

Policy and Procedure

Subject: Prison Rape Elimination Act (PREA) **Category:** All Programs

Effective Date: 1/1/2013

Revised Date:

Policy: Tippecanoe County Government Youth Services will make every effort to ensure that youth, guests, and Staff are safe from any sexually inappropriate physical, verbal or emotional behaviors.

Procedure:

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
GENERAL DEFINITIONS

SUBJECT:

GENERAL DEFINITIONS

STANDARD ADDRESSED: §115.5

For purposes of PREA, the term—

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

Agency head means the principal official of an agency.

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

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

Detainee means any person detained in a lockup, regardless of adjudication status.

Direct staff supervision means that security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.

Employee means a person who works directly for the agency or facility.

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

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

Facility head means the principal official of a facility.

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

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

Inmate means any person incarcerated or detained in a prison or jail.

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

Jail means a confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

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

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

Law enforcement staff means employees responsible for the supervision and control of detainees in lockups.

Lockup means a facility that contains holding cells, cell blocks, or other secure enclosures that are:

- (1) Under the control of a law enforcement, court, or custodial officer; and
- (2) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

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

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

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

PREA Coordinator means the Clinical Director of Tippecanoe County Youth Services.

Prison means an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

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

Secure juvenile facility means a juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows residents access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.

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

Staff means employees.

*Strip search** means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.
**Tippecanoe County Youth Services refers to strip searches as Intensive Searches.*

Transgender means a person whose gender identity (*i.e.*, internal sense of feeling male or female) is different from the person's assigned sex at birth.

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

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

Unsubstantiated allegation means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

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

Youthful inmate means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

Youthful detainee means any person under the age of 18 who is under adult court supervision and detained in a lockup.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
GENERAL DEFINITIONS

SUBJECT:

DEFINITIONS RELATED TO SEXUAL ABUSE

STANDARD ADDRESSED: § 115.6

For purposes of PREA, the term—

Sexual abuse includes—

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident;
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

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

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer.

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

Sexual harassment includes—

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

SUBPART. D – STANDARDS FOR JUVENILE FACILITIES
SECTION . PREVENTION PLANNING

SUBJECT: **ZERO TOLERANCE OF SEXUAL ABUSE AND SEXUAL HARASSMENT; PREA COORDINATOR**

STANDARD ADDRESSED: § 115.311

(a) An agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct.

(b) An agency shall employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities.

(c) Where an agency operates more than one facility, each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

POLICY

Tippecanoe County Youth Services (TCYS) has a zero tolerance toward all forms of sexual abuse and sexual harassment of youth and recognizes these youth as crime victims. The Clinical Director of TCYS serves as the PREA Coordinator. Employees are required to read all policies and procedures and sign acknowledgement forms indicating that they understand and agree to the policies. Employees are on camera when with participants to ensure all parties are protected. If an allegation of sexual abuse or harassment occurs, a grievance form is completed and sent to the PREA Coordinator which initiates the investigation. TCYS will respond immediately to allegations, fully investigate reported incidents, pursue disciplinary action, and refer for criminal investigation and prosecution of those who perpetrate such conduct.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
PREVENTION PLANNING

SUBJECT:

**CONTRACTING WITH OTHER ENTITIES FOR THE
CONFINEMENT OF RESIDENTS**

STANDARD ADDRESSED: § 115.312

(a) A public agency that contracts for the confinement of its residents with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards.

(b) Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.

POLICY

Tippecanoe County Youth Services will ensure that it only contracts with agencies that have adopted and comply with the PREA standards as outlined in JDAI and DOC mandates for secure detention facilities.

SUBPART. D – STANDARDS FOR JUVENILE FACILITIES
SECTION . PREVENTION PLANNING

SUBJECT: SUPERVISION AND MONITORING

STANDARD ADDRESSED: § 115.313

(a) The agency shall ensure that each facility it operates shall develop, implement, and document a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect residents against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:

- (1) Generally accepted juvenile detention and correctional/secure residential practices;
- (2) Any judicial findings of inadequacy;
- (3) Any findings of inadequacy from Federal investigative agencies;
- (4) Any findings of inadequacy from internal or external oversight bodies;
- (5) All components of the facility's physical plant (including "blind spots" or areas where staff or residents may be isolated);
- (6) The composition of the resident population;
- (7) The number and placement of supervisory staff;
- (8) Institution programs occurring on a particular shift;
- (9) Any applicable State or local laws, regulations, or standards;
- (10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- (11) Any other relevant factors.

(b) The agency shall comply with the staffing plan except during limited and discrete exigent circumstances, and shall fully document deviations from the plan during such circumstances.

(c) Each secure juvenile facility shall maintain staff ratios of a minimum of 1:8 during resident waking hours and 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances, which shall be fully documented. Only security staff shall be included in these ratios. Any facility that, as of the date of publication of this final rule, is not already obligated by law, regulation, or judicial consent decree to maintain the staffing ratios set forth in this paragraph shall have until October 1, 2017, to achieve compliance.

(d) Whenever necessary, but no less frequently than once each year, for each facility the agency operates, in consultation with the PREA coordinator required by § 115.311, the agency shall assess, determine, and document whether adjustments are needed to:

- (1) The staffing plan established pursuant to paragraph (a) of this section;
- (2) Prevailing staffing patterns;
- (3) The facility's deployment of video monitoring systems and other monitoring technologies; and
- (4) The resources the facility has available to commit to ensure adherence to the staffing plan.

(e) Each secure facility shall implement a policy and practice of having intermediate-level or higher level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such policy and practice shall be implemented for night shifts as well as day shifts. Each secure facility shall have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.

POLICY

Tippecanoe County Youth Services (TCYS) PREA Coordinator, Supervisors, and/or the Executive Director will conduct random and unannounced walkthroughs of the facility to identify and deter staff sexual abuse and sexual harassment. Random walkthroughs will occur in all TCYS programming both on day and night shifts. Other staff members are prohibited from alerting their peers of these random walkthroughs. These walkthroughs will be documented and stored in the Executive Director of TCYS office for accessibility.

The staffing plan for TCYS provides adequate levels of staffing and video monitoring, where applicable, to protect youth against sexual abuse. The minimum ratio for TCYS varies depending on the program: Cary Home Girls Unit will remain 1:3; Residential Treatment Center Unit will remain 1:4; and Intensive Supervision Unit will remain 1:2.5 residential staff members to resident respectively, during waking hours, except during limited and discrete exigent circumstances, which shall be fully documented. During sleeping hours the ratio for Cary Home Girls Unit will remain 1:6; Residential Treatment Center Unit will remain 1:12; and Intensive Supervision Unit will remain 1:5 residential staff members to resident with one staff member to float between units for breaks as needed. The Day Reporting Program and all other Evidenced Based Programming will maintain a minimum of a 1:8 ratio at all times. TCYS has video monitoring throughout the building and staff members are on camera with youth where applicable. These cameras are monitored as needed by Supervisors and the Executive Director through weekly random checks. Any deviations from this plan will be documented to determine what adjustments must be made to ensure safety and security of the youth in programming. The PREA coordinator will review the staffing plan annually to determine if adjustments are needed.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
PREVENTION PLANNING

SUBJECT:

LIMITS TO CROSS-GENDER VIEWING AND SEARCHES

STANDARD ADDRESSED: § 115.315

- (a) The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances when performed by medical practitioners.
- (b) The agency shall not conduct cross-gender pat-down searches except in exigent circumstances.
- (c) The facility shall document and justify all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches.
- (d) The facility shall implement policies and procedures that enable residents to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff the opposite gender to announce their presence when entering a resident housing unit. In facilities (such as group homes) that do not contain discrete housing units, staff of the opposite gender shall be required to announce their presence when entering an area where residents likely to be showering, performing bodily functions, or changing clothing.
- (e) The facility shall not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the resident's genital status unknown, it may be determined during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
- (f) The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

POLICY

It is the policy of the Tippecanoe County Youth Services (TCYS) to conduct strip/intensive searches only on a limited basis. Under no circumstance shall youth be strip/intensively searched unless there is probable cause to believe that a youth is concealing contraband or has injuries that need to be reported. Under the direction of the shift supervisor/designee the Youth Development Worker/Specialist/Supervisor shall complete an Intensive Search Form that supports the reasonable suspicion. The strip/intensive search will be performed under the supervision of another staff member monitoring the staff member performing the search. The process will take place in a private ensuring the youth is not visible to others.

