


<b>STATE OF OKLAHOMA: OFFICE OF JUVENILE AFFAIRS (OJA)</b>	
<b>POLICY: P-35-09-10</b>	<b>APPROVED:</b>  <hr/> <b>STEVEN L. BUCK</b> <b>EXECUTIVE DIRECTOR</b>
<b>PAGE 1 of 29</b>	
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## **PRISON RAPE ELIMINATION ACT (PREA)**

### **PURPOSE**

The Office of Juvenile Affairs (OJA) has a **ZERO-TOLERANCE** toward all forms of sexual abuse and sexual harassment. OJA will take appropriate action to prevent, detect, and respond to all forms of sexual abuse and sexual harassment in compliance with the Prison Rape Elimination Act (PREA) of 2003. **(115.311 (a))**

### **DEFINITIONS**

**PREA Compliance Manager** - Facility staff member designated to coordinate the facility's efforts to comply with the PREA standards. Serves as a liaison with the agency PREA Coordinator. **(115.311 (c))**

**PREA Coordinator** - A full time upper-level, agency-wide position that has the responsibilities of developing, implementing, and overseeing the agency's compliance with the PREA Standards. **(115.311 (b))**

**Retaliation** - An act of vengeance, covert or overt action, or threat of action, taken against a juvenile in response to the juvenile's complaint of sexual misconduct, in the reporting or investigation of sexual misconduct, regardless of the merits or the disposition of the complaint is prohibited. Examples of acts of retaliation are unnecessary discipline, intimidation, unnecessary changes in work or program assignments, unjustified transfers or placements and unjustified denials of privileges or services.

**Sexual Abuse** includes:

- A. Sexual abuse of a juvenile by another juvenile and:
- B. Sexual abuse of a juvenile by a staff member, contractor or volunteer.

**Sexual abuse of a juvenile by another juvenile** 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:

- A. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

**PRISON RAPE ELIMINAION ACT (PREA)**

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

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

- A. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- B. Contact between the mouth and the penis, vulva, or anus;
- C. Contact between the mouth and any body part here the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- D. 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;
- E. 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;
- F. 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;
- G. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a juvenile, and
- H. Voyeurism by a staff member, contractor, or volunteer.

**Voyeurism** - Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of a juvenile by staff for reasons unrelated to official duties, such as peering at a juvenile who is using a toilet in his or her cell to perform bodily functions; requiring a

**PRISON RAPE ELIMINATION ACT (PREA)**

juvenile to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a juvenile's naked body or of a juvenile performing bodily functions.

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

**Intersex** - 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.

**Gender Non-Conforming** - A person whose appearance or manner does not conform to traditional society gender expectations.

**Sexual Harassment** includes:

- A. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one juvenile directed toward another; and
- B. Repeated verbal comments or gestures of a sexual nature to a juvenile 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.

**Substantiated Allegation** - An allegation that was investigated and determined to have occurred.

**Unfounded Allegation** - An allegation that was investigated and determined not to have occurred.

**Unsubstantiated Allegation** - An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

**GENERAL PROCEDURES**

- I. Institutional Superintendents shall ensure that facility staff discourage and prevent sexual misconduct by providing clear definitions of prohibited conduct, establishing uniform methods for the prompt reporting and investigation of allegations of misconduct, and prescribing sanctions for both substantiated misconduct and false allegations. Sexual misconduct between staff and juveniles, volunteers or contract personnel and juveniles, regardless of consensual status, is

## PRISON RAPE ELIMINAION ACT (PREA)

prohibited and subject to administrative and criminal disciplinary sanctions.  
**(4-JCF-3D-07)**

## II. Prevention of Sexual Abuse and/or Harassment

- A. Institutional Superintendents shall develop, implement, and document a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect juveniles against sexual abuse.  
**(115.313 (a))**
- B. Institutional Superintendents will coordinate the annual review and assessment of staffing levels and video monitoring procedures with the assistance of the PREA Coordinator. During the annual assessment, Institutional Superintendents in consultation with the PREA Coordinator shall review the following to assess, determine, and document whether adjustments are needed to the following:
  - a. Staffing Plan; **(115.313 (d.1))**
  - b. Prevailing staffing patterns; **(115.313 (d.2))**
  - c. The facility's deployment of video monitoring system and other monitoring devices; **(115.313 (d.3))**
  - d. Resources the facility has available to commit to ensure adherence to the staffing plan. **(115.313 (d.4))**
  - e. All components of the facility's physical plant (including "blind spots" or areas where staff or juveniles may be isolated).  
**( 115.313 (a.5))**
- C. When designing or acquiring new facilities and in planning any substantial expansion or modification of existing facilities, OJA shall consider the effect of the design, acquisition, expansion, or modification upon OJA's ability to protect juveniles from sexual abuse. **(115.318 (a))**
- D. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, OJA shall consider how such technology may enhance OJA's ability to protect juveniles from sexual abuse. **(115.318 (b))**

