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| W. W. Moore, Jr. Juvenile Detention Home Policies and Procedures | SECTION: 115 |
| | SUBJECT: Prison Rape Elimination Act (PREA) |
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| | Standards' Referenced: PREA DOJ Juvenile Facility Standards 28 C.F.R. Part 115 |

Purpose:

The Prison Rape Elimination Act (PREA) of 2003 (Public Law No. 108-79) was signed into law to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape”.

Policy:

It is the policy of the W. W. Moore, Jr. Detention Home to fully comply with the Prison Rape Elimination Act (PREA) and the National Standards promulgated by the United States Department of Justice to prevent, detect, and respond to prison rape under PREA and to provide a safe, humane, and secure environment for all residents free of any form of sexual misconduct, including sexual abuse, sexual assault, and sexual harassment.

Procedure:

The W. W. Moore, Jr. Detention Home administers a program of education, prevention, detection, response, investigation and tracking of all reported acts of sexual misconduct including sexual abuse, sexual assault, and sexual harassment.

For the purpose of this procedure, the term “resident” applies to anyone in the authority, custody or care of the W. W. Moore, Jr. Detention Home. The terms “staff” and “employee” are used interchangeably and apply to all full and part-time employees of the W. W. Moore, Jr. Detention Home, contract personnel, contract employers, volunteers, official visitors or other agency representatives.

Zero Tolerance §115.311 (a)1

The W. W. Moore, Jr. Detention Home maintains a zero tolerance for sexual misconduct between residents and sexual misconduct by staff towards offenders. Every allegation of sexual misconduct, including sexual abuse, sexual assault, and sexual harassment, is thoroughly investigated.

The prohibited conduct identified and defined below applies to all full and part-time employees of the W. W. Moore, Jr. Detention Home, contract personnel, contract employers, volunteers, official visitors or other agency representatives. Sexual

misconduct between staff and residents is prohibited and subject to administrative disciplinary sanctions and the filing of criminal charges.

Definitions and Clarification of Prohibited Conduct §115.311 (a)3

A. Sexual Abuse includes:

1. Sexual abuse of a resident by another resident; and
2. Sexual abuse of a resident by a staff member, contractor, or volunteer.

B. Sexual abuse of resident by another 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.

C. Sexual abuse of a resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the 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 1-5 above 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 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 a resident by staff for reasons unrelated to official duties, such as peering at a resident who is using a toilet in his or her cell to perform bodily functions; requiring a resident to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a resident's naked body or of a resident performing bodily functions.

D. 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 resident directed toward another; and
2. Repeated verbal comments or gestures of a sexual nature to a 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.

Due to the resident's custody or supervision status, no prohibited act of sexual misconduct or harassment between a staff member and a resident can have as an affirmative defense, a claim of consent.

E. Related Definitions:

1. Consent

Words or overt actions by a resident who is functionally competent to give informed approval, indicating a freely given agreement to have sexual intercourse or sexual contact.

2. False Allegations

Any false report or falsification during an investigation of sexual assault. No person shall knowingly make a false statement or knowingly swear or affirm the truth of a false statement previously made.

3. Inability to Consent

A freely given agreement to have sexual intercourse or sexual contact could not occur because of age, illness, disability, being asleep or under the influence of alcohol or drugs.

4. Inability to Refuse

Disagreement to have sexual intercourse or sexual contact was precluded because of the use of non-bodily weapons or due to physical violence, threats of physical violence, real or perceived coercion, intimidation, pressure or misuse of authority.

5. Interference with Official Process

Any failure to report or actions intended to cover up an incident of sexual misconduct, making an allegation or statement that the party or witness knew could not be true, or any failure to cooperate with an investigation or inquiry. Proven interference with the process will result in disciplinary action against an employee.

6. Perpetrator

An individual who commits an act of sexual assault towards residents.

7. Suspect

An individual under investigation for allegedly committing an act of sexual assault towards residents.

8. Victim

Any resident who is subjected to resident -on- resident sexual assault or staff sexual misconduct and/or harassment.

9. Victim Support Person

A Qualified Mental Health Professional (QMHP) who is specifically trained to support an alleged victim/ resident during the investigation of a sexual abuse/assault charge.

10. Retaliation

An act of vengeance, covert or overt action or threat of action taken against a resident in response to the resident's complaint of sexual misconduct or cooperation in the reporting or investigation of sexual misconduct, regardless of the merits or the disposition of the complaint. 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.

11. Substantiated

The sexual assault event was investigated and determined to have occurred.

12. Unsubstantiated

Evidence was insufficient to make a final determination that the sexual assault event occurred.