In the event that a strip/intensive search is necessary, the staff member must receive authority from their supervisor before such a search is conducted. Furthermore, cavity searches will not be completed by TCYS, if a staff member believes that a youth has contraband that is not able to be located through an strip/intensive search then the authorities will be contacted for the immediate removal of the youth due to the high risk situation that this presents for the youth, the staff members and the other youth in the care of TCYS.

Strip/intensive searches WILL NEVER be completed in mixed company. The youth can be transported to the Juvenile Assessment and Intake Center as needed for safety to await the appropriate gendered staff to ensure the safety of all. **ALL** TCYS personnel shall be authorized to disrobe a youth as required to provide emergency medical treatment in life threatening emergencies.

TCYS staff members shall not conduct pat-down searches or cross-gender pat-down searches except in exigent circumstances. If a pat-down search was ever completed it would be documented immediately. TCYS staff members are trained to conduct check-ins that do not require touching the youth in programming. Check-ins will be completed by members of the same gender as often as possible, at no time during a check-in is a youth required to show their breasts, buttocks, or genitalia.

It is the policy of TCYS to enable youth to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia. Staff members of the opposite gender will announce their presence when entering a resident housing unit and youth will be required to change in the restrooms located on each unit. A staff member shall be required to announce their presence when entering an area where youth are likely to be showering, performing bodily functions, or changing clothing and they will do so only if it is necessary to enter while a youth is present.

It is the policy of TCYS to not search or physically examine a transgender or intersex youth for the sole purpose of determining the youth's genital status. If the youth's genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
PREVENTION PLANNING

SUBJECT:

**RESIDENTS WITH DISABILITIES AND RESIDENTS WHO
ARE LIMITED ENGLISH PROFICIENT**

STANDARD ADDRESSED: § 115.316

(a) The agency shall take appropriate steps to ensure that residents with disabilities (including, for example, residents who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with residents who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency shall ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities, including residents who have intellectual disabilities, limited reading skills, or who are blind or have low vision. An agency is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.

(b) The agency shall take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to residents who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

(c) The agency shall not rely on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under § 115.364, or the investigation of the resident's allegations.

POLICY

Tippecanoe County Youth Services (TCYS) will ensure that all youth with a disability or limited English proficiency have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. TCYS will not rely on youth interpreters, youth readers, or other types of youth assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the youth's safety, the performance of first-response duties under § 115.364, or the investigation of the youth's allegations.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
PREVENTION PLANNING

SUBJECT:

HIRING AND PROMOTION DECISIONS

STANDARD ADDRESSED: § 115.317

(a) The agency shall not hire or promote anyone who may have contact with residents, and shall not enlist the services of any contractor who may have contact with residents, who—

- (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
- (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
- (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.

(b) The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents.

(c) Before hiring new employees who may have contact with residents, the agency shall:

- (1) Perform a criminal background records check;
- (2) Consult any child abuse registry maintained by the State or locality in which the employee would work; and
- (3) Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

(d) The agency shall also perform a criminal background records check, and consult applicable child abuse registries, before enlisting the services of any contractor who may have contact with residents.

(e) The agency shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with residents or have in place a system for otherwise capturing such information for current employees.

(f) The agency shall also ask all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.

(g) Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

(h) Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

POLICY

It is the policy of the Tippecanoe County Youth Services (TCYS) to not hire or promote anyone who may have contact with youth, and will not enlist the services of any contractor who may have contact with youth, who have the following:

1. engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
2. been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
3. been civilly or administratively adjudicated to have engaged in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse.

TCYS conducts criminal records checks, sex offender registry checks, and child abuse registry checks on all potential employees. TCYS asks all applicants who may have contact with youth directly about previous misconducts as described above in the interview process. Any incidents of sexual harassment in determining whether to hire or promote a staff member or to enlist the services of a contractor that may have contact with youth will be taken into consideration. TCYS also conducts criminal background records checks at least every five years on current employees. TCYS will conduct criminal records check, sex offender registry check and child abuse registry check on contractors that have contact with residents as part of their job responsibilities. Maintenance contractors are escorted through the building by an employee and are not in areas with residents without staff supervision.

Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination. Unless prohibited by law, TCYS will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
PREVENTION PLANNING

SUBJECT:

UPGRADES TO FACILITIES AND TECHNOLOGIES

STANDARD ADDRESSED: § 115.318

(a) When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect residents from sexual abuse.

(b) When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect residents from sexual abuse.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) to consider the effect of the design, acquisition, expansion, or modification upon its ability to protect youth from sexual abuse when designing or acquiring any new facility or in planning any substantial expansion or modification of existing facilities. It is the policy of TCYS to consider how such technology may enhance the agency's ability to protect youth from sexual abuse when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
RESPONSIVE PLANNING

SUBJECT:

**EVIDENCE PROTOCOL AND FORENSIC MEDICAL
EXAMINATIONS**

STANDARD ADDRESSED: § 115.321

- (a) To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- (b) The protocol shall be developmentally appropriate for youth and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.
- (c) The agency shall offer all residents who experience sexual abuse access to forensic medical examinations whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its efforts to provide SAFEs or SANEs.
- (d) The agency shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency shall make available to provide these services a qualified staff member from a community-based organization or a qualified agency staff member. Agencies shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.
- (e) As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.
- (f) To the extent the agency itself is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section.
- (g) The requirements of paragraphs (a) through (f) of this section shall also apply to:
- (1) Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in juvenile facilities; and
 - (2) Any Department of Justice component that is responsible for investigating allegations of sexual abuse in juvenile facilities.
- (h) For the purposes of this standard, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in

this role and has received education concerning sexual assault and forensic examination issues in general.

POLICY

Tippecanoe County Youth Services (TCYS) will ensure that residents who experience sexual abuse will be transported to St. Elizabeth's East Hospital to receive forensic medical examinations, without financial cost. If a Sexual Assault Nurse Examiner or Sexual Assault Forensic Examiner is available, TCYS staff will request that the resident be examined by that staff person and that a uniform evidence protocol is followed. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. TCYS will document its efforts to provide SAFEs or SANEs.