**III. Screening for Risk of Sexual Victimization and Abusiveness**

- A. Institutional Superintendents will ensure that all juveniles are screened within 24 hours of arrival at the facility for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. Housing assignments are made accordingly. **(4-JFC-3D-03)**
1. Within 24 hours after admission and periodically throughout the juveniles' confinement, OJA shall obtain and use information about each juvenile's personal history and behavior to reduce the risk of sexual abuse by or upon a juvenile. **(115.341 (a))**
  2. Each juvenile shall be screened utilizing the DRS-05 form to attempt to ascertain information about: **(115.341 (b))**
    - a. Prior sexual victimization or abusiveness; **(115.341(c.1))**
    - b. Any gender non-conforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the juvenile may therefore be vulnerable to sexual abuse; **(115.341 (c.2))**
    - c. Current charge and offense history; **(115.341 (c.3))**
    - d. Age; **(115.341 (c.4))**
    - e. Level of emotional and cognitive development; **(115.341 (c.5))**
    - f. Physical size and stature; **(115.341 (c.6))**
    - g. Mental illness or mental disabilities; **(115.341 (c.7))**
    - h. Intellectual or developmental disabilities; **(115.341 (c.8))**
    - i. Physical disabilities; **(115.341 (c.9))**
    - j. The juvenile's own perception of vulnerability; **(115.341 (c.10))**and
    - k. Any other specific information about individual juveniles that may indicate heightened needs for supervision,

## PRISON RAPE ELIMINATION ACT (PREA)

additional safety precautions, or separation from certain other juveniles. **(115.341 (c.11))**

This information shall be ascertained through conversation with the juvenile during the intake process and medical and mental health screenings; during classification assessments; and by reviewing court record, case files, facility behavioral records, and other relevant documentation from the juvenile's file. **(115.341 (d))**

3. OJA shall implement appropriate controls on the dissemination within the facility of responses to questions asked in order to ensure that sensitive information is not exploited to the juvenile's detriment by staff or other juveniles. **(115.341 (e))**
4. If the screening indicates that a juvenile has experienced prior sexual victimization, whether the prior sexual victimization occurred in an institutional setting or in the community, staff shall ensure that the juvenile is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. **(115.381 (a))**
5. If the screening indicates that a juvenile has previously perpetrated sexual abuse, whether the previous perpetrated sexual abuse occurred in an institutional setting or in the community, staff shall ensure that the juvenile is offered a follow-up meeting with a mental health practitioner within 14 days of intake screening. **(115-381 (b))**
6. 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. **(115.381 (c))**
7. Medical and mental health practitioners shall obtain informed consent from juveniles before reporting information about prior sexual victimization that did not occur in an institutional setting, **unless the juvenile is under the age of 18. (115.381 (d))**

**PRISON RAPE ELIMINATION ACT (PREA)**

8. Juveniles identified as high risk with a history of assaultive behavior are assessed by a mental health or other qualified professional. Such juveniles are identified, monitored and counseled and provided appropriate treatment. **(4-JCF-3D-05)**
  9. All juveniles identified as at risk for sexual victimization are assessed by a mental health or other qualified professional. Such juveniles are identified, monitored and counseled. **(4-JCF-3D-06)**
- B. OJA shall use all information obtained to make housing, bed, program, education and work assignments for juveniles with the goal of keeping all juveniles safe and free from sexual abuse. **(115.342 (a))**

**IV. Juvenile Orientation, Facility Transfers and Education**

- A. Institutional Superintendents shall ensure that during the intake process, each juvenile receives information explaining, in an age appropriate fashion, OJA's **ZERO TOLERANCE** policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. **(115.333 (a))**
- B. Within 10 days of intake, the facilities shall provide comprehensive, age-appropriate education to juveniles 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. **(115:333 (b))**
- C. The facility shall maintain documentation of juvenile participation in these education sessions. **(115.333 (e))**
- D. In addition to providing education, key PREA information will be continuously and readily available and visible to juveniles through posters, handbooks and other written formats. **(115.333 (f))**
- E. Education shall be provided in formats accessible to all juveniles, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as juveniles who have limited reading skills. All juveniles will have an equal opportunity to participate in or benefit from all aspects of OJA's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. **(115.333 (d) and 115.316 (a))**

## PRISON RAPE ELIMINAION ACT (PREA)

1. Institutional Superintendents shall take reasonable steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. **(115.316 (b))**
  2. Institutional Superintendents shall not rely on juvenile interpreters, juvenile readers, or other types of juvenile assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the juvenile's safety, the performance of first-responder duties under **115.364**, or the investigation of the juvenile's allegation. **(115.316 (c))**
- F. Juveniles shall receive education upon transfer to a different facility to the extent that the policies and procedures of the new facility differ from those of the previous one. **(115.333 (c))**
- G. Each juvenile shall be provided information regarding: **(4-JCF-3D-02)**
1. Prevention/intervention
  2. Self-protection
  3. Reporting sexual abuse/assault/harassment
  4. Treatment and counseling
  5. The pamphlet entitled "Juvenile's Guide to Preventing and Reporting Sexual Misconduct" will be given to all juveniles upon admission to an institution.
    - a. Institutional staff members will review the pamphlet with the juvenile and complete the signature sheet.
    - b. Upon completion, the signature sheet will be placed in the juvenile's permanent record.
- H. Juveniles will be informed of the behaviors that constitute sexual misconduct and retaliation, understand the process by which such incidents are reported and investigated and are informed of the sanctions for making false allegations against a staff member.



