

NATIONAL INSTITUTE OF CORRECTIONS

in partnership with

THE AMERICAN UNIVERSITY
WASHINGTON COLLEGE OF LAW

Curriculum:
Addressing Sexual Abuse of Youth
in Custody

FACILITATOR'S GUIDE
2010

NIC/WCL PROJECT ON ADDRESSING PRISON RAPE

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Addressing Sexual Abuse of Youth in Custody

Facilitator's Guide

2010

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This curriculum is available to all who request it. NIC and the Project's intent, however, is that trainers who use these materials will be experienced in and knowledgeable about the field in order to maintain the integrity of the work in this area.

If you need information on "train the trainers" sessions or available speakers, please contact the National Institute of Corrections.

Table of Contents

Introduction	Page 12
Training Agenda	Page 14
Teaching Tips	Page 17
Welcome, Introduction and Pre-test	Page 27
Welcome	
History of Staff Sexual Misconduct Work and NIC	
Logistics	
Feedback	
Goals for Training	
Group Courtesies	
Action Plan	
Technology	
Participant Notebooks	
Faculty Introductions	
Participant Introductions	
Lesson Plans¹	
<u>Module 1: Training Objectives and Overview of Sexual Abuse of Youth in Custody</u>	<u>Page 31</u>
Training Objectives	
<i>Activity: Identification of Critical Issues</i>	
<u>Module 2: The Prison Rape Elimination Act of 2003: Overview and Update...</u>	<u>Page 36</u>
PREA Purposes	
Major Sections	
PREA and Juveniles	
What We Know about Prevalence	
Bureau of Justice Statistics	
Findings: Sexual Violence Reported by Juvenile Correctional Authorities, 2005-6	
Major Data Comparisons	
Measuring Sexual Activity in Juvenile Facilities	
Findings: Sexual Victimization Reported by Youth, 2008-9	
Institutional Review Panel	
National Prison Rape Elimination Commission	
Findings	
Structure of Juvenile Standards	

¹ This is the preferred order for this curriculum, however the modules in this curriculum can be used in a different order or as stand-alone lessons depending on your needs.

- Inclusions
- Standards Examples
- Adoption and Effect of National Standards
- What is Happening Now
- What States are Doing Now
- What Does this Mean?
- Unresolved Issues

Module 3: Adolescent DevelopmentPage 47

- Types of Adolescent Development
- Brain Development
 - Brain Facts
 - The Teenage Brain
 - Implications of Brain Development
- Cognitive Development
- Behavioral Development
- Emotional Development
- Sexual Development
 - Age-related Sexual Behaviors
 - Gender-related Sexual Development
- Development and Youth in Custody

Module 4: Adolescent SexualityPage 60

- Activity: Sexuality Quiz*
- Human Sexuality
- Gender Terminology
- Sexual Orientation
- Sexuality: Healthy Development for Adolescence
- Knowledge and Ability
 - Age 5
 - Ages 6-9
 - Ages 10-12
 - Ages 13-18
- Sexual Behaviors of Youth in Custody
 - Policy Restrictions on Sexual Behaviors
 - History and Backgrounds of Youth
 - Employee Background Checks and On-going Evaluations
- Keeping Kids Safe—Red Flags
- Keeping Kids Safe-- Action
- Special Concerns: Sexual Minorities
 - Sexual Self-concept, Orientation and Identity
 - Risk Factors

Recommendations for Dealing with Sexual Minorities
Why Understanding Sexuality is Important

Module 5: Action PlanningPage 72

Components of Responses to Sexual Violence
Effective Responses to Sexual Abuse of Youth
Assignment: Prepare an Action Plan
Action Plan Form
Presentations - Expectations
Discussion: Applicability of PREA Standards

Module 6: A Comprehensive Model for Addressing Sexual Abuse of Youth in Custody.....Page 77

Comprehensive Model
Law
Policy
Operational Practices/Strategies
Training
Leadership
Agency Culture
Why a Comprehensive Model is Important in Juveniles Settings
Getting Started

Module 7: Agency CulturePage 84

Definition of Culture
Foundation of Culture
Components of Agency Culture
Influences on Culture
Impact of Culture: Staff
Code of Silence
Investigations
Red Flags
Challenges for Leadership
Impact of Culture: Youth
Youth Culture
Red Flags
Strategies for Changing Culture
Discussion: Applicability of PREA Standards

Module 8: State LawsPage 91

Government Limits
Continuum of Sexual Activity
Important Questions
Legal Tools for Prosecuting Staff Sexual Misconduct

- Staff Sexual Misconduct
 - State Law Maps
 - Sample Law: Kansas
- Sexual Assault
 - Sample Law: Wisconsin
- Sodomy
 - Sample Law: Georgia / Virginia
- Child Exploitation
 - Youth on Youth Sexual Abuse
 - Sample Law: NJ/ FL
- Mandatory Reporting
 - Sample Law: TX/ AL/ FL
- HIV Statutes
- Sex Offender Registration
 - Sample Law: NC Adult Sex Offender Registration
 - Sample Law: NC Juvenile Sex Offender Registration
- Overlap of Law, Policy and Standards
- Interaction between Law, Policy and Standards
- Why is this Important?

Module 9: PolicyPage 106

- Activity: Develop a Model Policy*
- PREA Guided Policies
- Policies Needed to Address Sexual Abuse of Youth in Custody
 - Classification
 - Sexual Assault
 - Medical and Mental Health Care
 - Sexual Behaviors
 - Sexual Assault Response Teams
 - Investigations
 - Reporting
 - Grievance
- What makes a good policy?
- Policy Considerations
- Policy Decisions
- Challenges and Dilemmas
- How do Employees know the Policy?
- Measuring Effectiveness
- Policy Review Guidelines
- Summary
- Discussion: Applicability of PREA Standards

Module 10: Training.....Page 119

Activity: What Training Should Include

Impact of Training

Are you ready to Train

Food for Thought Before Training

More Food for Thought

Training: Essential Questions

What all Staff Training Should include about Youth on Youth Sexual Abuse

What all Staff Training Should include about Staff Sexual Misconduct

When and Where to Train Staff

Training Audience: Youth

What all Youth Training Should include about Sexual Abuse

Special Concerns: Training Youth

Where and when will you Train Youth?

Possible Trainers

Training Adult Audiences

Tools for Staff Training

Training Young Audiences

Tools for Training Youth

Summary

Discussion: Applicability of PREA Standards

Module 11: Management and Operational Practices..... Page 130

Management and Operations Relationship

Management and Operations Affect on Staff Sexual Misconduct

Management and Operations Affect on Youth on Youth Sexual Abuse

Barriers to Increased Knowledge

Management Issues

Operational Issues

Staff on Youth Red Flags

Youth on Youth Red Flags

Cross Gender Supervision: An Operational Issue

Vulnerability Assessments (VA)

The VA Process

Documents to Request Prior to Assessment

Personnel Requests

Arrival at Facility

Key Assessment

Cameras

Floor Plans and Building Names

Employee and Youth Work Schedules

- Special Incident Reports
- Physical Plant Assessment
- Reporting
- Furniture Placement
- Obstructions of View
- Secluded Areas
- Suspicious Findings
- Lighting
- Doors
- Locks
- Final Report
- Follow up
- Key Elements of Management and Operational Policy
- Impact of Good Practices
- Discussion: Applicability of PREA Standards

Module 12: Managing Vulnerable Youth.....Page142

- Vulnerable Youth Are
- Consider Being a Kid
- Working with Youth
- Special Considerations
 - Previously Victimized
 - Developmental Disabilities
 - Mentally ill
 - Hearing Impairments
 - Limited Language Ability
 - Gay and Transgendered
 - Substance Abusers
- Additional Resources
- Discussion: Applicability of PREA Standards

Module 13: Medical and Mental Health Care.....Page 148

- Trauma Reactions
- Common Reactions to Sexual Assault
 - Emotional/ Cognitive
 - Behavioral
 - Trauma Reactions
- Being a Survivor and Being in Detention
- Role of Health Care providers
- Immediate Medical Concerns
- Long Term Health Care Concerns
- Sexual Assault Exam (SANE)
- Need for SANE Exams in Juvenile Correctional Settings
- Sexual Assault Response Teams (SART)

Rape Crisis Centers
Child Advocacy Centers
Partnering with Local Crisis and Child Advocacy Centers
Mandated Reporting
Impact of Sexual Assault
Implications for Public Health
Discussion: Applicability of PREA Standards

Module 14: Investigating Sexual Abuse of Youth in Custody.....Page 158

Foundations of Successful Investigations
Why Investigations Fail
Considerations for Successful Investigations
Garrity
Investigative Techniques
Other Potential Evidence
Sample Letter
Interviewing the Victim in Cases of Staff Sexual Misconduct
Interviewing the Victim in Cases of Youth on Youth Sexual Abuse
Additional Potential Witnesses
Aggressive Investigative Techniques
Special Considerations: Staff
Special Considerations: Youth
Investigators Should
Remember
Discussion: Applicability of PREA Standards

Module 15: Prosecuting Sexual Abuse of Youth in Custody.....Page 171

Prosecutorial Hurdles
Sexual Assault Cases
Barriers to Prosecution
Case Studies
Prosecutorial Considerations
Quality of the Initial Report
Strength of Initial Investigation
Crime Scene
Power of DNA
Quality/Quantity of Witnesses
Additional Corroboration
Power of Admissions
Anticipate Defenses
Trial Preparation

Themes
 What Prosecutors Want
 What Prosecutors Add
 Committing the Reticent Prosecutor
 Pre-Trial Disposition
 Our Impact
 Recommendations
 Discussion: Applicability of PREA Standards

Module 16: Human ResourcesPage 185

Proactive vs. Reactive Thinking
 Employment Context
 Key Issues
 Public Employees
 All Employers
 In the Union Context
 Employer Interests that Can Support Off-Duty Conduct Rules
 Litigation Results
 Employee Surveillance
 Privacy
 Proactive Steps: Employee Surveillance
 Investigations and Discipline
 Reference Checks
 Sex/Race Discrimination
 To Protect Against Successful Discrimination Cases
 Consistency Makes Good Policy
 Union Issues
 Modifying Inconsistent Collective Bargaining Agreements (CBA)
 Investigations
 Arbitration
 Union Duty of Fair Representation
 Proactive Steps in Union Context
 Discussion: Applicability of PREA Standards

Module 17: Legal LiabilityPage 196

Legal Issues
 Civil Liability
 Prison Litigation Reform (PLRA)
 42 U.S.C. 1983
 Civil Rights of Institutionalized Persons Act (CRIPA)
 CRIPA Juvenile Settlements
 S.H. v Stickrath

- Eighth Amendment
- What the Court Looks for
- Smith v. Wade
- Fourth Amendment
- Three Cases
- What These Cases Stand For
- Fourteenth Amendment
- Major Issues
- Staff Sexual Misconduct
- Youth-on-Youth Conduct
- Sixth Circuit Cases
- K.M v Alabama Department of Youth Services
- Legal Posture and Issues
- Typical State Tort Claims
- Taylor v. The North Carolina Department of Corrections
- Jane Doe v. Swannanoa Youth Development Center, North Carolina
- Important Themes
- Liability
 - Municipal
 - Official
 - Individual
 - Personal
- Qualified Immunity
- Smith v. Cochran
- Riley v. Olk-Long
- Austin v. Terhune
- Ice v. Dixon
- Why this Result?
- Brown v. Scott
- Williams v. Caruso
- Punishing Consensual Sex of Inmates
- Regulation and Consensual Sex
- Conclusions
- Emerging Issues
 - Code of Silence: Baron v. Hickey
 - Cases Involving Sexual Minorities
 - PREA and Civil Case Law
 - Cross Gender Supervision: Heckenlaible v. Virginia
- What Does This Mean?
- What Do You Do to Prevent Liability?

Wrap UpPage 216

Appendix.....Page 218

 Sample Pre/Post Test

 Sample Training Evaluation

Introduction

Addressing Sexual Abuse of Youth in Custody is a 36 hour educational program that focuses on the complex issues of sexual abuse of youth in custody—both staff abuse of youth and youth abuse of other youth.

Before the lesson plans begin on page 31, you will find background information for the instructor. First you will find the proposed program agenda for the training, a list of topics and break times. This provides the instructor with a snapshot of the entire training: each module, topic and time allowed for that module.

Next, is the “Teaching Tips” section that offers suggestions for the instructor on:

1. Selecting trainers and guest speakers
2. Tasks prior to the training
3. Setting up the training room
4. Knowing your audience
5. Using the curriculum
6. Team teaching
7. Teaching to maximize effectiveness
8. Handling challenging people
9. Responding to questions

The rest of the curriculum organizes the 17 modules into lesson plans. Each module is located behind a tab and can be used as lecture notes.

The **goal** of the training is to educate legal and juvenile justice professionals about:

1. Effective prevention and responses to sexual abuse of youth in custody.
2. The impact of training components on successful prevention and responses to sexual abuse of youth in custody.
3. The impact of training components on all actors within the system including (administrators, youth, line-staff, volunteers, contractors, investigators, advocates, law enforcement and prosecutors).

The **objectives** of the training are to ensure that participants are able to:

1. Understand the Prison Rape Elimination Act of 2003 (PREA) and identify its relevance to juvenile justice actors.
2. Identify components of adolescent development, sexuality and facility culture and understand their impact on sexual abuse of youth in custody.

3. Understand a comprehensive approach to responding to sexual abuse of youth in custody.
4. Understand legal and investigative implications and strategies to responding to staff sexual abuse of youth in custody.

Training Agenda²

START	END	SUBJECT
Day 1		
8:30 am	10:00 am	Welcome and Introductions
10:00 am	10:15 am	<i>Pre-test</i>
10:15 am	10:30 am	<i>Break</i>
10:30 am	11:00 am	Module 1: Training Objectives Training Objectives <i>Activity: Identification of Critical Issues</i>
11:00 am	12:00 pm	Module 2: Prison Rape Elimination Act
12:00 pm	1:00 pm	<i>Lunch</i>
1:00 pm	2:30 pm	Module 3: Adolescent Development
2:30 pm	2:45 pm	<i>Break</i>
2:45 pm	4:15 pm	Module 4: Adolescent Sexuality
4:15 pm	4:45 pm	Module 5: Action Planning
4:45 pm	5:00 pm	Day 1 Wrap-up, logistics
Day 2		
8:30 am	9:00 am	Review of Day 1 Logistics, Questions Overview of Day 2
9:00 am	10:00 am	Module 6: A Comprehensive Model for Addressing Sexual Abuse of Youth in Custody
10:00 am	10:30 am	Module 7: Agency Culture
10:30 am	10:45 am	<i>Break</i>
10:45 am	11:15 am	Module 7: Agency Culture Cont'd
11:15 am	12:30 pm	Module 8: State Laws
12:30 pm	1:30 pm	<i>Lunch</i>
1:00 pm	3:00 pm	Module 9: Policy <i>Activity</i>
3:00 pm	3:15 pm	<i>Break</i>

² NOTE: While this is the way we would lay out the training if we had 36 hours, we recognize that not everyone can do that. Again, this curriculum is designed to use as a whole, in part and/or as shortened versions of itself. You should feel free to modify per your timing and training needs.

START	END	SUBJECT
3:15 pm	4:30 pm	Module 10: Training <i>Activity</i>
4:30 pm	5:00 pm	Action planning
Day 3		
8:30 am	9:00 am	Review of Day 2 Logistics, Questions Overview of Day 3
9:00 am	10:00 am	Module 11: Management and Operational Practices
10:00 am	10:30 am	Module 12: Managing Vulnerable Youth
10:30 am	10:45 am	<i>Break</i>
10:45 am	12:15 pm	Module 13: Medical and Mental Health Care
12:15 pm	1:15 pm	<i>Lunch</i>
1:00 pm	3:00 pm	Module 14: Investigating Sexual Abuse of Youth in Custody
3:00 pm	3:15 pm	<i>Break</i>
3:15 pm	4:00 pm	Action Planning
Day 4		
8:30 am	9:00 am	Review of Day 3 Logistics, Questions Overview of Day 4
9:00 am	10:30 am	Module 15: Prosecuting Sexual Abuse of Youth in Custody
10:30 am	10:45 am	<i>Break</i>
10:45 am	12:00 pm	Module 16: Human Resources
12:00 pm	1:00 pm	<i>Lunch</i>
1:00 pm	3:30 pm	Module 17: Legal Considerations
3:30 pm	3:45 pm	<i>Break</i>
3:45 pm	4:00 pm	Post-test
4:00 pm	4:30 pm	<i>Review Critical Issues List; Unanswered Questions; Remaining Issues and Resolutions Discussion</i>
4:30 pm	5:00 pm	Report Out on Action Plans
Day 5		
8:30 am	8:45 am	Review of Day 4 Logistics, Questions Overview of Day 5

START	END	SUBJECT
8:45 am	10:15 am	Report Out on Action Plans
10:15 am	10:30 am	<i>Break</i>
10:30 am	11:30 am	Report Out on Action Plans
11:30 am	12:00 pm	Wrap-up; Evaluations; Certificates; Box lunches

Teaching Tips

Selecting Trainers

- Those in charge of selecting speakers for the training may use the following criteria to ensure a consistently representative faculty:
 1. Content expertise
 2. Effectiveness as a speaker
 3. Diversity (race, gender, age, ideas)
 4. Credibility
 5. Availability
 6. Reliability
 7. Competency with presentation technology (e.g., PowerPoint® slides)
 8. Someone from the local site in addition to national presenters
 9. Commitment to and interest in the topic of sexual violence prevention strategies for youth in custody.
- Have speakers provide current “bios” for their introductions and for inclusion in the participant notebook. Each biography should be no more than two to three paragraphs in length and highlight the speaker’s relevant experiences and qualifications. It should also include contact information for the speaker such as address, phone number, fax number and email address.
- In addition to the primary trainers, you may want to include local guest speakers for some of the modules. Talk with selected faculty members and representatives from the host site for suggestions and assessment of strengths.
- Have personal contact with all trainers and guest speakers ahead of time to articulate your expectations and needs, to answer any questions they may have and to describe the training class so that their information is targeted appropriately.
- Make sure all trainer handouts are copied and distributed in advance of his/her presentation.

Prior to the Training

- Those coordinating the training should encourage participants to bring examples of materials from their own agencies that relate to addressing the sexual abuse of youth in custody (e.g., reports of task forces or committees; policies, state laws). These materials may be useful as they develop their action plans. You may want to give participants a “what to bring list” ahead of time.

- Encourage participants to bring materials and program information for the training resource table to share with other participants.
- Trainers need to be sure all classroom space, equipment and audiovisual materials (i.e., video) have been ordered or reserved and are working prior to the first day of training.
- Trainers should confirm with the host-site coordinator that the “logistics” have been arranged (e.g., food for lunches and breaks, special needs, parking, printing of materials, name tags, contracts).

Setting Up the Training Room

- On the first day of training, each participant should receive the following: (1) an Addressing Sexual Assault of Youth in Custody participant notebook; (2) pen; (3) notepad; (4) 10-12 index cards for comments; and (5) a name tag and tent card.
- Set these items out at individual spots or distribute them to participants.
- The suggested audience size for the training is 25-35 people.
- The training room should accommodate classroom-style tables and movable chairs with four to six participants per table if possible. This works well for small group discussions yet provides enough room for participants to take notes. Each participant should have an unobstructed view of the front of the room and be able to see the speaker, easels, AV screen and other training aids.
- Set up a “resource table” for trainers and participants to share information on their activities or programs.
- Set up a table in the back of the room for faculty to be seated when not presenting.
- Set up two easels with paper and multi-colored markers in the room for activities.
- Test all audio-visual materials (slides, overheads) and equipment (projector, easel pad, paper, pens, lap tops) in the room to be sure they work. The resources needed for each module are listed at the beginning of that module.
- Good ventilation and room temperature are important for an effective and comfortable training environment.
- Make sure you advise participants of where restrooms are located.
- Have water available for participant and speakers.

- Ideally, the lighting in the room should be able to dim or turn off for showing PowerPoint® slides, videos and/or overheads.
- Be sure arrangements have been made for refreshments (e.g., water, coffee, tea, soda, non-caffeine alternatives, juice) for the morning and afternoon each day.
- Good acoustics are also important to facilitate good communication. If the room is too large or not sound proof to outside noises, it may not be an effective training location. A lapel microphone may be an option for some speakers so they can be heard while moving around the room.
- Be sure the training site meets the Americans with Disabilities Act (ADA) requirements for any special needs of participants and speakers. Registration applications should ask if anyone has special needs or accommodations.

Knowing your Audience

- The target audience for this training is high-level administrators working with youth in custody (both detention and in the community).
- Trainers need to know their audience in the training. They need to find out who they are, what they want to know and learn, their level of experience, and any politics or particular group dynamics among the players. Some trainers may wish to develop pre-training questionnaires to help gather this information. Trainers need to understand and learn as much as they can ahead of time about participants' issues, concerns and profile data.

Using the Curriculum

- The lesson plan modules may be arranged in a variety of ways to meet the specific training needs of participants. The suggested format for the training is teaching the modules in the numeric sequence spread over four and a half days (8:30 am to 4:30 pm for a total of 36 hours), that includes a one-hour lunch period and breaks each day.
- There are 15 minute breaks scheduled once in the morning and once in the afternoon. These are only guidelines. You may need to judge whether this is enough or if there is a better time for the breaks or lunch given the flow of the training.
- The lesson plans are written in a lecture format with talking points. The left hand column has topic headings and can be used as a quick reference for the presenter. Detailed speaking notes are on the right hand column and can be used as a guide and supplemented with specifics for your jurisdiction if needed. Speaking notes

are written in *red italics* and notes to the instructor are written in *blue italics*. Notes in **black** are what are contained on the PowerPoint slides.

- The lesson plans are not a script. If you need or use detailed scripts for your trainers you should develop that script in conjunction with your trainers. This curriculum assumes that the trainers will be knowledgeable, motivated to learn the curriculum, and do research as necessary to fill in the gaps in their knowledge.
- Most modules, where applicable, contain a discussion section at the very end. This section is designed to integrate a discussion of PREA Standards into the lesson but also to create a conversation about how the standards affect your agency's policies and procedures. As of the date of this publication, the Attorney General has not issued final PREA Standards. However, this curriculum contains the PREA Standards recommended by the National Prison Rape Elimination Commission (NPREC) in June 2009. We believe that, for the most part, the final standards will be similar in content to the standards proposed by the NPREC. Once final standards are passed you should modify your lesson plans to integrate the new material.
- A number of PREA Standards included in this curriculum apply to different modules. For ease of reference we have repeated standards in each module to take into consideration that you may present these modules separately or to different audiences. You should feel free to limit or expand discussion of specific standards as appropriate.
- Group activities and participant involvement are a big part of this training. Group interactions with the trainer involving mutual inquiry, shared experiences and personal observations help keep the training interesting and relevant.
- Adult learning models suggest that for maximum attention and retention, “non-lecture” activities be interjected at least every ten minutes. Therefore, the curriculum is designed to be interactive, with instructor-generated questions for participants, some small group discussion, etc.
- People learn in different ways – some are visual learners. Some need to experiment and be more “hands on,” while others prefer a lecture format. Mix up your teaching style to reach the maximum number of people. Explain things in different ways and monitor your audience for comprehension through verbal interaction, watching their behavior and feedback.
- The method of presentation for the training includes lecture with visual aids (using videos and a PowerPoint® slide format). Pictures of the actual slides are not put into the instructor's guide so that the PowerPoint® slides can be updated and customized for the group and jurisdiction. At the beginning of each slide program or video, the following logos will appear in the lesson plans:



for video or DVD



for PowerPoint®

If you choose not to use the PowerPoint®, the slides can be copied onto transparencies for use with an overhead projector. It is always a good idea to make transparencies as a back up in case the equipment does not work. The slides are to enhance and clarify your presentation. Do not read or talk “to” the slides. Use a remote control or ask a co-trainer to forward the slides so you are not forced to remain by the equipment the whole time you are teaching. Practice using the equipment before the training.

- The word “*Activity*” appears whenever there is an individual or small group exercise. General discussion questions posed to the full group by the instructor are not listed as an activity but rather a regular part of the lecture style.
- Allow at least six to eight hours to review the materials before you instruct the program and plan activities. You should be able to present the materials with the PowerPoint® slides serving as a guide and not have to read your notes or read from the slides.

Team Teaching

- As you will most likely be training in teams, prior to the presentation meet or talk (e.g., conference calls) to the other team member(s) about who is the lead, teaching methods and styles of delivery. You might also wish to discuss:
 1. Whether everyone feels comfortable if one team member interjects examples or ideas during another team member’s presentation;
 2. How all team members will receive the same background information about participants, key issues, etc.;
 3. Goals and procedures for group activities;
 4. Who will lead discussions following group activities;
 5. Back-up plans in case a team member is unable to train at the last minute;
 6. Whether it is useful to designate a “team leader” who introduces the next speaker, providing a common thread throughout the training;
 7. Who will summarize each section and direct participant questions, etc.
- A team meeting the day before the training is suggested to finalize the training details and logistics.
- At the end of each training day, meet together as a team, debrief the training and review daily participant suggestions and comments from the written evaluations and cards:

1. Discuss if the level of information and delivery style is appropriate and meeting participants' needs;
2. Discuss overall strengths and weaknesses;
3. Review and discuss participant daily comment/feedback cards;
4. At the end of the entire training, provide each team member with a copy of the participants' written evaluations.
5. Record information related to the overall training in a report or document. Use that document to make appropriate changes or adaptations to the curriculum or training program.

Teaching to Maximize Effectiveness

- Arrive at the training room at least 45 minutes before the session begins. This allows time for you to be sure all the audio-visual equipment is there and functioning and that the appropriate room arrangements have been made and that all handouts are ready for participants.
- Tape on the wall two or three large blank pages from the easel pad for "Critical Issues" and questions participants want addressed throughout the training.
- Ask participants to turn off the ringers on their blackberries and cellular phones (encourage the use of less disruptive notification systems such as vibration or digital display) and remind them there are plenty of breaks built into the training so they can check their messages.
- As a trainer, review your own commitment and passion for the topic.
- Move around the room as you talk. Convey your energy about the work to your audience.
- Help quiet participants speak up and be included.
- Be supportive, non-judgmental, and give compliments to participants: (e.g., "That's a good question. I am glad you raised that...")
- Keep language simple and avoid jargon; be clear. If acronyms or abbreviations are used, explain what they mean (BJA, NIC, WCL, HIPAA, etc.).
- Encourage participants to share their own experiences at the appropriate places but keep the pace moving along.
- Help participants who have difficulty presenting information by asking, "Is this an accurate summary of what you are saying...?"

- After you answer a question from a participant, ask them, “Does that answer your question?”
- Challenge participants to speak up and be engaged in order to reduce passivity. Always try to get clear answers from participants and make sure that you fully understand the comments made. Ask for clarification if necessary and encourage participants to be succinct in voicing their comments and concerns.
- Continually remind participants that the information presented during this training is a combination of specific strategies and concrete examples as well as a philosophical change in the “way of doing business.” This training is not “cookie-cutter.” Each agency is unique, with particular issues, demographics, crime characteristics, personalities and existing structures. Pose scenarios for the jurisdictions or for the different types of community corrections agencies and programs represented.
- Do not take things personally or become defensive. Encourage participants to think critically and to challenge how policy affects programs and how correctional programs do what they do. Participants may challenge and ask questions about what is contained in the curriculum or examples you use.
- During the first break, informally seek honest feedback from an audience member or co-presenter. Ask for his or her perception of the training including room temperature, pace, appropriateness of information, presentation style, level of participant’s interest and engagement. Make adjustments as needed.
- Allow adequate time for moving into small group exercises and make certain there is adequate, pre-arranged space for the small groups.
- Many activities involve writing ideas on an easel pad. Be sure you can do this easily and still facilitate/instruct. Also, write large and legibly. You may also want to ask a participant to write the responses for you.
- Be flexible-- issues arise, coffee is late, pagers go off, audio-visual equipment stops working, people cough, egos emerge, guest speakers get stuck in traffic, someone forgets the name tags and participants have their own agendas. When you anticipate these things before they occur, some can be avoided but some simply cannot. Just keep going, recognizing that the best-laid plans sometimes have to be adjusted. Always have a back-up plan. A prepared trainer can go with the flow and still successfully present the materials.

Handling Challenging People

- Be sure your values and emotions are in check prior to teaching. Anticipate emotionally charged challenging questions and develop a response that is compelling, clear and reasonable. Specific examples of responses are given in the

lesson plans. Choose words that are not “hot buttons” for people, but rather help further communication and understanding.

- Encourage participants to be creative and non-traditional to bring about better results. Help participants to use the training as an opportunity to reflect on desired outcomes and how best to reach them.
- During the training, manage the discussion and do not let one or two people dominate. Start a session by saying “I would like to start this discussion by inviting people who have not spoken much to give us their thoughts.” It is important that different viewpoints get expressed. Possible responses to difficult, controlling or domineering people include:
 1. Politely interrupting them with a statement such as, “May we put that on the back burner for the moment and return to it later?” or “If it is all right, I would like to ask if we can discuss that on the break. There’s another important point we still need to discuss and we are running a little short of time.”
 2. You can also jump in at a pause with, “That’s a very good point, let’s hear from some of the others” or redirect the conversation. “We have had several comments in support of this idea, are there different viewpoints in the room?” This gives the control of the training back to the instructor.
- A good instructor allows everyone a chance to speak and facilitates opportunities for less vocal people in all parts of the room to be heard. If people do not participate in discussions or appear to have their minds elsewhere, call on them by name to give an answer, opinion or recount an experience. However, do it in a way that does not put the person on the spot. Then praise the person for responding.
- If a participant is belligerent or rude, walk closer to the person, even standing next to them.
- If a discussion escalates and becomes highly emotional, divert the conversation away from the people participating before it gets out of hand. “I think we all know how John and Bob feel about this. Now, does anyone else have a comment?” or validate their feelings or emotional reactions by saying something such as, “clearly this is a very emotional and difficult issue with differing viewpoints.” Use it as a learning moment for everyone. Intense emotions can also be a good indicator of major issues in the system (which is made up of people and values). You may want to give extra time for discussion to see if some clarity or understanding can come out of it.

- Another option with heated discussions is to take a break, talk to the person in private, and be clear but polite with expectations
- As you go along, register steps of agreement and disagreement with participants. “Am I correct in assuming we all agree (or disagree) on this point?” or “you may simply agree to disagree on certain issues since each jurisdiction is unique.”
- If you need to control the person who “knows it all,” acknowledge the person’s contribution and then ask others in the group for their opinion of the person’s statement.
- If you have a person who “knows their job and doesn’t want to be told how to do it,” explain that s/he is just the individual you are looking for, that the training is to exchange ideas and points of view that will benefit everyone and that their experience will be valuable to all. Make this person a resource and give them “responsibility” for others’ learning while keeping it under control and accurate.
- When a discussion gets off track say, “Your point is an interesting one, but it is a little different from the main issues here; perhaps we can address your issues during the break or after the session,” or, “We will be talking about that later in Module X. Your points are very interesting, could you hold those thoughts until we get to that module?”
- If a person speaks in broad generalizations ask, “Can you give us a specific example on that point?” or, “Your general idea is a good one, but I wonder if we can make it even more concrete. Does anyone know of a case where...?”
- If a person in the group states something that is incorrect (yet no one addresses the misinformation due to the person’s status or other reasons), avoid direct or public criticism. You can graciously correct the information or use indirect methods to set the record straight such as analyzing a similar case or situation in another jurisdiction where the correct information is given. You may also want to talk to the person at the break and share the correct information.
- You may choose to allow fellow participants to respond to difficult people in the class
- Generally, try not to interrupt participants. Be respectful and listen. Be open, yet firm, and manage the discussion keeping in mind what is best for the whole group.

Responding to Questions

- Anticipate the types of questions participants might ask and plan how to handle them. Before you begin the training, prepare a list of questions you are most likely to get and prepare your answers. You can also use these questions to stimulate

group discussions throughout your presentation. Make sure your questions are designed to get thoughtful reactions to specific points. Do not ask questions that can be answered by a “yes” or “no” response. Open-ended questions generate better audience participation.

- Questions from participants are a good indication of the level of their awareness, attention and interest in your subject. Questions have value in helping you to clarify, modify or fortify points or to test an idea for its potential. Remember that answering a question is impromptu. Pause if you need to, relax, maintain your poise, keep your answers short and to the point, and give the short answer first (e.g., yes/no) then explain why.
- Some juvenile correctional issues or questions may border on giving legal advice. Be clear about when it is appropriate to refer a question to a lawyer in the group if he or she is willing to answer or suggest the questioner check with his or her own agency’s legal staff.
- If you do not know the answer to a question, acknowledge that fact and offer to find the information or check with the audience to see if anyone knows the answer. Not all questions have to be answered. Sometimes the most effective response is one that allows the audience to keep thinking about the issue or concern. Some instructors keep a running list of questions or issues on a displayed easel pad then come back to the questions throughout the training.
- When a person asks a question, restate the question for the entire group and direct your answer to the audience, not the individual questioner. Make sure everyone has heard the question. Rephrase questions that are unclear or rambling. Try to diffuse emotional questions by politely asking for clarification.
- Avoid a one-to-one conversation/argument with a participant.