TCYS will also put forth all efforts to secure services from a victim advocate or similarly qualified individual. If so requested by the juvenile, the victim advocate, qualified agency staff member, or qualified community-based organization staff member will accompany and support the juvenile through the forensic medical examination process and investigatory interviews and will provide emotional support, crisis intervention, information, and referrals. Documentation will be maintained in the juvenile's confidential medical file.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
RESPONSIVE PLANNING

SUBJECT:

**POLICIES TO ENSURE REFERRALS OF ALLEGATIONS
FOR INVESTIGATIONS**

STANDARD ADDRESSED: § 115.322

- (a) The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
- (b) The agency shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency shall publish such policy on its website or, if it does not have one, make the policy available through other means. The agency shall document all such referrals.
- (c) If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.
- (d) Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities shall have in place a policy governing the conduct of such investigations.
- (e) Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities shall have in place a policy governing the conduct of such investigations.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) to ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. All juvenile grievances of sexual harassment or sexual abuse are submitted to the PREA Coordinator, unless the allegation is against the PREA Coordinator, in which case the grievance will be submitted to the Executive Director. Based on the review of the grievance, the investigation may be referred to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. Administrative investigations will include an effort to determine whether staff actions or failures to act contributed to the abuse; and will be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Criminal investigations will be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. Substantiated allegations of conduct that appears to be criminal will be referred for prosecution

1. The investigating entity (typically Child Protective Services Hotline at **1-800-800-5556**) will be responsible for conducting the investigation and determine if criminal activity occurred. Investigators will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; will interview alleged

victims, suspected perpetrators, and witnesses; and will review prior complaints and reports of sexual abuse involving the suspected perpetrator.

When the quality of evidence appears to support criminal prosecution, the investigative agency will conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as a youth in programming or staff member. No agency will require a youth who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

TCYS will proceed with the necessary action upon receipt of the findings of the investigation. Documentation of all referrals for investigation will be maintained.

The policy of TCYS is published on the facility's website.

SUBPART. D – STANDARDS FOR JUVENILE FACILITIES
SECTION . TRAINING AND EDUCATION

SUBJECT: **EMPLOYEE TRAINING**

STANDARD ADDRESSED: § 115.331

- (a) The agency shall train all employees who may have contact with residents on:
- (1) Its zero-tolerance policy for sexual abuse and sexual harassment;
 - (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
 - (3) Residents' right to be free from sexual abuse and sexual harassment;
 - (4) The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
 - (5) The dynamics of sexual abuse and sexual harassment in juvenile facilities;
 - (6) The common reactions of juvenile victims of sexual abuse and sexual harassment;
 - (7) How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents;
 - (8) How to avoid inappropriate relationships with residents;
 - (9) How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents; and
 - (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;
 - (11) Relevant laws regarding the applicable age of consent.
- (b) Such training shall be tailored to the unique needs and attributes of residents of juvenile facilities and to the gender of the residents at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa.
- (c) All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and the agency shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.
- (d) The agency shall document, through employee signature or electronic verification that employees understand the training they have received.

POLICY

Tippecanoe County Youth Services (TCYS) employees will receive PREA training annually. New employees will receive PREA training during the new employee training and thereafter annually. The content of the training will include the following:

1. TCYS zero-tolerance policy for sexual abuse and sexual harassment;
2. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
3. Youths' right to be free from sexual abuse and sexual harassment;

4. The right of youth and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
5. The dynamics of sexual abuse and sexual harassment in juvenile facilities;
6. The common reactions of juvenile victims of sexual abuse and sexual harassment;
7. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between youth;
8. How to avoid inappropriate relationships with youth in programming;
9. How to communicate effectively and professionally with youth, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents; and
10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;
11. Relevant laws regarding the applicable age of consent.

The training will be tailored to the unique needs and attributes of both female and male youth in both residential and outpatient treatment. Signature sheets will be collected at the training to document the employee's attendance and a follow up online quiz will be required within one week of attendance to ensure the employee understands the training after the training has been completed. Training records will be maintained for a minimum three (3) years.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
TRAINING AND EDUCATION

SUBJECT:

VOLUNTEER AND CONTRACTOR TRAINING

STANDARD ADDRESSED: § 115.332

(a) The agency shall ensure that all volunteers and contractors who have contact with residents have been trained on their responsibilities under the agency’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

(b) The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with residents, but all volunteers and contractors who have contact with residents shall be notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

(c) The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) to ensure that all volunteers and contractors who have contact with youth have been trained on their responsibilities regarding sexual abuse and sexual harassment prevention, detection, and response policies and procedures. All volunteers and contractors who have contact with youth will be notified of TCYS’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. Maintenance contractors are escorted through TCYS by an employee to ensure youth safety. The level and type of training provided to volunteers and contractors will be based on the services they provide and level of contact they have with youth in programming. TCYS volunteers and contractors provide signatures stating compliance with and understanding of all stated policies, standards, and expectations.

TCYS will maintain the volunteer and contractor training documentation.

SUBPART. D – STANDARDS FOR JUVENILE FACILITIES
SECTION . TRAINING AND EDUCATION

SUBJECT: **RESIDENT EDUCATION**

STANDARD ADDRESSED: § 115.333

- (a) During the intake process, residents shall receive information explaining, in an age appropriate fashion, the agency’s zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
- (b) Within 10 days of intake, the agency shall provide comprehensive age-appropriate education to residents either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.
- (c) Current residents who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the resident’s new facility differ from those of the previous facility.
- (d) The agency shall provide resident education in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to residents who have limited reading skills.
- (e) The agency shall maintain documentation of resident participation in these education sessions.
- (f) In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats.

POLICY

During the Tippecanoe County Youth Services intake process, youth will receive information explaining, in an age appropriate fashion, the agency’s zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. This information is contained in the Youth Handbook. The handbook is available in both paper and audio form to ensure it is easily understood. Youth and parents sign an acknowledgment form indicating that the information provided was comprehended. Staff members, or interpreters if needed, are always available to answer questions regarding PREA or other policies, practices and rules.

Within 10 days of intake, TCYS will provide comprehensive age-appropriate education to residents either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents. This information will be presented in a manner in which limited English proficient, deaf, visually impaired, or otherwise disabled, as well as youth who have limited reading skills, will understand. TCYS has posters throughout the facility and has included information in the Youth Handbook.

SUBPART. D – STANDARDS FOR JUVENILE FACILITIES
SECTION . TRAINING AND EDUCATION

SUBJECT: **SPECIALIZED TRAINING: INVESTIGATIONS**

STANDARD ADDRESSED: § 115.334

- (a) In addition to the general training provided to all employees pursuant to § 115.331, the agency shall ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.
- (b) Specialized training shall include techniques for interviewing juvenile sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
- (c) The agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.
- (d) Any State entity or Department of Justice component that investigates sexual abuse in juvenile confinement settings shall provide such training to its agents and investigators who conduct such investigations.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) that all juvenile grievances of sexual harassment or sexual abuse be submitted to the PREA Coordinator, unless the allegation is against the PREA Coordinator, in which case the grievance will be submitted to the Executive Director. Based on the initial review of the grievance, the full investigation may be referred to an agency with the legal authority to conduct criminal investigations (beginning with Child Protective Services Hotline at **1-800-800-5556**) unless the allegation does not involve potentially criminal behavior. The agency with legal authority to conduct criminal investigations will have received specialized training that include techniques for interviewing juvenile sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
TRAINING AND EDUCATION

SUBJECT:

**SPECIALIZED TRAINING: MEDICAL AND MENTAL
HEALTH CARE**

STANDARD ADDRESSED: § 115.335

- (a) The agency shall ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in:
- (1) How to detect and assess signs of sexual abuse and sexual harassment;
 - (2) How to preserve physical evidence of sexual abuse;
 - (3) How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment; and
 - (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- (b) If medical staff employed by the agency conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.
- (c) The agency shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.
- (d) Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.331 or for contractors and volunteers under § 115.332, depending upon the practitioner's status at the agency.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) to ensure that all full-time and part-time medical and mental health care practitioners who work regularly for TCYS have been trained in:

- (1) How to detect and assess signs of sexual abuse and sexual harassment;
- (2) How to preserve physical evidence of sexual abuse;
- (3) How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment; and
- (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

The full-time and part-time medical and mental health care practitioners that work regularly for TCYS do not conduct forensic examinations. TCYS will maintain PREA training documentation for the medical and mental health care practitioners that work regularly for TCYS.