## PRISON RAPE ELIMINAION ACT (PREA)

**V. Juvenile Reporting (115.351)**

- A. OJA shall provide multiple internal ways for juveniles to privately report sexual abuse and sexual harassment, retaliation by other juveniles or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. **(115.351 (a))**

Institutional Superintendents shall ensure that juveniles have access to the following methods of reporting sexual abuse or sexual harassment with access to the tools necessary to make a report in accordance with **OAC 377:3-1-28; 377:3-1-30. (115.351 (d))**

1. Juveniles can privately report sexual abuse and sexual harassment through any of the following:
  - a. Tell any staff member.
  - b. Tell the Institutional Social Services Inspector, who will in turn notify the Advocate General.
  - c. Send a letter to the Institutional Superintendent or the Deputy Superintendent.
  - d. Send a letter to:  
The Office of Public Integrity  
3812 N. Santa Fe, Suite 400  
Oklahoma City, OK 73118.
  - e. File an emergency grievance.
  - f. Call the Department of Human Services, Child Protective Services Child Abuse Hotline at 1-800-522-3511.
2. Facility staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports in accordance with **OAC 377:3-1-27; 377:3-1-34. (115.351 (c))**
3. Third-party reporting of sexual abuse and sexual harassment can be made by a friend, family member or legal guardian through any of the following: **(115.354)**

- a. Call the Department of Human Services, Child Protective Services Child Abuse Hotline at 1-800-522-3511.
  - b. Send a confidential email to [prea.complaint@oja.ok.gov](mailto:prea.complaint@oja.ok.gov) that is also listed as public information on the OJA website for PREA.
  - c. Send a letter to:  
The Office of Public Integrity  
3812 N. Santa Fe, Suite 400  
Oklahoma City, OK 73118
- B. Institutional Superintendents shall provide juvenile's access to report abuse or harassment to the Department of Human Services, Child Protective Services Child Abuse Hotline (1-800-522-3511) through the Social Services Inspector or any staff member. Juvenile reports of sexual abuse and sexual harassment shall immediately be forwarded to the Office of Advocate General officials and the Office of Public Integrity, allowing the juvenile to remain anonymous upon request. **(115.351 (b))**
- C. Institutional Superintendents will ensure that juveniles who are victims of sexual abuse have the option to report the incident to a designated staff member other than an immediate point-of-contact line staff member. **(4-JCF-3D-08)**

**VI. Staff and Agency Reporting Duties (115.361)**

OAC 377:3-1-25. Abuse, neglect, and caretaker misconduct of a child in OJA custody and placed in a secure facility or other facility operated by or through contract with OJA

- (a) Requirements for reporting incidents of abuse and neglect. Title 10A O.S. § 1-2-101 requires every person who, in good faith and exercising due care, has reason to believe that a child under the age of eighteen (18) is a victim of abuse or neglect to report the condition or incident to the appropriate office for investigation through the DHS statewide centralized hotline. For the purposes of the reporting requirements for this subchapter, abuse shall include sexual abuse and sexual harassment. An employee who, in good faith and exercising due care, has reason to believe that a child is a victim of abuse or neglect shall make an immediate, verbal or email report, as required by 10A O.S. § 1-2-101 and to the supervisor who shall ensure a report is made to the OJA Office of Advocate General, or as required by 10A O.S. § 1-2-102 to the DHS hotline, when: (1) the employee has reason

## PRISON RAPE ELIMINAION ACT (PREA)

to believe such child has been the victim of abuse or neglect; (2) a child, parent, guardian, or other person makes an allegation of abuse or neglect of such child. ...

A. Staff Reporting Duties Shall Include:

1. All instances of child abuse and/or neglect are reported consistent with appropriate state law and local laws in accordance with 377:3-1-25 listed above. **(4-JCF-3D-01) (115.361 (b))**
2. All OJA staff shall report immediately 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 juveniles or staff who reported such an incident; and any staff neglect or violations of responsibilities that may have contributed to an incident or retaliation. **(115.361 (a))**
3. In accordance with 377:3-1-25, the person who has first-hand knowledge of an incident of child abuse and/or neglect shall make a report to the Department of Human Services (DHS), Child Protective Services Child Abuse Hotline (1-800-522-3511) and will obtain a DHS referral number or may send an email report to [sto.hotline.referral@okdhs.org](mailto:sto.hotline.referral@okdhs.org) and will obtain a DHS referral number.
4. Upon receiving an allegation of sexual abuse or sexual harassment, including third party and anonymous reports, the Institutional Superintendent or designee shall promptly report the allegations to:
  - a. The Advocate General
  - b. To the Office of Public Integrity (OPI) for possible investigation
  - c. To the alleged victim's parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians should not be notified. **(115.361 (e.1)(f))**
    - i. If the alleged victim is under the guardianship of the child welfare system, the report shall be made to the