13. Unfounded

The sexual assault event was determined not to have occurred.

Assignment of PREA Coordinator/Compliance Manager §115.311 (b)1-3; (c)1-4

The W. W. Moore, Jr. Detention Home Director shall designate a member of the Administrative Staff to serve as the PREA Coordinator, ensuring that person sufficient time and authority to continue to develop, implement, and oversee the facility's efforts to comply with all PREA standards and enforce all related W. W. Moore, Jr. Detention Home policies and procedures. The assignment of the PREA Coordinator shall remain in effect until such time another staff member is named.

The PREA Coordinator will serve on the City of Danville Multidisciplinary Team facilitated by the Danville Commonwealth Attorney's Office.

Presently, the Director serves as the W. W. Moore, Jr. Detention Home's PREA Coordinator/Compliance Manager. The Director reports to the Police Chief of the Danville Police Department.

The assignment will be reviewed annually to ensure the position has sufficient time and

authority to develop, implement, and oversee agency efforts to comply with the PREA standards in the facility. In the event it is determined that the position cannot fulfill the responsibilities, the Director will assign the position to another Administrative staff member.

Contracting for the Confinement of Residents §115.312

The W. W. Moore, Jr. Detention Home does not contract with other entities for the confinement of residents.

Supervision and Monitoring §115.313 (a)1-3; (b)1-2; (c)1-5; (d)1-4; §115.318 (a)1; (b)1

The W. W. Moore, Jr. Detention Home utilizes best practices to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect residents from sexual abuse and harassment. Non-compliance with or deviations from the required staffing plan may occur in extenuating or exigent circumstances, including but not limited to position vacancies, unexpected staff absences, scheduled or unscheduled resident transports, duress or emergency situations, and resident pod assignments due to special circumstances of the population.

The facility is obligated by PREA standards to maintain staffing ratios of a minimum of 1:8 during resident waking hours and 1:16 during resident sleeping hours. Only security staff shall be included in determining compliance with the ratios. If the staffing pattern is not in compliance with PREA standards, the facility will document all deviations and situations of non-compliance. The Shift Supervisor/Senior Youth Care Worker is responsible for recording deviations from the staffing pattern in the Staffing Pattern Log which is located in Control B.

Prior to each shift, the Shift Supervisor/Senior Youth Care Worker develop a duty roster to ensure appropriate levels of staffing to promote the safety and security of all residents.

Cameras are located throughout the facility to assist in the supervision and monitoring of residents. The facility works with the vendor that provides the video monitoring, electronic surveillance system or other forms of monitoring technology to determine the needs of the facility in regards to system replacements and upgrades.

Each year as the city budget is developed for the next fiscal year, the facility reviews the staffing plan to determine if adjustments are needed for the plan, staffing patterns, replacements or upgrades to the security monitoring system, or in resources for the staffing plan to insure compliance with staffing ratios. The facility will also review the above whenever necessary and as issues or concerns are identified. A team of employees consisting of the Director/PREA Coordinator, Assistant Director, Program Coordinator, and Shift Supervisors will meet to review these areas and make

recommendations. Minutes from the reviews will be maintained by the Director/PREA Coordinator.

Unannounced Rounds §115.313 (e)1-4

The facility requires that Shift Supervisors/Senior Youth Care Workers conduct unannounced rounds to identify and deter staff sexual misconduct or violations of facility policies and procedures. The Shift Supervisors/Senior Youth Care Workers conduct three rounds on each shift. The rounds and observations are recorded on an Observation Form indicating the date, times, and what occurred or was observed during the round.

Staff are not to alert other staff on the shift of the unannounced round.

Coordinated Response §115.364 (a)1;(b)1 §115.365 (a)1

The W. W. Moore, Jr. Detention Home has a Coordinated Response Plan indicating the actions taken in response to incidents of sexual abuse or harassment among staff first responders, agency administration, investigators, medical and mental health practitioners, and outside referral agencies.

Agency Protection Duties and Responsibilities §115.362(a)1;(d)1-2

When W. W. Moore, Jr. Detention Home staff learn that a resident is subject to a substantial risk of imminent sexual abuse, they shall take immediate action to protect the resident. The situation will be assessed and all appropriate protective measures will be implemented immediately.