Welcome and Introduction

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Topic	Speaking Points
Welcome	<ul style="list-style-type: none"> • <i>Welcome training participants. Introduce yourself now. Other trainers will be introduced later during faculty introductions.</i> • <i>Welcome local dignitaries (local directors, administrators, etc.). Ask them to welcome training participants so they know this is an important issue and to reinforce organizational support for addressing this issue.</i>
History of Work	<ul style="list-style-type: none"> • <i>Have your agency's representative give their welcome and describe your agency's role, history and support addressing this topic. A good example of a representative to welcome the group would be the Commissioner, Administrator, Agency Chief or Secretary.</i>
Logistics	<ul style="list-style-type: none"> • <i>Indicate the location of restrooms, telephones, where people should be parking and address any special needs. Ask participants to turn off their pagers, "Blackberrys" and cell phones. Indicate that there will be frequent breaks that will allow time for making phone calls.</i>
Feedback	<ul style="list-style-type: none"> • <i>Throughout the training, we would appreciate hearing from you – what you liked or didn't like, "creature comfort" issues like it is too hot or cold in the room, issues, questions you might have and so on. Please write your comments on the "3 x 5" cards you will find on your tables. Put them indicate location at any time during the training.</i>

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Topic	Speaking Points
Group Courtesies	<p><i>Acknowledge to the group that training courtesies agreed upon by everyone can assist the learning process. Generate guidelines from the group that they would like for the week. You can get them started by presenting the four listed below if they agree with them (write the courtesies on the easel pad paper, tape it to the wall and leave it up throughout training).</i></p> <p><i>Group courtesies might include:</i></p> <ol style="list-style-type: none"> <i>1. Everyone gets heard and respected</i> <i>2. Differences are expected and accepted</i> <i>3. Common ground/understanding will be sought but agreeing to disagree is fine</i> <i>4. Speak one person at a time</i> <i>5. Critical thinking is encouraged</i> <p><i>The topic is serious, but we hope you will have fun and enjoy the training.</i></p>
Action Plan	<p><i>We want you to have something tangible to take away from your training experience – a tool to help you apply the information to your work. We are all going to present individual “Action Plans” at the end of the training. An action plan outlines the actions, based on information you have learned in this training, you will do upon returning back to your job. Everything you will be doing over the next four and a half days will be a building block or piece of that action plan.</i></p> <p><i>In your notebook after Tab 5, there is an, “Action Plan” PowerPoint®. We encourage you to jot down your ideas as the week goes along. This will assist you as you write down the ideas gleaned from the training and the changes you plan to make. When we get to Module 5, we will explain it more. In the meantime, jot down any “ah-ha” moments or ideas you have as we go along.</i></p> <p><i>Are there any questions?</i></p>

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Topic	Speaking Points
Technology	<i>Some training rooms may have lap top computers available for each participant. Explain how they work, appropriate and inappropriate usage, and where to go for technical assistance.</i>
Participant Notebooks	<i>Describe all the sections of the participant notebook and indicate that they contain paper copies of all PowerPoint® presentations and handouts for the training. Suggest participants write their names on their notebooks. The notebooks are for them to keep.</i> <i>Invite participants to add materials from their programs to the resource table. Ask if anyone brought information for the table and allow them to announce what they brought.</i>
Faculty Introductions	<i>Let each faculty member do a self-introduction. Tell participants that faculty biographies are located in their participant notebooks.</i>
Participant Introductions	<i>Let's go around the room and do self-introductions. In addition to the usual name, title and agency, I would like you to share in one minute or less one thing about yourself that is interesting and that is not visible by looking at you. It can be anything. In prior trainings, we had someone who had trained tigers in a zoo, someone who was a skydiver, and someone who had lived in the jungle in the Peace Corp. This is a good way for you to learn something new about your colleagues.</i> <i>Tell participants that a list of participants is in their notebook. Feel free to do any other "icebreaker" activity you choose.</i>

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Module 1: Training Objectives

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33

Module 1: Training Objectives

Time: 30 minutes

Module Learning Objectives:

1. Understand the Prison Rape Elimination Act and identify its importance to juvenile justice actors.
2. Identify the components of adolescent development, sexuality and institutional culture and understand their impact on sexual abuse of youth in custody.
3. Understand the components of a systemic approach to responding to sexual abuse of youth in custody.
4. Understand legal and investigative implications and strategies to responding to sexual abuse of youth in custody.

Resources Needed:

LCD projector and laptop computer
Easel pad, tape and markers

Participant Notebook Handouts:





PowerPoint®

PowerPoint® Program:

Module 1: Training Objectives and Overview

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34

Topic	Speaking Points
Training Objective 1 	<p>Understand the Prison Rape Elimination Act and identify its importance to juvenile justice professionals.</p> <p><i>How many of you know about PREA? Show of hands.</i></p> <p><i>How many of you have filled out the PREA surveys/data collection? Show of hands.</i></p>
Training Objective 2 	<p>Identify the components of adolescent development, sexuality and institutional culture and understand their impact on sexual abuse of youth in custody.</p> <p><i>What do we say about the youths we work with?</i> <i>Examples of responses may include: they underachieve, they aren't disciplined, they don't listen</i></p> <p><i>What impact does this have on how we address sexual violence?</i></p>
Training Objective 3 	<p>Understand the components of a systemic approach to responding to sexual abuse of youth in custody.</p>
Training Objective 4 	<p>Understand legal and investigative implications and strategies to respond to sexual abuse of youth in custody.</p> <p><i>How many of you have been named in litigation? Show of hands. Many of you are in positions that you could be named in litigation if you haven't been already.</i></p>
Activity: Identification of Critical Issues	<p>Why do you think talking about sexual abuse of youth in custody is difficult to do?</p> <p><i>Discuss as a large group and write examples on an easel pad. Allow the participants to generate the list.</i></p> <p><i>Some examples might include:</i></p> <ul style="list-style-type: none"> • we have to talk about a sensitive issue like human sexuality (sex, masturbation) where we may not

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Topic	Speaking Points
	<p>need to do this with other kinds of staff/youth incidents;</p> <ul style="list-style-type: none"> the issues are complicated; staff sexual misconduct is a “total no” due to laws, ethics, child abuse laws, but with youth to youth it is more difficult to grasp and define; youth are alone with each other more than staff are with them; we are more likely to ignore what goes on between youth than between staff and youth; we have difficulty identifying what the impact is on the youth and on the facility. <p>What are the critical issues you want to address this week? <i>Discuss as a large group and write examples on an easel pad. Allow the participants to generate the list.</i></p> <p><i>Some examples might include:</i></p> <ul style="list-style-type: none"> How do you elevate this issue? How do you train and engage the non-believers and deal with resistance, apathy? Explain the PREA and Performance Based Standards (PBS) data collection. Why are contract providers separated out in the data? Why doesn't Indian Country get PREA grants? How does PREA address and incorporate the cultural differences operationally? How do you get prosecutors and law enforcement on board with this issue - to get an investigation going and to prosecute the cases? Jurisdictional issues when there are federal laws, state laws, tribal laws, BIA. Off-duty conduct issues and anti-fraternization policies. Ethics. Generational issues of staff. Issues of consent and non-consent for youth who are between 18-21, at the legal age of consent, and still in a youth facility. Deficiencies in state laws.

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Topic	Speaking Points
	<ul style="list-style-type: none">• Liability.• Sexual orientation issues of both youth and staff.• System accountability issues.• Experimenting vs. troublesome sexual encounters between youth - where do we draw the line and sanction?• What is appropriate and inappropriate?• Adolescent development and sexuality - how do you handle normal sexual development in a facility?• Youths need touch and contact - how do you nurture, care and help with the youth's development while keeping a zero tolerance policy.

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35

Module 2:

The Prison Rape Elimination Act of 2003- Overview and Update

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Module 2: The Prison Rape Elimination Act of 2003- Overview and Update

Time: 1 hour

Module Learning Objectives:

1. Understand the purpose of the Prison Rape Elimination Act of 2003
2. Understand the key components of the Prison Rape Elimination Act
3. Review the current status of the Prison Rape Elimination Act standards

Resources Needed:

LCD projector and laptop computer
Easel pad, tape and markers

Participant Notebook Handouts:

PowerPoint®

PREA – Public Law 108-79

National Prison Rape Elimination Commission Report: Executive Summary

National Prison Rape Elimination Commission Report: Chapter on Juveniles

National Prison Rape Elimination Commission: Standards for Juvenile Facilities

Sexual Violence Reported by Correctional Authorities, 2004

Sexual Violence Reported by Juvenile Correctional Authorities, 2005-2006

Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-9





Definitions: Sexual Violence – BJS and PREA

PowerPoint® Program:





Module 2: Prison Rape Elimination Act of 2003- Overview and Update

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Topic	Speaking Points
The Prison Rape Elimination Act of 2003 	<p><i>The following are our objectives for this module</i></p> <ol style="list-style-type: none"> <i>1. Understand the purposes of the Prison Rape Elimination Act of 2003</i> <i>2. Understand the key components of the Prison Rape Elimination Act of 2003</i> <i>3. Review the current status of the Prison Rape Elimination Act standards</i>
PREA Purposes 	<ul style="list-style-type: none"> • Increase accountability of prison officials who fail to detect, prevent, reduce and punish prison rape • Protect 8th amendment rights of federal, state and local prisoners • Establish grant programs • Reduce costs of prison rape on interstate commerce
PREA Purposes 	<ul style="list-style-type: none"> • Establish zero tolerance for the conduct • Make prevention a top priority • Develop national standards for detection, prevention, reduction and punishment • Increase available data and information on incidence in order to improve management and administration • Standardize definitions used for collecting data on the incidence of rape
PREA: Major Sections 	<ul style="list-style-type: none"> • Section 4: Collection of prison rape statistics, data and research (BJS) • Section 5: Prison Rape Prevention and Prosecution (NIC) • Section 6: Grants to Protect Inmates and Safeguard Communities (BJA) • Section 7: National Prison Rape Elimination Commission • Section 8: Adoption and Effect of National Standards • Section 9: Accreditation organizations must adopt standards or lose federal funds
PREA and Juveniles	<ul style="list-style-type: none"> • Like other legislation, such as the Prison Litigation Reform Act, PREA refers to prisons but applies to juveniles—in




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Topic	Speaking Points
	<p>adult and juvenile settings.</p> <ul style="list-style-type: none"> • Challenge to address juveniles comprehensively <ul style="list-style-type: none"> ◦ Research ◦ Training ◦ Funding ◦ Standards
<p>What We Know about Prevalence</p> 	<ul style="list-style-type: none"> • Administrative survey collections -- 2004, 2005 and 2006 data <ul style="list-style-type: none"> ◦ http://www.ojp.usdoj.gov/bjs/abstract/svrca04.htm [juveniles and adults] ◦ http://www.ojp.usdoj.gov/bjs/pub/pdf/svrjca0506.pdf [juveniles only] • Victim self reports <ul style="list-style-type: none"> ◦ http://bjs.ojp.usdoj.gov/content/pub/pdf/svjfry09.pdf
<p>According to Administrative Reports: More than 2,000 allegations of sexual violence reported each year in juvenile facilities</p> 	<p><i>This represents cases reported by juvenile correctional authorities in both 2005 and 2006—in state, local and private facilities</i></p>
<p>According to Administrative Reports: 57% of allegations in 2005-06 involved youth-on-youth incidents</p> 	<p><i>This represents cases reported by juvenile correctional authorities broken down by type of incident—staff-on-youth and youth-on-youth.</i></p>




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Topic	Speaking Points
<p>According to Administrative Reports: 1 in 5 allegations of sexual violence in 2005-06 were substantiated (732 incidents)</p> 	<p><i>This represents cases that were founded. Unfounded and unsubstantiated cases make up the majority of all reported cases.</i></p> <p><i>Unfounded cases are cases proven to be false, while unsubstantiated cases—one of the largest categories—simply means there was not enough evidence to prove or disprove the allegations.</i></p>
<p>According to Administrative Reports: Most youth perpetrators were male, age 16 or older</p> 	<p><i>This represents youth perpetrators of sexual abuse against youth broken down by age, race, gender and number of perpetrators</i></p>
<p>According to Administrative Reports: Half of staff perpetrators were male; a majority were under age 30</p> 	<p><i>This represents administrative records collections. In them, staff perpetrators of sexual abuse against youth broken down by age and type of staff.</i></p> <p><i>However, as we will see later in this presentation, according to youth, a majority of staff perpetrators are female.</i></p>
<p>Survey of Sexual Violence, 2005-06 – Additional Findings: Youth on Youth Sexual Violence</p> 	<ul style="list-style-type: none"> • Victims received physical injuries in 12% of substantiated incidents of youth-on-youth sexual violence; 8% anal/vaginal tearing • About half of all victims of youth-on-youth violence received some form of medical follow-up • Nearly half of victims of youth-on-youth sexual violence had their housing changed in response (24% moved in the facility, 10% transferred, 10% admin. segregation or protective custody) • 41% of youth perpetrators had legal action taken (32% referred for prosecution); 37% transferred; 22% solitary/disciplinary segregation



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Topic	Speaking Points
Survey of Sexual Violence, 2005-06 – Additional Findings: Staff Sexual Misconduct 	<ul style="list-style-type: none"> • Few youth victims of staff misconduct received physical injuries (2%) • About half of all victims of staff sexual misconduct were provided counseling/mental health treatment (56%) • Nearly 40% of perpetrators of staff misconduct or harassment were arrested or referred for prosecution • Almost all staff perpetrators lost their job in local/private facilities (99%), compared to 75% of staff perpetrators in state systems. <i>Why might this be the case?</i>
Major Data Comparisons: Juvenile v. Adults 	<ul style="list-style-type: none"> • Overall juvenile agencies have higher rates of substantiated incidents <ul style="list-style-type: none"> ◦ Adult: 14% ◦ Juvenile: 20% • Overall juvenile agencies have higher prevalence rates of sexual abuse <ul style="list-style-type: none"> ◦ Adult: 2.91% ◦ Juvenile: 16.8%
Major Data Comparisons: Juvenile v. Adults 	<ul style="list-style-type: none"> • Staff sexual misconduct is more prevalent in both adult and juvenile facilities <ul style="list-style-type: none"> ◦ Adult: <ul style="list-style-type: none"> ▪ 47% of incidents were inmate on inmate sexual abuse ▪ 53% of incidents were staff sexual misconduct ◦ Juvenile: <ul style="list-style-type: none"> ▪ 38% of incidents were youth on youth sexual abuse ▪ 46% of incidents were staff sexual misconduct • Staff sexual misconduct is perpetrated by different staff <ul style="list-style-type: none"> ◦ Adult: <ul style="list-style-type: none"> ▪ 60% of male staff and 40% of female staff ◦ Juvenile: <ul style="list-style-type: none"> ▪ While the BJS report on reports by juvenile




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Topic	Speaking Points
	correctional authorities did not address this issue specifically, the report of incidents reported by youth indicated that 95% of staff sexual misconduct was perpetrated by female staff
Measuring Sexual Activity within Juvenile Facilities by Interviewing Youth 	<ul style="list-style-type: none"> Youth self report survey determines whether a youth has been victimized by addressing 3 basic questions: <ol style="list-style-type: none"> Has the youth had any sexual contact since admission? (distinctions for specific actions) With whom did the contact occur? Was it done willingly? Specific questions vary by gender and age
Findings: Sexual Victimization Reported by Youth 2008-9 	<ul style="list-style-type: none"> 12% of adjudicated youth reported 1 or more incidents of sexual victimization (in the past 12 months or since admission, if less than 12 months) <ul style="list-style-type: none"> 2.6% of incidents involved other youth 10.3% of incidents involved staff
Findings: Sexual Victimization Reported by Youth 2008-9 	<ul style="list-style-type: none"> 13 facilities were considered to have the highest rates of prevalence <ul style="list-style-type: none"> Among the 13 high-rate facilities most reports of sexual victimization involved nonconsensual sexual acts with other youth and serious sexual acts with facility staff <ul style="list-style-type: none"> 4 had rates of youth-on-youth sexual victimization that exceeded 10% <ul style="list-style-type: none"> Corsicana Residential Treatment Center (TX): 13.9% Indianapolis Juvenile Correctional Facility (IN): 16.3% Shawono Center (MI): 18.2% Samarkand Youth Development Center (NC): 12% 11 had rates of staff sexual misconduct that were more than twice the national average <ul style="list-style-type: none"> Pendleton Juv. Corr. Fac. (IN),





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Topic	Speaking Points
	<p>Corsicana Res. Trtmt. Ctr. (TX), Victory Field Corr. Acad. (TX), Shawono Ctr. (MI), Samarkand Yth. Dev. Ctr. (NC), Woodland Hills Yth. Dev. Ctr. (TN), Culpeper Juv. Corr. Ctr., Long Term (VA), Backbone Mtn. Yth. Ctr., Swanton (MD), L.E. Rader Ctr. (OK), Bon Air Juv. Corr. Ctr. (VA), The New Jersey Training Center (NJ)</p>
<p>Findings: Sexual Victimization Reported by Youth 2008-9</p> 	<ul style="list-style-type: none"> • Youth Characteristics <ul style="list-style-type: none"> ◦ Males were more likely to report sexual activity with facility staff ◦ Females were more likely to report forced sexual activity with other youth ◦ Youth who are considered sexual minorities reported significantly higher rates of victimization ◦ Youth with prior histories of victimization were twice as likely to report victimization
<p>Findings: Sexual Victimization Reported by Youth 2008-9</p> 	<ul style="list-style-type: none"> • Facility Level Factors <ul style="list-style-type: none"> ◦ State facilities had higher rates of staff sexual misconduct (10.9%) compared to non-state facilities (7.9%) ◦ Female facilities had highest rates of youth-on-youth incidents (11%); male facilities highest for staff sexual misconduct (11.3%). ◦ Small facilities (10-25 youth) had the lowest rates of sexual victimization (6.3%), mostly due to low rates of staff sexual misconduct.
<p>Findings: Sexual Victimization Reported by Youth 2008-9</p>	<ul style="list-style-type: none"> • Female-only facilities had the highest rates of youth-on-youth sexual victimization (11.0%); male-only facilities had the highest rates of staff sexual misconduct (11.3%).





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Topic	Speaking Points
	<ul style="list-style-type: none"> Approximately 95% of all youth reporting staff sexual misconduct said they were victimized by female staff <ul style="list-style-type: none"> 92% were males reporting activity with female staff 2.5% were males reporting sexual activity with both male and female staff
<p>Findings: Sexual Victimization Reported by Youth 2008-9</p> 	<ul style="list-style-type: none"> 4.7% of youth reporting sexual victimization by staff were female <ul style="list-style-type: none"> 3% reported victimization by a male staff member .8% reported victimization by both male and female staff Females were more likely than males to report forced sexual activity with other youth. <ul style="list-style-type: none"> About 9.1% of females and 2.0% of males reported forced sexual activity with another youth at the facility.
<p>Institutional Review Panel</p> 	<ul style="list-style-type: none"> Section 4(b): Review Panel on Prison Rape <ul style="list-style-type: none"> Carry out public hearings in each calendar year for prisons (state and federal) with the three highest and two lowest numbers. This will be carried out for adult prisons and jails as well as juvenile facilities and community corrections centers. 3 Members <ul style="list-style-type: none"> Gwendolyn Chunn Dr. Reginald A. Wilkinson Sharon English

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Topic	Speaking Points
National Prison Rape Elimination Commission 	<ul style="list-style-type: none"> • 9 members authorized (8 served) • Charge <ul style="list-style-type: none"> ◦ Conduct legal and factual study of the effects of prison rape in the US ◦ Recommend national standards <ul style="list-style-type: none"> ▪ Consultation with accreditation organizations ▪ Can't impose something that would mandate substantial increased costs to agency ▪ Hold hearings • Issue report w/in 2 years of initial meeting [June 23, 2009]
Commission Findings 	<ul style="list-style-type: none"> • Protecting inmates from sexual abuse remains a challenge correctional facilities across the country. • Sexual abuse is not an inevitable feature of incarceration -- leadership matters. • Certain individuals are more at risk of sexual abuse than others.
Commission Findings 	<ul style="list-style-type: none"> • Few correctional facilities are subject to the kind of rigorous internal monitoring and external oversight that would reveal why abuse occurs and how to prevent it. • Many victims cannot safely and easily report sexual abuse, and those who speak out often do so to no avail. • Victims are unlikely to receive the treatment and support known to minimize the trauma of abuse.
Commission Findings 	<ul style="list-style-type: none"> • Juveniles in confinement are much more likely than incarcerated adults to be sexually abused, and they are particularly at risk when confined with adults. • Individuals under correctional supervision in the community are at risk for sexual abuse. • A large and growing number of detained immigrants are in danger of sexual abuse.
Structure of Juvenile Standards	<ul style="list-style-type: none"> • Table of Contents • Preface • Compliance guide

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Topic	Speaking Points
	<ul style="list-style-type: none"> • Glossary • Standards <ul style="list-style-type: none"> ◦ Standard ◦ Discussion ◦ Checklist
Standards Include 	<ul style="list-style-type: none"> • Leadership and Accountability • Prevention • Detection and Response • Monitoring
Standards Example 	<ul style="list-style-type: none"> • PP-3 <u>Resident Supervision.</u> <ul style="list-style-type: none"> ◦ Summary: Direct care staff provides the resident supervision necessary to protect residents from sexual abuse. Requires facility supervisors to review critical incidents and examine potential problems that could have led to the abuse. When problems or needs are identified, facility administrators and supervisors are to take corrective action.
Compliance Checklist 	<ul style="list-style-type: none"> • PP-3 <u>Resident Supervision.</u> <p><i>This is a sample compliance checklist for the resident supervision standard. This is a guideline for compliance. You must complete it, but there is also room to explain how you meet the standard in a different way.</i></p>





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Topic	Speaking Points
Standards Example 	<ul style="list-style-type: none"> • DC-2 <u>Data Collection</u> <ul style="list-style-type: none"> ◦ Summary: The agency collects accurate, uniform data for every reported incident of sexual abuse using a standardized instrument and set of definitions. Data is aggregated annually and includes data necessary to satisfy annual BJS Surveys. Data is obtained from multiple sources, including contracted facilities.
Compliance Checklist 	<ul style="list-style-type: none"> • DC-2 <u>Data Collection</u> <i>This is a sample compliance checklist for the data collection standard. Again, this is a guideline for compliance. You must complete it, but there is also room to explain how you meet the standard in a different way.</i>

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Topic	Speaking Points
Adoption and Effect of National Standards 	<ul style="list-style-type: none"> • A year after National Prison Rape Elimination Commission issues report, AG publishes a final rule with standards <ul style="list-style-type: none"> ◦ 90 days after publication -- transmission to state departments of correction ◦ FBOP is immediately covered by rule ◦ Possible reduction of 5% each year for failure to meet the standard ◦ Annual report on non-compliance
What is Happening Now 	<ul style="list-style-type: none"> • Attorney General Working Group <ul style="list-style-type: none"> ◦ Composition <ul style="list-style-type: none"> ▪ NIC, OJJDP, HHS, BJA, NIJ, BOP, OJP, ICE, HS ◦ Tasks <ul style="list-style-type: none"> ▪ Review standards one by one ▪ Commissioned a cost study (OJP) ▪ Established a framework for public comments on the standards • Prediction <ul style="list-style-type: none"> ◦ Strong aggressive standards that are similar to what the NPRE Commission proposed
What States are Doing Now 	<ul style="list-style-type: none"> • Compliance • Early Adopters
What does this mean? 	<ul style="list-style-type: none"> • Increased scrutiny at state, federal and local level on custodial sexual abuse • Enhanced focus on investigations, prosecution and administrative sanctions • Services for victims
What does this mean?	<ul style="list-style-type: none"> • Reentry services for victims and perpetrators and role of

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Topic	Speaking Points
	community corrections <ul style="list-style-type: none"> • Set of national standards that establish minimum standards for addressing sexual violence in custody
Unresolved Issues 	<ul style="list-style-type: none"> • Who defines compliance? • Who monitors compliance? • The existence of a body to continue to refine the standards • The availability of funding to assist in implementing the standards and developing best practices

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Module 3:

Adolescent Development

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50

Module 3: Adolescent Development

Time: 1 hour

Module Learning Objectives:

1. To understand and identify components of adolescent development.

Resources Needed:

LCD projector and laptop computer
Easel pad, tape and markers



Participant Notebook Handouts:

PowerPoint®
Facts for Families
The Adolescent Brain and Cognitive Development
Adolescent Emotional Development and Romantic Attachments
The Complexities of Sexual Decision Making in Adolescence
Stages of Adolescent Development Chart




PowerPoint® Program:

Module 3: Adolescent Development




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Topic	Speaking Points
<p>Intro</p> 	<p><i>Ask people in the room to describe the youth they work with.</i></p> <p><i>Example Responses include:</i></p> <ul style="list-style-type: none"> - <i>Wannabe thugs</i> - <i>Thugs</i> - <i>Creative</i> - <i>Impulsive</i> - <i>Oppositional</i> - <i>Risk takers</i> - <i>Aggressive</i> - <i>Moody</i> - <i>No respect for authority</i> - <i>Tied to peer groups</i> - <i>Dramatic</i> - <i>Fairness fanatics</i> - <i>Egocentric</i> - <i>Impressionable</i> - <i>Manipulative</i> - <i>Teachable</i> - <i>Future</i> <p><i>What is normal adolescent behavior v. teens in custody?</i></p> <p><i>We need to encourage and sponsor youth growth and ensure they go thru it in a positive way.</i></p> <p><i>Why should we teach our staff about adolescent development? Discuss.</i></p> <p><i>If we don't talk about this, how will staff know what to expect and how to react to youth? When you understand "why" someone may be doing a particular action or saying something, you are more apt to respond more appropriately. You may also find it useful to know about cognitive development in working with other staff!</i></p>
<p>Objective</p> 	<p>Understand and identify the components of adolescent development.</p>



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Topic	Speaking Points
Types of Adolescent Development 	<p>There are five types of adolescent development:</p> <ul style="list-style-type: none"> • Brain Development • Cognitive Development • Behavioral Development • Emotional Development and Romantic Attachments • Sexual Development
Brain Facts 	<ul style="list-style-type: none"> • Weighs approximately 3 pounds • Has approximately 100 billion neurons and 1 trillion supporting cells • Controls all activities • It and the environment are involved in a very delicate balance • Never stops adapting or changing <p><i>Neurons are building blocks of the brain; this is who we are and it makes us up. It affects the way we approach our environment.</i></p> <p><i>The brain grows from birth to death, but from ages 1-10 the brain grows the most- and keeps growing and developing throughout life.</i></p>
Brain Development 	<p><i>This is a picture of the brain. The right side of the brain is the creative and artistic side. It can process things all at once and is in charge of mood, sensation, emotion. The left side of the brain is for language. It is in charge of spatial recognition and is organized and detailed.</i></p> <p><i>The following are descriptions of the sections of the brain.</i></p> <p><i>Frontal Lobe: higher level functioning, high level thinking, order, motivation, planning</i></p> <p><i>Temporal Lobe: Associated with hearing and smell but also emotional, regulates the drive for pleasure; fully developed by 18 or 19</i></p> <p><i>Parietal Lobe: Sensory input– touch, taste</i></p> <p><i>Occipital Lobe: Vision</i></p> <p><i>Stem: Most primitive- food, breathing, heart beat</i></p>





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Topic	Speaking Points
	<p><i>Parietal and Occipital Lobe- developed by adolescence</i></p> <p><i>Brain does function together and is affected by each part</i></p>
<p>The Teenage Brain</p> 	<ul style="list-style-type: none"> • Not fully developed • Temporal Lobe fully matures at age 18-19 <ul style="list-style-type: none"> ◦ (emotional regulation, motivation drives- i.e. fear, anger, and pleasure) • Frontal Lobe fully matures at age 24 <ul style="list-style-type: none"> ◦ (judgment, reasoning, problem solving, rational decision making) <p><i>Teenagers know they like pleasure BUT have a hard time regulating emotions– this is a direct correlation to development and gives credence to the idea that consequences should be different for kids and adults.</i></p> <p><i>The frontal lobe—the highest level of functioning develops but youth are different in their thinking ability. For example, they are interested in problem solving- the idea that he or she wants pleasure but there is a lesser ability to weigh consequences of seeking that pleasure</i></p>
<p>Implications of Brain Development</p> 	<ul style="list-style-type: none"> • The teenage brain and the adult brain are different <ul style="list-style-type: none"> ◦ The teen has a fully developed language and spatial ability and can look very mature ◦ the areas of the brain that regulates emotional regulation, decision making, risk assessment, and rational decision making do not develop until adulthood
<p>Cognitive Development</p> 	<ul style="list-style-type: none"> • Toddlers- Preschool <ul style="list-style-type: none"> ◦ Learn language ◦ Recognizes objects • Age 6-12 years old



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Topic	Speaking Points
	<ul style="list-style-type: none"> Thinking in a concrete manner Stage related skills <p><i>The brain develops from the back to the front. We will be talking about how that is relevant to the youth we see.</i></p> <p><i>Many of the youths in the juvenile justice system have missed normal cognitive development because they were maltreated and experienced trauma. Many get stuck in a hyper-vigilance state.</i></p>
Cognitive Development 	<ul style="list-style-type: none"> Early adolescence (ages 11-14) <ul style="list-style-type: none"> Use of complex thinking focused on decision-making that is personal Choices about home, school, peers and relationships Question authority. Limited in custody. <p><i>Many seem oppositional but they may in fact just be responding to lack of normal cognitive growth.</i></p> <ul style="list-style-type: none"> Determines personal appearance.
Cognitive Development 	<ul style="list-style-type: none"> Middle adolescence (ages 15-17) <ul style="list-style-type: none"> Initiation of an individual code of ethics Increased analysis of issues and concerns Awareness of different possibilities for the development of individual identity (including gender orientation) Recognition of future goals and plans - they generally sit down with a school counselor in 9th grade
Cognitive Development	<ul style="list-style-type: none"> Late Adolescence (ages 17-19 years, also known as “emerging adulthood”)




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Topic	Speaking Points
	<ul style="list-style-type: none"> ○ Increased thought on more global concepts ○ Development of idealistic views ○ Engages in debate with peers and parents ○ Thinking on career decisions ○ Recognition of role in adult society (including sexual relationships) <p><i>What is the age of juveniles in your custody? How might this affect how you work with them?</i></p>
Cognitive Development 	<ul style="list-style-type: none"> ● Abstract thinking <ul style="list-style-type: none"> ○ Can think about abstract concepts ○ Become able to understand “shades of gray” in situations and examine and express their inner experiences ○ Begin to consider possible outcomes and consequences of actions. This type of thinking is important in long-term planning.
Cognitive Development 	<ul style="list-style-type: none"> ● Problem-solving <ul style="list-style-type: none"> ○ The ability to systematically solve a problem in a logical, methodical way emerges <ul style="list-style-type: none"> ▪ Quickly plan an organized approach ▪ Draw conclusions from the information available
Cognitive Development 	<ul style="list-style-type: none"> ● Executive functioning (attention deficit, highly genetic) <ul style="list-style-type: none"> ○ The set of mental processes that help individuals make connections between past experience and present action <ul style="list-style-type: none"> ▪ planning ▪ organizing ▪ strategizing ▪ paying attention to and remembering details





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Topic	Speaking Points
	<p><i>The prefrontal cortex affects the executive functioning abilities and is still developing during adolescence: Most of us would say if there is going to be bad traffic, I need to leave early. It looks like rain, I had better take an umbrella. Often, this kind of thinking and processing does not occur in adolescence and for some into adulthood.</i></p>
Cognitive Development 	<ul style="list-style-type: none"> • Different executive functions include <ul style="list-style-type: none"> ◦ Inhibition of inappropriate behavioral or emotional responses ◦ Ability to think things through ◦ Can switch among problem-solving strategies ◦ Executive functioning is mediated by the prefrontal cortex which continues to develop during adolescence <p><i>When youths have used substances or experienced a trauma (such as physical/ sexual abuse) during childhood or adolescence, it often arrests normal development. Factors such as duration and frequency can determine the level of impact.</i></p> <p><i>How many of you have seen a delayed development in some youth due to trauma? Show of hands.</i></p> <p><i>Can someone share an example or story? Discuss.</i></p>
Behavioral Development 	<p>Erik Erikson - a leader in looking at development, made the following statement:</p> <p>“Growth consists of a series of challenges... each successive step is a potential crisis because of a radical change in perspective... different capacities use different opportunities to become full-grown components of the ever-new configuration that is the growing personality.”</p> <p>- Identity and the Life Cycle</p>
Behavioral Development	<ul style="list-style-type: none"> • Identity vs. Role Confusion (12 -18 years) <ul style="list-style-type: none"> ◦ During this stage of psychosocial development individuals:





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Topic	Speaking Points
	<ul style="list-style-type: none"> ▪ Develop a desire for independence from parents/caregivers as they achieve physical maturity ▪ Are concerned with the question of “who will I become?” ▪ Feel inherently insecure about themselves and become highly dependent upon the peer group for support and therefore are susceptible to peer pressure. <p><i>Being in a juvenile facility during this time may create the perfect opportunity for them to form a negative identity and negative peer groups.</i></p>
<p>Behavioral Development</p> 	<ul style="list-style-type: none"> • Becoming autonomous <ul style="list-style-type: none"> ◦ Increased independent functioning ◦ Increased self-reliance ◦ Rule and limit testing <p><i>What is the impact of trying to become autonomous in custody?</i></p>
<p>Behavioral Development</p> 	<ul style="list-style-type: none"> • Sense of invincibility <p><i>This is more pronounced in youths in detention. They feel that consequences are not going to catch up with them.</i></p> <ul style="list-style-type: none"> ◦ Invincible: incapable of being conquered overcome or subdued. More pronounced in high-risk youth. ◦ Newly enhanced physical and cognitive abilities, combined with increased independence make teenagers feel very powerful ◦ Results in risky behaviors because they feel as though consequences will not apply to them.