## PRISON RAPE ELIMINATION ACT (PREA)

alleged victim's caseworker instead of the parents or legal guardians. **(115.361 (e.2))**

- ii. If a juvenile's adjudicating court retains jurisdiction over the alleged victim, the facility head or designee shall also report the allegation to the juvenile's attorney or other legal representative of record as soon as possible, but no later than 14 days of receiving the allegation **(115.361(e.3))**

5. The required notifications listed above in numbers 3 and 4 shall be documented on the form "Critical/Major/Significant Incident Notification Check List" (OJA-RPS-18).
6. Staff may also privately report sexual abuse and sexual harassment of juveniles by calling the DHS hotline or by contacting the OJA Advocate General. The DHS hotline is accessible 24/7 to any OJA employee, volunteer, contractor, or intern to privately report sexual abuse and sexual harassment of juveniles. **(115.351 (e))**

B. Other Reporting Requirements

1. Apart from reporting as listed above, staff shall be prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions. **(115.361 (c))**
2. Medical and mental health practitioners shall be required to report sexual abuse to designated supervisors and officials as listed above, as well as to the State and local authorities where required by mandatory reporting laws. **(115.361 (d.1))**
3. Medical and mental health practitioners shall be required to inform juveniles at the initiation of services of their duty to report and the limitations of confidentiality. **(115.361 (d.2))**
4. When any OJA staff learns that a juvenile is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the juvenile. **(115.362)**

C. Reporting to other confinement facilities.

**PRISON RAPE ELIMINAION ACT (PREA)**

1. Upon receiving an allegation that a juvenile 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. **(115.363 (a))**
2. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. **(115.363 (b))**
3. The agency shall document that it has provided such notification. **(115.363 (c))**
4. The facility head or agency office that receives such notification shall ensure that the allegation is investigated. **(115.363 (d))**

**VII. Staff First Responder Duties (115.364)**

Institutional Superintendent will ensure procedures outlining first responder duties as follows:

- A. Upon learning of an allegation that a juvenile was sexually abused, the first staff member to respond shall be required to:
  1. Separate the alleged victim and abuser; **(115.364 (a.1))**
  2. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; **(115.364 (a.2))**
  3. If the abuse occurred within 72 hours and physical evidence can be collected, request the alleged victim not to take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; **(115.364 (a.3))** and
  4. If the abuse occurred within 72 hours and physical evidence can be collected, 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. **(115.364 (a.4))**
- 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

## PRISON RAPE ELIMINAION ACT (PREA)

that could destroy physical evidence, and then notify security staff.  
**(115.364 (b))**

- C. The first staff responder will complete the “Facility PREA First Responders Checklist” (OJA-RPS-18-FR) and provide it to the JSOS upon completion.
- D. The Institutional Superintendent shall develop a written plan that is approved by the Division Director that coordinates the actions taken among staff first responders, medical and mental health practitioners, investigators, and facility leadership in response to an incident of sexual abuse. **(115.365)**

### VIII. Medical and Mental Care

At intake or at any point during a juvenile’s time at an institution, reports of sexual victimization or sexual abusiveness shall be followed up by appropriate staff immediately. Follow-up will include offering a meeting with medical and/or mental health practitioners within 14 days of a report of sexual victimization. Additionally, juveniles who report perpetrating sexual victimization, either in the institutional setting or in the community, shall be followed-up within 14 days of the initial screening by appropriate staff. Follow-up will include a meeting with medical and/or mental health practitioners within 14 days of a report of perpetrating sexual victimization. **(115.381)**

Juveniles who report sexual abuse that occurs while a juvenile resides in an institution are referred, under appropriate security provisions, to a community facility for treatment and gathering of evidence. **(4-JCF-4C-50)**

Juvenile 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. **(115.382 (a))**

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 and shall immediately notify the appropriate medical and mental health practitioners. **(115.382 (b))**

OJA shall attempt to make available to the victim a victim advocate from a rape crisis center. Upon request from the victim, the victim’s advocate will accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information and referrals. It will be the responsibility of OJA to obtain and

**PRISON RAPE ELIMINATION ACT (PREA)**

maintain a memorandum of understanding with a community resource in the area for this support. **(115.321)**

