

PREA Prison Rape Elimination Act

Washington County, Oregon
August 2013

What is PREA?

- In February 2003 the President of the United States signed into law the Prison Rape Elimination Act which mandates all corrections facilities to comply with the national rape prevention standards.

The purpose of PREA

- Establishes a zero-tolerance standard for the incidents of prison rape/sexual misconduct in prisons, jails and lock up facilities in the U.S.
- Develop and implement national standards for the detection, prevention, reduction and punishment of prison rape/sexual misconduct in custody settings.
- Increase the available data and information on the incidence of prison rape
- Standardize the definitions used for collection data on the incidence of prison rape
- Increase the accountability of prison officials who fail to prevent, reduce and punish prison rape

Policy

- The Washington County Juvenile Department (WCJD) prohibits sexual activity, sexual conduct, sexual abuse, sexual contact, sexual misconduct, or sexual assault between WCJD personnel, volunteers, interns, or contract personnel and youth at WCJD.
- WCJD extends this zero tolerance policy to include any sexual activity, or sexual assault and will investigate and hold accountable person(s) who violate these policies and Oregon State Law.

Policy

- It shall be a violation of the WCJD policy for staff or contract personnel to disregard allegations of sexual misconduct with youth, regardless of who is making the reports.
- All reports of sexual misconduct will be investigated in a timely manner, and appropriate corrective action will be taken.
- No employee, contract personnel or youth will be harassed, intimidated, released or otherwise interfered with because they have reported an incident, or suspected incident of sexual misconduct. Retaliation of any type will be grounds for disciplinary action.
- Every reasonable effort will be made to maintain confidentiality of the person(s) involved.

Prohibited Conduct

Conduct specifically prohibited that may cause a violation of this policy, includes but is not limited to:

1. Any sexual advance or requests for sexual favors by a staff member or contract personnel .
2. Invasion of privacy beyond what is reasonable or necessary for safety and security.
3. Inappropriate touching, fondling, hugging, kissing, any sexual act or contact between staff or contract personnel and youth.
4. Indecent exposure by a staff member or contract personnel in front of detained youth.
5. Verbal and physical conduct of a sexual or gender based nature.
6. Any comments, gestures, drawings, pictures, writings or physical conduct that is sexually suggestive, derogatory or offensive.
7. Influencing, promising, or threatening a youth's safety, in exchange for sexual favors.
8. Failure to report any suspicious activity of a sexual nature, either observed or suspected, based on possible evidence.
9. Permitting sexually offensive behavior, sexual harassment or sexual misconduct to continue once its occurrence is known.
10. Interfering with the official process of reporting or investigating incidents or allegations of sexual misconduct.

How to prevent misconduct in the holding rooms.

- Two staff should be within visual and auditory range when a youth is out of a holding room.
- Holding Rooms: Whenever, possible only one youth should be placed in the holding rooms at one time. In the case where more than one youth is placed in a holding room at the same time, the youth should be placed on separate benches when possible, or two youth seated at separate ends of the bench. In both cases staff should remain within visual and auditory range of the holding room.

Holding Rooms

- Males and females are not to be held in the same holding room.
- In situations where it is necessary to place more than one youth in a holding room staff should consider possible vulnerable populations such as; gay, lesbian, bisexual, transgender youth, youth with mental or physical disabilities, limited English proficient youth, youth who are physically weak or recovering from physical injuries; youth who may be intoxicated; and youth accused of certain crimes.

Prevention and education

- It is anticipated that the Washington County Juvenile Department (Harkins House) and the holding rooms will have surveillance cameras.
- Detained youth are informed about the facilities *No Tolerance* policy regarding sexual assaults and sexual misconduct through educational posters which will be posted in holding rooms and at Harkins House. This will also be communicated to youth during their Harkins House intake.

Procedure

- All employees or contractors of the Washington County Juvenile Department are required to report all allegations, complaints or observations of sexual misconduct, or suspected sexual misconduct, to their immediate supervisor.

The following procedure shall be used when a sexual misconduct incident or allegation is reported to, or observed by, a staff member or contractor.

- Immediate steps will be taken to ensure that there is no further contact between the alleged perpetrator and client.
- The staff or contractor who has knowledge of the sexual victimization, immediately reports the allegations to their Supervisor or contracted employees supervisor. If the victim is under the age of 18, and a staff person is the alleged perpetrator then staff must also contact the Department of Human Services (see Mandatory Reporting guidelines).

Procedure

- If needed emergency medical services will be activated. Care shall be taken to preserve any evidence and/or crime scene.
- The youth should not be released before a Supervisor is notified.
- The Supervisor should notify the Juvenile Department Director, the assigned Juvenile Court Counselor and the assigned Juvenile Court Counselor's Supervisor of the incident.
- Either the Supervisor or designated staff will notify Washington County Sheriff Department and coordinate with them to set up an investigation.

Procedure

- The youth's parent/guardian's notification will be discussed by the Supervisor and Director to determine the procedure for notification.
- The staff who received knowledge of the sexual victimization will complete an incident report before leaving for the day.

PREA standards and expectations

- **Staff are expected to lock shower and laundry room doors at 7:30pm. These should remain secure until morning showers.**
- **Ensure one youth in the bathroom/laundry room at all times unless staff is able to provide line of sight supervision in the bathroom, laundry room or showers.**
- **During shower time a male staff will supervise male showers in the bathroom. One staff will remain in the center office to oversee both dorms and one female staff will supervise female residents showers. All youth should remain in their rooms until all showers are completed and notified that they are allowed out of their rooms.**
- **Staff will conduct supervised UAs with one youth in the bathroom at a time.**
- **Conduct and document wellness checks during downtime between 4-530pm and night time from 9:30pm-6:30am. Between 9:30-11:30pm every 15 minutes, between 11:30pm-1:30am every 20 minutes and between 1:30-6:30am one check by hour.**