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Topic	Speaking Points
Emotional Development 	<ul style="list-style-type: none"> Three categories of emotional development: <ul style="list-style-type: none"> Early adolescence (12-14 years) Middle adolescence (14-17 years) Late adolescence (17-19 years)
Emotional Development 	<ul style="list-style-type: none"> Stages of emotional development <ul style="list-style-type: none"> Independence Emotions and affect Relationships Physical appearance and body School, work and career Sexuality and romantic attachments
Emotional Development: Early Adolescence 12-14 	<ul style="list-style-type: none"> Independence <ul style="list-style-type: none"> New sense of identity Emotions and affect <ul style="list-style-type: none"> Mood swings, enhanced ability to describe emotional state. Compounded by frustrations associated with being incarcerated. Relationships <ul style="list-style-type: none"> Close friendships become important, disrespect, irritability, same-sex friends and activities
Emotional Development: Early Adolescence 12-14 	<ul style="list-style-type: none"> Physical appearance and body <ul style="list-style-type: none"> Peer group influences interests clothing School, Work, Career <ul style="list-style-type: none"> Greater ability to work, ethics and self direction established <p><i>Think about young drug dealers or car thieves—they are very industrious but they do not appreciate the consequences of their actions</i></p> <ul style="list-style-type: none"> Sexuality and Romantic Attachments <ul style="list-style-type: none"> Girls entering puberty




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Topic	Speaking Points
Emotional Development: Middle Adolescence 14-17 	<ul style="list-style-type: none"> • Independence <ul style="list-style-type: none"> ◦ Independence revealed through self-improvement • Emotions and Affect <ul style="list-style-type: none"> ◦ Examination of inner-experiences periods of sadness • Relationships <ul style="list-style-type: none"> ◦ Protest parental involvement in social life, lowered opinion of parents, efforts to make new friends. Limited in custody.
Emotional Development: Middle Adolescence 14-17 	<ul style="list-style-type: none"> • Physical Appearance and Body <ul style="list-style-type: none"> ◦ Focus and concern with appearance, stranger in one's body • School, Work Career <ul style="list-style-type: none"> ◦ More evidence of conscience, greater capacity for setting goals • Sexuality and Romantic Attachments <ul style="list-style-type: none"> ◦ Concerns about sexuality and sexual attractiveness, sexual energies directed into safe interests (sports, socializing in groups)
Emotional Development: Late Adolescence 17-19 	<ul style="list-style-type: none"> • Independence <ul style="list-style-type: none"> ◦ Self-reliability and independent decision-making. Limited in custody • Emotions and Affect <ul style="list-style-type: none"> ◦ Ability to delay gratification, increased emotional stability, self-regulation • Relationships <ul style="list-style-type: none"> ◦ Greater concern for others, acceptance of family
Emotional Development: Late Adolescence 17-19 	<ul style="list-style-type: none"> • School, Work, Career <ul style="list-style-type: none"> ◦ More defined work habits, stability of interest, pride in one's work, ability to set and follow through with goals • Sexuality and Romantic Attachments




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Topic	Speaking Points
	<ul style="list-style-type: none"> ◦ Concern with serious relationships, clear sexual identity, capacity for caring and sensitivity, sensual love
Adolescent Sexual Development 	<ul style="list-style-type: none"> • Sigmund Freud’s Genital Phases of Psychosexual Development • According to Freud, the genital phase lasts seven years, from ages 11 to 18. The person seeks associations with members of his or her own sex and as this period progresses, the heterosexual and homosexual tendencies are more defined.
Additional Aspects of Adolescent Sexual Development 	<ul style="list-style-type: none"> • Display shyness blushing, modesty, crushes • Girls develop sooner than boys • Increased interest in sex or sexual behavior (<i>sexting or provocative dress</i>) • Concerns about physical appearance and sexual attractiveness • Masturbation • Sexual experimentation. Feelings of love and passion.
Age-related Sexual Behaviors 	<ul style="list-style-type: none"> • Ages 9-14 <ul style="list-style-type: none"> ◦ Experimenting with non-intercourse sexual behavior, increase of oral sex and masturbation • Ages 13-17 <ul style="list-style-type: none"> ◦ More frequent sexual experimentation and the first intercourse • Ages 17+ <ul style="list-style-type: none"> ◦ Sexual behavior and sexuality may become more related to commitment and future <p><i>All of these are affected by culture, family and opportunity.</i></p>
Gender-related Sexual Development	<ul style="list-style-type: none"> • Females: <ul style="list-style-type: none"> ◦ Menarche - the first menstrual period

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Topic	Speaking Points
	<ul style="list-style-type: none"> ▪ From both social and medical perspectives it is often considered the central event of female puberty as it signals the possibility of fertility. ▪ Timing of menarche is influenced by both genetic and environmental factors, especially nutritional status. ▪ The average age of menarche in the United States is about 12 years and 6 months <p><i>We can't assume the youths we see have received any sex education and understand how their body works or what they have learned is accurate. There is some debate about why girls are starting their periods earlier and earlier—as early as 9. Some research suggests growth hormone fed to cows is passed down through dairy products.</i></p>
<p>Gender-related Sexual Development</p> 	<ul style="list-style-type: none"> • Males <p><i>It is interesting that we talk about girls having their first period but we rarely talk about boys and when they develop sexuality.</i></p> <ul style="list-style-type: none"> ◦ Spermatarche: Male's first ejaculation <ul style="list-style-type: none"> ▪ The male version of menarche ▪ It is usually experienced between the ages of 10 and 14, with a mean age of 13.5 ▪ Almost always incited from masturbation or nocturnal emission ▪ Important step in the transition from boyhood into manhood ▪ Most boys unable to sire children immediately after spermatarche
<p>Development and Youth in Custody</p> 	<ul style="list-style-type: none"> • Custody places limits on their adolescent development in unique and specific ways <ul style="list-style-type: none"> ◦ Family and family environment is absent ◦ Asserting independence is restricted ◦ Healthy sexual development and questioning

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Topic	Speaking Points
	is severely limited
Development and Youth in Custody 	<ul style="list-style-type: none"> • Many, if not most, youth have significant histories of complex trauma • Many lack appropriate adult role models or healthy, trusted adults
Development and Youth in Custody 	<ul style="list-style-type: none"> • BUT custody can provide adolescents with highly structured environments that include healthy, pro-social adult role models. • Adolescents have an opportunity to develop in ways that are free from high-risk behaviors that otherwise interfere with and stunt their growth.
Development and Youth in Custody 	<ul style="list-style-type: none"> • There are limitations on adolescent cognitive development in custody <ul style="list-style-type: none"> ◦ being away from family and mainstream school. • BUT custodial care can promote: <ul style="list-style-type: none"> ◦ Cognitive development by providing a highly structured environment and daily routines with positive adult role models ◦ Prevention of school absenteeism or high risk behaviors that interfere with cognitive development.

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Module 4: Sexuality

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64

Module 4: Sexuality

Time: 1 hour 30 minutes

Module Learning Objectives:

1. Define human sexuality
2. Define and understand gender terminology
3. Understand sexual orientation
4. Understand the intersection of gender and sexuality
5. Identify and understand a youth's values about life, love and relationships

Resources Needed:

LCD projector and laptop computer
Easel pad, tape and markers



Participant Notebook Handouts:

PowerPoint®
Sexuality Issues for Adolescents with Physical and/or Developmental Disabilities
Adolescents and Non-consensual Sex
Sexuality and Sexual Behaviors in Adolescence


PowerPoint® Program:

Module 4: Sexuality




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Topic	Speaking Points
Sexuality 	<i>It is not the norm to teach about sexuality in corrections classes but it is almost impossible to understand the complexities of sexual abuse cases without it. We are talking about working with youth who are developing rapidly and who may have limited and incorrect knowledge and education about their bodies. That same lack of information is present for adults. Where did we get our information? Are we current on thinking in this area?</i>
Objectives 	<ul style="list-style-type: none"> • Define human sexuality • Define and understand gender terminology • Understand sexual orientation • Understand the intersection of gender and sexuality • Identify and understand a youth's values about life, love and relationships
Activity: Sexuality Quiz	<p><i>Let's start out by taking a little quiz. Get out a piece of paper and write the numbers 1-4 down the left-hand side. You will not be turning this in. Here is your first question, true or false:</i></p> <ol style="list-style-type: none"> 1. A transvestite is always gay ... True or False? 2. An Intersex individual is _____ 3. _____ % of high school aged youth identify as gay, lesbian, or bi-sexual? 4. I learned about sex from _____ 5. <i>Instruct the class to write a question they have about sex on an index card and drop it in a basket. Make sure they do not include their name.</i> <p><i>Now, I would like you to stand up and with your piece of paper, find someone in the room you don't know and pair up with them. You will have about four minutes to compare your answers and try to determine the correct answer. You may begin.</i></p> <p><i>After four minutes have participants take their seats.</i></p> <p><i>What was this experience like for you? Discuss.</i></p> <p><i>Sample responses include:</i></p>




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Topic	Speaking Points
	<ul style="list-style-type: none"> • I was embarrassed • I was afraid I would look dumb not knowing the right answer especially about sex; • I wanted to look good with my peers; • I found question four the most personal; • I laughed because I was uncomfortable. <p><i>Discuss these emotions and the correct answers below.</i></p> <ol style="list-style-type: none"> 1. False 2. A person born with both male and female genitalia 3. 5-10% 4. No correct answer. It is very individual. 5. <i>Read the questions out loud to the group. You do not need to answer them but give participants an idea of what the questions are. This just goes to show that everyone has questions.</i> <p><i>We will be discussing these four things throughout this module. Now, let's discuss the meaning of some basic terms.</i></p>
<p>Human Sexuality 101</p> 	<ul style="list-style-type: none"> • Sex: <ul style="list-style-type: none"> ◦ Biology and anatomy (external sex organs, internal sex organs, and secondary sexual development at puberty) • Gender: <ul style="list-style-type: none"> ◦ The set of qualities and behaviors expected from a female or male by society <ul style="list-style-type: none"> ▪ Learned and can be affected by factors such as education, culture or class ▪ Vary widely within and among cultures ▪ Socially determined and can evolve over time <p><i>Examples include men work and women stay at home; women are more maternal; men like sports</i></p>
<p>Human Sexuality 101</p>	<ul style="list-style-type: none"> • Sexuality: <ul style="list-style-type: none"> ◦ The interplay of physical, psychological,






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Topic	Speaking Points
	<p>social, emotional and spiritual makeup of an individual</p> <ul style="list-style-type: none"> ▪ Encompasses gender, gender roles, gender identity, sexual orientation, sexual preference, and social norms as they affect physical, emotional and spiritual life ▪ Defined by sexual thoughts, desires and longings, erotic fantasies, turn-ons and experiences <ul style="list-style-type: none"> • The Act of Sex: <ul style="list-style-type: none"> ◦ Any form of insertive sexual behavior, including oral sex, anal sex, intercourse or all of these behaviors <p><i>What about other kinds of behaviors? Rubbing, touching, viewing or talking for example. Discuss the differences in thinking about this.</i></p>
<p>Gender Terminology</p> 	<ul style="list-style-type: none"> • Sexual Orientation <ul style="list-style-type: none"> ◦ The desire for intimate emotional and sexual relationships with people of the same sex (homosexual), the other sex (heterosexual), or both sexes (bisexual) • Gender Identity <ul style="list-style-type: none"> ◦ A person's sense of being male or female • Homosexual: <ul style="list-style-type: none"> ◦ A person primarily emotionally, physically, and/or sexually attracted to members of the same sex (gay man/lesbian woman)
<p>Gender Terminology</p> 	<ul style="list-style-type: none"> • Heterosexual: <ul style="list-style-type: none"> ◦ A person primarily emotionally, physically, and/or sexually attracted to members of the opposite sex • Transgender: <ul style="list-style-type: none"> ◦ Transsexuals, transvestites, cross-dressers, or anyone who tends to blur traditional







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Topic	Speaking Points
	<p>gender boundaries</p> <ul style="list-style-type: none"> • Bisexual: <ul style="list-style-type: none"> ◦ A person primarily emotionally, physically, and/or sexually attracted to members of the same, as well as the opposite sex
<p>Gender Terminology</p> 	<ul style="list-style-type: none"> • Transsexual <ul style="list-style-type: none"> ◦ A person who strongly identifies with the opposite gender, usually includes a desire to actually be the opposite sex. Most often refers to a person who has had a sex change operation. • Transvestite <ul style="list-style-type: none"> ◦ Someone who derives sexual pleasure from dressing in clothing generally identified with the opposite sex. While the terms homosexual and transvestite have been used synonymously, they are in fact two different terms. The majority of transvestites are heterosexual. Cross-dressing that does not include any sexual gratification is usually referred to as DRAG.
<p>Sexual Orientation</p> 	<ul style="list-style-type: none"> • Gay – generally refers to men • Lesbian - female • Trans-gendered – all the categories where traditional sexual boundaries are blurred • Intersex – a person born with both male and female genitalia
<p>Sexuality: Healthy Development for Adolescence</p> 	<p><i>In the previous module, we talked about adolescent development. Now, how do we ensure that youth in custody have a healthy development around sexuality? This is a safety issue. Here are some “general” guidelines subject to parental and religious beliefs and values.</i></p>
Age 5: Know	<i>These are some things that youth should know about their</i>





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Topic	Speaking Points
	<p><i>sexuality.</i></p> <ul style="list-style-type: none"> • Love should make people feel good, safe and wanted • People's bodies are different sizes, shapes and colors • People's bodies belong to themselves • It takes genetic material from a woman and a man to make a baby (<i>this may be subject to discretion since there are gay couples or single individuals who have children too</i>)
<p>Age 5: Ability to</p> 	<ul style="list-style-type: none"> • Talk privately with trusted adults about sexual issues, questions, and concerns • Use correct terms for all sexual body parts (<i>not using derogatory terms or slang terms</i>) • Say "no" to unwanted or uncomfortable touch
<p>Age 6-9: Know</p> 	<ul style="list-style-type: none"> • Everyone has sexual thoughts and fantasies and this is normal • Sexual identity includes sexual orientation - lesbian, gay, straight or bisexual • About sexual abuse and its dangers - that sexual predators may seem kind, giving and loving, and may be friends or family members (teach what to avoid, not whom to avoid). Internet dangers should also be included.
<p>Age 6-9: Ability to</p> 	<ul style="list-style-type: none"> • Take an active role in managing their body's health and safety • Recognize and protect themselves from potential sexual abuse and its dangers • Develop, maintain and end friendships
<p>Age 10-12: Know</p> 	<ul style="list-style-type: none"> • The range of times at which normal developmental changes begin, including normal differences in the timing of these events for girls and boys • How female and male bodies grow and differ • That emotional changes are common and to be expected during this time <p><i>What about a positive view of sex? Can we teach that?</i> <i>Discuss.</i></p>





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Topic	Speaking Points
Age 10-12: Know 	<ul style="list-style-type: none"> • How to protect against pregnancy • That masturbation is common. It is normal to masturbate, but only in private • About rape, what it is and ways to prevent it • About sexually transmitted infections - transmission, prevention and treatment
Age 10-12: Ability to 	<ul style="list-style-type: none"> • Understand and expect that their bodies will be changing and know that the differences between themselves and their peers are normal • Take care of their personal hygiene during menstruation or after having wet dreams
Age 13-18: Know 	<ul style="list-style-type: none"> • About the range of difference in sexual behaviors and relationships, including abstinence, marriage and domestic partnership, and opposite and same sex partnering • About the potential consequences of sexual relationships • That everyone has the right not to have sex
Age 13-18: Ability 	<ul style="list-style-type: none"> • Recognize sexuality as a positive aspect of one's personality • Take responsibility for their choice and behaviors related to sexuality • Recognize the probability of becoming or making someone pregnant as a result of unprotected vaginal intercourse • Understand the challenges of adolescent pregnancy
Age 13-18: Ability 	<ul style="list-style-type: none"> • Be comfortable in asking about and obtaining contraception • Understand sexual exploitation among adolescents • Avoid unwanted or inappropriate sexual experience
Age 13-18: Ability 	<p><i>A lot of the youths we work with have experienced sexual abuse so they are confused about what is appropriate and what is inappropriate. So it is critical that they know how to do the following:</i></p> <ul style="list-style-type: none"> • Assert oneself when refusing to participate in sexual activities, or when insisting on the use of birth





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Topic	Speaking Points
	<p>control and safer sex</p> <ul style="list-style-type: none"> Communicate clearly, including being able to talk with one's actual or potential partner about sexual behavior
Sexual Behaviors: Youth in Custody 	<p><i>What are some of the unique concerns about sexual behaviors and youth in custody? Discuss.</i></p>
Policy: Restrictions on Sexual Behaviors 	<ul style="list-style-type: none"> Policies against sexual behavior are often at odds with adolescent sexual development Each institution needs to have realistic and clear rules Rules must balance creating a safe, structured environment with the reality that teenagers may engage in benign, age-appropriate normative behaviors such as hand holding or giving a quick hug.
Policy: History and Backgrounds of Youth 	<ul style="list-style-type: none"> Know the child's history as it relates to sexual abuse, sexual acting-out and sexual assault Speak with parents/caregiver, probation officers, social workers, or other people involved with the case
Policy: History and Backgrounds of Youth 	<ul style="list-style-type: none"> When an individual has a concerning history or is at risk as a perpetrator <ul style="list-style-type: none"> Take action to make all caregivers aware of the risk Take steps to ensure that he or she is not given time or opportunity to act out against another adolescent Provide appropriate treatment for the behavior. <p><i>How do we determine risk? Do the PREA Standards help? Discuss.</i></p>
Policy: History and	<ul style="list-style-type: none"> If an individual has a concerning history of being




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Topic	Speaking Points
Backgrounds of Youth 	<p>victimized.</p> <ul style="list-style-type: none"> ○ He or she may be suffering from Post Traumatic Stress Disorder (PTSD) symptoms ○ May present with sleep disturbance ○ May refuse to shower ○ Adopt other oppositional behaviors to keep safe <p><i>What do we do with these kids affirmatively? Discuss.</i></p>
Policy: Employee Background Checks and Ongoing Evaluations 	<ul style="list-style-type: none"> • Most states have mandatory policies regarding criminal background checks and fingerprinting for employees • Some individuals drawn to work with youth in custodial settings want access to this vulnerable population
Policy: Employee Background Checks and Ongoing Evaluations 	<ul style="list-style-type: none"> • Supervisors and coworkers need to be aware of the possibility that child abuse and maltreatment may be taking place • This is not to create an environment of suspicion and mistrust, it is meant to be a collective effort to keep adolescents in custodial care safe
Keeping Kids Safe- Red Flags 	<p><i>Have the participants identify red flags for abuse for staff and youth based on past cases.</i></p> <ul style="list-style-type: none"> • Verbal come-ons • Flirting or non-verbal signals <ul style="list-style-type: none"> ○ Staring ○ Gaining and maintaining proximity to a youth • Unwanted touching or sexual abuse takes place • Rule violations—food, money, contact with youth post-custody • Constant contact with a particular youth

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Topic	Speaking Points
Keeping Kids Safe- Action 	<ul style="list-style-type: none"> • Harassment Policy <ul style="list-style-type: none"> ◦ Staff ◦ Youth • Training <ul style="list-style-type: none"> ◦ Staff ◦ Youth • Consistent Enforcement <ul style="list-style-type: none"> ◦ Staff ◦ Youth
Special Concerns: Sexual Minorities 	<p><i>What does a youth program or facility do to address the special concerns of sexual minorities? Is it important to do?</i></p> <p><i>Yes. Remember; between 5-10% of high school aged youth identify as gay, lesbian or bi-sexual. That could be 1 in 10 of your youth.</i></p>
Sexual Self-concept, Orientation, and Identity 	<ul style="list-style-type: none"> • Evaluation of sexual feelings and actions • Key developmental tasks of adolescence • Experience first adult erotic feelings • Experiment with sexual behaviors • Develop a strong sense of their own gender identity and sexual orientation
Risk Factors for GLBTQQ Youth 	<ul style="list-style-type: none"> • Homophobia <i>Other youths make fun of them as they are getting a handle on their own sexuality</i> • Hate crimes <i>Being a victim of violence because of their sexual status—real or perceived</i> • Homelessness <i>Youth become isolated, rejected by family and friends</i> • Suicide Risk <i>About 30% of all suicide attempts done by sexual minorities</i>

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Topic	Speaking Points
Recommendations for Dealing with GLBTQQ Youth 	<ul style="list-style-type: none"> • Have policies against homophobic remarks • Enforce policies swiftly and consistently • Be sensitive in responding to same-sex partnership
Recommendations for Dealing with GLBTQQ Youth 	<ul style="list-style-type: none"> • Include respect for others and sexual orientation as part of orientation and as part of any human development classes. • Same-sex partnerships present a challenge when a couple may be sharing a room and may need to be separated. <p><i>How do or could you do this? Discuss.</i></p>
Discussion: Why Understanding Sexuality is Important 	<p><i>Why is all this information important to know in your line of work? Discuss.</i></p> <p><i>Example responses include:</i></p> <ul style="list-style-type: none"> • separating different aged youth • doing socially and developmentally appropriate activities • having targeted expectations • knowing when to seek more help for the youth (such as a psycho-social testing, outside resources) • presenting regionally/culturally realistic information, saying “that isn’t appropriate conduct and this is why” • be more knowledgeable about what is age appropriate • what do you set yourself up for if you teach a sexual curriculum and on the opposite side, what if you don’t do anything if you see an inappropriate behavior • you have to show that you respect the youths and their abilities or they will shut you out • we need to educate the parents of these youths about this, not just staff. <p><i>How do you operationalize this knowledge? If these youths have a prefrontal cortex that is still under construction,</i></p>

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Topic	Speaking Points
	<i>what do you do? What difference does that make? We need to think about this and determine what we can tailor to meet our needs.</i>

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Module 5: Action Planning

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77

Module 5: Action Planning

Time: 30 minutes

Module Learning Objectives:

1. Understand the purpose of Action Plan
2. Understand how to complete the Action Plan
3. Understand the expectations for presenting the Action Plan

Resources Needed:

LCD projector and laptop computer
Easel pad, tape and markers
Flash Drive with Action Planning Document






Participant Notebook Handouts:

PowerPoint®
Action Planning instructions and examples



PowerPoint® Program:

Module 5: Action Planning”

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Topic	Speaking Points
Action Plan 	<p><i>As we go through the week, we hope you are taking notes of things you want to do when you get back. It is up to you what you want and need to do. Starting on Thursday, you are going to share and present your action plan to the full group. You are going to get suggestions from other people. We will give you time to work on your action plans in the evening and at various points throughout the training.</i></p> <p><i>Handout “flash drives”(computer memory sticks) to participants, one per team, that includes the action plan form.</i></p>
Components of Response to Sexual Violence 	<p><i>Here are the components of your action plan. Think about each component and the timeframe for each. Responding to sexual abuse of youth in custody includes all these things. You need to look at training, PREA, classification, medical and mental health, culture, victimization, and so on. These things need to be considered in your action plan.</i></p>
Effective Responses to Sexual Abuse of Youth 	<p><i>You may have identified that prosecutors are a big issue so you are going to invite them to a PREA training. Who would you reach out to in the next 6, 18, 24 months? Identify things that are measurable, a dollar amount and who is responsible. These action steps are a commitment you - and your agency - are willing to make. You may find you want technical assistance or outside help. That is fine. That too can be an action step.</i></p>
Your Team’s Assignment: Prepare an Action Plan 	<ul style="list-style-type: none"> • Use the action plan format on your flashdrive <i>(or disk)</i> • Be specific - objectives must be measurable • Set your priorities • Be realistic about time lines • Identify person(s) responsible – by name! • Name the stakeholders • Identify any fiscal impact
Action Plan Form 	<p><i>Here is what the action plan looks like. We have all the action plans every team has done at our training back to 1998. We keep them on file and want to know what you have done with policy, investigations, with any changes you have made. We will need a</i></p>

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	<p><i>copy of your action plan too before you go. We are going to be checking in with you every year. There isn't a hammer. We just want to learn about your barriers and what NIC can do to help.</i></p> <p><i>Walk participants through the plan explaining how to fill it out.</i></p>
<p>Presentations and Expectations: Thursday and Friday</p> 	<p>Here is what you can expect:</p> <ul style="list-style-type: none"> • You will have time throughout the week to work on the action plan and your 15-minute presentation. • A sign-up sheet with times will be posted so you can select your presentation time. • Share the work with all your team. • Questions will be asked after our presentation • Help is available from the consultants as you develop your action plan • You are representing your agency
<p>Your Team's Presentation</p> 	<p>You are going to be talking about these five things:</p> <ol style="list-style-type: none"> 1. Summarize this week's discussions 2. Identify your agency's major challenges 3. Describe the biggest "ah ha" moment for your team as you considered all the issues discussed during this week? 4. Review your action plan 5. Be ready for questions from others in the class!
<p>Discussion: Applicability of PREA Standards</p>	<p><i>Ask participants to refer to their copy of the Juvenile Standards. Use this time to discuss the PREA Standards that apply to action planning. Discuss the standard as well as the compliance checklist.</i></p> <p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> 1. <i>Why is this standard important?</i> 2. <i>How does the agency comply with this standard?</i> <i>What do we do to demonstrate our compliance with this standard?</i> 3. <i>What else could/ should we do?</i>

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	<p><i>Standards that apply to action planning include:</i></p> <p><i>DC-3 Data Review for Corrective Action</i> <i>AU-1 Audit of Standards</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>
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Module 6:

A Comprehensive Model for Addressing Sexual Abuse of Youth in Custody

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82

Module 6: A Comprehensive Model for Addressing Sexual Abuse of Youth in Custody

Time: 1 hour

Module Learning Objectives:

1. Understand what is included in a comprehensive model to address sexual abuse of youth in custody
2. Identify each component of a comprehensive model
3. Understand how components of a comprehensive model to addressing sexual abuse of youth in custody intersect

Resources Needed:

LCD projector and laptop computer
Easel pad, tape and markers







Participant Notebook Handouts:

PowerPoint®



PowerPoint® Program:

Module 6: A Comprehensive Model for Addressing Sexual Abuse of Youth in Custody




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Topic	Speaking Points
Comprehensive Model 	<p><i>PREA asks us to create a zero tolerance for sexual abuse in our youth facilities. We must look at the big picture, be strategic and closely examine the issue of sexual abuse of youth in custody. There are many components to consider as you develop your plan.</i></p>
Objectives 	<ol style="list-style-type: none"> 1. Understand what is included in a comprehensive model to address sexual abuse of youth in custody 2. Identify each component of a comprehensive model 3. Understand how components of a comprehensive model to addressing sexual abuse of youth in custody intersect
Comprehensive Model 	<ul style="list-style-type: none"> • Creates a model of correctional management for effective practice versus an ad hoc response to crisis • Holds all components of the correctional system responsible • Creates multi-faceted approaches to the issue with many units working together
Comprehensive Model 	<ul style="list-style-type: none"> • Addresses more than the “sex” by acknowledging the role of culture in a given agency • Youth “on” youth and staff “on” youth sexual abuse must be understood in the context of an organization’s culture.
Comprehensive Model 	<p><i>Here are the components of an organization: culture, policy, training, leadership, law and operational practices. When you are trying to make changes, such as incorporating a zero tolerance policy and atmosphere about sexual abuse of youth in custody, you must look at each component. If you don’t, change may not occur or with only a handful of people or it will occur at a much slower pace. Let’s look briefly at each one of these components of a comprehensive model. We will be examining each of these elements separately in upcoming modules.</i></p>
Law 	<ul style="list-style-type: none"> • State criminal law and prosecution • State tort law • Federal law • Other state laws <p><i>We will be talking more specifically about laws in the module</i></p>






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Topic	Speaking Points
	<i>on state laws and legal liability.</i>
Policy 	<p><i>Policy sets the tone about everything, what is important, security issues, how do you make the definitions solid and are they empirically related to what you are trying to measure? There needs to be common definitions as to what is acceptable and not acceptable.</i></p> <p><i>Policies need to address the following elements:</i></p> <ul style="list-style-type: none"> • Classification • Sexuality • Sexual Assault • Medical and Mental health • Sexual Assault Response Teams (SART) • Grievance • Reporting • Investigations • Staff Sexual Misconduct • Data Collection <p><i>We will be going over each of these elements in more detail in the coming modules.</i></p>
Operational Practices/ Strategies 	<ul style="list-style-type: none"> • Classification <p><i>Have you classified them as an aggressor or a potential victim? What factors did you look at?</i></p> <ul style="list-style-type: none"> • Housing <p><i>How do you ensure the youth are safe, both physically and mentally?</i></p> <ul style="list-style-type: none"> • Supervision <p><i>It is everyone's responsibility</i></p> <ul style="list-style-type: none"> • Programs <p><i>Staff ensure that programs are specific to what that youth needs. Punishment often does more to satisfy the person giving out the punishment than changing the behavior of the individual receiving the punishment. How can programs help the youth?</i></p> <ul style="list-style-type: none"> • Work Assignments <p><i>Are they meaningful and do they help establish a work ethic?</i></p> <ul style="list-style-type: none"> • SART <p><i>How is information shared? Who is on the team?</i></p> <p><i>We will be talking more about operational practices and how to</i></p>




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Topic	Speaking Points
	<i>assess your own agency in a later module.</i>
Training 	<ul style="list-style-type: none"> Who <ul style="list-style-type: none"> Staff Youth <p><i>All get information at orientation and get a brochure, who to report to, how to report, grievance forms, posters are up with information.</i></p> <ul style="list-style-type: none"> Volunteers Contractors Comprehensive Curriculum
Leadership 	<ul style="list-style-type: none"> Leadership Style Priorities Communication Reward
Culture 	<p><i>“Culture is a system of commonly held values and beliefs that cause an organization to do what it does.”</i></p> <p><i>Why do you think culture is important to consider when developing a comprehensive plan or strategy to address sexual abuse with youth? Discuss.</i></p> <ul style="list-style-type: none"> Assessment <ul style="list-style-type: none"> Strengths Challenges Who wants change? <p><i>The Superintendent? You? A handful of malcontents? Do you need additional help?</i></p> <ul style="list-style-type: none"> How to make change <p><i>Will there be a committee? Are the people spearheading this effort respected by staff and youth?</i></p> <ul style="list-style-type: none"> Casualties in the process <p><i>Some staff may resign because “this isn’t what I signed up to do.” Some staff may try to undermine the efforts. Casualties become huge when the public and the stakeholders do not know what you are doing or are not brought along. There has to be a certain amount of safety when you are trying to make change.</i></p>
Why a Comprehensive Model is Important in Juvenile Settings?	<p><i>We have looked at the elements of a comprehensive model to address youth sexual misconduct: leadership, law, policies,</i></p>

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Topic	Speaking Points
	<p><i>culture, training and operational practices. Why should we even consider creating a comprehensive model? Discuss.</i></p> <ul style="list-style-type: none"> • Climate and safety in the facility • Staff/youth sexual activity • Youth-on-youth sexual activity • Mandatory reporting – we must report • Youth are a more vulnerable population • Care Networks <ul style="list-style-type: none"> ○ Parents ○ The committing juvenile judge ○ Child advocacy groups
Getting Started 	<ul style="list-style-type: none"> • Appointed a PREA coordinator • Director released first memo to staff outlining “Blue Print” for reform <ul style="list-style-type: none"> ○ Zero tolerance for sexual activity ○ Personal belief in PREA • Incorporate lessons learned
Getting Started 	<ul style="list-style-type: none"> • Think big picture/think comprehensively <ul style="list-style-type: none"> ○ Include and involve all facets of the agency, not just security and programming • Go “back to basics” <ul style="list-style-type: none"> ○ Grant amnesty for Staff ○ Ask staff to explain what they spend their day doing
Getting Started 	<ul style="list-style-type: none"> • Leadership- Leadership- Leadership <ul style="list-style-type: none"> ○ Leadership buy-in and education ○ Need to name the issue and understand it ○ Convey how to fix it • Expect the number of cases to go up in the short term <ul style="list-style-type: none"> ○ These include allegations and incidents that can be substantiated
Getting Started: Data Collection 	<ul style="list-style-type: none"> • Consistency and quality in reporting. <i>Who is reviewing it? There needs to be quality assurance</i> • Sanctity. <i>It needs to be clean</i> • Record keeping. <i>How is it done and what is being collected?</i>

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Topic	Speaking Points
	<ul style="list-style-type: none"> Trend analysis. <i>What are the troublesome shifts? Is so, why (e.g., after school, too much free time due to idleness). Locations?</i>
Getting Started: Community Outreach 	<ul style="list-style-type: none"> Hospitals <ul style="list-style-type: none"> Institutional staff should educate hospital administrators on PREA Ensure local hospital has rape kits Law Enforcement <ul style="list-style-type: none"> Meet with each county prosecutor and law enforcement agency. <i>Have a memorandum or understanding regarding procedures, promptness, etc.</i> Establish role definition for investigation of sexual abuse
Getting Started: Staff Training 	<ul style="list-style-type: none"> All staff should be trained on PREA and the policy regarding sexual misconduct <ul style="list-style-type: none"> Clear definition of sexual misconduct/abuse Clear definition of how it is reported Special training for investigative staff on evidence collection Special training for Vulnerability Assessment Team
Getting Started: Youth Training 	<ul style="list-style-type: none"> Orientation <ul style="list-style-type: none"> PREA How to report a rape Sexual assault and abuse Victim services Continual awareness <ul style="list-style-type: none"> Handbooks Posters <p><i>You must be systematic and comprehensive in order to address the complexities of sexual violence against youth in custody.</i></p>

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Module 7: Agency Culture

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89

Module 7: Agency Culture

Time: 1 hour

Module Learning Objectives:

1. Define Agency Culture
2. Understand the components of culture
3. Identify influences on agency culture
4. Understand specific issues related to juvenile agencies
5. Understand the impact of culture on juvenile agencies
6. Identify strategies for changing culture

Resources Needed:

LCD projector and laptop computer
Easel pad, tape and markers





Participant Notebook Handouts:

PowerPoint®
Daily Dozen
Ethics
Ethical Decision Making
Culture Assessment Activity





PowerPoint® Program:

Module 7: Agency Culture






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Topic	Speaking Points
Objectives 	<ul style="list-style-type: none"> • Define agency culture • Understand the components of culture • Identify influences on agency culture • Understand specific issues related to juvenile agencies • Understand the impact of culture on juvenile agencies • Identify strategies for changing culture
Webster's Definition of Culture 	<ul style="list-style-type: none"> • The integrated pattern of human knowledge, belief, and behavior that depends upon the capacity for learning and transmitting knowledge to succeeding generations; • The customary beliefs, social forms, and material traits of a racial, religious, or social group; • The set of shared attitudes, values, goals, and practices that characterizes an institution or organization; • The set of values, conventions, or social practices associated with a particular field, activity, or societal characteristic.
Foundation of Culture 	<p>Culture is communication. Communication is culture.</p>
Components of Agency Culture 	<ul style="list-style-type: none"> • Beliefs: Shared explanations of experience <ul style="list-style-type: none"> ○ Example: Youth should be treated with respect and dignity ○ Example: Youth cannot be trusted and youth will always lie • Values: What is considered right and good <ul style="list-style-type: none"> ○ Example: If it's youth vs. staff, err on the side of believing youth
Components of Agency	<ul style="list-style-type: none"> • Norms: Shared rules, "the way things are done"





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Topic	Speaking Points
Culture 	<ul style="list-style-type: none"> ○ Example: Don't volunteer for assignments ○ Example: Don't be late on third shift ○ Example: Don't use bad language ○ Example: Don't turn in fellow employees that violate rules ● Norms are often MORE powerful than formal guidelines
Components of Agency Culture 	<ul style="list-style-type: none"> ● Phantom Rules: Rules that people create that they THINK are the real rules based on their own misunderstanding or past history - these rules have NOTHING to do with the actual rule. <ul style="list-style-type: none"> ○ Example: We will always believe the juvenile versus the detention officer ○ Example: If you restrain a kid, you will be investigated. ○ Everyone wears blue on Fridays.
Influences on Culture 	<ul style="list-style-type: none"> ● History: critical events ● Hiring process: qualities sought, backgrounds considered, questions asked ● Promotional process ● Leadership and agency ethics ● Public opinion
Influences on Culture 	<ul style="list-style-type: none"> ● Staff-staff interactions ● Staff-youth dynamics ● Youth-youth dynamics ● Agency policy and procedures ● Language ● Disciplinary process
Impact of Culture: Staff The Employee 'Code of Silence'	<ul style="list-style-type: none"> ● What is the "Code of Silence"? <ul style="list-style-type: none"> ○ A code of silence is when a person opts to withhold what is believed to be vital or important information voluntarily or involuntarily.