SUBPART. D – STANDARDS FOR JUVENILE FACILITIES
SECTION . SCREENING FOR RISK OF SEXUAL VICTIMIZATION
AND ABUSIVENESS

SUBJECT: **OBTAINING INFORMATION FROM RESIDENTS**

STANDARD ADDRESSED: § 115.341

(a) Within 72 hours of the resident’s arrival at the facility and periodically throughout resident’s confinement, the agency shall obtain and use information about each resident’s personal history and behavior to reduce the risk of sexual abuse by or upon a resident.

(b) Such assessments shall be conducted using an objective screening instrument.

(c) At a minimum, the agency shall attempt to ascertain information about:

- (1) Prior sexual victimization or abusiveness;
- (2) Any gender nonconforming appearance or manner or identification as lesbian, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to abuse;
- (3) Current charges and offense history;
- (4) Age;
- (5) Level of emotional and cognitive development;
- (6) Physical size and stature;
- (7) Mental illness or mental disabilities;
- (8) Intellectual or developmental disabilities;
- (9) Physical disabilities;
- (10) The resident’s own perception of vulnerability; and
- (11) Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain residents.

(d) This information shall be ascertained through conversations with the resident during the intake process and medical and mental health screenings; during classification assessments; and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the resident’s files.

(e) The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the resident’s detriment by staff or other residents.

POLICY

It is the policy of the Tippecanoe County Youth Services (TCYS) to obtain and use information about the youth’s personal history and behavior to reduce the risk of sexual abuse by or upon a youth during the intake process. TCYS also obtains additional personal information and observes behaviors during the youth’s stay in residential or participation in outpatient programming to reduce risk to the juvenile.

TCYS utilizes various objective screening instruments, including an intake medical screen, the UCLA PTSD for DSM-V, as well as conversations, observations, court records, case files, etc., to gather the following information:

- (1) Prior sexual victimization or abusiveness;
- (2) Any gender nonconforming appearance or manner or identification as lesbian, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to abuse;
- (3) Current charges and offense history;
- (4) Age;
- (5) Level of emotional and cognitive development;
- (6) Physical size and stature;
- (7) Mental illness or mental disabilities;
- (8) Intellectual or developmental disabilities;
- (9) Physical disabilities;
- (10) The resident's own perception of vulnerability; and
- (11) Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain residents.

It is the policy of TCYS to maintain confidentiality and only share information with other staff members that is relevant to maintain the juvenile's safety and security. The UCLA PTSD for DSM-V recommendation for treatment is shared with probation and court personnel, but the individual answers and other mental health observations are maintained in a confidential file. Medical observations and documentation are maintained in a confidential file.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
SCREENING FOR RISK OF SEXUAL VICTIMIZATION
AND ABUSIVENESS

SUBJECT:

**PLACEMENT OF RESIDENTS IN HOUSING, BED,
PROGRAM, EDUCATION, AND WORK ASSIGNMENTS**

STANDARD ADDRESSED: § 115.342

(a) The agency shall use all information obtained pursuant to § 115.341 and subsequently to make housing, bed, program, education, and work assignments for residents with the goal of keeping all residents safe and free from sexual abuse.

(b) Residents may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of keeping all residents safe can be arranged. During any period of isolation, agencies shall not deny residents daily large-muscle exercise and any legally required educational programming or special education services. Residents in isolation shall receive daily visits from a medical or mental health care clinician. Residents shall also have access to other programs and work opportunities to the extent possible.

(c) Lesbian, gay, bisexual, transgender, or intersex residents shall not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor shall agencies consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive.

(d) In deciding whether to assign a transgender or intersex resident to a facility for male or female residents, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether the placement would present management or security problems.

(e) Placement and programming assignments for each transgender or intersex resident shall be reassessed at least twice each year to review any threats to safety experienced by the resident.

(f) A transgender or intersex resident's own views with respect to his or her own safety shall be given serious consideration.

(g) Transgender and intersex residents shall be given the opportunity to shower separately from other residents.

(h) If a resident is isolated pursuant to paragraph (b) of this section, the facility shall clearly document:

(1) The basis for the facility's concern for the resident's safety; and

(2) The reason why no alternative means of separation can be arranged.

(i) Every 30 days, the facility shall afford each resident described in paragraph (h) of this section a review to determine whether there is a continuing need for separation from the general population.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) to use information obtained during the intake process, as well as subsequently, to determine housing, bed, program, education, and work assignments for youth with the goal of keeping all residents safe and free from sexual abuse. All juveniles shower separately and single rooms are available as needed for resident sleeping. Residents are not isolated from each other unless safety is an issue and only as a last resort when less restrictive measures are inadequate to keep them and other residents safe. If isolation does occur, all required exercise, educational programming, and medical or mental health services still occur; documentation is maintained for the reason of isolation in the youth's confidential file; and the segregation is reviewed every day. TCYS provides programming for males and females and does not discriminate against a youth's sexual orientation. TCYS will consider on a case-by-case basis whether a placement of transgender or intersex resident into a certain housing unit would ensure the resident's health and safety, and whether the placement would present management or security problems. The placement and programming assignments for each transgender or intersex resident shall be reassessed at least twice each year to review any threats to safety experienced by the youth.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
REPORTING

SUBJECT: **RESIDENT REPORTING**

STANDARD ADDRESSED: § 115.351

- (a) The agency shall provide multiple internal ways for residents to privately report sexual abuse and sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
- (b) The agency shall also provide at least one way for residents to report abuse or harassment to a public or private entity or office that is not part of the agency and that is able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials, allowing the resident to remain anonymous upon request. Residents detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.
- (c) Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.
- (d) The facility shall provide residents with access to tools necessary to make a written report.
- (e) The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of residents.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) to provide multiple internal ways for youth to privately report sexual abuse and sexual harassment, retaliation by other youth or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Youth of TCYS who are victims of or have knowledge of sexual misconduct should immediately report the incident to a staff member. Youth may use the formal grievance form to report the incident in writing and anonymously. The grievance forms and writing utensils are available throughout the TCYS facility. Youth, volunteers or third parties may also report sexual abuse or harassment verbally to a staff member, in which case the staff member will complete a grievance form to trigger an investigation. Anonymity of the resident will be maintained if requested by the resident. The grievance forms are high priority and will be forwarded immediately to the PREA coordinator. TCYS youth may also report abuse or harassment to the Department of Child Services by calling 1-800-800-5556, which is not part of the agency. The Department of Child Services will receive the reports and immediately forward youth reports of sexual abuse and sexual harassment to agency officials, allowing the youth to remain anonymous upon request. Staff members are required to report sexual abuse and sexual harassment of residents to the PREA Coordinator, and may do this privately if requested.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
REPORTING

SUBJECT: **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

STANDARD ADDRESSED: § 115.352

- (a) An agency shall be exempt from this standard if it does not have administrative procedures to address resident grievances regarding sexual abuse.
- (b) (1) The agency shall not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse.
(2) The agency may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
(3) The agency shall not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
(4) Nothing in this section shall restrict the agency's ability to defend against a lawsuit filed by a resident on the ground that the applicable statute of limitations has expired.
- (c) The agency shall ensure that—
(1) A resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
(2) Such grievance is not referred to a staff member who is the subject of the complaint.
- (d) (1) The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
(2) Computation of the 90-day time period shall not include time consumed by residents in preparing any administrative appeal.
(3) The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the resident in writing of any such extension and provide a date by which a decision will be made.
(4) At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, the resident may consider the absence of a response to be a denial at that level.
- (e) (1) Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of residents.
(2) If a third party, other than a parent or legal guardian, files such a request on behalf of a resident, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
(3) If the resident declines to have the request processed on his or her behalf, the agency shall document the resident's decision.
(4) A parent or legal guardian of a juvenile shall be allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile. Such a

grievance shall not be conditioned upon the juvenile agreeing to have the request filed on his or her behalf.