A. Employees

Employees shall be responsible for:

1. Adhering to these procedures by ensuring that their conduct does not constitute or promote sexual abuse or harassment nor in any other way violate the provisions of these procedures;
2. Immediately reporting any known or suspected act or allegation of sexual abuse or harassment within or outside the agency;
3. Comply with all mandatory child abuse reporting laws;
4. Immediately reporting any known or suspected retaliation against residents or staff to the facility administrators; and

5. Providing complete cooperation and full disclosure during any inquiry or investigation into an alleged act of sexual assault or retaliation.
 6. Maintaining confidentiality of the situation apart from reporting to Supervisors, Administration, state or local agencies, parents/guardians, and the placing agencies any necessary information for treatment, investigation, and security and management decisions.
- B. The W. W. Moore, Jr. Detention Home Administration, Mental Health Case Manager/Clinician, Medical Staff, Supervisors and Direct Care Staff

Staff, as indicated above, shall be responsible for:

1. Treating all reported incidents of prohibited conduct seriously and ensure that known, suspected acts or allegations of sexual assault are reported immediately to W. W. Moore, Jr. Detention Home Administration, the Child Protective Services (CPS) Unit of the Danville Division of Social Services, the Danville Police Department and the Virginia Department of Juvenile Justice (DJJ) Certification Unit. All incidents will also be reported to the parent/guardian, social worker, probation officer and the resident's attorney within five (5) days of receiving the allegation. Staff are prohibited from revealing any information related to a sexual abuse report to anyone other than those who need to know.
2. Ensuring that all substantiated allegations of prohibited conduct and all allegations that are substantiated as false are referred appropriately for disciplinary action;
3. Ensuring that all victims who report sexual assaults are appropriately referred for medical and mental health evaluation/assessment and for crisis intervention counseling and follow-up.
4. Ensuring that residents are informed of staff's duty to report allegations of child abuse and/or neglect and limitations of confidentiality.
5. Ensuring that resident orientation upon intake includes sexual assault and retaliation information and residents understand the process by which such incidents are to be reported and investigated and are informed of the sanctions for making false allegations.

6. Ensuring that adequate measures are taken to provide separation between the alleged victim and alleged suspect, while ensuring that such separation does not represent a form of punishment for the alleged victim;
7. Ensuring any residents or staff members found guilty of committing sexual abuse are disciplined in accordance with agency procedures, up to and including referral for criminal prosecution; and
8. Ensuring any instance of alleged sexual abuse is reported appropriately and ensuring the confidentiality of alleged victims is not compromised to the extent possible for investigative purposes.

Investigations §115.321 (a)1-3;(b)1 §115.322 (a)1;(b)1-3 §115.334(a)1;(c)1-2 §115.371(a)1;(d)1;(e); (f); (g) 1-2; (h); (i)1;(j)1 §115.372 (a)1

For purposes of investigation, the W. W. Moore, Jr. Detention Home will conduct initial inquiries or administrative investigations of all reported incidents of sexual abuse, neglect and misconduct. Administrative investigations will be conducted by the Director/PREA Coordinator or designee. Administrative investigations will include an effort to determine whether staff actions or failures to act contributed to alleged incidents of sexual abuse, neglect, and misconduct. Administrative investigations 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.

The Director/PREA Coordinator and designees will complete specialized training on how to conduct PREA investigations in a confinement setting. 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. All specialized training will be documented and maintained by the Assistant Director. The administrative investigations will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or harassment are substantiated.

Criminal investigations shall be conducted by the Danville Police Department, and incidents of suspected abuse and neglect will be reported to the Child Protective Services (CPS) Unit of the Danville Division of Social Services for investigation.

In the event of a reported incident of sexual abuse, the W. W. Moore, Jr. Detention Home will coordinate actions among staff first responders, medical and mental

health practitioners, investigators, the Department of Juvenile Justice, and facility administration.

The W. W. Moore, Jr. Detention Home has policy in place to ensure allegations of sexual abuse or harassment are referred for investigation to an agency with legal authority to conduct criminal investigations. The policy is published on the City of Danville's website at www.danvilleva.gov.

The Danville Police Department has the legal authority to conduct criminal investigations occurring within the W. W. Moore, Jr. Detention Home. When conducting a sexual abuse investigation, detectives follow a uniform evidence protocol, and the interview is developmentally age appropriate. The W. W. Moore, Jr. Detention Home shall cooperate fully with investigators and shall remain informed of the progress of the investigation. Criminal investigations shall be documented in a written report containing a thorough description of physical, testimonial, and documentary evidence with copies attached where feasible. Substantiated allegations of conduct that appears to be criminal will be referred by the Danville Police Department for prosecution. 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.

All allegations of sexual abuse or sexual harassment will be investigated. Referrals to the Danville Police Department for criminal investigations and referrals to Danville Social Services for suspected child abuse and neglect shall be documented.

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 a 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.