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Topic	Speaking Points
	<ul style="list-style-type: none"> ○ A shroud of secrecy, agreement to keep quiet. ○ The code of silence is usually either kept because of threat of force, or danger to oneself, or being branded as a traitor or an outcast within the unit or organization
<p>Impact of Culture: Staff The Employee ‘Code of Silence’</p> 	<ul style="list-style-type: none"> • How prevalent is the “Code of Silence” in our organizations today? • National Institute of Ethics conducted survey of 3,714 police officers regarding “code of silence”. • 42% admitted to having witnessed misconduct by another employee but took no action.
<p>Impact of Culture: Staff The Employee ‘Code of Silence’</p> 	<ul style="list-style-type: none"> • Protection of self and co-workers and even management and supervisors • Non-cooperation with management and investigators • Staff will risk discipline and even termination rather than violate this powerful norm • Culture imposes penalties on staff who break the code of silence
<p>Impact of Staff Culture on an Investigations</p> 	<ul style="list-style-type: none"> • Culture can either support or obstruct an investigation • Need to understand culture in which investigations take place • Important for participants from other agencies to understand the features of juvenile justice culture • Outcomes of investigations can in turn influence culture • Understand the challenge of conducting independent investigations in close / small communities
<p>Red Flags</p> 	<ul style="list-style-type: none"> • What is a “red flag” and why is it important? <ul style="list-style-type: none"> ○ A warning signal. ○ Something that demands attention or provokes an irritated reaction. ○ Red flags are actions, words, situations or settings that should warn a person that something may be wrong.






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Topic	Speaking Points
Red Flags: Staff Sexual Misconduct 	<ul style="list-style-type: none"> • Over-identifying with any resident or their issues (i.e., blind to offender's actions) • Offender knows personal information about staff • Resident has letters or photos of staff • Staff granting special requests or showing favoritism • Resident in unauthorized area or repeatedly out of their assigned space
Red Flags: Staff Sexual Misconduct 	<ul style="list-style-type: none"> • Staff spending an unexplainable amount of time with a resident • Staff taking resident out of cell at unusual times • Staff in personal crisis (divorce, ill health, bankruptcy, death in family) • Overheard conversations between staff and resident which is sexualized in nature, or refers to the physical attributes of staff or resident
Red Flags: Staff Sexual Misconduct 	<ul style="list-style-type: none"> • Hygiene changes for officers (wearing makeup suddenly or dressing nicer) • Contraband • Creating opportunities to be alone • Familiarity with youth • Extra interest in unpopular kids; • Being only person who understands the kids, etc.
Challenges for Leadership 	<ul style="list-style-type: none"> • Discover the root of the problem • Can be a symptom of the culture • Addressing the problem in a systematic way is about cultural change • Cultural change is the challenge for leadership <ul style="list-style-type: none"> ○ Must shift deeply ignored norms and attitudes ○ Ideology and attitude lies in key positions





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Topic	Speaking Points
Impact of Culture: Youth Culture: A Toxic Recipe 	<ul style="list-style-type: none"> • ‘Normal’ teen behavior <ul style="list-style-type: none"> ◦ Impulsiveness, raging hormones, short-sighted • Typical youth profile in the juvenile justice system <ul style="list-style-type: none"> ◦ History of abuse & neglect, mental illness, behind academically / special education • Questionable staff ethics <ul style="list-style-type: none"> ◦ Sexual joking and innuendos, tolerance, complacency
Red Flags of Victim: Youth on Youth Sexual Abuse 	<ul style="list-style-type: none"> • Refusal to shower, eat or be in certain less supervised areas • Self abuse or suicidal behaviors • Withdrawing or isolating themselves • Increased medical complaints and attention seeking • Uncharacteristic acting out in an effort to stay in segregation or facilitate transfer
Red Flags of Victim: Youth on Youth Sexual Abuse 	<ul style="list-style-type: none"> • Letters between youth • Graffiti • Bedwetting • Kids exchanging food, sharing food...using food for favors; giving away commissary items • Will not shower with others; afraid to shower • Drama, fighting over stuff • Homicidal threats
Red Flags of Perpetrator: Youth on Youth Sexual Abuse 	<ul style="list-style-type: none"> • Verbal harassment • Grooming of potential victims • Blatant sexual harassment • Prior history of sexual assault • Past victimization • Difficulty controlling anger • Poor coping skills / strategies • Voyeuristic / exhibitionistic behavior
Changing Culture	<ul style="list-style-type: none"> • 3 Steps to Culture Change





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Topic	Speaking Points
	<ul style="list-style-type: none"> ○ Understand the current culture (the way things are now) ○ Decide what the organizational culture should look like to support success ○ The individuals in the organization must decide to change their behavior to create the desired culture
Strategies for Changing Agency/ Organizational Culture 	<ul style="list-style-type: none"> ● Involve all key entities: <ul style="list-style-type: none"> ○ Line Staff, mid management, management ○ Governing boards/CJPO/CEO ○ External stakeholders (law enforcement, prosecutors) ● A top-down approach is essential to success of culture change ● Create a culture and community of accountability ● Model the behavior
Strategies for Changing Agency/ Organizational Culture 	<ul style="list-style-type: none"> ● Leadership matters! ● PREA Report states: <ul style="list-style-type: none"> ○ Sexual abuse is not an inevitable feature of incarceration. Leadership matters because corrections administrators can create a culture within facilities that promotes safety instead of one that tolerates abuse.
Strategies for Changing Agency/ Organizational Culture 	<ul style="list-style-type: none"> ● Envision the big picture <ul style="list-style-type: none"> ○ Define your agency/organization mission, vision and values ● Change the organizational culture <ul style="list-style-type: none"> ○ Executive Support ○ Training
Strategies for Changing Agency/ Organizational Culture 	<ul style="list-style-type: none"> ● Create value and belief statements ● Practice effective communication ● Review organizational structure ● Redesign your approach to rewards and recognition ● Review all work systems


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Topic	Speaking Points
Strategies for Changing Agency/ Organizational Culture 	<ul style="list-style-type: none"> Juvenile justice experts need to meet with local officials (juvenile board, law enforcement, prosecutors, DPS troopers, etc.). Train your local officials on your new culture of juvenile corrections. Impress upon local officials your new culture. Involvement of key stakeholders is essential to a successful culture change
Strategies for Changing Agency/ Organizational Culture 	<ul style="list-style-type: none"> Idea: change terminology to change culture. <ul style="list-style-type: none"> “Correctional officer” to “youth leader” or “child care worker”, etc. Youth Care Officers Residential Youth Care Officers
Strategies for Changing Staff Culture 	<ul style="list-style-type: none"> Conduct appropriate screening during hiring process Define boundaries for employees through policies that are clear, concise and definitive about what is acceptable and unacceptable Provide employees appropriate tools for self assessment, to help them learn when they might be crossing boundaries Provide employees with access to advice and assistance when they have concerns and questions about boundaries <ul style="list-style-type: none"> A safe environment for the discussion of concerns and questions without fear of embarrassment or retaliation
Strategies for Changing Staff Culture 	<ul style="list-style-type: none"> The PREA Report states: <ul style="list-style-type: none"> Exemplary staffing practices are needed to change culture. Leaders need the right staff to create a genuine culture of zero tolerance. Rigorous vetting is crucial; so are supporting and promoting staff that demonstrate commitment to preventing sexual abuse.

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Topic	Speaking Points
Strategies for Changing the Staff Code of Silence 	<ul style="list-style-type: none"> • Create a culture where officers place loyalty to INTEGRITY above loyalty to other officers/staff/peers. • Place honor above loyalty to other staff members/friends/peers • Behavior must be modeled from all levels of management on down to line staff • Regular training on ethics is absolutely necessary
Strategies for Changing Staff Culture 	<ul style="list-style-type: none"> • Make it clear that you take the issue of sexual abuse of youth seriously <ul style="list-style-type: none"> ◦ Develop a firm zero tolerance policy ◦ Zero tolerance must mean zero tolerance ◦ Consequence: Something has to happen to someone • Model the behavior daily <ul style="list-style-type: none"> ◦ Insist that all managers and supervisors do the same ◦ The culture will not tolerate hypocrisy ◦ Consequences must be fair and consistent • Train, train, train on expectations
Strategies for Changing Staff Culture 	<ul style="list-style-type: none"> • Educate staff <ul style="list-style-type: none"> ◦ Requirements of the law ◦ Liability of management and staff ◦ Criminal consequences ◦ Professionalism and ethics ◦ Adolescent development
Strategies for Changing Staff Culture 	<ul style="list-style-type: none"> • Train and support first line supervisors in their efforts to supervise employees, and recognize red flags • Ensure that there are open dialogues specific to the issue <ul style="list-style-type: none"> ◦ Regular employee meetings ◦ Regular discussions and sharing of information and concerns
What are Strategies for Changing Youth Culture?	<ul style="list-style-type: none"> • Change the environment <ul style="list-style-type: none"> ◦ Create an environment in the facility where youth

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Topic	Speaking Points
	<p>feel safe reporting sexual abuse and are confident their allegations will be investigated.</p> <ul style="list-style-type: none"> • Orient and Educate Youth <ul style="list-style-type: none"> ○ Teach youth about boundaries, being safe and how to report abuse • Empower youth <ul style="list-style-type: none"> ○ Allow youth to have responsibilities; peer mentors
<p>Discussion: Applicability of PREA Standards</p>	<p><i>Ask participants to refer to their copy of the Juvenile Standards. Use this time to discuss the PREA Standards that apply to agency culture. Discuss the standard as well as the compliance checklist</i></p> <p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> 1. <i>Why is this standard important?</i> 2. <i>How does the agency comply with this standard?</i> <i>What do we do to demonstrate our compliance with this standard?</i> 3. <i>What else could/ should we do?</i> <p><i>Standards that apply to agency culture include:</i></p> <p><i>PP1- Zero Tolerance of Sexual Abuse</i> <i>OR-5 Agency Protection Against Retaliation</i> <i>DI-1 Disciplinary Sanctions for Staff</i> <i>DC-1 Sexual Abuse Incident Reviews</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>

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Module 8: Criminal Law Responses to Sexual Abuse of Youth in Custody

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100

Module 8: Criminal Law Responses to Sexual Abuse against Youth in Custody

Time: 1 hour 15 minutes

Module Learning Objectives:

1. Review the legal tools for prosecuting sexual violence in juvenile settings - their content, importance and impact.

Resources Needed:

LCD projector and laptop computer
Easel pad, tape and markers

Participant Notebook Handouts:

PowerPoint®

Checklist: Fifty State Survey of Laws Prohibiting Sexual Abuse of Individuals Under Custodial Supervision

State Law Maps

Statutory Rape Known to Law Enforcement

Legal Responses: State Criminal Laws Prohibiting the Sexual Abuse of Individuals under Custodial Supervision




NOTE: While not provided here, you should provide the participants with the law in your state for each of the following issues: staff sexual misconduct, sexual abuse, child exploitation, vulnerable persons, adult sex offender registration, juvenile sex offender registration, mandatory reporting and official misconduct. You can download these laws from our website at www.wcl.american.edu/nic/responses.

PowerPoint® Program:





Module 8: Criminal Laws Responses to Sexual Abuse of Youth in Custody

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101

Topic	Speaking Notes
State Laws 	<p><i>In this module, we are going to talk about state laws and legal tools you can use in cases of sexual misconduct involving youth.</i></p>
Objective 	<p><i>The objective of this module is to:</i></p> <p>Review the legal tools for prosecuting sexual violence in juvenile settings - their content, importance and impact.</p>
Government Limits 	<p><i>There are governmental limits on sexual activity in adult and juvenile institutional settings. There are many levels or factors that impact your work as shown here in this diagram. Staff exchanging money or letters with youth is not prohibited by state law but it is probably addressed under your agency's policy. That is why it is in the outer ring on this diagram.</i></p> <p><i>Why is the BJS data collection the next row in? Because the definitions are broader than your state law. They are there for a specific purpose - for data collection. What if there are too many definitions? Since we have to follow the BJS data collection – why not put them into your policies, or develop a schema that links the two (policy and BJS definitions).</i></p> <p><i>In the diagram, the state laws are the smallest area - why? State law is narrower. More often than not it was negotiated legislation. Everything that should be there probably isn't there. Your state law may only deal with intercourse and not sexual touching, voyeurism, contact with family members, sexual words or contraband. You need to connect them all and understand the differences.</i></p> <p><i>The arrow to PREA shows that you need to always consider PREA - the data collection and the standards (when they are completed). Remember that PREA does not create a new cause of action.</i></p>





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Topic	Speaking Notes
<p>Continuum of Sexual Activity - Adults</p> 	<p><i>Please take out the one page handout with the colorful arrows that shows the continuum of sexual activity involving adult offenders. The large arrow in the middle shows the behaviors from forced to consensual sexual acts. Above the line shows the range of staff sanctions for those behaviors. So, forced sex could be handled with criminal, civil or administrative sanctions. Additionally, all sex in custody is not allowed. This should be common sense but often policy is where you need to codify what everyone should know ...but often do not.</i></p> <p><i>Does all staff know they are mandatory reporters? Discuss. It is in all state law and in most policies.</i></p> <p><i>This slide shows situations of staff who have sexual relationships with adult inmates.</i></p>
<p>Continuum of Sexual Activity - Youth</p> 	<p><i>This slide shows staffs who have sexual relationships with youth. Sanctions for youth “on” youth (youth-to-youth) sexual activity may depend on a state’s mandatory reporting statutes and age of consent.</i></p>
<p>Important Questions</p> 	<ul style="list-style-type: none"> • What are the legal tools for punishing staff for sexual abuse of youth? • What are reporting requirements for sexual violence against youth? <p><i>You need to be clear on this and if you aren’t, be sure and address this in your Action Plan.</i></p>
<p>Legal Tools for Prosecuting Staff Sexual Misconduct</p> 	<p><i>If you find your prosecutor says there is nothing we can do or use to prosecute the case, s/he may need some direction to the legal tools listed below.</i></p> <ul style="list-style-type: none"> • Staff sexual misconduct laws • Sexual assault laws (including sodomy) • Vulnerable person statutes



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Topic	Speaking Notes
	<ul style="list-style-type: none"> • Child Exploitation • Mandatory reporting • HIV statutes <i>some places have separate statutes that are enhancements to existing laws and some are stand alone statutes</i> • Sex offender registration • Assault and battery
Staff Sexual Misconduct 	<ul style="list-style-type: none"> • Felony in most states • Lack of consent is an issue for prosecution • Complainant or victim credibility is an issue • Code of silence and lack of corroboration is often present • Lack of physical evidence and timely reporting is critical <p><i>Sex offender registration may be required but not always</i></p>
Staff Sexual Misconduct Laws - Optimal Elements 	<p><i>Optimally, staff sexual misconduct laws should include the following elements:</i></p> <ul style="list-style-type: none"> • Coverage • Conduct • Defenses • Reporting • Sanctions
State Map – Prohibiting Sexual Abuse in Custody 	<p><i>This is a map highlighting state criminal laws prohibiting sexual abuse of individuals in custody as of August 2009. The blue shows sexual misconduct defined as a misdemeanor. The red shows where sexual misconduct defined as a felony. The gray states are places where graduated sanctions are in place.</i></p>
State Map – Prohibiting Sexual Abuse of Juveniles in Custody	<p><i>This map shows state criminal laws prohibiting sexual abuse of juveniles under correctional supervision. One thing you see about this map immediately is that there are a lot of colors.</i></p> <p><i>Purple is where juvenile justice agencies are explicitly covered by</i></p>



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Topic	Speaking Notes
	<p><i>staff sexual misconduct laws. Red states are where the juvenile justice agencies are implicitly covered. Gray states are where the statute does not mention juveniles in their staff sexual misconduct laws.</i></p> <p><i>As you work on your action plans, take a look at what your state laws say. Is this something you need to work on?</i></p>
<p>State Map – Prohibiting Sexual Abuse under Community Corrections</p> 	<p><i>This map shows where staff sexual misconduct in community corrections settings is covered. In pink are the states that are explicitly covered under the law; in blue are states covered implicitly. However, states in yellow are where community corrections are not mentioned. If you are in one of these states, you may consider including some of this in your action plan.</i></p>
<p>State Map – Consent as Defense</p> 	<p><i>This map represents issues of consent in staff sexual misconduct cases. On this map, the lavender states indicate where consent is not a defense. If you don't say it explicitly in the law, then you may have to litigate it. Pink states are where the law does not mention consent as a defense for staff sexual misconduct.</i></p> <p><i>In the yellow states, Arizona and Nevada have state statutes where offenders are punished for sex with staff meaning that consent is a defense.</i></p> <p><i>Use this time to discuss issues of consent in the juvenile context.</i></p>
<p>Staff Sexual Misconduct Law: Kansas</p> 	<p><i>This is an example; you should replace with this your state law or the state law in the jurisdiction where you are training staff.</i></p> <p><i>Here is an example of a state staff sexual misconduct law</i></p> <ul style="list-style-type: none"> • Unlawful sexual relations. Kan. Stat Ann. 21-3520 (2005). <ul style="list-style-type: none"> ◦ (a) Unlawful sexual relations is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person who is not married to the offender if: <ul style="list-style-type: none"> ▪ (4) the offender is a law enforcement officer, employee of a juvenile detention facility





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Topic	Speaking Notes
	<p>or sanctions employee of a juvenile detention facility or sanctions, house, or employee of a contractor and the person is 16 years of age or older under lawful confinement, or,</p>
<p>Staff Sexual Misconduct Law: Kansas</p> 	<ul style="list-style-type: none"> ▪ (5) the offender is an employee of the juvenile justice authority or the employee of a contractor under contract to provide services to such juvenile correctional facility and the person is 16 years of age or older under lawful confinement; or ▪ (6) the offender is an employee of the juvenile justice authority or employee of a contractor, and the person is 16 or older and (A) released on conditional release from a juvenile correctional facility under supervision and control of the juvenile justice authority or juvenile community supervision agency or (B) placed in custody of juvenile justice authority under direct supervision and control of the juvenile justice authority, or juvenile community supervision agency and the offender has knowledge that the person with whom the offender is engaging in consensus sexual intercourse, lewd fondling or touching or sodomy is currently under supervision.
<p>Sexual Assault</p> 	<ul style="list-style-type: none"> • It is generally a felony • Lack of consent is element of the crime • Complainant credibility is an issue • Lack of corroboration • Sex offender registration usually required
<p>Sexual Assault Law: Wisconsin</p>	<p><i>This is an example; you should replace with this your state law or the state law in the jurisdiction where you are training staff.</i></p>





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Topic	Speaking Notes
	<ul style="list-style-type: none"> • First degree sexual assault: <ul style="list-style-type: none"> ◦ Whoever does any of the following is guilty of a Class B felony: <ul style="list-style-type: none"> ▪ (a) has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person ▪ (b) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon. ▪ (c) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
<p>Sexual Assault Law: Wisconsin</p> 	<ul style="list-style-type: none"> • (4) Consent: <ul style="list-style-type: none"> ◦ “Consent” as used in this section, means words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. The following persons are presumed incapable of consent but the presumption may be rebutted by competent evidence: <ul style="list-style-type: none"> ▪ (b) A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct. ▪ (c) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
<p>Sexual Assault Law: Wisconsin</p>	<ul style="list-style-type: none"> • Abuse of residents of penal facilities <p>Any person in charge of or employed in a penal or correctional institution or other place of confinement who abuses, neglects or ill-treats any person confined in or a resident of any such institution or place or who knowingly permits another person to</p>



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Topic	Speaking Notes
	do so is guilty of a Class 1 felony.
Sodomy 	<ul style="list-style-type: none"> Prohibits certain sexual practices Many states don't define oral and anal sex as intercourse. Many state don't define same sex sexual relations as intercourse – even if it involves penetration
Sodomy Law: Georgia 	<p><i>This is an example; you should replace with this your state law or the state law in the jurisdiction where you are training staff.</i></p> <ul style="list-style-type: none"> Sodomy; Aggravated Sodomy <ul style="list-style-type: none"> A person commits the offense of sodomy when he or she performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another. A person commits the offense of aggravated sodomy when he or she commits sodomy with force and against the will of the other person or when he or she commits sodomy with a person who is less than ten years of age.
Sodomy Law: Virginia 	<ul style="list-style-type: none"> Forcible sodomy <ul style="list-style-type: none"> Forcible sodomy is a felony punishable by confinement in a state correctional facility for life or for any term not less than five years. In any case deemed appropriate by the court, all or part of any sentence imposed for a violation under this section against a spouse may be suspended upon the defendant's completion of counseling or therapy, if not already provided. In the manner prescribed under sections 19.2-218.1 if, after consideration of the views of the complaining witness and such other evidence as may be relevant, the court finds such action will promote maintenance of the family unit and will be in the best interest of the complaining witness.




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Topic	Speaking Notes
Child Exploitation 	<p><i>Take a look at the age of consent in your state. There have been cases where staff have specifically targeted and groomed youth or waited for the youth to reach a certain age so they cannot be charged with statutory rape. It is important to know the answers to these questions:</i></p> <ul style="list-style-type: none"> • What is the age of consent in your state? • What are the penalties for child exploitation/ statutory rape? • How does this apply to juveniles serving sentences as adults (e.g., in adult facilities)?
Youth on Youth Sexual Abuse 	<p><i>Discuss the following questions with the participants:</i></p> <ul style="list-style-type: none"> • Is this criminal activity? • Can there be consent between youth? • Will offending youth have to register as sex offenders?
Child Exploitation: New Jersey 	<p><i>This is an example; you should replace with this your state law or the state law in the jurisdiction where you are training staff.</i></p> <ul style="list-style-type: none"> • Sexual Assault NJ Stat. Ann 2C: 14-4(b), (c) (2006) <ul style="list-style-type: none"> ◦ (b) An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim. ◦ (c) An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:
Child Exploitation: New Jersey 	<ul style="list-style-type: none"> ◦ (2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status; ◦ (3) The victim is at least 16 but less than 18 years




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Topic	Speaking Notes
	<p>old and:</p> <ul style="list-style-type: none"> ▪ (b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or ▪ (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household; <ul style="list-style-type: none"> ○ (4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim <ul style="list-style-type: none"> • Penalty is up to 5-10 years in prison
<p>Child Exploitation: Florida</p> 	<p><i>This is an example; you should replace with this your state law or the state law in the jurisdiction where you are training staff.</i></p> <ul style="list-style-type: none"> • Sexual Battery Fla Stat. Ann. Sec. 794.011 (2005) <ul style="list-style-type: none"> ○ (2)(a) A person 18 years of age or older who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of a person less than 12 years of age commits a capital felony. ○ (4) A person who commits sexual battery upon a person 12 years of age or older without the person's consent, under any of the following circumstances, commits a felony of the first degree. <ul style="list-style-type: none"> ▪ When the offender is a law enforcement officer, correctional officer or correctional probation officer.
<p>Child Exploitation: Florida</p> 	<ul style="list-style-type: none"> ○ (8) Without regard to the willingness or consent of the victim, which is not a defense is prosecution under this subsection, a person who is in a position of familial or custodial authority to a person less than 18 years of age and who: <ul style="list-style-type: none"> ▪ (b) Engages in any act with that person while the person is 12 years of age or older but less than 18 years of age which constitutes sexual battery under paragraph





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Topic	Speaking Notes
	<p>(1) (h) commits a felony of the first degree.</p> <ul style="list-style-type: none"> • Penalty: Life, up to 30 years, or up to 15 years
Mandatory Reporting 	<ul style="list-style-type: none"> • Mandatory reporting laws require certain individuals to report cases of physical or sexual abuse committed against children and vulnerable adults. • In juvenile settings all correctional staff are mandatory reporters • Reporting procedures differ from state-to-state • Often, there is a criminal penalty for the failure to report
Mandatory Reporting: Texas 	<p><i>This is an example; you should replace with this your state law or the state law in the jurisdiction where you are training staff.</i></p> <ul style="list-style-type: none"> • Tex. Fam. Code Ann. Section 261.101 (Vernon 2005) <ul style="list-style-type: none"> ◦ (a) A person having cause to believe that a child's physical and mental health or welfare has been adversely affected by abuse or neglect. • Tex. Fam. Code Ann. Section 100.003 (Vernon 2005) <ul style="list-style-type: none"> ◦ (a) Child or minor means a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.
Mandatory Reporting: Texas 	<ul style="list-style-type: none"> • Tex. Fam. Code Ann. Section 261.101 (Vernon 2005) <ul style="list-style-type: none"> ◦ A professional shall make a report not later than the 48th hour after the hour the professional first suspects that the child has been or may be abused or neglected or is a victim of an offense. A professional may not delegate to or rely on another person to make the report.
Mandatory Reporting: Texas	<ul style="list-style-type: none"> • Tex. Fam. Code Ann. Section 261.001 (Vernon 2005) <ul style="list-style-type: none"> ◦ 1. Abuse includes the following acts or omissions by a person: <ul style="list-style-type: none"> ▪ (E) sexual conduct harmful to a child's


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Topic	Speaking Notes
	<p>mental, emotional, or physical welfare, including conduct that constitutes the offense or indecency with a child, sexual assault, or aggravated sexual assault</p> <ul style="list-style-type: none"> ▪ (F) Failure to make a reasonable effort to prevent sexual conduct harmful to a child; ▪ (G) Compelling or encouraging the child to engage in sexual conduct; ▪ (H) Causing, permitting, encouraging, engaging in, or allowing the photographing, filming or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene, or pornographic
<p>Mandatory Reporting: Alabama</p> 	<p><i>This is an example; you should replace with this your state law or the state law in the jurisdiction where you are training staff.</i></p> <ul style="list-style-type: none"> • Ala. Code Section 26-14-3 (2005) <ul style="list-style-type: none"> ◦ (a) When the child is known or suspected to be a victim of child abuse or neglect • Ala. Code Section 26-14-3 (2005) <ul style="list-style-type: none"> ◦ (a) A mandatory reporter shall be required to report, or cause a report to be made of the same, orally, either by telephone or direct communication immediately, followed by a written report, to a duly constituted authority.
<p>Mandatory Reporting: Alabama</p> 	<ul style="list-style-type: none"> • Ala. Code Section 26-14-1 (2005) <ul style="list-style-type: none"> ◦ (1) Abuse means harm or threatened harm to a child's health or welfare. Harm or threatened harm to a child's health or welfare can occur through non-accidental physical or mental injury, sexual abuse or attempted sexual abuse or sexual exploitation or attempted sexual exploitation. <p><i>This is often looked at as the “gold standard” for reporting these cases. If you witness or have reasonable cause to suspect, you must report.</i></p>



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Topic	Speaking Notes
Mandatory Reporting: Florida 	<p><i>This is an example; you should replace with this your state law or the state law in the jurisdiction where you are training staff.</i></p> <ul style="list-style-type: none"> • Fla. Stat. Ann Section 944.35 (West 2006) <ul style="list-style-type: none"> ◦ (3)(d) Each employee who witnessing or reasonable cause to suspect, that an inmate or an offender under the supervision of the department in the community has been unlawfully abused or is the subject of sexual misconduct.
HIV Statutes 	<p><i>How many of you have mandatory HIV testing for offenders? Have a show of hands. Everyone should know their status about HIV since it can be related to sexual violence cases.</i></p> <ul style="list-style-type: none"> • It is a separate offense or an enhancement for knowingly infecting someone with HIV?
Sex Offender Registration 	<ul style="list-style-type: none"> • Not considered a “penalty” • The registration may be required for both youth and adult sex offenders • Many other requirements come with registration depending upon the state <ul style="list-style-type: none"> ◦ Community notification ◦ Restrictions on employment ◦ Restrictions on residency
Adult Sex Offender Registration: North Carolina 	<p><i>The following are registrable offenses for adults in North Carolina:</i></p> <ul style="list-style-type: none"> • First degree rape - N.C. GEN. STAT. § 14-27.2 (West 2008). • Second degree rape - N.C. GEN. STAT. § 14-27.3 (West 2008). • First degree sexual offense - N.C. GEN. STAT. § 14-27.4 (West 2008). • Second degree sexual offense - N.C. GEN. STAT. § 14-27.5 (West 2008).



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Topic	Speaking Notes
	<ul style="list-style-type: none"> • Sexual battery - N.C. GEN. STAT. § 14-27.5A (West 2008). • Intercourse and sexual offense with certain victims - N.C. GEN. STAT. § 14-27.7 (West 2008). • Incest between near relatives - N.C. GEN. STAT. § 14-178 (West 2008). • Employing or permitting minor to assist in offenses against public morality and decency - N.C. GEN. STAT. § 14-190.6 (West 2008). • Felonious indecent exposure - N.C. GEN. STAT. § 14-190.9 (West 2008). • First degree sexual exploitation of a minor - N.C. GEN. STAT. § 14-190.16 (West 2008). • Second degree sexual exploitation of a minor - N.C. GEN. STAT. § 14-190.17 (West 2008). • Third degree sexual exploitation of a minor - N.C. GEN. STAT. § 14-190.17A (West 2008). • Promoting prostitution of a minor - N.C. GEN. STAT. § 14-190.18 (West 2008). • Participating in the prostitution of a minor - N.C. GEN. STAT. § 14-190.19 (West 2008). • Taking indecent liberties with children - N.C. GEN. STAT. § 14-202.1 (West 2008). • Solicitation of child by computer to commit an unlawful sex act - N.C. GEN. STAT. § 14-202.3 (West 2008).
<p>Juvenile Sex Offender Registration: North Carolina</p> 	<p><i>The following are registrable offenses for juveniles in North Carolina:</i></p> <ul style="list-style-type: none"> • First degree rape - N.C. GEN. STAT. § 14-27.2 (West 2008). • Second degree rape - N.C. GEN. STAT. § 14-27.3 (West 2008). • First degree sexual offense - N.C. GEN. STAT. § 14-27.4 (West 2008). • Second degree sexual offense - N.C. GEN. STAT. § 14-27.5 (West 2008). • Sexual battery - N.C. GEN. STAT. § 14-27.5A (West 2008). • Intercourse and sexual offense with certain victims - N.C. GEN. STAT. § 14-27.7 (West 2008).