- (f) (1) The agency shall establish procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse.
(2) After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document the agency's determination whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
- (g) The agency may discipline a resident for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the resident filed the grievance in bad faith.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) to not impose a time limit on when a youth may submit a grievance regarding an allegation of sexual abuse. The youth is not required to use any informal grievance process, or to otherwise attempt to resolve with staff an alleged incident of sexual abuse. A youth who alleges sexual abuse may submit a grievance without submitting it to the staff member who is the subject of the complaint. Reports of sexual abuse or harassment are provided to the PREA Coordinator. In the event that the grievance is against the PREA Coordinator the grievance will be directed to the Executive Director.

TCYS shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. The computation of the 90-day time period shall not include time consumed by residents in preparing any administrative appeal. TCYS may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. TCYS shall notify the youth in writing of any such extension and provide a date by which a decision will be made. At any level of the administrative process, including the final level, if the youth does not receive a response within the time allotted for reply, including any properly noticed extension, the youth may consider the absence of a response to be a denial at that level. Third parties, including fellow participants, staff members, family members, attorneys, and outside advocates, shall be permitted to assist youth in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of other participants. If a third party, other than a parent or legal guardian, files such a request on behalf of a youth, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. If the resident declines to have the request processed on his or her behalf, the agency shall document the youth's decision. A parent or legal guardian of a juvenile shall be allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile. Such a grievance shall not be conditioned upon the juvenile agreeing to have the request filed on his or her behalf.

The PREA Coordinator or Executive Director is on call at all times. In the event that there is an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse, the PREA Coordinator or Executive Director will be contacted immediately.

After receiving an emergency grievance alleging a youth is subject to a substantial risk of imminent sexual abuse, the staff member will immediately forward the grievance to the PREA Coordinator or Executive Director, at which immediate corrective action may be taken. An initial response for the emergency grievance will be provided within 48 hours, and a final decision will be provided within five (5) calendar days. The initial response and final decision will document the agency's determination whether the youth is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

TCYS may discipline a youth for filing a grievance related to alleged sexual abuse **ONLY** if it can be determined that the grievance was filed in bad faith.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
REPORTING

SUBJECT:

**RESIDENT ACCESS TO OUTSIDE SUPPORT SERVICES
AND LEGAL REPRESENTATION**

STANDARD ADDRESSED: § 115.353

- (a) The facility shall provide residents with access to outside victim advocates for emotional support services related to sexual abuse, by providing, posting, or otherwise making accessible mailing addresses and telephone numbers, including toll free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible.
- (b) The facility shall inform residents, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.
- (c) The agency shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide residents with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.
- (d) The facility shall also provide residents with reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) to provide youth with access to outside victim advocates for emotional support services related to sexual abuse by providing mailing addresses and telephone numbers, including toll free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations throughout the agency. Persons detained solely for civil immigration purposes will be provided with contact information for immigrant services agencies. Youth are permitted to make contact with these organizations and agencies in a confidential manner in a setting that is separate from other participants. The youth are informed during intake the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws this will be reinforced by their therapists and through notices on throughout the housing units. TCYS has clinical staff employed who will provide mental health assessments as needed for participants; in addition the clinical staff will provide confidential emotional support services related to sexual abuse as needed or ensure that a referral is made to an appropriate agency. Youth are provided reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians through visitation, off-grounds pass, phone calls, and written correspondence.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
REPORTING

SUBJECT:

THIRD-PARTY REPORTING

STANDARD ADDRESSED: § 115.354

The agency shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of a resident.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) to encourage anyone who knows of sexual abuse or sexual harassment incidents to report it either verbally or through a grievance form to the PREA Coordinator. This information is posted on the TCYS website to ensure that third-party reports can be received.

SUBPART. D – STANDARDS FOR JUVENILE FACILITIES
SECTION . OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

SUBJECT: **STAFF AND AGENCY REPORTING DUTIES**

STANDARD ADDRESSED: § 115.361

- (a) The agency shall require all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- (b) The agency shall also require all staff to comply with any applicable mandatory child abuse reporting laws.
- (c) Apart from reporting to designated supervisors or officials and designated State or local services agencies, staff shall be prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.
- (d)
 - (1) Medical and mental health practitioners shall be required to report sexual abuse designated supervisors and officials pursuant to paragraph (a) of this section, as well as to designated State or local services agency where required by mandatory reporting laws.
 - (2) Such practitioners shall be required to inform residents at the initiation of services their duty to report and the limitations of confidentiality.
- (e)
 - (1) Upon receiving any allegation of sexual abuse, the facility head or his or her designee shall promptly report the allegation to the appropriate agency office and to the alleged victim's parents or legal guardians, unless the facility has official documentation showing parents or legal guardians should not be notified.
 - (2) If the alleged victim is under the guardianship of the child welfare system, the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians.
 - (3) If a juvenile court retains jurisdiction over the alleged victim, the facility head designee shall also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation.
- (f) The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) that staff members will report immediately to the PREA Coordinator, verbally or in writing, if they have knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred within the facility, retaliation against residents or staff who reported such an incident; and any staff neglect, or violation of responsibilities that may have contributed to an incident or retaliation. TCYS requires all staff members to comply with any applicable mandatory child abuse reporting laws. Staff members are required to work with their direct supervisor to ensure that reports are made and documented in the youth's confidential file.

Apart from reporting to the identified supervisors, officials, and designated state or local service agencies, the staff member reporting the incident is prohibited from revealing any relevant information to anyone else unless necessary to make management and safety decisions, treatment, and/or to ensure the investigation moves forward appropriately.

Medical and mental health practitioners are required to report sexual abuse or sexual harassment within the facility to the PREA Coordinator as well as to designated State or local services agency where required by mandatory reporting laws. These practitioners inform residents at the initiation of services their duty to report and the limitations of confidentiality. Upon receiving any allegation of sexual abuse, the PREA Coordinator promptly reports the allegation to the appropriate agency office and to the alleged victim's parents or legal guardians; unless the facility has official documentation showing parents or legal guardians should not be notified. If the alleged victim is under the guardianship of the child welfare system, the PREA Coordinator will contact the alleged victim's caseworker instead of the parents or legal guardians. If a juvenile court retains jurisdiction over the alleged victim, the PREA Coordinator will also report the allegation to the juvenile's probation officer or other legal representative of record within 24 hours of receiving the allegation.

All allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, are reported to the PREA Coordinator, unless the allegation is against the PREA Coordinator, in which case the allegation is reported to the Executive Director.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

SUBJECT:

AGENCY PROTECTION DUTIES

STANDARD ADDRESSED: § 115.362

When an agency learns that a resident is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the resident.