A. Evidence Protocols & Forensic Medical Examinations

1. OJA follows a uniform evidence protocol when responding to allegations of sexual abuse. The evidence protocol must be developmentally appropriate for youth. **(115.321 (a)(b))**
2. When evidentiary and medically appropriate, the Institutional Superintendent will ensure that a juvenile who has experienced sexual abuse is transported to a hospital, clinic, or emergency room that can provide for medical examination by a Sexual Assault Nurse Examiner (SANE), Sexual Assault Forensic Examiner (SAFE) where possible. If a SAFE or SANE examiner cannot be made available, the examination can be performed by other qualified medical practitioners. The facility shall document if efforts to provide SAFE or SANE examiners. All such medical examinations are provided at no financial cost to the juvenile. **(115.321 (c))**
3. Institutional Superintendents shall seek to secure victim advocacy services from local rape crisis centers. If a rape crisis center is not available, these services shall be made available through a qualified staff member from a community-based organization or from a qualified OJA staff member who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues. **(115.321 (d)(h))**
  - a. OJA shall maintain or attempt to enter into a memorandum of understanding (MOU) or other agreements with community service providers/victim advocates who are able to provide juveniles with confidential emotional support services related to sexual abuse.
  - b. If a MOU/agreement is entered into, the facility will provide offenders access to the contact information for the community service provider as outlined in the MOU/agreement.
  - c. OJA shall maintain copies of the MOU/agreements or documentation showing attempts to enter into such agreements. **(115.353 (a)(c))**

## PRISON RAPE ELIMINAION ACT (PREA)

4. If requested by the juvenile who experiences sexual abuse, a victim advocate will accompany and support the juvenile through the forensic medical examination and investigatory interviews. The victim advocate shall provide emotional support, crisis intervention, information and referrals. **(115.321 (e))**
- B. Institutional Guidelines For Responding to Sexual Victimization:
1. A history is taken by a qualified health-care professional who conducts an assessment to document the extent of physical injury and to determine if referral to another medical facility is indicated. With the victim's consent, the examination includes collection of evidence from the victim using a kit approved by the appropriate authority. **(4-JCF-4C-50 (1.))**
  2. Provision is made for testing for sexually transmitted diseases (for example, HIV, gonorrhea, hepatitis, and other diseases) and counseling, as appropriate. **(4-JCF-4C-50 (2.))**
  3. Prophylactic treatment, and follow-up for sexually transmitted diseases are offered to all victims, as medically appropriate. **(4-JCF-4C-50 (3.))**

Pregnancy tests will be offered to all female victims.
  4. Following the physical examination, an evaluation by a qualified health-care or mental health-care professional is available to assess the need for crisis- intervention counseling and long-term follow-up. **(4-JCF-4C-50 (4.)(5.))**
  5. A report is made to the facility or program administrator or designee to assure separation of the victim from his or her assailant(s). **(4-JCF-4C-50 (6.))**
  6. Any and all information related to sexual victimization 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. **(115.381)**



**PRISON RAPE ELIMINAION ACT (PREA)**

7. Medical and mental health practitioners shall obtain informed consent from juveniles before reporting information about prior sexual victimization that did not occur in an institutional setting, **unless the juvenile is under the age of 18. (115.381)**
- C. Ongoing Medical and Mental Health Care For Sexual Abuse Victims and Perpetrators
1. Institutions will offer medical and mental health evaluation and, as appropriate, treatment to all juveniles who have been victimized by sexual abuse in any institution, juvenile facility, or community. **(115.383 (a))**
  2. 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. **( 115.383 (b))**
  3. The facility shall provide such victims with medical and mental health services consistent with the community level of care. **(115.383 (c)).**
  4. If pregnancy results from sexual victimization, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services, with the consent of the youth's parent or legal guardians if the youth is under the age of 18. **(115.383 (e))**
  5. 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. **(115.383 (g))**

The facility shall attempt to conduct a mental health evaluation of all known juvenile-on-juvenile abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. **(115.383 (h))**

**IX. Agency Protection Against Retaliation**

**PRISON RAPE ELIMINAION ACT (PREA)**

- A. To ensure the protection of juveniles and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other juveniles or staff, the Institutional Superintendent will designate a staff member or department charged with monitoring for retaliation. **(115.367 (a))**
  - B. Institutional Superintendents shall employ multiple protection measures, such as housing changes or transfers for juvenile victims or abusers, removal of alleged staff or juvenile abusers from contact with victims, and emotional support services for juveniles or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. **(115.367 (b))**
  - C. For at least 90 days following a report of sexual abuse, using form OJA-ISD-19-RM, the designated institutional staff or department if applicable, shall monitor and document the conduct or treatment of juveniles or staff who reported the sexual abuse and of juveniles who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by juveniles or staff, and shall report immediately to the Institutional Superintendent any signs of retaliation to remedy any such retaliation. Monitoring for retaliation shall continue beyond 90 days if the initial monitoring indicates a continuing need. **(116.367 (c))**
  - D. The institutional designee or PREA Compliance Manager, if applicable, will monitor for any juvenile disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff and document such changes. Such monitoring shall include periodic status checks. **(115.367 (d))**
  - E. If any other individual who cooperates with an investigation expresses a fear of retaliation, Institutional Superintendents shall ensure appropriate measures to protect that individual against retaliation. **(115.367 (e))**
  - F. The obligation to monitor shall terminate if it is determined that the allegation is unfounded. **(115.367 (f))**
- X. Referrals of Allegations for Investigations**
- A. All allegations of sexual abuse or sexual harassment are referred for administrative or criminal investigation. **(115.322 (a)(b))**