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Topic	Speaking Notes
	<ul style="list-style-type: none"> • Incest between near relatives - N.C. GEN. STAT. § 14-178 (West 2008). • Employing or permitting minor to assist in offenses against public morality and decency - N.C. GEN. STAT. § 14-190.6 (West 2008). • Felonious indecent exposure - N.C. GEN. STAT. § 14-190.9 (West 2008). • First degree sexual exploitation of a minor - N.C. GEN. STAT. § 14-190.16 (West 2008). • Second degree sexual exploitation of a minor - N.C. GEN. STAT. § 14-190.17 (West 2008). • Third degree sexual exploitation of a minor - N.C. GEN. STAT. § 14-190.17A (West 2008). • Promoting prostitution of a minor - N.C. GEN. STAT. § 14-190.18 (West 2008). • Participating in the prostitution of a minor - N.C. GEN. STAT. § 14-190.19 (West 2008). • Taking indecent liberties with children - N.C. GEN. STAT. § 14-202.1 (West 2008). • Solicitation of child by computer to commit an unlawful sex act - N.C. GEN. STAT. § 14-202.3 (West 2008).
Assault and Battery 	<i>Also a tool for prosecution. Cannot always prove the sexual activity but you know something happened.</i>
Overlap of Law, Policy and Standards 	<i>Here is another way to look at what you have to work with. You have to go back and figure out how this will work for you, what you need to strengthen, and where your gaps are. Your policies will be broader than your state laws. The BJS definitions and standards are for data collection and accountability. You need to be sure everything is consistent across institutions and with the state and federal laws.</i>
Interaction between Law, Policy and Standards	<ul style="list-style-type: none"> • Different purposes <ul style="list-style-type: none"> ◦ Law is what is politically available ◦ Policies are what are optional

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Topic	Speaking Notes
	<ul style="list-style-type: none"> ◦ Standards are what are ideal • BJS definitions e.g., <ul style="list-style-type: none"> ◦ Different purposes - data collection ◦ Policy - what is going on in the institution? ◦ State law - what could be passed?
<p>Why is this Important?</p> 	<p><i>You may want to discuss any current events from the paper where there was a bad result (e.g., criminal justice staff shot and killed in Tallahassee, Florida by a correctional officer who was having a sexual relationship with an inmate). These kinds of things may help convince prosecutors that taking these cases helps the facility with security/safety risks.</i></p>

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Module 9: Policy

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117

Module 9: Policy

Time: 2 hours

Module Learning Objectives:

1. Understand what a PREA guided policy is
2. Define policies needed to respond to sexual abuse of youth in custody
3. Define what makes a good policy
4. Identify policy considerations and decisions
5. Identify challenges and dilemmas in policy making
6. Understand how staff, youth contractors and volunteers know policies - such as training
7. Define avenues for policy review

Resources Needed:

LCD projector and laptop computer
Easel pad, tape and markers

Participant Notebook Handouts:

PowerPoint®

PowerPoint® Program:

Module 9: Policy Development

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118

Topic	Speaking Points
Activity: Developing a Policy	<p><i>We are now going to break down into teams. For this activity, make a list of the major points that need to be included in your policies around some core areas.</i></p> <ul style="list-style-type: none"> <i>What things need to be covered?</i> <i>Who are the people that should be involved in developing the issue in your agency?</i> <p><i>There are seven topics and each team will get one topic. The topics are:</i></p> <ul style="list-style-type: none"> <i>sexuality</i> <i>training for youth</i> <i>training for staff</i> <i>reporting of sexual abuse</i> <i>grievance process</i> <i>sexual assault response</i> <i>training for volunteers and contractors</i> <p><i>You will have about 20 minutes for this activity. Are there any questions?</i></p> <p><i>Have participants count off by seven. Give each team a piece of easel pad paper (and marker) with the topic written at the top of the page. Have them disperse into their teams around the room or into breakout rooms.</i></p> <p><i>Have the groups report out on what they identified as the key components of a policy for their particular topic. Give each group about 3-4 minutes to report out and then comment on and discuss their points. The following is just a sample of the types of responses you may get from participants.</i></p>
Activity Report-out	<p><i>Samples of responses include:</i></p> <p>Policy on Sexuality</p> <p>How do you define it?</p> <ol style="list-style-type: none"> 1. Sex misconduct 2. Sex assault 3. Assault and battery 4. Applicability

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Topic	Speaking Points
	<ul style="list-style-type: none"> • Define sanctions for violations • Grievance/appeals • Youth reporting mechanisms • Educate staff and youth • Safe sex/precautions regarding bodily fluids • Confidentiality concerns • Develop SARTs • Medical and mental health follow-up • Rights and responsibilities (juvenile, staff) • Quality assurance process (training, audits, etc.) • Who is responsible for enforcement? • Documentation requirements <p>All sex is prohibited except self stimulation in privacy (under cover, after lights out, no noise, good hygiene). Is there acceptable space for intimacy or relationships between youth?</p> <p>Policy on Reporting</p> <ul style="list-style-type: none"> • Who is responsible for reporting? • Timeframes - timeliness to report and respond • Method of reporting (calls, writing, process) • Define the reportable behavior (touching, hugging, kissing, groping) • Sanctions if someone fails to report • Define expectations that these situations will be reported • Training and follow-up training on reporting • External reporting mechanisms (courts, police, counselors, AG, etc) and who is authorized to make those reports • Protection for individuals who report (policy on moving victim) • Data collection - keeping records of what is happening (time of day, circumstances) • Consequences for the perpetrator (might fall under different policy) • Orientation for youths and parents - what to look for, signs, symptoms • Grievance process if nothing happens to their report




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Topic	Speaking Points
	<p>Policy on Training for Youth</p> <ul style="list-style-type: none"> • Orientation when they come in and when they move to other facilities (age appropriate and to their level) <ul style="list-style-type: none"> ○ What are their rights (access to attorney, parents, mental and medical health care)? ○ Grievance procedure ○ No or limited touch policies (They have a right not to be touched. They are not to touch others and consequences) ○ (Criminal and other). When can you hug or shake hands? ○ Right to report staff misconduct to a supervisor or administrator ○ These things might be on posters, handbook (English and other languages) • Program <ul style="list-style-type: none"> ○ Grievance procedure (along with tracking system; not just a box on the wall, have multiple avenues to grieve and report) ○ Confidentiality ○ Timeliness of responding - usually 24 hours after report or grievance has been filed • Education (STD, legal rights, health care – may want to bring in outside experts for this) <ul style="list-style-type: none"> ○ Self esteem ○ PREA training, brought to a juvenile level of understanding ○ Adolescent development including sexual development ○ Hygiene education ○ Anger management ○ Sexual misconduct ○ Alcohol and drug • Support Services <ul style="list-style-type: none"> ○ They need to know they have rights to access services - victim/trauma services, medical, mental health




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Topic	Speaking Points
	<p data-bbox="605 268 1079 300">Policy on Sexual Assault Response</p> <ul data-bbox="657 342 1039 569" style="list-style-type: none"> • Reporting/referrals • Investigate • External vs. internal • Provide services to victim • Action against perpetrator • Debrief/assess <p data-bbox="605 646 987 678">Policy on Training for Staff</p> <ul data-bbox="657 720 1377 1058" style="list-style-type: none"> • Develop a training program • Train key positions and get buy-in • Model behavior • Train line staff who are service providers, including courts, bailiffs, etc. • New employee training/orientation • Annual training • Monitor for compliance (sometimes policy is not the reality) <p data-bbox="605 1100 751 1131">Grievance</p> <ul data-bbox="657 1173 1435 1814" style="list-style-type: none"> • Clear, smooth transition from grievance to investigation and resolution • Training of youth and staff about the grievance process and procedure • Training on rights of staff and juveniles • Delineation of category and severity of grievances • Who will address grievance (consistency)? • Follow-up protocol - how and when does youth get a response? • Timelines • Access of grievance forms, location, multiple avenues of reporting • Design of grievance process/form being clear and age appropriate • Level of appeal for grievance • Past grievances - storage/retention, analysis for trends and patterns; number tracking (ensure none go missing)





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Topic	Speaking Points
	<ul style="list-style-type: none"> Releasing grievances to attorneys, others - what is public <p>Policy on Training for Contractors and Volunteers</p> <ul style="list-style-type: none"> Develop a training program Train key positions and get buy-in Model behavior Train contractors and volunteers who are service providers or have contact with youth in the community MOUs New employee training/orientation Annual training Monitor for compliance (sometimes policy is not the reality)
<p>Policy Development</p> 	<p><i>You have come up with some excellent issues to include in your policies. We will explore many of them in this module.</i></p>
<p>Objectives</p> 	<ul style="list-style-type: none"> Understand what is a PREA guided policy 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, contractors and volunteers know policies - such as training Define avenues for policy review
<p>PREA Guided Policies</p> 	<ul style="list-style-type: none"> Definitions - you need to know what you are defining Data collection: methodology and responsibility Division responsibilities <ul style="list-style-type: none"> Operations: programs, facilities management Support: training, compliance Standard Operating Procedures (SOPs)




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Topic	Speaking Points
	<i>Things to consider are: Are you going to allow local programs to have their own policies? If there is a juvenile facility on one side of the state and another on the other side, will they have the same policies?</i>
PREA Guided Policies 	<ul style="list-style-type: none"> • Staff and youth training <i>including volunteers and contractors, the same degree of liability to the state no matter if that person is paid or not, employee or contracted</i> • Prevention and detection efforts • Monitoring culture <i>gang activity, contraband, racial and cultural tensions</i> • Safety of vulnerable populations • SART <i>everyone should know the response teams, timeframes for their responses</i> • Victim safety and support <i>what do you do with the victim immediately after a report and for the future</i>
PREA Guided Policies 	<ul style="list-style-type: none"> • Medical and mental health <ul style="list-style-type: none"> ○ 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 	<ul style="list-style-type: none"> • Classification • Sexual assault • Medical and mental health • Sexual behavior • Sexual Assault Response Teams (SARTs) • Investigations • Reporting • Grievance <p><i>These are not exhaustive. What other policies may be necessary?</i></p>






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Topic	Speaking Points
Classification Policies 	<ul style="list-style-type: none"> • Risk assessment tools • Do you classify based on risk or something else? • Who is responsible for classification? • Housing • Separation
Sexual Assault Policies 	<ul style="list-style-type: none"> • Employee training <i>including volunteers and contractors</i> <ul style="list-style-type: none"> ◦ prevention, detection, response, investigation • Youth training <ul style="list-style-type: none"> ◦ prevention, self-protection, reporting, treatment • Screening <ul style="list-style-type: none"> ◦ predators, prey, housing, separation • Medical and mental health <ul style="list-style-type: none"> ◦ reporting, confidentiality, victim services, examinations • Data collection
Medical/Mental Health Policies 	<ul style="list-style-type: none"> • Reporting and confidentiality <ul style="list-style-type: none"> ◦ incident reports, reporting up the chain of command • Procedures <ul style="list-style-type: none"> ◦ evidence collection, off-site medical care, referral for mental health services • Providing emergency care • Consent of victim for services • Follow-up
Sexual Behavior 	<ul style="list-style-type: none"> • Visitation. <i>When you have visitation, what policies do you have? Can parents embrace their child?</i> • Sexual behavior. <i>Do you tolerate masturbation? Where? When? What if any sexual behavior is allowed - masturbation, touching, fondling?</i> • Publications. <i>What types of publications are allowed? Swimsuit edition of Sports Illustrated, bike magazines. What is in the best interest of the institution?</i>





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Topic	Speaking Points
	<i>The discussion around sexual behavior and publications can be a lively one. Allow time for the group to express their concerns and share information on their current policies.</i>
Sexual Assault Response Teams (SART) 	<ul style="list-style-type: none"> • Who will be on your SART Team? • What will the responsibilities of SART members be • SARTs are generally composed of: <ul style="list-style-type: none"> ◦ 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 	<ul style="list-style-type: none"> • Reporting and notification. • Evidence collection • Medical and mental health service responsibilities • Separation of victim • Procedures <ul style="list-style-type: none"> ◦ recent v. non-recent sexual assaults • Administrative v. criminal cases • Timeframes
Reporting Policies 	<ul style="list-style-type: none"> • Procedure for reporting • Reporting requirements • Inclusions in report • Record keeping
Grievance Procedures	<ul style="list-style-type: none"> • Authority and responsibility • Contents of grievance • Procedure for filing a grievance





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Topic	Speaking Points
	<ul style="list-style-type: none"> • Procedural requirements • Responding to a grievance (timeframes) • Emergency procedures • Record-keeping
What makes a Good Policy? 	<ul style="list-style-type: none"> • 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? 	<ul style="list-style-type: none"> • Multiple reporting points for employees and youth • Strong investigative protocols • Employee training and skills <ul style="list-style-type: none"> ◦ development, refinement • Effective youth orientation <ul style="list-style-type: none"> ◦ reception, existing populations
Policy Considerations 	<ul style="list-style-type: none"> • Gender differences • Thread issue through policies • Periodic review and update policies <ul style="list-style-type: none"> ◦ case law, state law, PREA, Association standards • Agency culture
Policy Considerations 	<ul style="list-style-type: none"> • Compliance with state and federal law • Implementation standards • Review and update • Culture: institution and youth • Gender differences • Challenges and dilemmas • Measuring effectiveness
Policy Decisions	<ul style="list-style-type: none"> • Actions to include • Responsibility assignments

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Topic	Speaking Points
	<ul style="list-style-type: none"> • Reporting structures • Safety v. confidentiality • Sanctions • Data Collection
Challenges and Dilemmas 	<ul style="list-style-type: none"> • Leadership <ul style="list-style-type: none"> ◦ role modeling behaviors and commitment • Culture and history <ul style="list-style-type: none"> ◦ unions and employee groups, past attempts to address sensitive issues • Practices <ul style="list-style-type: none"> ◦ are “in synch” with the policy <p><i>Also consider the following: What are you going to do with the information that comes in? Are you willing to face these issues head on? Then what? What happens next? Are you someone who will do follow-through?</i></p>
Challenges and Dilemmas 	<ul style="list-style-type: none"> • Youth programming <ul style="list-style-type: none"> ◦ Gender responsive ◦ Inclusive ◦ Equality and parity • Investigative protocols/practices <ul style="list-style-type: none"> ◦ Not accepting the “consensual” response ◦ Defining internal roles ◦ Ability to conduct thorough investigations
How do Employees Know the Policy? 	<ul style="list-style-type: none"> • Informal v. formal “education” • Leadership by example • Practice v. policies and procedures
Measuring Effectiveness	<ul style="list-style-type: none"> • Policies/procedures modeled by supervisors, managers, and leaders (accountability and compliance)

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Topic	Speaking Points
	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Investigations are thorough, timely and professional <ul style="list-style-type: none"> ○ Conclusions reached ○ Employees cooperate ○ Disciplinary sanctions consistent • There is medical and mental health support <ul style="list-style-type: none"> ○ Employees and youth ○ Employee assistance programs
Policy Review Guides 	<ul style="list-style-type: none"> • PREA Review Guide <ul style="list-style-type: none"> ○ Developed by the Moss Group, Inc. under a cooperative agreement with the National Institute of Corrections, US Department of Justice • Community Corrections <ul style="list-style-type: none"> ○ Developed by CIPP, Inc. under cooperative agreement with the National Institute of Corrections, US Department of Justice • Jails <ul style="list-style-type: none"> ○ Developed by CIPP, Inc. under cooperative agreement with the National Institute of Corrections, US Department of Justice
Summary 	<ul style="list-style-type: none"> • 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
Discussion: Applicability of PREA Standards	<p><i>Ask participants to refer to their copy of the Juvenile Standards. Use this time to discuss the PREA Standards that apply to policy. Discuss the standard as well as the compliance checklist</i></p>

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Topic	Speaking Points
	<p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"><i>1. Why is this standard important?</i><i>2. How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i><i>3. What else could/ should we do?</i> <p><i>Standards that apply to policy include:</i></p> <p><i>PP1- Zero Tolerance of Sexual Abuse</i> <i>PP3- Resident Supervision</i> <i>PP4- Limits on Cross Gender Supervision</i> <i>PP5- Accommodating Residents with Special Needs</i> <i>RE1- Resident Reporting</i> <i>IN1- Duty to Investigate</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>

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Module 10: Training

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131

Module 10: Training

Time: 1 hour 15 minutes

Module Learning Objectives:

1. Identify the need for training about both staff sexual abuse and youth on youth sexual abuse
2. Understand the impact of training on both staff (including volunteers and contractors) and youth
3. Identify if your agency is ready to train before implementing a program
4. Identify the necessary content of both staff (including volunteers and contractors) and youth training curricula.
5. Identify tools for effective training

Resources Needed:

LCD projector and laptop computer
Easel pad, tape and markers

Participant Notebook Handouts:

PowerPoint®
Sample Youth Training Brochures (Ohio and Kentucky)

PowerPoint® Program:



Module 10: Training

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132

Topic	Speaking Points
<p>Optional Activity:</p> <p>What Should Training Include?</p>	<p><i>This module can include a pre/post training activity if time permits. If you choose to do the activity it takes approximately 20 minutes—10 minutes for meeting in groups and 10 minutes for reporting out.</i></p> <p><i>Have participants count off (in groups of three or four depending on the size of the group) and go to a section of the room with participants who have the corresponding number. Have them develop a list of things that would be valuable to include in staff and youth training. Reconvene everyone back into the large group and solicit ideas for training topics. Write the ideas on an easel pad.</i></p> <p><i>Examples might include:</i></p> <ul style="list-style-type: none"> • PREA - What youth will be or have been told about PREA • Define sexual assault and types of sexual abuse • Understand the dynamics and how it is used to gain power and control • Signs and symptoms of sexual assault - behavioral changes and emotional changes • Barriers to disclosure - why youths don't tell. Examples include shame; they feel it is their fault; don't want to be seen as a snitch; don't want to destroy family; fear of retaliation; no trust for authority; and afraid of losing privileges. Peer pressure may force a youth to recant his/her story. • Risks of retaliation, why youth will be reluctant to come forward • Important phone numbers and clear procedures for reporting abuse • Who vulnerable youth are and their susceptibility to abuse • Institutional policies on sexual assault and what role they play in it • Need to know vs. nice to know • Why the training is being done • Define and overview of issue • Reporting requirements • Review of agency policy on abuse • Review criminal and civil liabilities






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Topic	Speaking Points
	<ul style="list-style-type: none"> • Local context • Include “culture” issues • Implication for human resources • Consequences of retaliation • Review state laws • Explain and demystify the investigative process • Role of staff during investigations • Review of medical protocols/medical issues • Employee Assistance Program • Red Flags • Offender profiles • Implications for human resources
Training 	<p><i>In order to do this training you are going to have to mention sex. Since we are discussing sexual abuse. However, this is not just about sex. It’s about power, respect, healthy relationships, healthy boundaries, safety and security.</i></p> <p><i>The bottom line is you must do training. If you don’t you and the agency are at risk for liability.</i></p>
Objectives 	<p><i>The objectives for this module are to:</i></p> <ol style="list-style-type: none"> 1. Identify the need for training about both staff sexual abuse and youth on youth sexual abuse 2. Understand the impact of training on both staff (including volunteers and contractors) and youth 3. Identify if your agency is ready to train before implementing a program 4. Identify the necessary content of both staff (including volunteers and contractors) and youth training curricula 5. Identify tools for effective training
Impact of Training for Staff and Youth	<ul style="list-style-type: none"> • Create a cultural and attitudinal shift for staff and youth. • Reduce the incidence of youth sexual assault





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Topic	Speaking Points
	<ul style="list-style-type: none"> • Increase likelihood for rehabilitation • Increase safety for staff and youth
Impact of Training 	<ul style="list-style-type: none"> • Create consistent articulation of policies and procedures • Change public perceptions of youth and detention • Improve community safety • Comply with PREA standards
Ready to Train 	<p><i>Here are three basic rules about training this topic:</i></p> <ol style="list-style-type: none"> 1. DO NOT implement a training program without buy-in from all levels of staff. 2. DO NOT begin training until the institution's sexual assault policy is finalized. 3. DO NOT train youth until staff have receive orientation
Food for Thought Before Training 	<ul style="list-style-type: none"> • Are you ready to handle the increase in disclosures and investigations? • Are medical and mental health services in place? • Do you have buy-in from prosecutors and law enforcement? • Do you have a sustainability plan? <i>How are you going to address the new staff and the new youths coming in? You can't do it once and forget about it.</i>
More Food for Thought 	<ul style="list-style-type: none"> • How will you train non-English speaking youth and/or staff? • Are you ready to handle disclosures of past childhood sexual abuse from staff and youth? • How will you document who has received the training? • Who will make decisions and implement the training?
Training: Essential Questions	<ul style="list-style-type: none"> • Who will be trained? • Who will do the training?





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Topic	Speaking Points
	<ul style="list-style-type: none"> • Where will you train? • What do you want your trainees to know?
What all Staff Training Should Include about Youth-on-Youth Sexual Abuse 	<ul style="list-style-type: none"> • PREA • Define sexual assault and types of sexual abuse • Understand the dynamics and how it is used to gain power and control
What all Staff Training Should Include about Youth-on-Youth Sexual Abuse 	<ul style="list-style-type: none"> • Signs and symptoms of sexual abuse • Barriers to disclosure <ul style="list-style-type: none"> ◦ Risk of retaliation, why youth might be reluctant to come forward • Important phone numbers and clear procedures for reporting abuse
What all Staff Training Should Include about Youth-on-Youth Sexual Abuse 	<ul style="list-style-type: none"> • Who vulnerable youth are and their susceptibility to abuse • Institutional policy on sexual abuse and what role it plays • Identify the NEED to know v. NICE to know
What all Staff Training Should Include about Staff Sexual Misconduct 	<ul style="list-style-type: none"> • Why the training is being done • Define and overview of the issue • Reporting requirements • Review of agency policy on abuse • Review of criminal and civil liabilities • Local context • Cultural issues
What all Staff Training	<ul style="list-style-type: none"> • Review of state laws






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Topic	Speaking Points
Should Include about Staff Sexual Misconduct 	<ul style="list-style-type: none"> • Explain and demystify the investigative process • Role of investigative staff • Review of medical protocols/ medical issues • Employee assistance program • Red Flags • Offender Profiles • Human resources implications • Consequences of retaliation
When and Where will you Train Staff 	<ul style="list-style-type: none"> • Staff needs to be given the time from daily tasks to attend training. • Offered during all staff shifts. • Timing needs to be adequate to cover all topics! • Away from all distractions- ideally in a classroom setting.
Training Audience: Youth 	<ul style="list-style-type: none"> • ALL YOUTH <ul style="list-style-type: none"> ○ Males/Females ○ INS Detainees ○ Special Populations ○ Security Risks ○ Segregated Youth ○ Protective Custody Youth
What all Youth Training Should Include about Sexual Abuse 	<ul style="list-style-type: none"> • How to prevent sexual violence • How to report sexual violence • How to get services for victimization • What PREA is • How sexual violence is used to gain power and control
What all Youth Training Should Include about Sexual Abuse	<ul style="list-style-type: none"> • Institutional policy and definitions <ul style="list-style-type: none"> ○ sexual assault, harassment, “consensual” sex, investigations, confidentiality, health care, safety • Sanctions for sexual violence




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Topic	Speaking Points
	<ul style="list-style-type: none"> • What to be aware of <ul style="list-style-type: none"> ◦ undue familiarity
What all Youth Training Should Include about Sexual Abuse 	<ul style="list-style-type: none"> • How to report <ul style="list-style-type: none"> ◦ victim or witness • What resources will be available to victims • Demystify the investigative process • How to preserve evidence • Consequences for false reporting - <i>when do we talk to youths about false reporting? Often it is one of the first things when they report an incident! What does that do? It scares youths and they may stop talking at that point. This is not the time to talk about false reports. You can do that later and a good investigator can identify false reports early in the investigation. You should say that all reports will be taken seriously.</i>
Special Concerns: Training Youth 	<ul style="list-style-type: none"> • What safety precautions are needed? • How will youth in solitary confinement or protective custody receive training? • Who will be the primary on-site contact in each facility to help implement the training? • Does staff need to be present during training?
When and Where to Train Youth 	<ul style="list-style-type: none"> • In a setting without distraction • Small groups • When adequate security staff is available • In a place where all youth can be moved
Possible Trainers	<ul style="list-style-type: none"> • Agency training academy • Outside crisis service centers

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Topic	Speaking Points
	<ul style="list-style-type: none"> • Community partners • Youth peer leaders
Training Adult Audiences 	<p>Adult learning theory needs to be used for a training to be the most effective with staff. It should be:</p> <ul style="list-style-type: none"> • Goal oriented • Relevancy oriented • Practicality • Respectful • Interactive
Training Adult Audiences 	<p>There are four critical elements for adult learning:</p> <ul style="list-style-type: none"> • Motivation • Reinforcement • Retention • Transference
Tools for Staff Training 	<ul style="list-style-type: none"> • Live presentation • Video and written materials • Interactive activity/role play scenarios • Signs to highlight important points and reporting phone numbers <p><i>Are there other techniques you have used teaching adult staff?</i> <i>Discuss.</i></p>
Training Young Audiences 	<ul style="list-style-type: none"> • Have the right frame of mind • Ignore their masks • Make it come alive • Get them to participate

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Topic	Speaking Points
Training Young Audiences 	<ul style="list-style-type: none"> • Remember, you're on stage • Simplicity is key • Don't talk down to them • Don't try to be one of them
Tools for Training Youth 	<ul style="list-style-type: none"> • Video with discussion • Interactive activities • Written materials (e.g., brochures) • Signs with reporting phone numbers and reporting information • Discussion and questions
Summary 	<ul style="list-style-type: none"> • All information should help staff do their jobs better, more safely and with clear purpose • Proper training should align with agency policy and leave little room for staff discretion • All training should outline how to PREVENT, DETECT and RESPOND to sexual assault
Discussion: Applicability of PREA Standards	<p><i>Ask participants to refer to their copy of the Juvenile Standards. Use this time to discuss the PREA Standards that apply to policy. Discuss the standard as well as the compliance checklist</i></p> <p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> <i>1. Why is this standard important?</i> <i>2. How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i> <i>3. What else could/ should we do?</i> <p><i>Standards that apply to policy include:</i></p> <p><i>TR1- Employee Training</i> <i>TR2- Volunteer and Contractor Training</i> <i>TR3- Resident Education</i> <i>TR4- Specialized Training: Investigations</i></p>

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Topic	Speaking Points
	<i>TR5- Specialized Training: Medical and Mental Health Care</i> <i>Add other standards for the discussion as you see fit.</i>

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Module 11:

Management and Operational Practices

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142

Module 11: Management and Operational Practices

Time: 1 hour

Module Learning Objectives:

1. Identify the relationship between management and operations
2. Recognize why management and operational practices are important
3. Identify practices that affect staff sexual misconduct and youth-on-youth sexual abuse
4. Realize the importance of evaluating management and operational practices
5. Identify strengths and weaknesses of management and operational practices in juvenile settings

Resources Needed:

LCD projector and laptop computer
Easel pad, tape and markers

Participant Notebook Handouts:




PowerPoint®

PowerPoint® Program:






Module 11: Management and Operational Practices

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143

Topic	Speaking Points
Training Objectives 	<ul style="list-style-type: none"> Identify the relationship between management and operations Recognize why management and operational practices are important Identify practices that affect staff sexual misconduct and youth-on-youth sexual abuse
Training Objectives 	<ul style="list-style-type: none"> Realize the importance of evaluating management and operational practices Identify strengths and weaknesses of management and operational practices in juvenile correctional settings
Management and Operations Relationship 	<ul style="list-style-type: none"> Management <ul style="list-style-type: none"> Policy administration and development Operations <ul style="list-style-type: none"> Policy implementation and practice The give-and-take <ul style="list-style-type: none"> Compliance, Communication, Accountability
Management and Operations: Affect on Staff Sexual Misconduct 	<ul style="list-style-type: none"> Management and operations practices, attitudes, structure do have an impact on sexual misconduct <ul style="list-style-type: none"> Practices can confuse or clarify expectations about sexual misconduct Attitudes can encourage or discourage reporting of sexual misconduct Structure can improve the process of investigating sexual misconduct Training and supervision can reduce sexual misconduct







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Topic	Speaking Points
Management and Operations: Affect on Youth on Youth Sexual Abuse 	<ul style="list-style-type: none"> • Observations <ul style="list-style-type: none"> ◦ Increase in fighting ◦ Increase in self injurious behavior ◦ Increase in the use of seclusion • Climate of survival vs. climate of programming
No Matter How Good... 	<ul style="list-style-type: none"> • Cannot always identify which staff or youth will become involved in sexual abuse • Negative consequence of reporting outweighs positive • Relationships form
Barriers to Increased Knowledge 	<ul style="list-style-type: none"> • Resignations in lieu of termination • Investigations terminating upon resignation • Weak labor/management practices • Discipline is often based on what technology (cameras, electronic monitoring) can prove • Under reporting • The “consensual/wipe the brow” factor
Management Issues 	<ul style="list-style-type: none"> • Leadership • Policy • Communication • Supervision • Monitoring • Policy revision • Training
Operational Issues 	<ul style="list-style-type: none"> • Good reporting and documenting practices • Attention to staff and youth behaviors and patterns • Integrity of reporting • Key control and staff monitoring • Follow up





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Topic	Speaking Points
What Are We Seeing? Staff on Youth Red Flags 	<ul style="list-style-type: none"> • Unusual caseload activity • Not holding youth accountable for rule infractions • Contact with youth at unusual times • Doing favors for the youth • Youth know personal things about the staff that co-workers don't know • Staff working excessive overtime
What Are We Seeing? Staff on Youth Red Flags 	<ul style="list-style-type: none"> • Employee having personal crisis (divorce, family death, family illness, financial difficulty) • Increased physical contact and private conversations • Establishing peer relationships • Rumors
What Are We Seeing? Youth on Youth Red Flags 	<ul style="list-style-type: none"> • History of sexual assault • Slightly older than the potential victim(s) • May have been a past victim of sexual assault • May have difficulty controlling anger
What Are We Seeing? Youth on Youth Red Flags 	<ul style="list-style-type: none"> • May display poor coping skills/strategies • May exhibit voyeuristic/exhibitionistic behavior • May have prior charges/convictions for stalking, voyeurism or sex crimes other than rape
Cross Gender Supervision: An Operational Issue 	<ul style="list-style-type: none"> • Need to consider how operational practices apply to cross gender supervision in juvenile facilities <ul style="list-style-type: none"> ◦ When are opposite gender staff supervising youth ◦ Where are opposite gender staff supervising youth? ◦ What are your policies and practices on cross gender supervision? ◦ Do your policies and procedures comply with the PREA Standards?







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Topic	Speaking Points
Vulnerability Assessments (VA) 	<ul style="list-style-type: none"> • An assessment which serves to identify physical plant and operational issues that exist within the institutions that creates vulnerabilities for sexual assaults to occur.
THE VA PROCESS 	<ul style="list-style-type: none"> • Develop and train a committee • Committee members with security background and experience with key control; • Committee member with health and safety experience.
Documents to Request Prior to Assessment 	<ul style="list-style-type: none"> • Key documents • Telephone directory • Security camera information • Aerial photograph of facility • Floor plans for every building • Names of each building and how used • Employee and youth work schedules • Special Incident Reports of sexual abuse
Personnel Request 	<ul style="list-style-type: none"> • Employees with key control knowledge and experience • Employees familiar with/access to all areas of facility • Departmental supervisors from various areas of the facility
Arrival at Facility 	<ul style="list-style-type: none"> • Committee meets with Superintendent and appropriate executive staff and explains committee goals and process • Committee reviews documents and develops strategies for conducting review
Key Assessment 	<ul style="list-style-type: none"> • No key ring is exempt from the review. • Each employee authorized to draw a key ring is interviewed • Commonly drawn key rings not authorized to a specific employee are also reviewed.




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Topic	Speaking Points
Keys-- What to Look For 	<ul style="list-style-type: none"> • Key ring identification for each ring • The number of keys on each ring • The single key identifier on each key on each ring • What each key on the ring accesses • Employee authorized to draw each ring
Keys-- What to Look For 	<ul style="list-style-type: none"> • Keys on rings for areas that require limited staff access • Keys on rings of employees who were not assigned to work areas • Keys to areas that staff use as a short cut to get from one area of the facility to another faster • Keys to areas third shift officers don't need to access (TV room, library, laundry room, storage closet, shower, etc.)
Key—Recommendations 	<ul style="list-style-type: none"> • Access to areas should not be designed for the convenience of the employee, but for necessity ONLY • Place keys to secluded areas on separate key rings for better employee accountability in the areas. • Restrict key authorization to only staff that need access to areas; • Re-key locks to reduce the number of staff access to specific areas; <p><i>Distribution and assignment of keys does not necessarily point to sexual misconduct but may point to other issues such as someone passing on work; facility issues such as broken doors or locks; and poor facility upkeep. Are there other examples? Discuss.</i></p>
Key—Recommendations 	<ul style="list-style-type: none"> • Remove keys from rings that are not needed for that particular shift • Develop separate key rings for third shift officers on various posts; • Return all keys in the Control Center to the Lock Shop that are not in use.
Cameras	<ul style="list-style-type: none"> • How many cameras are installed at the facility? • Where are cameras located? • Which cameras are stationary?







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Topic	Speaking Points
	<ul style="list-style-type: none"> • Which cameras are pan, tilt, zoom? • Who monitors each camera? • Does camera system have recording capability? If so, how long?
Cameras 	<ul style="list-style-type: none"> • Determine if cameras are strategically placed in areas and who, if anyone, is viewing the camera monitors • Determine if additional cameras are needed; • Determine if existing cameras need recording capabilities • If the recording timeframe needs to be increased or decreased
Floor Plans and Names of Buildings 	<ul style="list-style-type: none"> • Floor plans of each building on grounds; • Names of each building and building use • The time buildings are occupied; • Ensures no rooms or buildings are missed
Employee and Youth Work Schedules 	<ul style="list-style-type: none"> • Information is needed for each building to determine when employees and youth work together in secluded areas of the facility. <ul style="list-style-type: none"> ◦ Employee names and titles ◦ Youth names and numbers ◦ Employee and youth work hours ◦ Employee and youth days off
Special Incident Reports 	<ul style="list-style-type: none"> • Review to determine where incidents of alleged sexual abuse have occurred in the past • Speak with investigator to receive additional information, i.e., employee resignations/terminations due to alleged sexual misconduct and other intelligence received
Physical Plant Assessment 	<ul style="list-style-type: none"> • Keys • Doors • Locks • Obstructed Views







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Topic	Speaking Points
	<ul style="list-style-type: none"> ◦ Lighting ◦ Furniture Placement ◦ Need for Security Equipment
Reporting 	<ul style="list-style-type: none"> • Each committee member was required to document observations during the review; • One standardized form was used to ensure consistent information was reported; <ul style="list-style-type: none"> ◦ Date ◦ Institution ◦ Building Name ◦ Room Number/Identifier ◦ Room Used For ◦ Recommendations
Furniture Placement 	<ul style="list-style-type: none"> • Placement of desks in offices • Placement of desks on officers' posts • Obstruction of view in cells <ul style="list-style-type: none"> ◦ wardrobe cabinets, beds, etc. • Obstruction of view in offices, rooms and other areas <ul style="list-style-type: none"> ◦ blinds, file cabinets, bookcases, officer lockers, computer hutch, storage rack, ice machine, shelves, cubicles walls, etc.
Obstructions of View 	<ul style="list-style-type: none"> • Film on windows • Painted windows • Frosted glass windows • Curtains/blinds in windows • Height of cubicle workstations • Paper, pictures, posters in office and door windows
Obstructions of View	<ul style="list-style-type: none"> • Solid color shower curtains


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Topic	Speaking Points
	<ul style="list-style-type: none"> • Wood covering mesh doors • Height and depth of shower stalls • Boxes stacked in front of windows • Translucent contact paper in windows • Solid curtains used as a room divider • Cloth and blankets covering windows
Secluded Areas 	<ul style="list-style-type: none"> • Staff offices in secluded areas • Secluded areas in fire exits • Secluded areas in stairwells • Secluded areas under stairwells • Secluded unoccupied areas • Unsecured buildings outside the fence
Suspicious Findings 	<ul style="list-style-type: none"> • Chairs, mattresses, toilet paper in secluded areas (Mechanical Rooms, etc.) • Pornography magazine in mechanical room • Rooms where light bulbs had been removed or not replaced • Suspicious behavior in secluded areas
Lighting 	<ul style="list-style-type: none"> • Inadequate lighting in hallways, etc. • Light bulbs need to be replaced in closets, hallways, etc. • Lights off in a room, office or area when occupied
Doors 	<ul style="list-style-type: none"> • Installing windows in solid doors • Enlarging current windows in doors • Replacing solid doors with mesh or grill-type doors • Removal of doors
Locks 	<ul style="list-style-type: none"> • Locks on doors that are keyed from both sides (restrooms, offices) • Slam locks on doors • Manual turn-style locks on interior of doors • Slide-type locks on interior of doors

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Topic	Speaking Points
Locks 	<ul style="list-style-type: none"> • Latchable locks on interior of employee restrooms • Deadbolt locks • Locks on interior side of supply closet doors
Final Report 	<ul style="list-style-type: none"> • Detailed report submitted to Deputy Director of Institutions • Deputy Director of Institutions reviews report and meets with facility executive staff to review report • An action plan developed by the institution is required • Allows Supt to disagree with recommendations, and explain why • Deputy Director of Institutions makes final decision
Follow up 	<ul style="list-style-type: none"> • Follow up conducted by the PREA Coordinator • Meet with Superintendent and appropriate executive staff • Visit areas of facility to ensure compliance
Key Elements of Management and Operational Policy 	<ul style="list-style-type: none"> • Clear • Specific definitions • Mandatory reporting • Multiple avenues for reporting • Allegations are thoroughly investigated
Key Elements of Management and Operational Policy 	<ul style="list-style-type: none"> • Protection from retaliation • Training for staff and youth • Orientation for youth • Protocols for community linkage
Impact of Good Practices 	<ul style="list-style-type: none"> • Staff and youth understand zero tolerance • Staff and youth reporting increases • Youth know the definitions and how to report • Youth trust they will be heard and helped

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Topic	Speaking Points
Impact of Good Practices 	<ul style="list-style-type: none"> • Misbehavior is more obvious • Staff understand their role • Documentation is accurate and concise • Incidents decrease
Discussion: Applicability of PREA Standards	<p><i>Ask participants to refer to their copy of the Juvenile Standards. Use this time to discuss the PREA Standards that apply to management and operational practices. Discuss the standard as well as the compliance checklist</i></p> <p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> <i>1. Why is this standard important?</i> <i>2. How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i> <i>3. What else could/ should we do?</i> <p><i>Standards that apply to management and operational practices include:</i></p> <p><i>PP4- Limits to Cross-Gender Viewing and Searches</i> <i>PP5- Accommodating Residents with Special Needs</i> <i>PP7- Assessment and Use of Monitoring Technology</i> <i>SC1- Screening for Risk of Victimization and Abusiveness</i> <i>DC2- Data Collection</i> <i>AU1- Audits of Standards</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>

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Module 12: Managing Vulnerable Youth

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154

Module 12: Managing Vulnerable Youth

Time: 30 minutes

Module Learning Objectives:

1. Understand who vulnerable youth are
2. Understand factors that create vulnerability
3. Understand how vulnerabilities present in youth in custodial settings

Resources Needed:

LCD projector and laptop computer
Easel pad, tape and markers

Participant Notebook Handouts:






PowerPoint®
Juvenile Victimization and Offending 1993-2003
Federal Victim Rights

PowerPoint® Program:







Module 12: Managing Vulnerable Youth

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155

Topic	Speaking Points
Objectives 	<ul style="list-style-type: none"> • Understand who vulnerable youth are • Understand factors that create vulnerability • Understand how vulnerabilities present in youth in custodial settings
Vulnerable Youth Are: 	<ul style="list-style-type: none"> • Children • Previously Victimized • Little experience with institutionalization • Developmentally Disabled • Mentally ill • Hearing Impaired • Limited Language Ability • Gay and Transgendered • Substance Abusers <p><i>To some degree all of the youth in your facilities have some of these markers. This really cautions for an overly therapeutic approach for all youth in custody.</i></p>
Consider Being a Kid... 	<ul style="list-style-type: none"> • Different communication styles • Maturity level (emotional, physical) • Language development • Social development • Nature vs. Nurture
Working with Youth 	<ul style="list-style-type: none"> • Be aware of child's developmental level • Be aware of special legal issues • Be aware of prior victimizations
Special Considerations: Previously Victimized 	<ul style="list-style-type: none"> • PTSD • Low self-esteem • Mistrust • Emotional pain

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Topic	Speaking Points
Special Considerations: Previously Victimized 	<ul style="list-style-type: none"> • “Victim” pattern in lifestyle and relationship choices • Distorted view of self, relationships & reality • Past histories of institutional abuse • Personality disorders-maladaptive patterns of interacting
Special Considerations: Developmental Disabilities 	<ul style="list-style-type: none"> • Wants to please people in authority • Relies on authority figures for the solution • Level of understanding varies widely • Real memory gaps
Special Considerations: Developmental Disabilities 	<ul style="list-style-type: none"> • Avoid lengthy complex, 2-part questions or directions • Determine language ability • Short attention span • Quick to take blame • Take into consideration origin of behavioral outbursts
Special Considerations: Mentally ill 	<ul style="list-style-type: none"> • Individuals with DSM Diagnosis • Depression • Anxiety • Schizophrenia • Bipolar Disorder
Special Considerations: Mentally ill 	<ul style="list-style-type: none"> • Make sure the child feels safe • Provide information about specific mental illnesses and their behavioral manifestations. • Take into account medication cycles
Special Considerations: Mentally ill 	<ul style="list-style-type: none"> • Be aware of your body language • Be aware of child’s body language • Inconsistencies in story may not = lying • Do not underestimate the child • Take your time

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Topic	Speaking Points
Special Considerations: Hearing Impairments 	<ul style="list-style-type: none"> • A certified sign language interpreter (ADA) • Give the interpreter time to establish rapport and trust • Ensure the interpreter is comfortable with environment • Speak directly to the child – not the interpreter
Special Considerations: Limited Language Ability 	<ul style="list-style-type: none"> • Use vocabulary and sentences that are at the child’s level of cognitive and language development • Avoid lengthy complex, 2-part questions or directions • Speak slowly and allow sufficient wait time
Special Considerations: Gay and Transgendered 	<ul style="list-style-type: none"> • Special consideration should be given to the safety of these children • Use gender identifiers as the youth indicates. • Use gender neutral language. (ex: youth or resident instead of girlfriend or boyfriend) • Avoid judging and inappropriate remarks
Special Considerations: Substance Abusers 	<ul style="list-style-type: none"> • Heightened sense of general fear • Emotional reaction may not match the behavioral reaction • Lack of trust • Be aware of medical history • Utilize your resources for addiction prevention and recovery programs (Certified)
Additional Resources 	<ul style="list-style-type: none"> • Child Advocacy Centers • Rape Crisis Centers* • Comprehensive Care Centers • Private Mental Health Providers • Carefully reviewed on-line sources
Discussion: Applicability of PREA Standards	<p><i>Ask participants to refer to their copy of the Juvenile Standards. Use this time to discuss the PREA Standards that apply to</i></p>

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Topic	Speaking Points
	<p><i>managing vulnerable youth. Discuss the standard as well as the compliance checklist</i></p> <p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> <i>1. Why is this standard important?</i> <i>2. How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i> <i>3. What else could/ should we do?</i> <p><i>Standards that apply to managing vulnerable youth include:</i></p> <p><i>PP5- Accommodating Residents with Special Needs</i> <i>AP1- Obtaining Information about Residents</i> <i>AP2- Placement of Residents in Housing, Bed, Program, Education and Work Assignments</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>

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Module 13:

Medical and Mental Health Care

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160

Module 13: Medical and Mental Health Care

Time: 1 hour 30 minutes

Module Learning Objectives:

1. Identify common reactions to sexual abuse
2. Identify medical and mental health services needed by and available for youth
3. Understand mandatory reporting requirements
4. Understand the public health implications of sexual abuse in youth correctional settings

Resources Needed:

LCD projector and laptop computer
Easel pad, tape and markers

Participant Notebook Handouts[♦]:





PowerPoint®
Medical/Mental Health Confidentiality
Psychiatric Disorders of Youth in Detention
State Sexual Assault Coalitions
Health Organizations Ethics Chart
Assessing the Mental Health Status of Youth in Juvenile Justice Settings
National Protocol for Sexual Assault and Medical Forensic Examinations

PowerPoint® Program:




Module 13: Medical and Mental Health Care

[♦] The Office of Victim Services will develop a special protocol for DNA evidence collection in correctional settings. When that is available we will update the curriculum.






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Topic	Speaking Points
Medical and Mental Health Care 	<p><i>In this module, we are going to be discussing the medical and mental health issues that arise when youth are sexually assaulted. We will cover these issues in the general population and special concerns following a sexual assault.</i></p> <p><i>What are the issues you have encountered with mental health or medical staff regarding sexual assault cases?</i></p> <p><i>Write the issues on an easel pad.</i></p>
Objectives 	<p><i>The objectives of this module are to:</i></p> <ol style="list-style-type: none"> 1. Identify common reactions to sexual abuse 2. Identify medical and mental health services needed by and available for youth 3. Understand mandatory reporting requirements 4. Understand the public health implications of sexual abuse in youth correctional settings
Trauma Reactions: Adolescents and Stress 	<ul style="list-style-type: none"> • Physiologically show an increased responsivity to stressors • Respond with greater negative affect than children or adults • Even when referring to the same activities often find them less pleasurable than their parents • Higher risk for drug abuse may be tied to elevated stress responsivity. It is an escape mechanism to block things that are going on around them in their life
Trauma Reactions 	<p><i>Each occasion of sexual violence is a trauma incident. Common reactions are broken into three categories:</i></p> <ul style="list-style-type: none"> • Emotional responses • Cognitive responses • Behavioral responses





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Topic	Speaking Points
<p>Common Reactions to Sexual Assault: Emotional/Cognitive</p> 	<ul style="list-style-type: none"> • Emotional shock and disbelief • Shame and sense of stigma • Guilt • Powerlessness • Denial • Disturbance in thought process <p><i>How many emotions do youths generally have? They have many but we most frequently see these two: anger and happiness. Counselors help them get in touch with their emotions.</i></p> <p><i>When a child experiences a trauma, he or she is often stopped at that developmental level. As youths go up the ladder of maturity, they are better able to handle relationships and other stressors in their lives. But if they are stuck at one level, they may have problems coping with basic needs.</i></p>
<p>Common Reactions to Sexual Assault: Emotional/Cognitive</p> 	<ul style="list-style-type: none"> • Fear • Depression • Anxiety and hyper-vigilance • Helplessness and altered world view • Anger • Loss of trust <p><i>There are many cultural differences that affect the way a youth may cope with the trauma. If the culture won't talk about it or puts shame on the victim that may not be helpful to the youth's recovery and healing. Many cultures such as some Native American cultures and Asian have strong norms about the inappropriateness of "talking about your problems."</i></p>
<p>Common Reactions to Sexual Assault: Behavioral</p> 	<ul style="list-style-type: none"> • Expressive • Calm • Withdrawn • Sleep disturbances • Eating disturbances <p><i>No one's reaction to a trauma will be the same or what you expect. You can have someone in hysterics or in fetal position</i></p>





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Topic	Speaking Points
	<i>or relatively calm. One is not better or worse than another.</i>
Common Reactions to Sexual Assault: Behavioral 	<ul style="list-style-type: none"> • Lack of concentration or energy • Aggressive or self-injurious behavior • Substance abuse • Changes in appearance • Changes in sexual behavior
Trauma Reactions 	<p>Common DSM diagnoses for youth in custody include:</p> <ul style="list-style-type: none"> • Acute Stress Disorder • Post Traumatic Stress Disorder (PTSD) <p>Other recognized issues</p> <ul style="list-style-type: none"> • Complex Post Traumatic Stress Disorder • Rape Trauma Syndrome
Being a Survivor and being in Detention 	<ul style="list-style-type: none"> • Little control over things survivors are sensitive to • Contradiction in culture and rules • Feelings of disorientation and anxiety may make youth unable to follow rules • Sharing or talking about feelings may be a safety risk for a youth
Being a Survivor and being in Detention 	<ul style="list-style-type: none"> • Isolation may be a relief but it could also cause further trauma • Increased anger may cause acting out • Complex nature of “consent” can lead to self-blame • Multiple traumas exacerbate symptoms
Role of Health Care Providers 	<ul style="list-style-type: none"> • Confidentiality • Reporting • Provide services to youth <ul style="list-style-type: none"> ◦ “victim-centered care” approach • Providers are part of the correctional team




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Topic	Speaking Points
	<ul style="list-style-type: none"> ◦ security and safety
Immediate Medical Concerns 	<p><i>Although we know reports do not always come immediately after an incident, here is what to look for if you receive an immediate report:</i></p> <ul style="list-style-type: none"> • Bleeding • Head trauma • Choking injuries • Vomiting • Shock • Vaginal or anal injuries • Bruising
Long Term Health Care Concerns 	<ul style="list-style-type: none"> • HIV/AIDS • Hepatitis B and C • Sexually transmitted diseases (STDs) • Pregnancy • Suicidal thoughts and/or actions • Ongoing problems from physical injury
Sexual Assault Exam (SANE) 	<ul style="list-style-type: none"> • Can be performed within 96 hours of assault • Consideration should be given to if you are doing it in-house or in a medical facility • Exam lasts over an hour <p><i>We would strongly recommend doing these in the community</i></p>
Sexual Assault Exam (SANE) 	<ul style="list-style-type: none"> • Chain of custody for evidence must be followed for it to be valid • Age of youth - ability to consent to exam (<i>may need to get parental or court consent</i>) <p><i>Bring sample of rape kit to pass around so participants can see its contents.</i></p>






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Topic	Speaking Points
Need for SANE Exams in Juvenile Settings 	<ul style="list-style-type: none"> • Treatment and documentation of injuries • Treatment and evaluation of other medical issues • Crisis intervention • Collection of evidence
Sexual Assault Response Teams (SART) 	<ul style="list-style-type: none"> • Composed of <ul style="list-style-type: none"> ◦ Law enforcement ◦ Mental health/rape crisis providers (<i>this can include child advocacy centers or Children's Hospital</i>) ◦ Medical health provider
Sexual Assault Response Teams (SART) 	<ul style="list-style-type: none"> • Benefit <ul style="list-style-type: none"> ◦ Allows a comprehensive response to sexual assault ◦ Information sharing while minimizing re-victimizing by asking the survivor to repeat the story multiple times.
Rape Crisis Centers 	<p><i>Engage your local rape crisis centers as you develop policies and procedures. These centers can provide:</i></p> <ul style="list-style-type: none"> • Advocates <ul style="list-style-type: none"> ◦ Some communities have rape crisis counselors that will meet youth at the hospital and act as advocates during SANE exams) • Mental health evaluation • Group counseling (in some situations) <p><i>What has been your experience – both pros and cons – working with rape crisis centers, children's hospitals or advocacy groups? Discuss. If these were past problems, brainstorm</i></p>

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Topic	Speaking Points
	<i>possible solutions.</i>
Child Advocacy Centers 	<ul style="list-style-type: none"> • Physical exam center • Forensic Interviewing/evaluation facilities • Counseling • Advocacy <p><i>How many of you currently use child advocacy centers for these cases?</i></p>
Partnering with Local Crisis Centers and Child Advocacy Centers 	<p><i>Here are the pros and cons to partnering with local crisis centers and/or child advocacy centers:</i></p> <p>Pros:</p> <ul style="list-style-type: none"> • Specialized training for care of sexual assault victims • Victims may be more comfortable with a provider outside of the juvenile justice agency • Ability to provide a wider range of services <p>Cons:</p> <ul style="list-style-type: none"> • Counselors may not be trained in dealing with detained youth or regulations of juvenile correctional environments • May not agree with or understand policies that may go against ethical codes and beliefs
Mandated Reporting 	<ul style="list-style-type: none"> • All mandatory reporting laws specific to your state must be followed • Department/facility reporting policy does not over rule states' mandated reporting laws • HIPAA does not preclude the release of information necessary to met mandated reporting of child abuse or neglect. • Federal substance abuse privacy laws do not preclude the release of information necessary to met mandated reporting of child abuse or neglect

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Topic	Speaking Points
Impact of Sexual Assault 	Sexual assault in a juvenile detention facility affects youth, staff and society
Impact on Youth 	<ul style="list-style-type: none"> • STDs • Substance abuse • Suicide • Rape trauma syndrome • May become perpetrators to gain control - “I’m going to get you before you get me” attitude
Impact on Staff 	<ul style="list-style-type: none"> • Unmanageable anger from youth • Secondary trauma • Increased hostility or anger • Feelings of guilt • Youth acting out aggressively • Feelings of powerlessness
Impact on Society 	<ul style="list-style-type: none"> • Spread of communicable diseases • Financial burden of treatment • Survivors may perpetrate in the community • Substance abuse
Implications for Public Health 	<ul style="list-style-type: none"> • Spread of infectious diseases • Increased healthcare cost- mental and medical health • Increased violence
Discussion: Applicability of PREA Standards	<i>Ask participants to refer to their copy of the Juvenile Standards. Use this time to discuss the PREA Standards that apply to medical and mental health care. Discuss the standard as well as</i>

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Topic	Speaking Points
	<p><i>the compliance checklist</i></p> <p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> <i>1. Why is this standard important?</i> <i>2. How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i> <i>3. What else could/ should we do?</i> <p><i>Standards that apply to medical and mental health care include:</i></p> <p><i>TR5- Specialized Training: Medical and Mental Health Care</i></p> <p><i>RE3- Resident Access to outside Support Services and Legal Representation</i></p> <p><i>OR4- Coordinated Response</i></p> <p><i>MM1- Medical and Mental Health Intake Screenings</i></p> <p><i>MM2- Access to Emergency Medical and Mental Health Services</i></p> <p><i>MM3- Ongoing medical and mental health care for Sexual Abuse Victims and Abusers</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>

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Module 14:

Investigating Sexual Abuse of Youth in Custody

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170

Module 14: Investigating Sexual Abuse of Youth in Custody

Time: 2 hours

Module Learning Objectives:

1. Identify the foundations of successful investigations
2. Understand why investigations fail
3. Identify the considerations for an effective investigation
4. Understand the implications of Garrity
5. Identify useful investigative techniques (including interviewing staff and youth, evidence collection, etc.)

Resources Needed:

LCD projector and laptop computer
Easel pad, tape and markers

Participant Notebook Handouts:






PowerPoint®
Sample Garrity Warning
Sample Interview Questions

PowerPoint® Program:





Module 14: Investigating Sexual Abuse of Youth in Custody

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171

Topic	Speaking Points
Investigating Sexual Abuse 	<p><i>In this module, we are going to discuss some of the basics in investigating sexual assault with youth in custody. Although this is only an overview, it will give you an idea of the critical elements of a successful investigation.</i></p>
Objectives 	<ul style="list-style-type: none"> • Identify the foundations of successful investigations • Understand why investigations fail • Identify the considerations for an effective investigation • Understand the implications of Garrity • Identify useful investigative techniques (including interviewing staff and youth, evidence collection, etc.)
Foundations of Successful Investigations 	<ul style="list-style-type: none"> • Strong and clear zero tolerance policy for staff sexual misconduct • Strong investigative policy • Training staff and youth about investigative process and policy
Foundations of Successful Investigations 	<ul style="list-style-type: none"> • Explain and demystify the investigative process - go to trainings and talk about it to seasoned staff and new recruits • Keep youth involved in process - you need a mechanism for youths who are back out in the community • Define as public safety/security issue (as well as a moral issue) for individuals, institution, and community partners
Foundations of Successful Investigations 	<ul style="list-style-type: none"> • Reasonable assurances of retaliation control against youth, witnesses and community partners • Knowing the channels of reporting (including your mandatory reporting guidelines) <ul style="list-style-type: none"> ○ Time is the enemy ○ Reporting should be immediate





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Topic	Speaking Points
	<p><i>Consider the following: what do you do right after there is an allegation involving a staff and youth? Do you send the staff member home on paid administrative leave? Is this clear in your policy? The youth and staff have to be separated and generally moving the staff is the easiest. Usually you have a set amount of time (such as 30 days) to finish your investigation if the staff is on administrative leave. The clock is ticking.</i></p>
Foundations of Successful Investigations 	<ul style="list-style-type: none"> • Staff, youth and community partners view process as credible • Legal/judicial partners view processes in compliance with applicable laws and criminal procedures
Foundations of Successful Investigations 	<ul style="list-style-type: none"> • Even if the youth recants his/her original statement that something happened, or s/he denied something happened and you have some evidence to contrary, work the allegation as if it took place and you will be moving forward. <i>Take all incidents seriously and preserve everything you may need (video tapes, log books, physical evidence). You may need it later or you may be able to prove it without the victim.</i>
Why Investigations Fail 	<ul style="list-style-type: none"> • Attitude toward the victim • Actions-reactions-lack of action by first responders • Complainants with limited mental capacity and murky past
Why Investigations Fail 	<ul style="list-style-type: none"> • Lack of communications with investigative partners both internal and external <ul style="list-style-type: none"> ◦ Law enforcement ◦ Child Protective Services






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Topic	Speaking Points
	<ul style="list-style-type: none"> ◦ Mental health ◦ Medical ◦ Prosecutors ◦ GAL ◦ Social workers ◦ Lawyers/public defenders
Why Investigations Fail 	<ul style="list-style-type: none"> • Lack of support for the victim's safety • Timing and pace of the investigation • Distrust of investigators • Poorly trained investigators
Why Investigations Fail 	<ul style="list-style-type: none"> • Administrative reasons <ul style="list-style-type: none"> ◦ Weak or non-existing policy ◦ Lack of support from the administration ◦ Poor teamwork ◦ Poor recordkeeping
Why Investigations Fail 	<ul style="list-style-type: none"> • Not properly utilizing all of the available investigative tools • Evidence that is <ul style="list-style-type: none"> ◦ Limited ◦ Weak ◦ Poorly collected and preserved
Why Investigations Fail 	<ul style="list-style-type: none"> • Process <ul style="list-style-type: none"> ◦ Leaks ◦ Uncooperative victims ◦ Uncooperative staff - code of silence
Considerations for	<ul style="list-style-type: none"> • Who will conduct the investigation?






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Topic	Speaking Points
Effective Investigations 	<ul style="list-style-type: none"> ○ Agency personnel ○ Outside law enforcement ○ Other outside agency (<i>such as Child Protective Services</i>) <p><i>The nature of the incident may help drive which one you go with - criminal or administrative. Do you use local police, state police or attorney general office? You can bifurcate the process but it needs to be separate.</i></p>
Investigative Considerations 	<ul style="list-style-type: none"> ● Investigative Team <ul style="list-style-type: none"> ○ Gender ○ Ethnicity ○ Expertise ○ Qualifications ○ Language ability
Investigative Considerations 	<ul style="list-style-type: none"> ● Criminal vs. administrative ● Garrity issues
Considerations: Garrity 	<ul style="list-style-type: none"> ● What you learn independent of the interview of the suspect can be turned over to law enforcement. ● Garrity does not prohibit law enforcement from turning over information to you. ● Due to the “fruits” of the Garrity interview, you may want to save your interview of the suspect to one of the last things you complete in the investigation
Considerations: Garrity	<ul style="list-style-type: none"> ● The administrative investigation can be conducted simultaneously with the criminal investigation





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Topic	Speaking Points
	<ul style="list-style-type: none"> The criminal investigation should have the higher priority and due to this, the administrative investigation may be put on hold so as not to interfere with the criminal
Investigative Techniques 	<ul style="list-style-type: none"> First and foremost consideration should be the health and safety of the victim. Unless there is overwhelming evidence to unfound an allegation, action should be taken to separate the victim and accuser, at least until the investigation concludes.
Investigative Techniques 	<ul style="list-style-type: none"> Consider constructing a timeline to put people in a particular location at a particular time. If the allegation is of a sexual assault and it is fresh, the victim should be examined by a trained professional. Prior to an incident, determine if you have a SANE program in your area and what their policy is for examining juveniles.
Investigative Techniques 	<ul style="list-style-type: none"> The second most important consideration is the preserving and collection of evidence. Area or areas where the incident took place should be processed for physical evidence. <ul style="list-style-type: none"> clothing of both victim and suspect bodies of both victim and suspect
Investigative Techniques 	<ul style="list-style-type: none"> Potential DNA Evidence <ul style="list-style-type: none"> Blood Semen Saliva Skin Hair <p><i>You can give examples or cases involving each type of evidence from your jurisdiction if you have them.</i></p>





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Topic	Speaking Points
Other Potential Evidence 	<ul style="list-style-type: none"> Letters/notes written back and forth between the participants and others (search of resident/youth's cell). Gifts exchanged between participants Reports from other staff or youth
Other Potential Evidence 	<ul style="list-style-type: none"> Records-Logbooks, telephone logs, outgoing mail log, victim's account activity, victim's mail, key check-out logs, duty rosters/timesheets, journals, etc. Videos and live streaming. Cell phone records of staff member.
Sample Letter 	<p><i>Here is a sample letter from a female staff member in her 20's to a 16-year-old boy who was in detention. Facts established that she performed oral sex on the boy. However, due to his age, it was not a crime. She finally left this job and went to work for a private child care program. Read the letter aloud off of the PowerPoint® slide. What is your reaction? What other issues does this raise?</i></p> <p><i>You can substitute an example letter from your agency.</i></p>
Interviewing the Victim in Cases of Staff Sexual Misconduct 	<ul style="list-style-type: none"> If other agencies are involved in the investigation, coordinate with them so that the victim is not subjected to multiple interviews. Interview as early in the investigation as possible The person who talked with the victim first, initiating the investigation, should be interviewed and if they are staff, they are required to prepare a detailed memo of that interview.
Interviewing the Victim in Cases of Youth on Youth Sexual Abuse 	<ul style="list-style-type: none"> Conduct and attitude by the first responders and investigators will have a major impact on the alleged victim Treat all alleged victims with dignity and respect Patient, supportive and reassuring Consider having mental health professional present during interview

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Topic	Speaking Points
Additional Potential Witnesses 	<ul style="list-style-type: none"> • All youth on the pod or in the program with the victim • Any youth who may have been on the pod and recently moved or released • Family of the victim • Fellow staff members <ul style="list-style-type: none"> ◦ floats, supervisors, control operators, counselors
Aggressive Investigative Techniques in Cases of Staff Sexual Misconduct 	<ul style="list-style-type: none"> • Body wires • Controlled calls • Computer <ul style="list-style-type: none"> ◦ examine staff's office computer • Polygraphs <ul style="list-style-type: none"> ◦ victims, suspect
Special Considerations: Staff 	<ul style="list-style-type: none"> • In addition to investigating the assault, staff should be investigated for a lack of supervision • If you have sexual offenders in your program, staff should receive additional specialized training in dealing with this population.
Special Considerations: Youth 	<ul style="list-style-type: none"> • Forcible acts are crimes and should be investigated in much the same way as staff on youth. • The alleged offender is entitled to his/her constitutional rights and should be so advised. • Most are represented by a state agency on the charges that got them detained or committed.
Special Considerations: Youth	<ul style="list-style-type: none"> • “Consensual” sex acts should be investigated to determine if a crime has been committed and for a supervision issue with staff. • Law enforcement is often reluctant to investigate

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Topic	Speaking Points
	misdemeanor crimes <ul style="list-style-type: none"> Involved youths should be held accountable administratively for their behavior <ul style="list-style-type: none"> loss of privileges, loss of phase
Special Considerations: Youth 	<ul style="list-style-type: none"> Youths should be separated from each other Youths should be examined medically Staff should be accountable for supervision if act occurred on their watch
Investigators Should 	<ul style="list-style-type: none"> Document completely everything they do in the investigation Adapt the investigation to the facility Know their investigative resources Know how to use technology effectively Understand evidence collection and chain of custody Include other agencies Prepare before you get an allegation
Remember 	<ul style="list-style-type: none"> Be tenacious Be creative. Think outside the box. Keep good records. Document-document-document Know your agency's policy and procedures and state and federal criminal laws Bring in other skills sets if needed: <ul style="list-style-type: none"> Lawyers Physicians Forensics Treatment Partners Available community resources
Activity: First Responders	<i>Have participants get into a group of three people. Read the scenario, give them about 15 minutes to make their list and strategy. Next, discuss their strategy steps in the large group.</i>

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Topic	Speaking Points
	<p>Example: Staff Sexual Misconduct</p> <p><i>Envision yourself as a first responder in the following scenario and discuss exactly what you would do until the investigator arrived.</i></p> <p><i>Jesse is a 16-year-old female in a youth facility for theft and drug charges. Myron, a 10-year employee in the juvenile justice system is a pod counselor on the night shift. Jesse has come up to you, a line staff member, to ask to be moved to a different pod. When you say no, she goes off very upset. An hour later, a bunkmate tells you Jesse is getting special gifts and treatment from Myron and it isn't fair. He even "took her out or her bunk area last night while we were all sleeping, 30 minutes later, she came back and she had some candy bars and a new CD. She hides the stuff and cries all the time. I think she goes with Myron to the janitor's closet by the kitchen." What would you do?</i></p> <p>Example: Youth on Youth Sexual Abuse</p> <p><i>Envision yourself as a first responder in the following scenario and discuss exactly what you would do until the investigator arrived.</i></p> <p><i>Mark is a 13 year-old gay male in a community corrections day reporting center. Oliver is a 17 year-old male in the same day-reporting center. Oliver and Mark are supervised by different youth workers but are in the same drug abuse group in the afternoon. Mark reports to you that a month ago Oliver sexually assaulted him when he left the group to use the bathroom. Mark tells you that since then there has been no other assaults but that Oliver has been telling other boys that he belongs to Oliver. Lately other boys have been approaching him for sexual favors in Oliver's absence. Mark reports that he is very scared and has been threatened by other boys on multiple occasions. What would you do?</i></p>
<p>Discussion: Applicability of PREA Standards</p>	<p><i>Ask participants to refer to their copy of the Juvenile Standards. Use this time to discuss the PREA Standards that apply to investigations. Discuss the standard as well as the compliance checklist</i></p>

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Topic	Speaking Points
	<p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> <i>1. Why is this standard important?</i> <i>2. How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i> <i>3. What else could/ should we do?</i> <p><i>Standards that apply to investigations include:</i></p> <p><i>TR4- Specialized Training: Investigations</i> <i>OR3- Staff First Responder Duties</i> <i>OR4- Coordinated Response</i> <i>IN1- Duty to Investigate</i> <i>IN2- Criminal and Administrative Agency Investigations</i> <i>IN3- Evidence Standard for Administrative Investigations</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>

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Module 15:

Prosecuting Sexual Abuse of Youth in Custody

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182

Module 15: Prosecuting Sexual Abuse of Youth in Custody

Time: 1 hour 30 minutes

Module Learning Objectives:

1. To understand prosecutors' approach to investigations of sexual violence on juveniles
2. To understand what prosecutors want before they will accept cases on juveniles sexual violence
3. To understand what prosecutors need to successfully prosecute adults and juveniles for sexual violence
4. To understand the barriers to prosecution
5. To understand recommendations to improve prosecutions

Resources Needed:

LCD projector and laptop computer
Easel pad, tape and markers

Participant Notebook Handouts:




PowerPoint®
Prosecuting Sexual Violence in Correctional Settings: Examining Prosecutors' Perceptions
Example Press Release and News Story
In the News: A Chart of News Articles

PowerPoint® Program:


Module 15: Prosecuting Sexual Assaults on Youth in Custody

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183

Topic	Speaking Points
<p>Prosecuting Sexual Abuse of Youth in Custody</p> 	<p><i>We are going to talk about building cases from investigation to indictment to disposition - the Prosecutors' perspective. Child sexual abuse cases are very difficult to prosecute. Now, layer on the fact that the child is in a juvenile detention center and there are many challenges.</i></p> <p><i>It is difficult for prosecutors to get on board on these cases, especially if they don't have the background about these issues nor understand why they are important to prosecute. These are not often winnable cases, but it is the right thing to prosecute them.</i></p>
<p>Objectives</p> 	<ol style="list-style-type: none"> 1. To understand the prosecutors' approach to investigations of sexual violence on juveniles 2. To understand what prosecutors <u>want</u> before they will accept a case on juveniles sexual violence 3. To understand what prosecutors <u>need</u> to successfully prosecute adults and juveniles for sexual violence 4. To understand the barriers to prosecution 5. To understand recommendations to improve prosecutions
<p>Prosecutorial Hurdles in Child Sexual Assault Generally</p> 	<ul style="list-style-type: none"> • Credibility - he said/she said <i>rarely are there witnesses so you rely on two people's testimony. "You may consider that children's testimony is less reliable..." so there is a specific jury instruction that acknowledges this bias.</i> • Lack of physical/biological evidence – <i>often there is not physical evidence and jurors can't believe there wouldn't be tears or bruises on the body in these cases. There can be lubricants and the body is very flexible.</i> • Problematic Victims - <i>these kids are runaways, have records, have lied in the past, have mental health problems, are "streetwise", have been sexual in the past. These kids may be difficult for jurors to believe.</i> • Failure to report timely - <i>many are fearful. A delayed report is not unusual.</i> • Delays, half truths, recantations – <i>expect it and deal with it.</i>




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Topic	Speaking Points
	<ul style="list-style-type: none"> • Bias, motive, fabrication - <i>why might a child report this? The accused staff member might easily say, “He was just upset because I have been on him all day and threatened to write him up if he didn’t go back to his cell.” It is often easy to create a motive for a kid to fabricate.</i> • Children are tougher witnesses - <i>these kids can be impeached pretty easily, kids do clam up more so than adults so they can be unpredictable from a prosecutor’s point of view.</i> • Mental health issues - <i>this makes them very vulnerable. Defense lawyers always want to know how “competent” the children are. “I heard this kid was in a psychiatric hospital. I want the records.” If it isn’t relevant, keep it out if you can.</i>
<p>Prosecutorial Hurdles in the Juvenile Correctional Setting</p> 	<ul style="list-style-type: none"> • Victims <ul style="list-style-type: none"> ◦ Delinquent children- <i>these kids have been in trouble and are serving time. The defense lawyer may say, “Where do you live?” as a way to discredit them. You can’t hide it. This minimizes the child’s credibility.</i> ◦ Criminal status • Mental health/substance abuse/other abuse • Pool of potential witnesses limited <ul style="list-style-type: none"> ◦ Equally problematic - <i>the victim may not be the best witness and in fact, someone else may be - such as a best friend that the victim told.</i> • Adult v. juvenile <ul style="list-style-type: none"> ◦ Adult - <i>position of authority/law enforcement. Jurors are asked in voir dire if they would give law enforcement more credibility as a witness than anyone else? The defense will ask the officer what he/she does, any awards, training, etc. They can look pretty good to a juror.</i> ◦ Child - juvenile delinquent - <i>their background often doesn’t look so good.</i>
<p>Sexual Assault Cases</p>	<ul style="list-style-type: none"> • Nature of sexual act itself




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Topic	Speaking Points
	<ul style="list-style-type: none"> ○ Same gender assault - <i>male on female cases are “more attractive” to prosecute.</i> ○ Sexual behaviors that seem out of the ordinary are difficult for people to talk about. <i>A transsexual is often misunderstood and viewed with bewilderment and disgust by jurors. Many people are opposed to homosexual behavior for religious reasons.</i> ● Gender issues <ul style="list-style-type: none"> ○ Perception that cases involving male and females are more attractive ○ Race and class
<p>Sexual Assault Cases in Correctional Settings</p> 	<ul style="list-style-type: none"> ● Exploiting disabilities <ul style="list-style-type: none"> ○ Mental health ○ Drug addiction ○ Previously a victim of abuse ○ Little experience in the criminal justice system
<p>Barriers to Prosecution</p> 	<ul style="list-style-type: none"> ● Inadequate reporting structures and safety assurances for victims ● Inadequate investigations ● The institution ● Conflicts between administrative and criminal cases ● Consent v. rape ● Law <ul style="list-style-type: none"> ○ misdemeanors ● Lack of experience <ul style="list-style-type: none"> ○ Sex cases ○ Institutional cases ● Witness reliability ● Resources ● Sentencing <p><i>Delays are very difficult for kids. They become more fearful and memories fade as time goes on. The more delays, the worse it is</i></p>

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Topic	Speaking Points
	<i>for the kids and for the quality of the case. It may take six months to a year to go to trial. Cognitively, that is an eternity for a child.</i>
Case Study: California Division of Juvenile Justice 	<p><i>Feel free to substitute a case example from your agency</i></p> <p>Here is a case from the California Division of Juvenile Justice</p> <ul style="list-style-type: none"> • Document for 4,000 serious infractions for youth-on-youth assaults and batteries at six Department of Juvenile Justice institutions – 10 per day • Youth, especially those who openly identified as gay, bisexual, lesbian, or transgender told of sexual assaults in the barracks or dorms and reported that staff did not take these victimizations seriously. • Most youth felt that “fighting back” was the only way to protect themselves
Case Study: California Division of Juvenile Justice 	<ul style="list-style-type: none"> • To escape repeated victimization, some youths would assault staff or others to go to lock-up units. • Engage in abnormal behavior such as suicidal gestures, smearing feces on themselves or their beds to claim psychotic episodes
Investigation: Scioto Juvenile Correctional Facility 	<p><i>Feel free to substitute a case example from your agency</i></p> <ul style="list-style-type: none"> • The Scioto (Ohio) is the reception center for all juvenile males entering Department of Youth Services and is Ohio’s sole facility for girls adjudicated felony-level crimes in juvenile courts. • Since 2003, 14 Scioto staff have been indicted on charges relating to physical and sexual abuse of youth at Scioto • One officer was convicted of attempted sexual battery as a result of allegations that he ordered a female youth to undress while he watched and engaged in inappropriate sexual touching.
Investigation: Scioto	<ul style="list-style-type: none"> • A female officer pled guilty to dereliction of duty as a