POLICY

It is the policy of Tippecanoe County Youth Services to respond immediately if a youth is subject to a substantial risk of imminent sexual abuse in order to protect the resident.

SUBPART. D – STANDARDS FOR JUVENILE FACILITIES
SECTION . OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

SUBJECT: **REPORTING TO OTHER CONFINEMENT FACILITIES**

STANDARD ADDRESSED: § 115.363

(a) Upon receiving an allegation that a resident was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency.

(b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.

(c) The agency shall document that it has provided such notification.

(d) The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

POLICY

Upon receiving an allegation that a resident was sexually abused while confined at another facility, the Tippecanoe County Youth Services Executive Director will contact the head of that facility, as well as the appropriate investigative agency, within 72 hours after receiving the information. TCYS will document that this notification occurred in the juvenile's confidential file. The Executive Director will ensure that the allegation is investigated in accordance to the established standards.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

SUBJECT: **STAFF FIRST RESPONDER DUTIES**

STANDARD ADDRESSED: § 115.364

(a) Upon learning of an allegation that a resident was sexually abused, the first staff member to respond to the report shall be required to:

(1) Separate the alleged victim and abuser;
(2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;

(3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and

(4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

(b) If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) that the first staff member to respond to an allegation that a youth was sexually abused will do the following:

1. Separate the alleged victim and abuser;
2. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
3. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
4. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

If the first responder is not a staff member, the responder will request that the alleged victim not take any actions that could destroy physical evidence, and then notify a staff member or administrator.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

SUBJECT:

COORDINATED RESPONSE

STANDARD ADDRESSED: § 115.365

The facility shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

POLICY

Tippecanoe County Youth Services (TCYS) has a written institutional plan, which consists of all TCYS/PREA policies and procedures. The PREA Coordinator will coordinate actions taken in response to an incident of sexual abuse among the staff first responders, medical and mental health practitioners, investigators, and TCYS Executive Director.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

SUBJECT:

**PRESERVATION OF ABILITY TO PROTECT RESIDENTS
FROM CONTACT WITH ABUSERS**

STANDARD ADDRESSED: § 115.366

- (a) Neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.
- (b) Nothing in this standard shall restrict the entering into or renewal of agreements that govern:
- (1) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§ 115.372 and 115.376; or
 - (2) Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

POLICY

Tippecanoe County Youth Services (TCYS) does not enter into collective bargaining agreements or any other agreements that limit TCYS's ability to remove alleged staff sexual abusers from contact with residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

SUBJECT:

AGENCY PROTECTION AGAINST RETALIATION

STANDARD ADDRESSED: § 115.367

- (a) The agency shall establish a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff and shall designate which staff members or departments are charged with monitoring retaliation.
- (b) The agency shall employ multiple protection measures, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
- (c) For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct or treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff, and shall act promptly to remedy any such retaliation. Items the agency should monitor include any resident disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
- (d) In the case of residents, such monitoring shall also include periodic status checks.
- (e) If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.
- (f) An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) to protect staff members and youth who report sexual abuse or sexual harassment from retaliation from other staff members and/or other youth. Grievance forms are available for staff members and/or youth to complete if they feel retaliation has taken place. The PREA Coordinator will be charged with receiving the grievance forms and monitoring the retaliation. Retaliation will not be tolerated.

TCYS employs multiple protection measures, such as program changes or transfers for youth victims or abusers, removal of alleged staff or youth abusers from contact with victims, and emotional support services for youth or staff members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. For at least 90 days following a report of sexual abuse, TCYS will monitor the conduct or treatment of youth or staff members who reported the sexual abuse and of youth who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by youth or staff, and will act promptly to remedy any such retaliation.

TCYS will monitor youth incident reports, unit, or program changes, staff member negative performance reviews, and reassignments of staff. TCYS will continue such monitoring beyond

90 days if the initial monitoring indicates a continuing need. In the case of youth, such monitoring will also include periodic status checks. If any other individual who cooperates with an investigation expresses a fear of retaliation, the TCYS will take appropriate measures to protect that individual against retaliation. TCYS's obligation to monitor will terminate if the allegation is unfounded.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

SUBJECT:

POST-ALLEGATION PROTECTIVE CUSTODY

STANDARD ADDRESSED: § 115.368

Any use of segregated housing to protect a resident who is alleged to have suffered sexual abuse shall be subject to the requirements of § 115.342.

POLICY

Youth within Tippecanoe County Youth Services are not isolated from each other unless safety is an issue and only as a last resort when less restrictive measures are inadequate to keep them and other youth safe. If isolation does occur, all required exercise, educational programming, and medical or mental health services still occur; documentation is maintained for the reason of segregation in the youth's confidential file; and the segregation is reviewed daily. If a youth represents a safety risk to others in programming then alternative programming will be utilized to ensure that there is no safety risk to others.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
INVESTIGATIONS

SUBJECT:

**CRIMINAL AND ADMINISTRATIVE AGENCY
INVESTIGATIONS**

STANDARD ADDRESSED: § 115.371

(a) When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

(b) Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations involving juvenile victims pursuant to § 115.334.

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

(d) The agency shall not terminate an investigation solely because the source of the allegation recants the allegation.

(e) When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(f) The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff. No agency shall require a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

(g) Administrative investigations:

(1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and

(2) Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

(h) Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

(i) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.

(j) The agency shall retain all written reports referenced in paragraphs (g) and (h) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention.

(k) The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.

(l) Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.

(m) When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) that all juvenile grievances of sexual harassment or sexual abuse be submitted to the PREA Coordinator, unless the allegation is against the PREA Coordinator, in which case the grievance will be submitted to the Executive Director. The investigations into allegations of sexual abuse and sexual harassment, will be done promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. Based on the initial review of the grievance, the full investigation may be referred to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency with legal authority to conduct criminal investigations will have received specialized training that include techniques for interviewing juvenile sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

Investigators will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; will interview alleged victims, suspected perpetrators, and witnesses; and will review prior complaints and reports of sexual abuse involving the suspected perpetrator. TCYS or the assigned investigative agency will not terminate an investigation solely because the source of the allegation recants the allegation. When the quality of evidence appears to support criminal prosecution, the investigative agency will conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as juvenile or staff member. No agency will require a youth who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

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

Criminal investigations will be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. Substantiated allegations of conduct that appears to be criminal will be referred for prosecution.

TCYS will retain all written reports from administrative and criminal investigations for as long as the alleged abuser is incarcerated or employed by the agency, plus five years, unless the abuse was committed by a juvenile in programming and applicable law requires a shorter period of retention. The departure of the alleged abuser or victim from the employment or control of TCYS will not provide a basis for terminating an investigation. When outside agencies investigate sexual abuse, TCYS will cooperate with outside investigators and will endeavor to remain informed about the progress of the investigation.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
INVESTIGATIONS

SUBJECT:

**EVIDENTIARY STANDARD FOR ADMINISTRATIVE
INVESTIGATIONS**

STANDARD ADDRESSED: § 115.372

The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

POLICY

Tippecanoe County Youth Services will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

SUBPART. D – STANDARDS FOR JUVENILE FACILITIES
SECTION . INVESTIGATIONS

SUBJECT: **REPORTING TO RESIDENTS**

STANDARD ADDRESSED: § 115.373

(a) Following an investigation into a resident’s allegation of sexual abuse suffered in an agency facility, the agency shall inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

(b) If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the resident.