**PRISON RAPE ELIMINAION ACT (PREA)**

- B. The PREA Coordinator shall be notified of the incident through the Advocate General. The Office of Public Integrity will forward investigation findings to the PREA Coordinator.
- C. Institutional Superintendents will send a referral for investigation anytime a sexual assault is alleged, threatened, or occurs. The Office of Public Integrity (OPI) will ensure that an investigation is conducted and documented whenever a sexual assault is alleged, threatened, or occurs. **(4-JCF-3D-04)**.  
  
In addition, OPI will ensure that an investigation is conducted and documented whenever sexual harassment is alleged. **(115.322 (a))**
- D. All OJA employees, contract staff, volunteers shall provide complete cooperation and full disclosure during an inquiry or investigation into an alleged act of sexual misconduct or related prohibited conduct.
- E. Interference with Official Process: Any failure to report or cover-up an incident of sexual misconduct, making an allegation or statement that the party or witness knew could not have been true, or any other form of failure to cooperate with an investigation or inquiry is deemed to constitute interference with official process and the employee may be subject to disciplinary action.
- F. Pending the conduct and outcome of the investigation, the facility shall ensure that affected staff and juvenile(s) are separated through appropriate placement, transfer, or leave (including suspension) options. This separation will not represent a form of punishment for the juveniles.

**XI. Investigative Guidelines**

- A. Investigations into allegations of sexual abuse and sexual harassment shall be done promptly, thoroughly, and objectively for all allegations, including third party and anonymous reports. **(115.371 (a))**
- B. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data. Investigators shall interview alleged victims, suspected perpetrators, and any witnesses. Investigators shall also review any prior complaints and reports of sexual abuse involving the suspected perpetrator. **(115.371 (c))**

## PRISON RAPE ELIMINAION ACT (PREA)

- C. Investigations shall not be terminated solely because the source of the allegation recants the allegation. **(115.371 (d))**
- D. When the quality of evidence appears to support criminal prosecution, investigators shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent prosecution. **(115.371 (e))**
- E. 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 juvenile or staff. OJA shall not require a juvenile 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. **(115.371 (f))**
- F. Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse and shall document in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. **(115.371 (g.1)(g.2))**
- G. 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. **(115.371 (h))**
- H. The Institutional Superintendent will ensure that mental health support staff is made available for Investigators to consult with and have available during an interview. If the allegations include intercourse, sodomy, or physical force, medical staff will be available for consultation.
- I. The investigative report will indicate whether the evidence supports a finding that misconduct has occurred or is substantiated, the allegations are false or unfounded, or the evidence is inconclusive or unsubstantiated.
- J. In the event there is a finding of misconduct, which violates state statute, a copy of the report and supporting documentation/ evidence will be forwarded for criminal prosecution. **(115.371 (i))**
- K. Institutional Superintendents will ensure that all substantiated allegations of prohibited conduct and all allegations that are substantiated as false are referred appropriately for disciplinary action.

## PRISON RAPE ELIMINAION ACT (PREA)

- L. All written reports referenced in F-K above shall be retained in accordance with the approved records disposition schedule. **(115.371 (j))**
- M. 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. **(115.371 (k))**
- N. 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. **(115.371 (m))**
- O. OJA shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated in an administrative investigation. **(115.372)**
- P. Following an investigation into a juvenile's allegation of sexual abuse suffered in an OJA facility, the Institutional Superintendent will ensure that the juvenile is informed as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. **(115.373 (a))**
- Q. Following a juvenile's allegation that a staff member has committed sexual abuse against the juvenile, the Institutional Superintendent will ensure that the juvenile is subsequently informed (unless OJA has determined that the allegation is unfounded) whenever: **(115.373 (c))**
1. The staff member is no longer posted within the juvenile's unit;
  2. The staff member is no longer employed at the facility;
  3. The staff member has been indicted on a charge related to sexual abuse within the facility; or
  4. The staff member has been convicted on a charge related to sexual abuse within the facility.
- R. Following a juvenile's allegation that he or she has been sexually abused by another juvenile, the facility Superintendent shall ensure that the alleged victim is subsequently informed whenever: **(115.373 (d))**
1. The alleged abuser has been indicted on a charge related to sexual abuse within the facility; or

2. The alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- S. All such notification shall be documented by utilizing the “Sexual Abuse Victim Notification” (OJA-ISD-19-VN) form. **(115.373 (e))**
  1. The alleged victim will sign and date the form to show that they have been informed of the outcome of the investigation or have been informed of information regarding the alleged abuser.
  2. A copy of the signed “Sexual Abuse Victim Notification” (OJA-ISD-19-VN) form will be maintained in the juvenile’s master file at the facility with a copy sent to the PREA Compliance Manager at the facility.
- T. OJA’s obligation to report under this standard shall terminate if the juvenile is released from OJA’s custody. **(115.373 (f))**

## **XII. Training**

All staff having juvenile contact with or access to juveniles will receive pre-orientation and annual in-service training in staff/juvenile sexual misconduct. Volunteers will receive training during orientation and annual in-service training.