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Topic	Speaking Points
Juvenile Correctional Facility 	<p>result of allegations that she ordered a male youth to expose himself and engage in inappropriate touching.</p> <ul style="list-style-type: none"> An officer was convicted of sexual battery and attempted sexual battery for forcing one youth to perform sex acts on him and for inappropriately sexually touching another female youth.
Prosecutorial Considerations 	<p><i>If you go into a prosecutor's office, he or she will want to know these things from you and often in this order.</i></p> <ul style="list-style-type: none"> Nature of offense Quality of initial report Quality of initial investigation Condition of crime scene, if any Available DNA Admissions by the target Any witnesses Any other corroborative evidence Target's history
Quality of the Initial Report 	<p><i>You don't want to be a few months down the road and find out some of these details that you didn't know.</i></p> <ul style="list-style-type: none"> Timing of reported sexual assault - <i>who have they told and when? Often it was disclosed much earlier than when a report was made.</i> Details - <i>the devil is in the details. Details make it much more credible. The physical details are critical to learn from the victim such as details about tattoos, was the man circumcised or uncircumcised, oddly shaped penis, color of pubic hair, color of condom, find out everything that they saw or smelled or heard. They are not going to know how something smells or feels, even if they have watched 50 pornographic films. Using anatomical dolls as part of the investigation can be useful in getting details, especially if the victim is shy, embarrassed, only knows slang words for body parts or there is a language barrier.</i> <i>The sex of the investigator or prosecutor may make a difference on how much detail is given by the child. Who</i>




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Topic	Speaking Points
	<p><i>will talk to them, where and how? Are there adequate reporting settings (is there a child advocacy center, an interview room - stark office versus a comfortable and safe room).</i></p> <ul style="list-style-type: none"> • Victim's demeanor - <i>not just what they said but how they said it and how did they act?</i> • Prior reports of rape - <i>consent is not a defense when a minor is involved. It is statutory. A prosecutor needs to know if this child has made a prior report against this staff member or someone else.</i> • Victim's criminal status - <i>This will inform the quality of the initial report and how the case will be couched for the jury.</i> • Location - <i>if it happened in a place where a child shouldn't have been or couldn't have been without a staff member that makes a difference. Who could have seen him/her? Was it the shower or the bathroom, which was right next to the victim's cell? If there is a small amount of time that is unaccountable, knowing it was done in a location that was near to the victim's cell makes sense. A prosecutor needs to sell it to a grand jury or jury. S/he might say, "If you were going to execute a sexual assault, would you look for a location that you could get in and out of quickly or if you get caught, you could have a reasonable excuse for being there with the victim?" Digital photos are helpful to show the prosecutor if that is how it looked at the time of the incident. Diagrams are helpful too. Most jurors have not been in a correctional facility so this can be helpful.</i> • Any prior contact/relationship with suspect - <i>It is helpful to know that this staff member has supervised this child for quite some time. Did they get the victim in a position of trust/grooming? If there are repeated discipline problems with the child, it might be as a way to control the child from talking and it makes a convenient way to make the child unbelievable. Having sex for favors is not an unusual situation in a correctional setting.</i> • Willingness to go forward
Strength of the Initial Investigations	<ul style="list-style-type: none"> • The Rape Report • Rape kit/medical forensic examinations if within 96



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Topic	Speaking Points
	<p>hours - <i>all child victims should go for an exam no matter what level of touching was revealed</i></p> <ul style="list-style-type: none"> • Document visible injuries with photographs right away and then a few days later when bruises might appear • Photograph/diagram scene • Determine all sexual contacts or acts • Uncover all potential witnesses (eye and ear) <i>“he came to me and told me he was butt raped.” Ask the victim, did you keep a journal, have you used “Myspace” on the internet, who did you tell first, who did you tell second, third? Were there letters or emails that documented the sexual act?</i> • Determine prior contact with target • Obtain juvenile offender locators • Obtain internal investigative reports • Interview with other staff members • Consider defenses
<p>Crime Scene</p> 	<ul style="list-style-type: none"> • Determine location of assault (the place/person) <ul style="list-style-type: none"> ○ Dorm/detention cell ○ Bathroom ○ Library other common area ○ Staff room/staff area • Immediately photograph/diagram • Recover all physical evidence <ul style="list-style-type: none"> ○ From the person of the victim ○ Bedding ○ Defendant’s/Victim’s Clothing ○ Potential DNA evidence ○ Letters/paperwork/contraband
<p>Power of DNA</p> 	<ul style="list-style-type: none"> • Fabrication defense – gone • Misidentification – gone • No defenses available • Powerful corroboration • May force defendant to testify • Look for nuclear DNA <ul style="list-style-type: none"> ○ Swabbings from victim ○ Bedding or sheets





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Topic	Speaking Points
	<ul style="list-style-type: none"> Look for Mitochondrial DNA <ul style="list-style-type: none"> Hair samples Helpful serological results <ul style="list-style-type: none"> Semen vs. blood/saliva
Quality/ Quantity of Witnesses 	<ul style="list-style-type: none"> Taking witness statements - <i>have investigator take the statements. Don't have the child write his own statement with his bad handwriting, bad grammar, etc.</i> Witness relationship to victim <ul style="list-style-type: none"> Other inmates Correctional employees Criminal history of witnesses Keeping track of witnesses Using witnesses at trial Witness security issues What's in it for the witnesses? <i>Don't bribe or make promises to the witnesses to get favors, then they over-cooperate.</i> Lock-out future contradictory witnesses - <i>you don't want surprises</i>
Additional Corroboration 	<ul style="list-style-type: none"> Medical findings Other reports Eye or ear witnesses Physical evidence Staff evidence Prior reports
Power of Admissions 	<ul style="list-style-type: none"> Admissions are as important as confessions Interview of suspect <ul style="list-style-type: none"> Let suspect provide explanation. Lock suspect into statement regarding any contact with victim during time frame of assault Fully flesh out the alibi with all details Confront the suspect with details and evidence recovered in your case Written statements





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Topic	Speaking Points
	<ul style="list-style-type: none"> • Statements to other youth • Statements to correctional staff • Miranda waiver • Impeaching statements • Disciplinary files
Anticipate Defenses 	<ul style="list-style-type: none"> • Fabrication • Bias • Motive • Consent (youth on youth, staff on youth) • Insufficient proof (i.e., poor investigations) • Identity • Beyond a reasonable doubt
Trial Preparation 	<ul style="list-style-type: none"> • Victim trial preparation • Location and securing inmate witnesses • Witness safety • Securing employee witnesses • Witness trial preparation • Obtaining custodians for records • Updating criminal history • Brady/Giglio/Lewis - <i>if there is any information that is exculpatory, if we, the government, know about something, we have to turn it over. A case can get dismissed or there can be consequences for the government.</i> • Preparing your arguments - <i>you have to humanize your victim and tell his/her story, intimate things that might help the jury care about the youth and the case. I call the victim a “child” not a juvenile delinquent or a ward of the court or a criminal. I ask, “how old are you” or “what grade are you in” and “what are you taking in school?” Talk about the power structure like this kid is just 11 years old and the defendant is 42 years old. Have as many family members of the victim as you can get in the courtroom sitting and in view of the jury so it shows this is a child with a family.</i>

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Topic	Speaking Points
Themes 	<ul style="list-style-type: none"> • Vulnerability • Power structure <ul style="list-style-type: none"> ○ Inherently unequal positions ○ Compromise staff and security ○ Exploitation • Duty to follow the law • No one is beneath the law • This is child sexual abuse
What Prosecutors Want 	<ul style="list-style-type: none"> • Juvenile offender cases are the hardest to prove • Show me the evidence • Strong case out of the box • Be thorough
What Prosecutors Want 	<ul style="list-style-type: none"> • Be the Expert <ul style="list-style-type: none"> ○ Evidence - physical/biological ○ Interview every potential offender witness ○ Interview every potential staff witness ○ Medical records - psychological/physical ○ Photographs/diagrams of the scene ○ Offender records (disciplinary/program) ○ Internal policies
What Prosecutors Add 	<ul style="list-style-type: none"> • Independent investigation • Cover (internal and external) • Experts <ul style="list-style-type: none"> ○ Medical ○ Psychological ○ Scientific (DNA) • Grand jury process • Pretrial disposition • Sentencing options
Committing the Reticent Prosecutor	<ul style="list-style-type: none"> • Show the prosecutor your commitment • Get him/her involved early

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Topic	Speaking Points
	<ul style="list-style-type: none"> • Complete a comprehensive report • Be responsive and available • Personally present your full report • Follow-up regularly with the assigned prosecutor • Stay on top of your witnesses and your case • Document all conversations • Supervisor to supervisor
<p>Pre-trial Disposition</p> 	<p><i>A conviction is a conviction, right? Not going to trial is not necessarily a bad thing.</i></p> <ul style="list-style-type: none"> • Guilty pleas are good • Saves victim from testifying • Ensures conviction in weaker cases • Avoid issues of recantation • Avoid issues of witness relocation • Useful in cases with no DNA or weak corroboration • Registered sex offender • Potential for jail time • Deterrent effects • Encourages reporting
<p>Our Impact</p> 	<ul style="list-style-type: none"> • A just result <i>people who abuse children should be punished or incapacitated</i> • Sends the right message to correctional staff • Deterrence • Safer environments - rules are rules
<p>Recommendations</p> 	<ul style="list-style-type: none"> • Train prosecutors • Clarify and improve reporting structures • Improve the quality of investigations • Build relationships with other actors <ul style="list-style-type: none"> ○ Victim services ○ Law enforcement ○ Protection and advocacy • Amend state and federal laws • Specialized prosecutor units are important

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Topic	Speaking Points
Discussion: Applicability of PREA Standards	<p><i>Ask participants to refer to their copy of the Juvenile Standards. Use this time to discuss the PREA Standards that apply to prosecutions. Discuss the standard as well as the compliance checklist</i></p> <p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> <i>1. Why is this standard important?</i> <i>2. How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i> <i>3. What else could/ should we do?</i> <p><i>Standards that apply to prosecutions include:</i></p> <p><i>RP-4 Agreements with the Prosecuting Authority</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>

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Module 16: Human Resources

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196

Module 16: Human Resources

Time: 1 hour 15 minutes

Module Learning Objectives:

1. Understand what employers can and cannot do regarding dismissing employees following allegations of sexual misconduct with youth (including reference checks)
2. Understand what can be done proactively to avoid legal liability
3. Understand union issues and fair representation
4. Understand why policies on off duty conduct, employee surveillance, and discipline, are important to have

Resources Needed:

LCD projector and laptop computer
Easel pad, tape and markers

Participant Notebook Handouts:





PowerPoint®
Labor and Employment Law: Tools for Prevention, Investigation and Discipline of Staff Sexual Misconduct in Custodial Settings

PowerPoint® Program:





Module 16: Human Resource

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197

Topic	Speaking Points
Human Resource Issues 	<i>How do you get rid of or discipline the staff in your juvenile facilities? In this module we will be talking about administrative proceedings in cases of sex abuse in juvenile settings and the implications for human resource issues.</i>
Proactive vs. Reactive Thinking 	<ul style="list-style-type: none"> • Proactive: What is ideal? <ul style="list-style-type: none"> ○ Designing policies ○ Screening at hiring stage • Reactive: Dealing with the here and now <ul style="list-style-type: none"> ○ Investigations ○ Discipline and termination of employees
Employment Context 	<ul style="list-style-type: none"> • Different legal considerations apply depending on your status <ul style="list-style-type: none"> ○ Are you a public or private entity? <ul style="list-style-type: none"> ▪ Public (government) employer ▪ Or private facility private sub-contractor ○ Are you in a union or non-union environment? <ul style="list-style-type: none"> ▪ Union environment lessen employer flexibility, but there are ways to work with union on these issues
Key Issues for Public Employees 	<ul style="list-style-type: none"> • Proactive <ul style="list-style-type: none"> ○ Off duty conduct rules ○ Employee surveillance • Reactive <ul style="list-style-type: none"> ○ Employee surveillance in investigation context ○ Due process rights in discipline and termination
Key Issues for Employers	<ul style="list-style-type: none"> • Proactive <ul style="list-style-type: none"> ○ Reference checks and defamation issues


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Topic	Speaking Points
	<ul style="list-style-type: none"> • Reactive/Proactive <ul style="list-style-type: none"> ○ Sex/race discrimination charges (Title VII) in the context of discipline and termination actions
<p>Key Issues in the Union Context</p> 	<ul style="list-style-type: none"> • Proactive <ul style="list-style-type: none"> ○ Dealing with the Union in making policy changes and collective bargaining agreement modifications • Reactive <ul style="list-style-type: none"> ○ Dealing with the Union in investigations ○ Dealing with the Union in grievance and arbitration proceedings concerning employee discipline/termination
<p>Public Employer Issues</p> 	<ul style="list-style-type: none"> • Provisions of federal and state Constitution apply <ul style="list-style-type: none"> ○ 1st Amendment- freedom of association ○ 4th Amendment - privacy, surveillance ○ 5th, 14th Amendment - due process, equal protection • Balancing test - courts will weigh intrusion on employee's constitutional rights against weight of employer's interest <p><i>If you can articulate that you aren't doing something outrageous to your employee, you are proceeding down a reasonable path.</i></p>
<p>Employer Interests that Can Support Off Duty Conduct Rules</p> 	<ul style="list-style-type: none"> • Interests in on the job performance • Interests in off the job conduct that implicates officer's fitness for duty • Interests in public reputation of the agency <p><i>Is there a relationship between what someone is doing on the job and off the job? What about non-contact rules such as having any contact with someone after they are released from juvenile justice? It does tie in with on the job - contraband, security.</i></p> <p><i>What about fitness for duty?</i></p> <p><i>The institution wants to maintain a reputation and well regarded in the community so that is critical what someone does off duty.</i></p>





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Topic	Speaking Points
	<i>Administration suspension can be expensive.</i>
Litigation Results 	<ul style="list-style-type: none"> • Off duty conduct rules generally <ul style="list-style-type: none"> ◦ Many court cases involving police and corrections officers uphold policies regulating off-duty conduct. <ul style="list-style-type: none"> ▪ e.g., disorderly conduct, association with criminal activities, places or person.
Litigation Results 	<ul style="list-style-type: none"> • Rules regulating corrections officers' off duty contacts with former or current clients or others with involvement in criminal or juvenile justice system. • Somewhat more mixed results, but generally no-contact policies are also upheld by reviewing courts.
Litigation Results for no Contact 	<ul style="list-style-type: none"> • Courts of appeals have tended to uphold policies that prohibit corrections officers from contact with current or former clients in light of the security interests involved. <ul style="list-style-type: none"> ◦ There are a few contrary trial court decisions with specific facts. ◦ This is an evolving area of the law ◦ Good sound, well thought-out policies are best protection. <ul style="list-style-type: none"> ▪ Think through the connection between rules and policies and the goals or interests being enforced. <p><i>In the simplest terms, it is best to put yourself in a position where you are least likely to be attacked from either side. You want to protect the institution whenever possible.</i></p>






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Topic	Speaking Points
Activity: Is this okay?	<p><i>Take out the one page handout in your notebook entitled “Human Resources: Is that Okay?” Let’s walk through these cases and determine what the courts ruled.</i></p> <ol style="list-style-type: none"> 1. Termination of state corrections officer married to man subsequently incarcerated in state prison system for felony. Is that Okay? <i>Discuss.</i> 2. Termination of probation officer for buying car at a dealership where probationer under her supervision worked (though was not involved in the sale). Is that Okay? <i>Discuss.</i> 3. Termination of probation officer who exchanged letters with a man she had previously dated who was serving life sentence in prison outside her jurisdiction. Is that Okay? <i>Discuss.</i> 4. Denial of probation officer’s request to attend baptism of child of longstanding friend whose older son had been placed on probation. Is that Okay? <i>Discuss.</i> <p><i>The answer to all of these scenarios is yes, the court upheld the position of the employer in each case.</i></p>
Employee Surveillance 	<ul style="list-style-type: none"> • Key issues under the balancing test is “reasonableness”: <ul style="list-style-type: none"> ◦ Notice ◦ Methods ◦ Random vs. targeted ◦ Objective cause ◦ Balance between intrusiveness and employer need <p><i>Does an employee have any expectation of privacy in a locker in a correctional job? No. There is less expectation in juvenile and adult corrections than in a public agency. They should understand that there is monitoring. You don’t want to be more intrusive than is reasonable. Put up a big sign by the lockers that says, “These lockers are subject to search” and be sure you have cause or do it randomly on a regular basis (so no one is targeted) or use a universal method.</i></p>







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Topic	Speaking Points
Privacy 	<ul style="list-style-type: none"> Reasonable expectation of privacy Depends heavily on work context <ul style="list-style-type: none"> Corrections officers working in secured areas have low expectations of privacy Probation officers and others working in the community may have higher expectations of privacy. <p><i>What about an employee's car? What is that expectation of privacy there? Discuss.</i></p>
Proactive Steps: Employee Surveillance 	<ul style="list-style-type: none"> Provide general notice about employee surveillance methods Restrict surveillance methods to those reasonably necessary Use even-handed procedures for selecting surveillance targets
Investigations and Discipline 	<ul style="list-style-type: none"> Think through whether the case will be handled as a criminal or administrative matter. <ul style="list-style-type: none"> Garrity,--you cannot use information obtained through threat of job action in subsequent criminal proceeding. Due process rights will apply, but this does not necessarily prevent administrative suspension pending resolution of investigation in appropriate circumstances.
Reference Checks 	<ul style="list-style-type: none"> Area in which employment lawyers are very wary because of potential defamation concerns. Use of a waiver form in which job applicant agrees to waive all legal rights based on reference given; applicant must present this to former employer.
Reference Checks	<ul style="list-style-type: none"> Nonofficial, back channel communication preferred but these cannot be written down or invoked later in explaining why an applicant did not get the job, which




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Topic	Speaking Points
	<p>raises its own set of problems.</p> <ul style="list-style-type: none"> • Negligent hiring - must check available public records for problems before hiring and must attempt to check former references.
<p>Sex/ Race Discrimination Charges</p> 	<ul style="list-style-type: none"> • Plaintiff must show that employer treated him or her differently than others similarly situated but of a different sex, race, national origin, or religious category • This is hard to do; most discrimination cases are lost and most lawyers hesitate to file beyond administrative level without very strong evidence. • Pretext: Is the employer's stated reason the REAL reason?
<p>To Protect Against Successful Discrimination Cases</p> 	<ul style="list-style-type: none"> • Maintain consistency in treatment across cases, incidents and employees and review cases for consistency. <ul style="list-style-type: none"> ○ Individual discretion by varying supervisors can be problematic ○ Unstated rules - e.g., credit for longstanding clean record - can also be problematic; either make the rule an explicit one or don't use it. • Contemporaneous and clear articulation of reasons for employment actions.
<p>To Protect Against Successful Discrimination Cases</p> 	<ul style="list-style-type: none"> • Maintenance of detailed personnel files that include contemporaneous documentation of problems, even relatively minor ones. • These files should be treated as confidential (secured access) with access rights limited to those with real reason to need them.
<p>Consistency Makes Good Policy</p> 	<ul style="list-style-type: none"> • Training supervisors • Minimizing managerial discretion • Treat like cases alike • Consistently enforce disciplinary rules

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Topic	Speaking Points
Consistency Makes Good Policy 	<ul style="list-style-type: none"> • Maintain up-to-date personnel files • Keep contemporaneous documentation of all infractions, even minor ones • Protect employment information from general discussion
Union Issues 	<ul style="list-style-type: none"> • Contractual obligations created through collective bargaining agreements (CBAs) • Proactive: Review CBAs for inconsistent provisions and work to reconcile
Modifying Inconsistent CBA Provisions 	<ul style="list-style-type: none"> • Best option: rely on management rights clauses <ul style="list-style-type: none"> ○ If new or expanded policy is presented to union reps and they don't object, good argument exists that the policy change was within the scope of management rights
Modifying Inconsistent CBA Provisions 	<ul style="list-style-type: none"> • Second best options <ul style="list-style-type: none"> ○ Request mid-term modification ○ Bargain for changes at contract renewal • Both are less ideal options because they require trading
Investigations 	<ul style="list-style-type: none"> • Union representation – Weingarten rights <ul style="list-style-type: none"> ○ Employee has right to have a union representative present during an interview ○ The role of the union representative is to facilitate the process and help the employee understand what is going on.
Investigations 	<ul style="list-style-type: none"> • Union representation may not obstruct proceedings and may be asked to leave if he or she is doing so • Good, well-trained union representative can facilitate the process; it is worth investing energy in developing good relationships with union representatives

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Topic	Speaking Points
Arbitration 	<ul style="list-style-type: none"> Both sides have the right to legal representation and to present evidence Employer may not interfere with right of employees to testify at arbitration hearing Arbitrator is not required to follow finding or misconduct in another forum, even a criminal court
Union Duty of Fair Representation 	<ul style="list-style-type: none"> Unions are legally required to represent all of their members fairly (even if they think the member is guilty of misconduct, and even if they think the misconduct is reprehensible) Unions have an interest in eliminating “bad apples” from their midst, just as management does. Vigorous union advocacy on behalf of an accused employee does not mean the union believes the employee does not deserve discipline of termination.
Proactive Steps in Union Context 	<ul style="list-style-type: none"> Run training sessions, which include clear statement of disciplinary rules Give union policy statements on disciplinary procedures for staff sexual misconduct Review collective bargaining agreement for inconsistent terms; request modifications if necessary Assume and expect professionalism by union reps: understand their constraints and duties
Discussion: Applicability of PREA Standards	<p><i>Ask participants to refer to their copy of the Juvenile Standards. Use this time to discuss the PREA Standards that apply to human resources. Discuss the standard as well as the compliance checklist</i></p> <p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> <i>Why is this standard important?</i> <i>How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i> <i>What else could/ should we do?</i>

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Topic	Speaking Points
	<p><i>Standards that apply to human resources include:</i></p> <p><i>PP-6 Hiring and Promotion Decisions</i> <i>DI-1 Disciplinary Sanctions for Staff</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>

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Module 17:

Legal Liability for Sexual Abuse in Juvenile Justice Settings

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207

Module 17: Legal Considerations♦

Time: 2 hours 30 minutes

Module Learning Objectives:

1. Understand the legal liability agencies and employees face in cases of sexual assault involving youth in custody

Resources Needed:

LCD projector and laptop computer
Easel pad, tape and markers

Participant Notebook Handouts:



PowerPoint®

PowerPoint® Program:





Module 17: Legal Consideration for Sexual Violence in Juvenile Justice Settings

♦ We did not include full cases -- only citations in this module. If you, or the person who will present this module, are unable to download the cases from legal research websites contact us at nic@wcl.american.edu for a copy of the cases.





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Topic	Speaking Points
Legal Liability 	<p><i>In this module, we are going to be talk about legal liability. We put legal liability at the end because it is a last resort outcome. It is always best to be in the posture of preventing sexual abuse in custody. Additionally, you don't want to do the right thing just because of liability or fear of being sued. You want to do the right thing because it is best practice. Besides, you could have worse things happen than being sued - you could have kids do self-harm as a result of being abused in your facility. A child could be badly hurt or killed., A child could contract an STD and so on. Always be guided by doing the right thing. Remember why you got into this line of work in the first place – to put kids into a better place than they were when they came to you.</i></p> <p><i>The objective of this module is to understand the legal liability agencies face in cases of sexual abuse involving youth in custody.</i></p>
Legal Issues 	<ul style="list-style-type: none"> • PREA • Laws implementing PREA • Criminal laws <ul style="list-style-type: none"> ○ Sexual abuse of person in custody ○ Statutory rape ○ Sexual assault ○ Sex offender registration • Reporting Laws <ul style="list-style-type: none"> ○ Notification ○ Mandatory reporting • Licensing • Vulnerable persons statutes • Civil liability <p><i>In previous modules, we have discussed PREA, criminal laws, mandatory reporting laws, licensing and vulnerable person statutes. Civil liability is the focus in this module.</i></p>
Civil Liability	<p>Most common legal issues:</p> <ul style="list-style-type: none"> • Prison Litigation Reform Act • 42 US C. 1983




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Topic	Speaking Points
	<ul style="list-style-type: none"> • Eight Amendment • Fourth Amendment • Fourteenth Amendment • State tort claims
Prison Litigation Reform Act (PLRA) 	<ul style="list-style-type: none"> • Passed in 1995 • Limitation on right to bring constitutional claims in federal court for conditions of confinement • Limits length of consent decrees • Limits attorney's fees
Prison Litigation Reform Act (PLRA) 	<ul style="list-style-type: none"> • Has exhaustion and physical injury requirement • Like PREA - says prison but applies to juveniles as well <ul style="list-style-type: none"> ◦ The term "prison" means any federal, state or local facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law
PLRA 	<ul style="list-style-type: none"> • <i>Jones v. Bock</i> (January 23, 2007) Court decides in a case involving Michigan DOC that the total exhaustion rule of 6th Circuit was not required by PLRA. In this case, the Michigan DOC set up a very complicated exhaustion scheme and the 6th Circuit upheld the scheme. The Supreme Court overturned the complicated strategy set up by the Michigan DOC and said that the particular scheme was not required by the PLRA. • <i>Porter v. Nussle</i>, 122 S. Ct. 983, 986 (2002) (exhaustion requirement of PLRA) This case involved sexual abuse in custody. Prior to this case, circuits were split on whether exhaustion was required in cases of sexual abuse in custody on the theory that sexual abuse is not a "condition of confinement as described by the PLRA. The SCT ruled that even in cases of sexual abuse, exhaustion is required.
PLRA	<ul style="list-style-type: none"> • <i>Morris v. Eversley</i>, 2002 WL 1313118 (S.D. NY June 13, 2002)

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Topic	Speaking Points
	<ul style="list-style-type: none"> ◦ A woman challenging sexual assault during incarceration was not required to meet PLRA exhaustion requirement once released. So, when youth leave your custody, they are not required to exhaust administrative remedies. They can go directly to federal court. • <i>White v. Haines</i>, 2005 WL 1571203 (S. Ct. App. W. VA) (July 7, 2005) <ul style="list-style-type: none"> ◦ State can provide for different exhaustion scheme than federal government with regard to complaints of sexual abuse in custody.
PLRA Implications 	<ul style="list-style-type: none"> • Youth have to exhaust even when claim involves rape in custody • Must have credible procedure for them to do so • Can't erect artificial barriers to bringing suit • Youth aren't going to report if they fear results
PLRA Implications 	<ul style="list-style-type: none"> • Due to fear, youth may wait until they leave to report. <ul style="list-style-type: none"> ◦ No duty to exhaust if out of your system • Go directly to litigation • Agency is not in position to resolve and only option is settlement or litigation
42 USC 1983 	<ul style="list-style-type: none"> • Creates a federal cause of action for the vindication of rights found elsewhere. • Key elements: <ul style="list-style-type: none"> ◦ Deprived of a right secured by the Constitution or law of the United States ◦ Deprivation by a person acting under color of state law ◦ Don't forget volunteers and contractors
Civil Rights of Institutionalized Persons	<ul style="list-style-type: none"> • Federal Statute • DOJ Special Litigation enforces

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Topic	Speaking Points
Act , 42 U.S.C. Section 1997 	<ul style="list-style-type: none"> ◦ Prisons and Jails ◦ State and Local Nursing homes ◦ Juvenile facilities ◦ Facilities for Mentally Ill ◦ Facilities for Developmentally Disabled and Mentally retarded • Must be widespread pattern of abuse
CRIPA Juvenile Settlements 	<ul style="list-style-type: none"> • United States v. State of Texas, Evins Regional Juvenile Center (Compliance Report) (11/05/2008) • Los Angeles Probation Camps (L.A. Camps) (10/31/2008) • United States v. State of Oklahoma, L.A. Rader Center (09/09/08) • United States v. State of Maryland (Second Amended Settlement Agreement Regarding Conditions at Three Juvenile Justice Facilities) (06/23/08) • United States v. State of Ohio (Ohio Juveniles) (06/24/08) • Settlement Agreement between the United States Department of Justice and the Marion Superior Court Concerning the Marion Superior Court Juvenile Detention Center (4/09/08) See also, Complaint (4/09/08) • United States v. State of Texas, Evins Regional Juvenile Center (Order) See also, U.S. v. State of Texas (Evins Complaint) (2/01/08)
S.H. v. Stickrath, 251 F.R.D. 293 (S.D. Ohio 2008) 	<p>Court disallowed union representing 1000 DYS employees to intervene at last minute in long term litigation regarding widespread unconstitutional conditions at ODYS facilities</p>
S.H. v. Stickrath, 251 F.R.D. 293 (S.D. Ohio 2008)-- Facts	<ul style="list-style-type: none"> • Class action on behalf of all juveniles at ODYS • Came to forefront b/c of violent sexual abuse at Scioto Juvenile Detention Facility

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212

Topic	Speaking Points
	<ul style="list-style-type: none"> ◦ 14 staff indicted – 6 convicted of offenses from sexual battery to dereliction of duty – male and female staff abusing male and female youth
<p>S.H. v. Stickrath, 251 F.R.D. 293 (S.D. Ohio 2008)</p> 	<ul style="list-style-type: none"> • Class action on behalf of girls at Scioto – 12/04 <ul style="list-style-type: none"> ◦ Physical abuse ◦ Sexual abuse ◦ Inadequate mental health care ◦ Use of isolation • Special Lit – CRIPA complaint –3/05 <ul style="list-style-type: none"> ◦ Negotiated for 2 years ◦ Litigation expanded to include all facilities including those for boys • Final draft settlement -- April 2008
<p>Eighth Amendment</p> 	<ul style="list-style-type: none"> • Prohibits cruel and unusual punishment • Legal standard is deliberate indifference <ul style="list-style-type: none"> ◦ Established in a prison rape case of <i>Farmer v. Brennan</i>. ◦ Two part test: <ul style="list-style-type: none"> ▪ The injury must be objectively serious and must have caused an objectively serious injury ▪ The official must have a sufficiently culpable state of mind and have acted with deliberate indifference or reckless disregard for the inmate's constitutional rights <p><i>Is being detained as a juvenile punishment? Legally, juvenile detention is not considered punishment. So, depending on the circuit, the 8th Amendment does not apply. Courts will apply the 14th Amendment Due Process clause which we will discuss later.</i></p>
<p>What the Court Looks for</p>	<ul style="list-style-type: none"> • Deliberate indifference to inmate vulnerability – safety or health <ul style="list-style-type: none"> ◦ Official knew of and disregarded an excessive risk




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Topic	Speaking Points
	<p>to inmate safety or health</p> <ul style="list-style-type: none"> ◦ Official must be aware of facts from which an inference could be drawn that a substantial risk of harm exists and he must draw the inference
<p>Smith v. Wade, 461 US 30 (1983)</p> 	<ul style="list-style-type: none"> • The court found the failure of facility authorities to separate aggressive youth from potential victims could demonstrate callous or reckless indifference, making them liable for the injury of the endangered youth
<p>Fourth Amendment – Bell v. Wolfish, 441 US 520 (1979)</p> 	<ul style="list-style-type: none"> • Does the individual have a legitimate expectation of privacy? <ul style="list-style-type: none"> ◦ The scope of the intrusion ◦ The manner in which it was conducted ◦ The justification for the intrusion ◦ The place in which it is conducted
<p>What the Fourth Amendment Stands for</p> 	<ul style="list-style-type: none"> • No expectation of privacy in a cell – <i>Hudson v. Palmer</i>, 468 US 517 (1984) • Can have same gender searches • Cross-gender searches and supervision for both boys and girls more limited than in adult context
<p>Three Cases</p> 	<ul style="list-style-type: none"> • <i>Philadelphia v. Penn. Human Relations Community</i>, 300 A. 2d 97 (1973) <ul style="list-style-type: none"> ◦ Holding that gender is a legitimate BFOQ (bonifide occupational qualification) • <i>Long v. California State Personnel Board</i>, 41 Cal. App. 3d 1000, 116 Cal. Rptr. 562 (1974) <ul style="list-style-type: none"> ◦ Female excluded from chaplain’s job at youth training center for males • <i>In the Matter of Juvenile Detention Officer Union County</i>, 837 A. 2d. 1101 (N.J. Super. A.D. 2003) <ul style="list-style-type: none"> ◦ Creation of eight male juvenile detention officer positions upheld



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Topic	Speaking Points
What these Cases Stand for 	<ul style="list-style-type: none"> • Juvenile detainees have greater expectation of privacy than adults • Younger age of juveniles makes them more vulnerable – both girls and boys • Views cross-gender searches and viewing of juveniles naked by staff of opposite sex as traumatic and likely to cause “permanent irreparable harm” • May be able to legitimately exclude staff of opposite gender from wide range position’s with youth • BFOQ’s for youth upheld <p><i>The law is quite strong in permitting same gender supervision for juveniles</i></p>
Fourteenth Amendment-Substantive Due Process 	<ul style="list-style-type: none"> • Cannot be deprived of life, liberty or property without due process of law • Depending on jurisdiction courts apply 14th Amendment as opposed to 8th Amendment in analyzing legal claims • 14th Amendment is lower legal standard and easier to prove • Some have used both 8th and 14th Amendment to analyze claims of abuse of youth in custody.
Major Issues 	<ul style="list-style-type: none"> • Staff sexual misconduct • Youth-on-youth conduct <ul style="list-style-type: none"> ○ Rape ○ Sexual abuse ○ Voluntary sexual interaction ○ Consensual sex
Staff Sexual Misconduct 	<ul style="list-style-type: none"> • Important Factors <ul style="list-style-type: none"> ○ Who raises the issue (boy or girl)? Males are generally not viewed as being vulnerable ○ What has been your history? <ul style="list-style-type: none"> ▪ Complaints about misconduct ▪ Complaints about other institutional concerns





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Topic	Speaking Points
	<ul style="list-style-type: none"> ▪ Community standing <ul style="list-style-type: none"> ○ The context in which the issue is raised <ul style="list-style-type: none"> ▪ Litigation ▪ Investigation ▪ Agency oversight <p><i>We are beginning to see a change in approach to these cases.</i> <i>Discuss the recent BJS report and involvement of female staff.</i></p>
Youth-on-Youth Conduct 	<ul style="list-style-type: none"> • Who raises the issue? <ul style="list-style-type: none"> ○ Male ○ Female • Nature of the conduct <ul style="list-style-type: none"> ○ Forced ○ Coerced ○ Consensual
Sixth Circuit Cases 	<ul style="list-style-type: none"> • <i>Doe v. Patton</i>, 381 F. Supp. 2d 595 (E.D. KY 2005) <ul style="list-style-type: none"> ○ County and county official granted immunity in rape of minor doing community service work at courthouse. County official not immune in official capacity. • <i>S.J. v. Hamilton County Ohio</i>, 374 F. 3d 416 (6th Cir. 2004) <ul style="list-style-type: none"> ○ County not entitled to immunity for failure to investigate and prevent sexual abuse of youth by another youth) (MSJ – 11th Amendment case (youth challenge raised under 14th Amendment)
K.M. v. Alabama Department of Youth Services, 360 F. Supp. 2d 1253 (M.D. Al. 2005) 	<ul style="list-style-type: none"> • Facts: <ul style="list-style-type: none"> ○ Four juvenile girls sued Alabama Department of Youth Services, DYS Executive Director, Chalkville Campus Superintendent, James Caldwell; Aseme and John Ziegler ○ Allege they were physically and sexually assaulted by Aseme. <p>Claims:</p>