(c) Following a resident’s allegation that a staff member has committed sexual abuse against the resident, the agency shall subsequently inform the resident (unless the agency has determined that the allegation is unfounded) whenever:

- (1) The staff member is no longer posted within the resident’s unit;
- (2) The staff member is no longer employed at the facility;
- (3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
- (4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

(d) Following a resident’s allegation that he or she has been sexually abused by another resident, the agency shall subsequently inform the alleged victim whenever:

- (1) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
- (2) The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

(e) All such notifications or attempted notifications shall be documented.

(f) An agency’s obligation to report under this standard shall terminate if the resident is released from the agency’s custody.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) to inform the youth that made the allegation as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. If an allegation is substantiated against a staff member, TCYS will inform the youth when the staff member is no longer posted within the youth’s program; when the staff member is no longer employed at the facility; if the staff member has been indicted on a charge related to sexual abuse within the facility; or if the staff member has been convicted on a charge related to sexual abuse within the facility. If an allegation is substantiated against another youth, TCYS will inform the alleged victim if the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or if the alleged abuser has been convicted on a charge related to sexual abuse within the facility. All such notifications or attempted notifications will be documented in the youth’s program file. TCYS’s obligation to report will terminate upon the youth’s release from TCYS programming.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
DISCIPLINE

SUBJECT:

DISCIPLINARY SANCTIONS FOR STAFF

STANDARD ADDRESSED: § 115.376

- (a) Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
- (b) Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
- (c) Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- (d) All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

POLICY

Tippecanoe County Youth Services staff members will be subject to disciplinary sanctions, up to and including termination for violating agency sexual abuse or sexual harassment policies. Termination will be the presumptive disciplinary sanction for staff members who have engaged in substantiated sexual abuse. Disciplinary sanctions for violations of policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) will be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. All terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
DISCIPLINE

SUBJECT:

**CORRECTIVE ACTION FOR CONTRACTORS AND
VOLUNTEERS**

STANDARD ADDRESSED: § 115.377

(a) Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

(b) The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with residents, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

POLICY

A Tippecanoe County Youth Services (TCYS) contractor or volunteer who engages in sexual abuse will be prohibited from contact with youth in programming and will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. TCYS will take appropriate remedial measures, and will consider whether to prohibit further contact with youth in programming, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
DISCIPLINE

SUBJECT:

**INTERVENTIONS AND DISCIPLINARY SANCTIONS FOR
RESIDENTS**

STANDARD ADDRESSED: § 115.378

- (a) A resident may be subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse.
- (b) Any disciplinary sanctions shall be commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories. In the event a disciplinary sanction results in the isolation of a resident, agencies shall not deny the resident daily large-muscle exercise or access to any legally required educational programming or special education services. Residents in isolation shall receive daily visits from a medical or mental health care clinician. Residents shall also have access to other programs and work opportunities to the extent possible.
- (c) The disciplinary process shall consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
- (d) If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to offer the offending resident participation in such interventions. The agency may require participation in such interventions as a condition of access to any rewards-based behavior management system or other behavior-based incentives, but not as a condition to access to general programming or education.
- (e) The agency may discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- (f) For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- (g) An agency may, in its discretion, prohibit all sexual activity between residents and may discipline residents for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) that a youth in programming may be subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that the youth engaged in youth-on-youth sexual abuse or following a criminal finding of guilt for youth-on-youth sexual abuse. Any disciplinary sanctions will commensurate with the nature and circumstances of the abuse committed, the youth's disciplinary history, and the sanctions imposed for comparable offenses by other youth in programming with similar histories.

In the event a disciplinary sanction results in the isolation of a youth, TCYS will not deny the youth daily large-muscle exercise or access to any legally required educational programming or special education services. Youth in isolation will receive daily visits from a medical or mental health care clinician. Youth in isolation will also have access to other programs and work opportunities to the extent possible.

The disciplinary process will consider whether a youth's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. TCYS will offer counseling or other interventions designed to address and correct underlying reasons or motivations for the abuse. TCYS may discipline a youth for sexual contact with a staff member only upon a finding that the staff member did not consent to such contact.

For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred will not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. TCYS prohibits all sexual activity between youth in programming and may discipline youth for such activity, however, the activity will not constitute sexual abuse if the activity is not coerced.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
MEDICAL AND MENTAL CARE

SUBJECT:

**MEDICAL AND MENTAL HEALTH SCREENINGS;
HISTORY OF SEXUAL ABUSE**

STANDARD ADDRESSED: § 115.381

- (a) If the screening pursuant to § 115.341 indicates that a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the resident is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.
- (b) If the screening pursuant to § 115.341 indicates that a resident has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the resident is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.
- (c) Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.
- (d) Medical and mental health practitioners shall obtain informed consent from residents before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the resident is under the age of 18.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) to screen juveniles upon intake for prior sexual victimization or previously perpetrated sexual abuse and to ensure that the youth in programming is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. Any information related to sexual victimization or abusiveness that occurred in an institutional setting will be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law. Medical and mental health practitioners will obtain informed consent from juveniles before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the youth in programming is under the age of 18.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
MEDICAL AND MENTAL CARE

SUBJECT:

**ACCESS TO EMERGENCY MEDICAL AND MENTAL
HEALTH SERVICES**

STANDARD ADDRESSED: § 115.382

- (a) Resident victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
- (b) If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim pursuant to § 115.362 and shall immediately notify the appropriate medical and mental health practitioners.
- (c) Resident victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
- (d) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

POLICY

It is the policy of Tippecanoe County Youth Services to ensure that program victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, staff first responders will take preliminary steps to protect the victim and will immediately notify the appropriate medical and mental health practitioners. Program victims of sexual abuse while in programming will be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
MEDICAL AND MENTAL CARE

SUBJECT:

**ONGOING MEDICAL AND MENTAL HEALTH CARE
FOR SEXUAL ABUSE VICTIMS AND ABUSERS**

STANDARD ADDRESSED: § 115.383

- (a) The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, juvenile facility.
- (b) The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
- (c) The facility shall provide such victims with medical and mental health services consistent with the community level of care.
- (d) Resident victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
- (e) If pregnancy results from conduct specified in paragraph (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
- (f) Resident victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
- (g) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
- (h) The facility shall attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

POLICY

It is the policy of the Tippecanoe County Youth Services (TCYS) to offer medical and mental health evaluation and, as appropriate, treatment to all youth in programming who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. The evaluation and treatment of such victims will include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody. TCYS will provide such victims with medical and mental health services consistent with the community level of care. Program victims of sexually abusive vaginal penetration while incarcerated will be offered pregnancy tests. If pregnancy results from sexual abuse, then such victims will receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services. Program victims of sexual abuse while incarcerated will be offered tests for sexually transmitted infections as medically appropriate. Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. TCYS will attempt to conduct a mental health evaluation of all known

participant-on-participant abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

SUBPART. D – STANDARDS FOR JUVENILE FACILITIES
SECTION . DATA COLLECTION AND REVIEW

SUBJECT: **SEXUAL ABUSE INCIDENT REVIEWS**

STANDARD ADDRESSED: § 115.386

(a) The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.

(b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.

(c) The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.

(d) The review team shall:

(1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;

(2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;

(3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;

(4) Assess the adequacy of staffing levels in that area during different shifts;

(5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and

(6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.

(e) The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) to conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. This review will occur within 30 days of the conclusion of the investigation. The review team will include the Executive Director, Clinical Director, Clinical Program Coordinator and Quality Assurance Coordinator with input from Supervisors, investigators, and medical or mental health practitioners.