The pamphlet “Staff Guide to Preventing and Reporting, Sexual Misconduct” (PREA-02-Staff) will be made available to all staff. The pamphlet “Volunteer’s, Contractor’s, and Volunteer’s Guide to Preventing and Reporting Sexual Misconduct” (PREA-02-VCI) will be made available to all contractors, volunteers and interns with juvenile contact.

- A. The agency shall train all employees who may have contact with juveniles confined in an OJA operated secure facility or contracted facility on: **(115.331 (a))**
  1. Its **ZERO-TOLERANCE** policy for sexual abuse and sexual harassment; **(115.331 (a.1))**
  2. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; **(115.331 (a.2))**
  3. Juveniles’ right to be free from sexual abuse and sexual harassment; **(115.331 (a.3))**

## PRISON RAPE ELIMINAION ACT (PREA)

4. The right of juveniles and employees to be free from retaliation for reporting sexual abuse and sexual harassment; **(115.331 (a.4))**
  5. The dynamics of sexual abuse and sexual harassment in juvenile facilities; **(115.331 (a.5))**
  6. The common reactions of juvenile victims of sexual abuse and sexual harassment; **(115.331 (a.6))**
  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 juveniles; **(115.331 (a.7))**
  8. How to avoid inappropriate relationships with juveniles; **(115.331 (a.8))**
  9. How to communicate effectively and professionally with juveniles, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming juveniles; **(115.331 (a.9))**
  10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; **(115.331 (a.10))** and
  11. Relevant laws regarding the applicable age of consent. **(115.331 (a.11))**
- B. Such training shall be tailored to the unique needs and attributes of juveniles, of juvenile facilities and to the gender of the juveniles at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male juveniles to a facility that houses only female juveniles, or vice versa. **(115.331 (b))**
- C. The agency shall provide each employee with refresher training every year to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. **(115.331 (c))**
- D. The agency shall document, through employee signature or electronic verification that employees understand the training they have received. **(115.331 (d))**
- E. The agency shall ensure that all volunteers and contractors who have contact with juveniles have been trained on their responsibilities under the

## PRISON RAPE ELIMINAION ACT (PREA)

agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. **(115.332 (a))**

1. 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 juveniles, but all volunteers and contractors who have contact with juveniles shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. **(115.332 (b))**

2. The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received. **(115.332 (c))**

F. In addition to the general training provided to all employees pursuant to PREA standard 115.331, OJA 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. **(115.334 (a))**

1. 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. **(115.334 (b))**

2. OJA shall maintain documentation, such as copies of individual training certificates or training attendance logs documenting that OJA investigators have completed the required specialized training in conducting sexual abuse investigations. **(115.334 (c))**

3. 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. **(115.334 (d))**

G. OJA shall ensure that all full- and part-time medical and mental health care practitioners who work regularly within the facilities have been trained in: **(115.335 (a))**



**PRISON RAPE ELIMINAION ACT (PREA)**

1. How to detect and assess signs of sexual abuse and sexual harassment; **(115.335 (a.1))**
  2. How to preserve physical evidence of sexual abuse; **(115.335 (a.2))**
  3. How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment; **(115.335 (a.3))**
  4. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment. **(115.335 (a.4))**
  5. The OJA shall maintain documentation that all medical and mental health staff have received training either from the agency or elsewhere. **(115.335 (c))**
  6. Medical and mental health staff will also complete the training specified in the previous section for their specific status at the facility whether employed by OJA or volunteer. **( 115.335 (d))**
- H. The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex juveniles, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. **(115.315 (f))**

**XIII. Data Collection and Review**

- A. Sexual Abuse Incident Review:
1. A Sexual Abuse Incident Review shall be conducted within thirty (30) days of the conclusion of every sexual abuse investigation, including incidents where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. **(115.386 (a)(b))**
  2. The review team shall include upper-level management officials as designated by the OJA Director, the Division Director, the Institutional Superintendent, and the PREA Coordinator, with input from line supervisors, investigators, and medical or mental health practitioners. **(115.386 (c))**
  3. The issues to be discussed at the review/debriefing will include but are not limited to:

## PRISON RAPE ELIMINAION ACT (PREA)

- a. Whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse. **(115.386 (d.1))**
  - b. Whether the incident or allegation was motivated by race; ethnicity; gender identity; (LGBTI) 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. **(115.386 (d.2))**
  - c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse. **(115.386 (d.3))**
  - d. Assess the adequacy of staffing levels in that area during different shifts. **(115.386 (d.4))**
  - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff. **(115.386 (d.5))**
  - f. A report of the review findings will be prepared using the "Sexual Abuse Incident Review" (OJA-ISD-19-SA) form. The report will include determinations made pursuant to items a-e of this section, and any recommendations for improvement. The review findings report will be submitted to the Institutional Superintendent, PREA Coordinator, and the PREA Compliance Manager. **(115.386 (d.6))**
4. The Institutional Superintendent shall ensure that the facility implements the recommendations for improvement, or shall document its reasons for not doing so. **(115.386 (e))**
- B. The OJA PREA Coordinator in conjunction with the Residential Placement Support Services Division (RPS) shall collect accurate, uniform data for every allegation of sexual abuse at each juvenile facility under its direct control using a standardized instrument and set of definitions. **(115.387 (a))**
  - C. The OJA PREA Coordinator in conjunction with RPS shall aggregate the incident-based sexual abuse data at least annually. **(115.387 (b))**

**PRISON RAPE ELIMINAION ACT (PREA)**

- D. 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. **(115.387 (c))**
- E. The OJA PREA Coordinator in conjunction with RPS shall maintain, review, and collect data as needed from all available incident-based documents including: **(115.387 (d))**
  - 1. Reports;
  - 2. Investigation files; and
  - 3. Sexual abuse incident reviews.
- F. The OJA PREA Coordinator shall also obtain incident-based and aggregated data from every applicable contracted facility with which it contracts for the confinement of its juvenile offenders. **(115.387 (e))**
- G. Upon request, the OJA PREA Coordinator shall provide all such data from the previous calendar year to the Department of Justice no later than June 30. **(115.387 (f))**

**XIV. Data Review for Corrective Action.**

- A. The OJA PREA Coordinator and the facility PREA Compliance Manager shall 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: **(115.388 (a))**
  - 1. Identifying the problem areas; **(115.388 (a.1))**
  - 2. Taking corrective action on an ongoing basis; **(115.388 (a.2))** and
  - 3. Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole. **(115.388 (a.3))**
- B. The annual 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. **(115.388 (b))**

<b>POLICY: P-35-09-10</b>	<b>PAGE 28 of 29</b>
<b>PRISON RAPE ELIMINAION ACT (PREA)</b>	

- C. The agency report shall be approved by the Director and made readily available to the public through the agency's website. **(115.388 (c) and 115.389 (b))**
- D. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed. **(115.389 (c))**
- E. Specific material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of a facility; however, it must indicate the nature of the material being redacted. **(115.388 (d))**
- F. All data collected pertaining to sexual abuse shall be securely retained. **(115.389 (a))**
- G. All sexual abuse data collected shall be retained for at least 10 years after the date of its initial collection unless Federal, State, or local law requires otherwise. **(115.389 (d))**
- H. All case records associated with claims of sexual abuse, including incident reports, investigative reports, juvenile information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling are retained in accordance with an established schedule. **(4-JCF-3D-09)**

**XV. Other OJA Policies Containing PREA Guidelines**

Staff should also reference the following OJA policies which contain PREA guidelines that will be followed:

- A. P-35-03-08 Subject: Search Procedures
- B. P-35-03-01 Subject: Security and Control
- C. P-35-13-01 Subject: Reception, Classification, and Transfer – Admissions
- D. P-35-01-04 Subject: Sexual Activity
- E. P-35-01-09 Subject: Critical Incident Program

**REFERENCES**

**State Statutes**

10A O.S. § 1-2-101

**OJA Rule**

OAC 377:3-1-25 (a)

**ACA Standard:**

4-JCF-3D-01 4-JCF-3D-04 4-JCF-3D-06 4-JCF-3D-08 4-JCF-4C-50  
 4-JCF-3D-02 4-JCF-3D-05 4-JCF-3D-07 4-JCF-3D-09

**PREA Standard:**

115.311	115.322	115.341	115.362	115.371	115.386
115.313	115.331	115.342	115.363	115.372	115.387
115.315	115.332	115.351	115.364	115.373	115.388
115.316	115.333	115.353	115.365	115.381	115.389
115.318	115.334	115.354	115.367	115.382	
115.321	115.335	115.361	115.368	115.383	

**Forms and Guides:**

PREA-01	Juveniles Guide on PREA
PREA 01 Juvenile	Acknowledgement for Juveniles
PREA-02	Staff Guide on PREA
PREA 02 Staff	Acknowledgement for Staff
PREA-03 V,C,I	Volunteers, Contractors, Interns Guide on PREA
PREA 03	Acknowledgement for Volunteers, Contractors and Interns
OJA-ISD-18-FR	PREA First Responder Checklist
OJA-ISD-19-SA	PREA Sexual Assault Incident Review Report
OJA-ISD-19-VN	PREA Sexual Abuse Victim Notification
OJA-ISD-19-RM	PREA Retaliation Monitoring Form
OJA-ISD-40-SAV	PREA Sexual Assault and Vulnerability Questionnaire

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