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Topic	Speaking Points
	<ul style="list-style-type: none"> • 42 U.S.C. 1983 • 14th Amendment • 8th Amendment • State tort law (negligence, outrage, assault and battery) • Widespread public allegations of sexual abuse and harassment by employees of Chalkville against detainees • Plaintiffs raped in laundry room
Legal Posture and Issues 	<ul style="list-style-type: none"> • Motions for summary judgment <ul style="list-style-type: none"> ◦ 8th Amendment vs. 14th Amendment ◦ Juvenile institutions are not correctional facilities ◦ Partially correctional, partially educational ◦ Meant to discipline as opposed to punish ◦ Rehabilitative and educational ◦ Juvenile detention is not criminal adjudication ◦ Bottom line juveniles entitled to greater protection from wanton and unnecessary pain ◦ Even if the conduct violated the 8th Amendment • State tort claims allowed as well
Typical State Tort Claims 	<ul style="list-style-type: none"> • Assault • Battery • Intentional infliction of emotional distress • Negligent infliction of emotional distress • Negligent hiring, training and supervision.
Taylor v. North Carolina Department of Corrections, 363 S.E.2d 868 (1988)	<ul style="list-style-type: none"> • Industrial Commission upholds judgment in favor of inmate against NC DOC (\$15,000) • Inmate placed in cell with another inmate who sodomized him • Liability to agency because <ul style="list-style-type: none"> ◦ Inmate who was placed in cell was friends with other inmates with whom plaintiff had fight





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Topic	Speaking Points
	<ul style="list-style-type: none"> ◦ Asked for the inmate not to place in cell ◦ Inmate forced Plaintiff to drink urine, wash his clothes, lick his anus and then anally sodomized plaintiff ◦ No rounds for an hour ◦ Plead negligence of officer ◦ Assault and battery
<p>Jane Doe 1 v. Swannanoa Youth Development Center, NCDJJ, 592 S.E. 2d 715 (2004)</p> 	<ul style="list-style-type: none"> • Family members sued using the North Carolina Torts Claims Act <ul style="list-style-type: none"> ◦ Emotional distress ◦ Sexual assault by staff and youth ◦ Failure to protect, investigate ◦ Destruction of evidence • Agency <ul style="list-style-type: none"> ◦ Challenged request for name, address and custodian for kids in Frye cottage <ul style="list-style-type: none"> ▪ Confidentiality ▪ Industrial Commission can't order it to turn over records ◦ Ruling in favor of Industrial Commission's authority
<p>Important Themes</p> 	<ul style="list-style-type: none"> • Sex with youth under correctional supervision can be a violation of the 14th Amendment due process • Sex with youth can be a violation of the 8th Amendment • Special responsibility for youth in custody – no consent • Courts look to the practice of the agency in determining liability • Protect employees and youth who report misconduct
<p>Liability</p> 	<p>There are four types of liability.</p> <ol style="list-style-type: none"> 1. Municipal 2. Official 3. Individual 4. Personal





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Topic	Speaking Points
Municipal Liability 	<ul style="list-style-type: none"> • Monell v. Department of Social Services, 436 U.S. 658 (1978) <ul style="list-style-type: none"> ◦ A municipality is a “person” and can be liable under Section 1983. ◦ Officially executed policy or toleration of custom within municipality must inflict injury <ul style="list-style-type: none"> ▪ inaction, failure to train or supervise, failure to investigate
Municipal Liability 	<ul style="list-style-type: none"> • You can’t be held responsible under respondeat superior or vicarious liability for <ul style="list-style-type: none"> ◦ Independent actions of employees ◦ Wrongful conduct of single employee ◦ Must make showing that this officer was likely to inflict a particular injury
Official Liability 	<ul style="list-style-type: none"> • Will cause liability to municipality • Did it happen on your watch? • Were you responsible for promulgating and enforcing policy? • Did you fail to act or ignore information presented to you? • Failure to TRAIN, SUPERVISE, FIRE
Individual Liability 	<ul style="list-style-type: none"> • Officials sued in individual capacity may be protected from damages if the alleged wrongful conduct was committed while they performed a function protected by qualified immunity.
Personal Liability 	<ul style="list-style-type: none"> • Plaintiff must provide notice that the suit is against the official in her personal capacity • Direct participation not required • Official participated directly in the alleged constitutional violation • Failed to remedy the wrong after being informed through a report or an appeal






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Topic	Speaking Points
Personal Liability 	<ul style="list-style-type: none"> Enforced a policy or custom under which unconstitutional practices occurred or allowed the continuation of such policy or custom Was grossly negligent in supervising subordinates who committed the wrongful acts Exhibited deliberate indifference to the rights of inmates by failing to act on information indicating that unconstitutional acts were occurring
Qualified Immunity 	<ul style="list-style-type: none"> No violation of federal law – constitutional or otherwise Rights and law not clearly established at the time of the incident Official’s action was objectively legally reasonable in light of clearly established legal rules at time of the action – deliberate indifference.
Smith v. Cochran, 339 F. 3d 1205 (10th Cir. OK 2003) 	<ul style="list-style-type: none"> Driver’s license examiner who supervised a female prisoner on work release was not immune from a lawsuit for sexual abuse of inmate. Oklahoma DOC delegated responsibility to agency so can be liable under 8th Amendment.
Riley v. Olk-Long 282 F.3d. 592 (C.A. 8 (Iowa)) 2002) 	<ul style="list-style-type: none"> Facts: <ul style="list-style-type: none"> Inmate brought Section 1983 action against prison warden and director of security under 8th Amendment. Jury found in favor of inmate. Warden and director of security moved for judgment as matter of law or for a new trial.
Riley v. Olk-Long 282 F.3d. 592 (C.A. 8 (Iowa))	<ul style="list-style-type: none"> Result: <ul style="list-style-type: none"> Prison warden and director of security were deliberately





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Topic	Speaking Points
2002) 	indifferent to the substantial risk of harm that guard presented to female inmates. Held personally liable to inmate in amount of \$20,000 against Sebek and \$25,000 in punitive damages from Olk-Long the warden
Riley v. Olk-Long 282 F.3d. 592 (C.A. 8 (Iowa)) 2002) 	<ul style="list-style-type: none"> • What happened? <ul style="list-style-type: none"> ○ Officer made inappropriate comments to inmate Riley about whether she was having sex with her roommate ○ He came into her room after lockdown and attempted to reach under her shirt Grabbed her from behind and rubbed up against her
Riley v. Olk-Long 282 F.3d. 592 (C.A. 8 (Iowa)) 2002) 	<ul style="list-style-type: none"> • What happened next? <ul style="list-style-type: none"> ○ Inmate didn't report above because "she doubted that she would be believed and feared the resulting discipline" ○ Officer entered cell and raped her. She performed oral sex so she wouldn't become pregnant ○ Another inmate witnessed incident and reported it ○ Inmate placed in administrative segregation during investigation. ○ Officer terminated. ○ Convicted under state law
Riley v. Olk-Long 282 F.3d. 592 (C.A. 8 (Iowa)) 2002) 	<ul style="list-style-type: none"> • Why? <ul style="list-style-type: none"> ○ Prior to this incident other female inmates had complained ○ Link had a history of predatory behavior ○ Four prior investigations closed as inconclusive ○ Collective bargaining unit precluded permanent reassignment ○ Sebek suspected but didn't take leadership ○ Sebek had opportunity to terminate but didn't
Riley v. Olk-Long 282 F.3d. 592 (C.A. 8 (Iowa))	<ul style="list-style-type: none"> • Why? <ul style="list-style-type: none"> ○ Olk-Long didn't think that officer posed a threat





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Topic	Speaking Points
2002) 	<ul style="list-style-type: none"> ○ Collective bargaining agreement was no defense to failure to protect inmate safety
Austin v. Terhune 2004 WL 1088293 (9th Cir. 2003) 	<ul style="list-style-type: none"> • Correctional officer exposed his genitalia to male prisoner. • Prisoner tried to file a grievance but was prevented from doing so by other officers • The exposing officer apologized later and told him not to complain • Inmate refused and officer filed a false disciplinary on inmate
Austin v. Terhune 367 F. 3d. 1167 C.A.9 (Cal.), 2004 	<ul style="list-style-type: none"> • Inmate placed in segregation for six weeks and continued to file grievances • Officials eventually investigated • Officer suspended without pay for 30 days • Court allowed inmate to proceed in law suit for the retaliation
Ice v. Dixon 2005, WL 1593899 (July 6, 2005) 	<ul style="list-style-type: none"> • Facts <ul style="list-style-type: none"> ○ Inmate sexually assaulted during incarcerated at Mahoning County Jail ○ Bi-Polar Manic Depressive ○ Defendant Dixon promised to arrange Ice's release from county jail if she performed oral sex and other sex acts on him
Ice v. Dixon 2005, WL 1593899 (July 6, 2005) 	<ul style="list-style-type: none"> • On motion for summary judgment <ul style="list-style-type: none"> ○ Mahoning County immune in official capacity ○ Defendant Wellington, Sheriff immune in official capacity and individual capacity ○ Defendant Dixon, perpetrator immune in official capacity ○ Dixon not immune in individual capacity and on claims of assault and battery against Ice
Why this Result	<ul style="list-style-type: none"> • Specific Policy




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Topic	Speaking Points
	<ul style="list-style-type: none"> • Training to staff • Within 48 hours of incident videotaped plaintiff in interview • Took plaintiff to hospital for rape kit • Called Ohio Bureau of Criminal Investigation • Suspended Dixon • Internal Affairs involved • Sent to Mahoning County Prosecutor's Office
<p>Brown v. Scott 329 F.Supp.2d 905 (E.D. Mich. 2004)</p> 	<ul style="list-style-type: none"> • Inmate sued unit manager for not changing his cell assignment upon request <ul style="list-style-type: none"> ○ Told unit manager that cell mate was predatory homosexual rapist ○ Had been warned by other inmate ○ Unit manager says did he proposition you ○ 3 days later forcibly raped
<p>Brown v. Scott 329 F.Supp.2d 905 (E.D. Mich. 2004)</p> 	<ul style="list-style-type: none"> • Unit manager's defense <ul style="list-style-type: none"> ○ No record of cellmate as homosexual predator ○ Inmate only referred to rumor ○ Didn't ask for protection ○ Would have moved if he had asked • Allowed suit to proceed
<p>Williams v. Caruso, 2005 WL 2261602 (W.D. Mich Sep. 17, 2005)</p> 	<ul style="list-style-type: none"> • Inmate classified as homosexual predator sued about classification and lost <ul style="list-style-type: none"> ○ Had a major misconduct for sexual assault ○ Found involved ○ Shipped ○ Convicted for the assault ○ Procedural claim that at disciplinary he was not classified as homosexual predator and should not have been shipped and placed on current restrictions • State prevails
Punishing Consensual Sex	<ul style="list-style-type: none"> • State sodomy law constitutional as applied to sex in




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Topic	Speaking Points
of Inmates 	prison. Diminished expectation of privacy. <ul style="list-style-type: none"> ○ <i>U.S. v. Brewer</i>, 363 F.Supp. 606 (M.D. Pa. 1973); ○ <i>People v. Frazier</i>, 64 Cal.Rptr. 447 (Cal. Ct. App. 1967); ○ <i>People v. Coulter</i>, 288 N.W.2d 448 (Mich. Ct. App. 1980)
Prison Regulations Prohibiting Consensual Sex are Constitutional 	<ul style="list-style-type: none"> • <i>George v. Lane</i>, 1987 U.S. Dist. Lexis 3659 (N.D. Ill 1987)
Conclusions 	<ul style="list-style-type: none"> • Corrections officials can and are held personally liable for staff sexual misconduct with offenders • Corrections agencies and officials can be held liable for failure to train, supervise, investigate and discipline in their official capacity
Emerging Issues: Code of Silence Baron V. Hickey, 242 F.Supp.2d 66 (D.Mass. 2003) 	<ul style="list-style-type: none"> • County corrections officer harassed by co-workers after he reported misconduct • Reported co-workers playing cards with inmates • Referred to as “rat”; people dropped cheese in front of him; tires slashed • Complained on 30 separate occasions • Claimed that he was forced to resign
Emerging Issues : Code of Silence Baron V. Hickey, 242 F.Supp.2d 66 (D.Mass. 2003)	<ul style="list-style-type: none"> • Jury awards Baron \$500,000 for severe harassment • Affirmed 402 F.3d 225 (1st Cir.(Mass.))





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Topic	Speaking Points
	
<p>Emerging Issues: Cases Involving Sexual Minorities</p> 	<ul style="list-style-type: none"> • Fields v. Smith, 2010 WL 1929819, E.D.Wis., May 13, 2010 <ul style="list-style-type: none"> ◦ Recognizing gender identity disorder as a serious medical need for purposes of the 8th Amendment and finding unconstitutional Wisconsin law prohibiting the use of state funds for hormone therapy and gender reassignment surgery • Farmer v. Hawk-Sawyer, 69 F.Supp.2d 120 D.D.C. 1999 <ul style="list-style-type: none"> ◦ Upholding state law requiring documentation of hormone administration prior to incarceration before administering hormones to prisoners. • R.G. v. Koller, 415 F.Supp. 11129 (D.Hawaii 2006) <ul style="list-style-type: none"> ◦ Granting preliminary injunction against State of Hawaii for violating the due process rights of LGBT youth by failing to protect them from verbal, physical and sexual assault by other youth and staff and excessive use of isolation.
<p>Emerging Issues: PREA and Civil Case Law</p> 	<ul style="list-style-type: none"> • Woodford v. Ngo, 548 U.S. 81, 117-124 2006 <ul style="list-style-type: none"> ◦ Dissenting opinion by Stevens citing PREA and prison rape as rationale for not finding PLRA's procedural exhaustion requirements a bar to challenging unconstitutional conduct by states • Clinton v. California Dept. of Corrections, 264 F.R.D. 635 E.D.Cal.,2010. <ul style="list-style-type: none"> ◦ Referencing PREA's data collection requirements in claims that agency falsified his rape complaint • Jones v. Schofield, Slip Copy, 2009 WL 902154, M.D.Ga.,2009. <ul style="list-style-type: none"> ◦ Finding that PREA creates no private right of action





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Topic	Speaking Points
Emerging Issues: PREA and Civil Case Law 	<ul style="list-style-type: none"> • Giraldo v. California Department of Corrections and Rehabilitation, 168 Cal.App.4th 231 (2008) <ul style="list-style-type: none"> ◦ Citing PREA in finding a special relationship exists between a jailer and prisoner that creates a duty of care • Lowry v. Honeycutt, 2005 WL 1993460 D.Kan.,2005 <ul style="list-style-type: none"> ◦ Citing PREA and upholding Kansas policy requiring rape kit in instance of alleged rape over objection of inmate victim • Hosea v. Sheffield (CIVIL ACTION NO. 9:06cv219 2007 U.S. Dist. LEXIS 3298) <ul style="list-style-type: none"> ◦ Finding that PREA creates no cause of action for male Muslim inmate challenging strip search by female officer
Heckenlaible v. Virginia Peninsula Regional Jail Authority, 491 F. Supp 2d. 544 (2007) 	<ul style="list-style-type: none"> • Mentally ill inmate sues former jailer and jail authority • MSJ denied in part and granted in part
Heckenlaible v. Virginia Peninsula Regional Jail Authority, 491 F. Supp 2d. 544 (2007) 	<ul style="list-style-type: none"> • Facts about Officer Steele <ul style="list-style-type: none"> ◦ Hired in 2001 ◦ Passed criminal background check ◦ Nothing to suggest that he posed a risk
Heckenlaible v. Virginia Peninsula Regional Jail	<ul style="list-style-type: none"> • Facts about Inmate Heckenlaible (female) <ul style="list-style-type: none"> ◦ Pre-trial detainee




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Topic	Speaking Points
Authority, 491 F. Supp 2d. 544 (2007) 	<ul style="list-style-type: none"> ○ Under influence of drugs and alcohol at time of arrest ○ Epileptic ○ Past history of self harm ○ Infected with lice ○ Placed in medical unit – for lice
Heckenlaible v. Virginia Peninsula Regional Jail Authority, 491 F. Supp 2d. 544 (2007) 	<ul style="list-style-type: none"> ● Convergence <ul style="list-style-type: none"> ○ Steele supervised the medical unit where Heckenlaible was housed – ALONE (a red flag) ○ Two spot checks during beginning of 12 hour shift ○ Inmates encouraged to shower by medical ○ Steele supervised Heckenlaible in the shower ○ Heckenlaible noticed him watching her while she showered
Heckenlaible v. Virginia Peninsula Regional Jail Authority, 491 F. Supp 2d. 544 (2007) 	<ul style="list-style-type: none"> ● Convergence <ul style="list-style-type: none"> ○ Steele did cell search later that night ○ Forced Heckenlaible to have oral sex with him ○ Heckenlaible cleaned herself off with a towel which she kept under the bed for DNA ○ Heckenlaible cried herself to sleep
Heckenlaible v. Virginia Peninsula Regional Jail Authority, 491 F. Supp 2d. 544 (2007) 	<ul style="list-style-type: none"> ● Investigation and Prosecution <ul style="list-style-type: none"> ○ Heckenlaible reports to Jail Authority supervisory staff the next day ○ They place Steele on administrative leave ○ They recover towel – determine that there is semen ○ Steele is fired for sex with inmate and refusal to cooperate in investigation






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Topic	Speaking Points
Heckenlaible v. Virginia Peninsula Regional Jail Authority, 491 F. Supp 2d. 544 (2007) 	<ul style="list-style-type: none"> Investigation and Prosecution <ul style="list-style-type: none"> Steele convicted of carnal knowledge of an inmate in 2004—a class 6 felony He is still locked up at time of the writing of the opinion
Heckenlaible v. Virginia Peninsula Regional Jail Authority, 491 F. Supp 2d. 544 (2007) 	<ul style="list-style-type: none"> Precautionary measures of agency <ul style="list-style-type: none"> Policy prohibiting abuse of inmates Policy prohibiting sex with inmates Policy that prohibited search of female inmate by male staff unless accompanied by female staff, except in emergency
Heckenlaible v. Virginia Peninsula Regional Jail Authority, 491 F. Supp 2d. 544 (2007) 	<ul style="list-style-type: none"> History of agency <ul style="list-style-type: none"> No complaints against Steele No complaints of sexual abuse of inmates
Heckenlaible v. Virginia Peninsula Regional Jail Authority, 491 F. Supp 2d. 544 (2007) 	<ul style="list-style-type: none"> State law claims against Jail Authority and Steele <ul style="list-style-type: none"> Assault and battery Intentional infliction of emotional distress Negligent hiring Negligent retention Negligence in having Steele be only one supervising women

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Topic	Speaking Points
Heckenlaible v. Virginia Peninsula Regional Jail Authority, 491 F. Supp 2d. 544 (2007) 	<ul style="list-style-type: none"> • Claims against Steele <ul style="list-style-type: none"> ○ 42 U.S. C. §1983 ○ 14th Amendment substantive due process right to bodily integrity
Heckenlaible v. Virginia Peninsula Regional Jail Authority, 491 F. Supp 2d. 544 (2007) 	<ul style="list-style-type: none"> • Court's ruling <ul style="list-style-type: none"> ○ Jail Authority could be liable under theory of respondent superior Steele's actions
Heckenlaible v. Virginia Peninsula Regional Jail Authority, 491 F. Supp 2d. 544 (2007) 	<ul style="list-style-type: none"> • Act is within the scope of the employment if <ul style="list-style-type: none"> ○ (1) it was expressly or impliedly directed by the employer, or is naturally incident to the business, and ○ (2) it was performed, although mistakenly or ill-advisedly, with the intent to further the employer's interest, or from some impulse or emotion that was the natural consequence of an attempt to do the employer's business, "and did not arise wholly from some external, independent, and personal motive on the part of the [employee] to do the act upon his own account."
Heckenlaible v. Virginia Peninsula Regional Jail Authority, 491 F. Supp 2d. 544 (2007)	<ul style="list-style-type: none"> • Act is within the scope of the employment if <ul style="list-style-type: none"> ○ (2) it was performed, although mistakenly or ill-advisedly, with the intent to further the employer's interest, or from some impulse or emotion that was the natural consequence of an attempt to do the

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Topic	Speaking Points
	employer's business, "and did not arise wholly from some external, independent, and personal motive on the part of the [employee] to do the act upon his own account."
Heckenlaible v. Virginia Peninsula Regional Jail Authority, 491 F. Supp 2d. 544 (2007) 	<ul style="list-style-type: none"> • Distinguishes from cases where acts of employee were incidental to employment • In this case <ul style="list-style-type: none"> ○ “employee's wrongful conduct is ‘related to the nature of the employment’”
Heckenlaible v. Virginia Peninsula Regional Jail Authority, 491 F. Supp 2d. 544 (2007) 	<ul style="list-style-type: none"> • MSJ denied <ul style="list-style-type: none"> ○ Intentional infliction of emotional distress ○ Assault and battery ○ Negligence • MSJ granted <ul style="list-style-type: none"> ○ Negligent hiring ○ Negligent retention
What Does this Mean? 	<ul style="list-style-type: none"> • You can do a lot of things right and still end up in court • Must push ahead on those areas of vulnerability • Cross gender supervision is clearly an area of vulnerability
What Do You Do to Prevent Liability Exposure? 	<ul style="list-style-type: none"> • Policy – Clear policies concerning inappropriate conduct • Training – Cross gender supervision • Don’t punt on the hard stuff • Investigations (protect from retaliation) • Sanctions – be consistent • Remedies • Establish a youth and staff grievance system with integrity

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Unanswered Questions, Action Plan Reports and Wrap Up

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231

Topic	Speaking Points
Post Test	<i>Hand out the post test and give participants 15 minutes to complete.</i>
Answering Unanswered Questions	<p><i>Before we move on to our last activity, I'd like to take a few minutes to check our critical issues list we have had on the wall all week, as well as answer any other questions you might have.</i></p> <p><i>Check off Critical Issues you have discussed and see what remains—ask participants if they need or want to discuss those items not checked off.</i></p>
Action Plan Report Outs	<i>Have teams do presentations. Be engaged and have other participants as well as other faculty ask questions.</i>
Wrap up	<ul style="list-style-type: none"> • <i>Wrap up</i> • <i>Recap discussions from week</i> • <i>Evaluations</i> • <i>Certificates</i> • <i>Thank participants</i>

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APPENDIX

Sample Pre/Post Test Sample Evaluation Form

**Addressing Sexual Abuse of Youth in Custody
Pre/Post-test**

NIC/WCL Project on Addressing Prison Rape

Name _____
Title _____
Jurisdiction _____
Date _____

Prior to participating in this training program, we request that you take this pre-test, which has been designed to assess your knowledge of PREA and the issue of youth sexual violence. Please read each question carefully and select the answer you feel is most correct.

1. What is the purpose of the Prison Rape Elimination Act (PREA)?

- a. Establish a “zero-tolerance” standard for the incidence of prison rape
- b. Make the prevention of prison rape a top priority in each prison system
- c. Develop and implement national standards for the detection, prevention, reduction and punishment of prison rape
- d. Increase the availability of data and information on the incidence of prison rape
- e. All of the above

2. [T/F] Local jails, police lock-ups, and juvenile facilities are covered under PREA legislation.

- a. True
- b. False

3. Which behavior can be included in defining the “act of sex”?

- a. Sexual Intercourse
- b. Anal Sex
- c. Oral Sex
- d. Masturbation
- e. All of the above

- 4. [T/F] The “systemic approach” combines the efforts of law, policy, training, and operational practices to form a coordinated response to staff sexual misconduct and youth-on-youth sexual abuse.**
- a. True
 - b. False
- 5. [T/F] Correctional agencies and officials can not be held liable for failure to train, supervise, investigate, and discipline personnel under their cognizance in their municipal and official capacities.**
- a. True
 - b. False
- 6. What strategy would improve the response to youth sexual violence?**
- a. Train prosecutors
 - b. Clarify and improve reporting structures
 - c. Amend state and federal law
 - d. Form a specialized prosecution unit
 - e. All of the above
- 7. [T/F] In the context of a correctional setting, youth are not considered “vulnerable victims.”**
- a. True
 - b. False
- 8. What issues should correctional staff be aware of when working with youth in custody?**
- a. Special legal issues; prior victimization; and sexual preference
 - b. Developmental level; special legal issues; and prior victimization
 - c. Prior victimization; developmental level; and sexual preference
 - d. Availability of social activities; special legal issues; and prior victimization

- 9. Which is a state law than can be used as a tool for responding to sexual violence?**
- a. Statutory rape
 - b. Sexual assault
 - c. Mandatory reporting
 - d. Sex offender registration
 - e. All of the above
- 10. [T/F] There is no need to train correctional staff on PREA policy.**
- a. True
 - b. False
- 11. Which is a tool that can be used to corroborate incidents of sexual violence?**
- a. Rape kits
 - b. Eye or ear witnesses
 - c. Physical evidence
 - d. Rape reports
 - e. All of the above
- 12. What topic should be included when developing a training program on addressing sexual abuse of youth in custody – both staff sexual misconduct and youth-on-youth sexual abuse?**
- a. Sentencing guidelines
 - b. How to manipulate the press
 - c. How to get services for victimization
 - d. Illegal contraband
 - e. All of the above
- 13. [T/F] In juvenile correctional settings, all correctional staff are considered mandatory reporters of child sexual abuse.**

- a. True
 - b. False
- 14. [T/F] When responding to sexual abuse of youth, it is not a good idea to use a Sexual Assault Nurse Examiner (SANE).**
- a. True
 - b. False
- 15. Correctional staff should consider _____ when working with juvenile victims of sexual violence?**
- a. Warden's availability
 - b. Gender identity
 - c. Agency disciplinary process
 - d. Juvenile victims have little knowledge of their rights
- 16. Sexual Assault Response Teams (SART) include:**
- a. Warden, law enforcement, mental health/rape crisis providers
 - b. Law enforcement, mental health/rape crisis providers, medical health provider
 - c. Press, mental health/rape crisis providers, medical health provider
 - d. Defense Counsel, mental health/rape crisis providers, medical health provider
- 17. Why is understanding youth sexuality important in a correctional setting?**
- a. It can be used to prosecute alleged victims
 - b. Many adolescents have not learned basic information about sexuality and are still in the experimental stages of learning about sexuality
 - c. It can be used to isolate victims
 - d. None of the above
- 18. [T/F] Lesbian, gay, and bisexual (LGB) youth are not at risk of hate crimes in custody.**
- a. True
 - b. False
- 19. When protecting the safety of youth in custody, agency staff should _____.**
- a. Monitor youth at all times
 - b. Create opportunities where sexual abuse can occur

- c. Supervise areas identified as likely sites of potential sexual abuse
- d. Move potential offenders to adult facilities
- e. Both a and c

20. Which is a good reason to train correctional agency staff and youth about sexual abuse in custody?

- a. Decrease likelihood for rehabilitation
- b. Eliminate incidents of sexual abuse
- c. Increase safety for staff and inmates
- d. All of the above

TRAINING COURSE EVALUATION

Addressing Sexual Abuse of Youth in Custody

We take seriously the quality of its projects that addresses prison rape. In order for us to continually monitor the quality of our project, we ask that you take a few minutes to complete this training course evaluation. Your input will help us understand the impact of our training efforts, and inform us of areas which may need improvement.

What is your agency affiliation?

- | | |
|---|--|
| <input type="checkbox"/> Juvenile State Agency | <input type="checkbox"/> Juvenile Detention Facility |
| <input type="checkbox"/> Juvenile County Agency | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Juvenile Community Corrections | |

Does your agency house male, female or both?

- | | | |
|-------------------------------|--------------------------------|-------------------------------|
| <input type="checkbox"/> Boys | <input type="checkbox"/> Girls | <input type="checkbox"/> Both |
|-------------------------------|--------------------------------|-------------------------------|

What is your professional status?

- | | |
|--|--|
| <input type="checkbox"/> Executive: Commissioner, Deputy Commissioner, Secretary, Assistant Secretary, Director, Assistant Director, Jail Administrator, etc. | <input type="checkbox"/> Supervisory Staff: Colonel, Major, Captain, Sergeant, etc. |
| <input type="checkbox"/> Facility Administrator: Warden, Deputy Warden, Commander, Deputy Commander, Director, Superintendent, Lieutenant, etc. | <input type="checkbox"/> Law Enforcement: Sheriff, Deputy Sheriff, Road Deputy, etc. |
| <input type="checkbox"/> Investigations: Internal Affairs, Investigator, Inspector General, Special Agent, etc. | <input type="checkbox"/> Legal/Advocacy: Attorney, Counsel, EEO, Psychologist, Victim Advocate, Prosecutor etc. |
| | <input type="checkbox"/> Support Personnel: Human Resources, Training, etc. |
| | <input type="checkbox"/> Other: _____ |

How long have you worked with youth in custody?

- | | |
|--|---|
| <input type="checkbox"/> Less than 3 years | <input type="checkbox"/> 21 to 30 years |
| <input type="checkbox"/> 3 to 5 years | <input type="checkbox"/> More than 31 years |
| <input type="checkbox"/> 6 to 10 years | <input type="checkbox"/> Not applicable |
| <input type="checkbox"/> 11 to 20 years | |

How long have you worked at your current agency?

- | | |
|--|---|
| <input type="checkbox"/> Less than 3 years | <input type="checkbox"/> 11 to 20 years |
| <input type="checkbox"/> 3 to 5 years | <input type="checkbox"/> 21 to 30 years |
| <input type="checkbox"/> 6 to 10 years | <input type="checkbox"/> More than 31 years |

Module 1: Training Objectives	Instructor:				
	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

Module 2: Overview and Update- The Prison Rape Elimination Act of 2003	Instructor:				
	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

Module 3: Adolescent Development	Instructor:				
	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

Module 4: Sexuality	Instructor:				
	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

Module 5: Culture	Instructor:				
	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

Module 6: Action Planning	Instructor:				
	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

Module 7: The Comprehensive Approach		Instructor:				
	Poor	Fair	Satisfactory	Good	Excellent	
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Comments:						

Module 8: State Laws and their Impact on Addressing Sexual Abuse of Youth in Custody		Instructor:				
	Poor	Fair	Satisfactory	Good	Excellent	
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Comments:						

Module 9: Policy		Instructor:				
	Poor	Fair	Satisfactory	Good	Excellent	
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Comments:						

Module 10: Training	Instructor:				
	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

Module 11: Management and Operational Practices	Instructor:				
	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

Module 12: Victimization Histories and Vulnerable Victims	Instructor:				
	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

Module 13: Medical and Mental Health

Instructor:

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Module 14: Investigating Youth of Sexual Violence of Youth in Custody

Instructor:

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Module 15: Prosecuting Sexual Abuse of Youth in Custody

Instructor:

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Module 16: Human Resources and Administrative Sanctions

Instructor:

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Module 17: Legal Considerations

Instructor:

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Please select the phrase that best describes the scope of the training material.

- ☐ The scope of the material was too broad.
- ☐ The scope of the material was too narrow.
- ☐ The scope of the material was appropriate.

Please select the training module you feel was most helpful to your understanding of “Addressing sexual Abuse of Youth in Custody.” (Select One)

- | | | |
|---|---|---|
| <input type="checkbox"/> Training Objectives | <input type="checkbox"/> State Laws | <input type="checkbox"/> Investigating Youth Sexual Abuse |
| <input type="checkbox"/> PREA | <input type="checkbox"/> Policy | <input type="checkbox"/> Prosecuting Youth Sexual Abuse |
| <input type="checkbox"/> Adolescent Development | <input type="checkbox"/> Training | <input type="checkbox"/> Human Resources & Administrative Sanctions |
| <input type="checkbox"/> Sexuality | <input type="checkbox"/> Management & Operational Practices | <input type="checkbox"/> Legal Considerations |
| <input type="checkbox"/> Culture | <input type="checkbox"/> Victimization Histories | <input type="checkbox"/> Group Activities and Exercises |
| <input type="checkbox"/> Action Planning | <input type="checkbox"/> Medical and Mental Health | |
| <input type="checkbox"/> Comprehensive Approach | | |

Please select the training module you feel was least helpful to your understanding of “Addressing sexual Abuse of Youth in Custody.” (Select One)

- | | | |
|---|---|---|
| <input type="checkbox"/> Training Objectives | <input type="checkbox"/> State Laws | <input type="checkbox"/> Investigating Youth Sexual Abuse |
| <input type="checkbox"/> PREA | <input type="checkbox"/> Policy | <input type="checkbox"/> Prosecuting Youth Sexual Abuse |
| <input type="checkbox"/> Adolescent Development | <input type="checkbox"/> Training | <input type="checkbox"/> Human Resources & Administrative Sanctions |
| <input type="checkbox"/> Sexuality | <input type="checkbox"/> Management & Operational Practices | <input type="checkbox"/> Legal Considerations |
| <input type="checkbox"/> Culture | <input type="checkbox"/> Victimization Histories | <input type="checkbox"/> Group Activities and Exercises |
| <input type="checkbox"/> Action Planning | <input type="checkbox"/> Medical and Mental Health | |
| <input type="checkbox"/> Comprehensive Approach | | |

Was the course material appropriate for the professional level of students selected to attend this course?

- ☐ Yes
- ☐ No

Would you recommend this course to other individuals affiliated with Juvenile Justice Agencies?

- ☐ Yes
- ☐ No

Please select the phrase that best describes the pre/post-test.

- ☐ The pre/post-test was too easy.
- ☐ The pre/post-test was too difficult.
- ☐ The pre/post-test was appropriate.

Please select the phrase that best describes the logistical arrangements for the training program.

- ☐ The logistical arrangements were outstanding.
- ☐ The logistical arrangements were satisfactory.
- ☐ The logistical arrangements were unsatisfactory.

How would you rate the classroom environment?

- ☐ Very comfortable
- ☐ Comfortable
- ☐ Not comfortable

What suggestions do you have for improvement of this training program?

May we contact you to participate in an ongoing training program evaluation?

- ☐ Yes
- ☐ No

Name: _____

Phone No: _____

E-mail Address: _____

Thank you for taking the time to help us monitor the quality of our training