The W. W. Moore, Jr. Detention Home will retain such investigative records for as long as the alleged abuser is placed or employed by the facility, plus five years.

The departure of the alleged abuser or victim from the employment or control of the facility will not provide a basis for terminating an investigation. The agency does not terminate an investigation solely because the source of the allegation recants.

All information concerning any investigations of sexual abuse or harassment will be confidential and shared with individuals on a "need to know" basis.

Initial Report and Separation

1. Anyone that receives a report of an alleged sexual assault, whether verbally or, in writing, shall immediately notify the Shift Supervisor/Senior Youth Care Worker. The Shift Supervisor/Senior Youth Care Worker shall notify the Director and/or designee. The Director/designee will call the Danville Police Department and the Child Protective Services Unit of the Danville Division of Social Services.
2. The first responder will immediately ensure the alleged victim and alleged abuser are physically separated. The first responder will maintain constant one-to-one supervision of the alleged victim.
3. The first responder will preserve and protect any crime scene until appropriate steps can be taken to collect any evidence. If the abuse occurred within a time period that still allows for the collection of physical evidence, prevent the alleged victim from taking any actions that could destroy physical evidence, including showering, brushing teeth, changing clothes, urinating, defecating, drinking, or eating.
4. If the first 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.

A. General Administrative Inquiry Guidelines

All records associated with claims of sexual abuse including incident reports, investigation reports, resident information, case disposition, medical and counseling, evaluative findings and recommendations for pre and post-release treatment and counseling is retained in the resident's medical case record.

1. An Incident Report, Serious Incident Report, and a PREA Incident-Based Data Collection Form are completed by the Director or designee upon completion of the investigation.
2. The PREA Incident-based Data Collection Form is retained by Administration for reporting purposes.

B. Inquiry Techniques

Interviews are conducted in a thorough, professional, non-abusive and non-threatening manner and are only performed by the W. W. Moore, Jr. Detention Home Director or Program Coordinator to obtain enough information to determine if there is reason to suspect sexual abuse or harassment occurred and to provide necessary information for a referral to the Danville Police Department and/or Child Protective Services Unit. Action and exploration of findings consistent with acceptable practice are employed to help potentially traumatized victims of sex crimes.

C. Inquiring of Sexual Abuse

Staff will consult with a mental health support staff/advocate and have them available during interviews. Allegations which include intercourse, sodomy or physical force will require consultation with medical and mental health staff and will result in an immediate referral to the Danville Police Department/Child Protective Services Unit for investigation.

1. Preservation of Evidence in Recent Sexual Assault

a. Physical Evidence – Victim

(1) Resident victims are relocated to the clinic and are housed there until the arrival of the Danville Police Department who will conduct the criminal investigation. W. W. Moore, Jr. Detention Home staff and the Danville Police Department will be responsible for transporting the resident to the Danville Regional Medical Center. They will perform an initial exam and then make the decision if the alleged victim will be transported to Lynchburg General Hospital for a forensic exam.

(2) Forensic evidence collected by the hospital emergency staff is gathered and delivered to the investigating agency through appropriate protocol(s). When the alleged victim returns from off-site emergency medical care, treatment, safety and security is used to determine placement.

b. Physical Evidence – Resident Suspect

(1) Immediately upon being identified as the alleged suspect, the resident suspect will be held in a sleeping room pending questioning and preservation of evidence as directed by the Danville Police Department.

- (2) Thereafter, the alleged suspect under investigation is held in confinement in accordance with the behavior management program.
- (3) During the course of the inquiry and/or investigation, the alleged victim and alleged suspect shall remain separated.

c. Physical Evidence - Crime Scene

- (1) Based upon the amount of time passed since the alleged incident and other factors, a determination is made to assess whether there is a possibility of evidence still existing at the crime scene. If determined that a possibility of evidence still exists, and if possible, the crime scene is secured and any potential evidence remains for the Danville Police Department.
- (2) If the crime scene cannot be secured, the crime scene is photographed and/or video-taped and if any evidence exists, placed in a paper bag with a chain of evidence form.
- (3) If a potential crime scene is established, limited access is authorized and a written log maintained.

2. Inquiry of Sexual Assaults Occurring More than 96 Hours Prior

If the alleged sexual assault is reported or discovered more than 96 hours after the incident, the following steps are taken by the Shift Supervisor and/or On-Call Administrator:

- a. If feasible, secure the alleged crime scene, as forensic evidence may exist.
- b. Place the alleged victim in an environment to assure safety and security.
- c. Place the alleged resident suspect, if known, in confinement or if a staff member, ensure separation from the victim.
- d. Notify the Director or designee and the Mental Health Case Manager/Clinician. If the Mental Health Case Manager/Clinician is not on-site, notify them by phone.
- e. W. W. Moore, Jr. Detention Home Administration will place a call to the

Danville Police Department and Child Protective Service Unit of the Danville Division of Social Services to report the allegation.

