protocols
- Employee training and skills
 - Development
 - Refinement
- Effective youth orientation
 - Reception
 - Existing populations

Policy Considerations

- Gender Differences
- Thread issue through policies
- Periodic review and update policies
 - Case law
 - State law
 - PREA
 - Association standards
- Agency culture

Policy Considerations:

- Compliance with state and federal law
- Implementation standards
- Review and update
- Culture: institution and youth
- Gender differences
- Challenges and dilemmas
- Measuring effectiveness

Policy Decisions:

- Actions to include
- Responsibility assignments
- Reporting structures
- Safety v. confidentiality
- Sanctions
- Data Collection

Challenges and Dilemmas

- Leadership
 - Role modeling behaviors and commitment
- Culture and history
 - Unions and employee groups
 - Past attempts to address sensitive issues
- Practices are “in synch” with policy

Challenges and Dilemmas, continued

- Youth programming
 - Gender responsive
 - Inclusive
 - Equality and parity
- Investigative protocols/practices
 - Not accepting the “consensual” response
 - Defining internal roles
 - Ability to conduct thorough investigations

How do employees know the policy?

- Informal v. formal “education”
- Leadership by example
- Practice v. policies and procedures

Measuring Effectiveness

- Policies/procedures modeled by supervisors, managers, and leaders
 - Accountability and compliance
- Understandable language (realistic)
- Common sense practice
- Integrated into operations
- Aligns with state law
- Reporting and responding
- Leadership understands and acknowledges the aftermath of allegations and investigations

Measuring Effectiveness

- Investigations are thorough, timely and professional
 - Conclusions reached
 - Employees cooperate
 - Disciplinary sanctions consistent
- There is medical and mental health support
 - Employees and youth
 - Employee assistance programs

Policy Review Guides

- **PREA Review Guide**

Developed by The Moss Group, Inc. under cooperative agreement with the National Institute of Corrections,
U.S. Department of Justice.

- **Community Corrections**

Developed by CIPP, Inc. under cooperative agreement with the National Institute of Corrections,
U.S. Department of Justice.

- **Jails**

Developed by CIPP, Inc. under cooperative agreement with the National Institute of Corrections,
U.S. Department of Justice.

Summary

- Written policy exists and is comprehensive
- Operational practice follows policy
- Behavior and philosophy are role modeled
- Training is an effective tool for employees and youth
- Evaluation and revision