The review team will be responsible for the following:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;

2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
4. Assess the adequacy of staffing levels in that area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
6. Prepare a report of its findings, including but not necessarily limited to determinations, and any recommendations for improvement and submit such report to the Tippecanoe County Superior Court III Judge, Juvenile Magistrate and Deputy Chief Juvenile Probation Officer.

TCYS will implement the recommendations for improvement, or will document the reasons for not doing so.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
DATA COLLECTION AND REVIEW

SUBJECT: **DATA COLLECTION**

STANDARD ADDRESSED: § 115.387

- (a) The agency shall collect accurate, uniform data for every allegation of sexual abuse facilities under its direct control using a standardized instrument and set of definitions.
- (b) The agency shall aggregate the incident-based sexual abuse data at least annually.
- (c) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- (d) The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- (e) The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its residents.
- (f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) to collect accurate, uniform data for every allegation of sexual abuse in facilities or programs under its direct control using a standardized instrument and set of definitions. TCYS will aggregate the incident-based sexual abuse data at least annually. The incident-based data collected will include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. TCYS will maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. Upon request, TCYS will provide all such data from the previous calendar year to the Department of Justice no later than June 30.

SUBPART.
SECTION .

**D – STANDARDS FOR JUVENILE FACILITIES
DATA COLLECTION AND REVIEW**

SUBJECT: **DATA REVIEW FOR CORRECTIVE ACTION**

STANDARD ADDRESSED: § 115.388

- (a) The agency shall review data collected and aggregated pursuant to § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:
- (1) Identifying problem areas;
 - (2) Taking corrective action on an ongoing basis; and
 - (3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
- (b) Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
- (c) The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.
- (d) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

POLICY

It is the policy of the Tippecanoe County Youth Services (TCYS) to review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including the following:

1. Identifying problem areas;
2. Taking corrective action on an ongoing basis; and
3. Preparing an annual report of its findings and corrective actions for each facility, program as well as the agency as a whole.

The report will include a comparison of the current year's data and corrective actions with those from prior years and will provide an assessment of progress in addressing sexual abuse. The report will be approved by the TCYS Executive Director and made readily available to the public through its website. TCYS will redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility or program, but will indicate the nature of the material redacted.

SUBPART.
SECTION .

D – STANDARDS FOR JUVENILE FACILITIES
DATA COLLECTION AND REVIEW

SUBJECT:

DATA STORAGE, PUBLICATION, AND DESTRUCTION

STANDARD ADDRESSED: § 115.389

- (a) The agency shall ensure that data collected pursuant to § 115.387 are securely retained.
- (b) The agency shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.
- (c) Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.
- (d) The agency shall maintain sexual abuse data collected pursuant to § 115.387 for at least 10 years after the date of its initial collection unless Federal, State, or local law requires otherwise.

POLICY

It is the policy of Tippecanoe County Youth Services (TCYS) to ensure that data and reports related to sexual abuse incidents or allegations are securely retained. TCYS will make all aggregated sexual abuse data readily available to the public at least annually through its website. TCYS will remove all personal identifiers before making aggregated sexual abuse data publicly available. TCYS will maintain sexual abuse data collected for at least 10 years after the date of its initial collection unless Federal, State, or local law requires otherwise.

SUBPART. D – STANDARDS FOR JUVENILE FACILITIES
SECTION . AUDITS

SUBJECT: **AUDITS OF STANDARDS**

STANDARD ADDRESSED: § 115.393

The agency shall conduct audits pursuant to §§ 115.401–405

§ 115.401 Frequency and scope of audits.

- (a) During the three-year period starting on **[INSERT DATE ONE YEAR PLUS 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**, and during each three-year period thereafter, the agency shall ensure that each facility operated by the agency, or by a private organization on behalf of the agency, is audited at least once.
- (b) During each one-year period starting on **[INSERT DATE ONE YEAR PLUS 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**, the agency shall ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited.
- (c) The Department of Justice may send a recommendation to an agency for an expedited audit if the Department has reason to believe that a particular facility may be experiencing problems relating to sexual abuse. The recommendation may also include referrals to resources that may assist the agency with PREA-related issues.
- (d) The Department of Justice shall develop and issue an audit instrument that will provide guidance on the conduct of and contents of the audit.
- (e) The agency shall bear the burden of demonstrating compliance with the standards.
- (f) The auditor shall review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations for each facility type.
- (g) The audits shall review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.
- (h) The auditor shall have access to, and shall observe, all areas of the audited facilities.
- (i) The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).
- (j) The auditor shall retain and preserve all documentation (including, *e.g.*, video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request.
- (k) The auditor shall interview a representative sample of inmates, residents, and detainees, and of staff, supervisors, and administrators.
- (l) The auditor shall review a sampling of any available videotapes and other electronically available data (*e.g.*, Watchtour) that may be relevant to the provisions being audited.
- (m) The auditor shall be permitted to conduct private interviews with inmates, residents, and detainees.
- (n) Inmates, residents, and detainees shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.
- (o) Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.

§ 115.402 Auditor qualifications.

(a) An audit shall be conducted by:

(1) A member of a correctional monitoring body that is not part of, or under the authority of, the agency (but may be part of, or authorized by, the relevant State or local government);

(2) A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the agency; or

(3) Other outside individuals with relevant experience.

(b) All auditors shall be certified by the Department of Justice. The Department of Justice shall develop and issue procedures regarding the certification process, which shall include training requirements.

(c) No audit may be conducted by an auditor who has received financial compensation from the agency being audited (except for compensation received for conducting prior PREA audits) within the three years prior to the agency's retention of the auditor.

(d) The agency shall not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the agency's retention of the auditor, with the exception of contracting for subsequent PREA audits.

§ 115.403 Audit contents and findings.

(a) Each audit shall include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.

(b) Audit reports shall state whether agency-wide policies and procedures comply with relevant PREA standards.

(c) For each PREA standard, the auditor shall determine whether the audited facility reaches one of the following findings: Exceeds Standard (substantially exceeds requirement of standard); Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period); Does Not Meet Standard (requires corrective action). The audit summary shall indicate, among other things, the number of provisions the facility has achieved at each grade level.

(d) Audit reports shall describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision for each audited facility, and shall include recommendations for any required corrective action.

(e) Auditors shall redact any personally identifiable inmate or staff information from their reports, but shall provide such information to the agency upon request, and may provide such information to the Department of Justice.

(f) The agency shall ensure that the auditor's final report is published on the agency's website if it has one, or is otherwise made readily available to the public.

§ 115.404 Audit corrective action plan.

(a) A finding of "Does Not Meet Standard" with one or more standards shall trigger a 180-day corrective action period.

(b) The auditor and the agency shall jointly develop a corrective action plan to achieve compliance.

(c) The auditor shall take necessary and appropriate steps to verify implementation of the corrective action plan, such as reviewing updated policies and procedures or re-inspecting portions of a facility.

(d) After the 180-day corrective action period ends, the auditor shall issue a final determination as to whether the facility has achieved compliance with those standards requiring corrective action.

(e) If the agency does not achieve compliance with each standard, it may (at its discretion and cost) request a subsequent audit once it believes that it has achieved compliance.

§ 115.405 Audit appeals.

(a) An agency may lodge an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect. Such appeal must be lodged within 90 days of the auditor's final determination.

(b) If the Department determines that the agency has stated good cause for a re-evaluation, the agency may commission a re-audit by an auditor mutually agreed upon by the Department and the agency. The agency shall bear the costs of this re-audit.

(c) The findings of the re-audit shall be considered final.