D. Interviewing and Reporting Guidelines

- a. A clinician, case manager and/or child advocate is permitted to sit in on any victim interviews, if requested by the victim.
- b. A medical report to the Director will document the incident and treatment of the alleged victim.
- c. Findings/Recommendations

The investigative report completed by Child Protective Services, the Department of Juvenile Justice and Law Enforcement will indicate whether the evidence substantiates that a sexual abuse has occurred or the allegations are unsubstantiated or unfounded. The Director or designee will complete the PREA Incident-based Data Collection Form and include it with the investigative report. If there is a substantiated finding of sexual abuse, which violates state statute, a copy of the report and supporting documentation/evidence is forwarded for criminal prosecution by the Danville Police Department.

E. Prosecutions

The Director or designee thoroughly documents each case to assure evidence in the event of criminal prosecution of sexual assault upon guidance and advisement of the Danville Police Department.

F. Tracking of Confirmed Sexual Assault Perpetrators

The Director or designee will gather information regarding sexual assault. The information will be obtained from the Serious Incident Report and the PREA Incident-based Data Collection Form and completed investigations.

- (1) Information gathered will be entered into the sexual assault spreadsheet and confirmed predators will be entered into the Juvenile Tracking System (JTS).
- (2) Confirmed sexual perpetrators will also be entered into the W. W. Moore, Jr. Detention Home's automated case management system and alert flags will be utilized to monitor the movements of such residents.

- (3) The Director or designee will submit information regarding sexual assault to the Department of Justice as required by PREA.

Employee Training §115.331(a)1; (b)1; (c)1-3; (d)1 §115.335 (a)1; (c)1

A comprehensive training program is provided for all staff to emphasize the importance of preventing sexual assault towards residents and promoting awareness of the serious impact of sexual victimization within a residential setting.

- A. All employees receive training related to the prevention, detection, response, reporting and investigation of sexual assault and sign they have received and understand the training.
1. All employees and volunteers will receive this training as part of their orientation and annually thereafter.
 2. Employees are trained in the following:
 - a. Agency's zero tolerance policy for sexual abuse and harassment;
 - b. How to fulfill their responsibilities under agency sexual abuse and harassment prevention, detection, reporting, and response policies and procedures;
 - c. Residents' right to be free from sexual abuse and harassment;
 - d. Right of residents and employees to be free from retaliation for reporting sexual abuse and harassment;
 - e. The dynamics of sexual abuse and harassment in juvenile facilities;
 - f. The common reactions of sexual abuse and harassment juvenile victims;
 - g. How to detect and respond to signs of threatened or actual sexual abuse;
 - h. How to avoid inappropriate relationships with residents;
 - i. How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents;
 - j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;
 - k. Relevant laws regarding the applicable age of consent;
 - l. Other related topics as identified or needed.
 3. Employees view the "Keeping Kids Safe" video and the PREA Juvenile Orientation video.
 4. Contract staff whose primary duties include teaching, training or supervising residents, will receive training to emphasize the importance of preventing sexual abuse towards residents. This training promotes

awareness of the serious impact of sexual victimization within a residential setting.

- B. Specialized training is provided for employees who may respond, as part of their job duties, to reported incidents of sexual abuse. W. W. Moore, Jr. Detention Home Medical Staff and Mental Health staff housed at the W. W. Moore, Jr. Detention Home will receive the same training upon employment and annually thereafter. The training received is documented and placed in their employee files. In addition these individuals will receive training that specifically addresses:
 - 1. How to detect and assess signs of sexual abuse and sexual harassment
 - 2. How to preserve evidence of sexual abuse
 - 3. How to respond effectively and professionally to resident victims of sexual abuse and sexual harassment; and
 - 4. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- C. The W. W. Moore, Jr. Director ensures the facility has access to the services of a mental health professional that has a scope of practice, training and/or experience in trauma counseling.
- D. The W. W. Moore, Jr. Detention Home will 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.
- E. The agency shall document, through the employee's signature, they have received and understand the training they have received. All training relative to PREA for all staff shall be maintained by the Assistant Juvenile Detention Director.

Employee Hiring & Promotion Decisions §115.317(a)1;(b)1;(c)1;(d)1;(e)1;(f);(g)1

The City of Danville Human Resources Department oversees the hiring of employees for the W. W. Moore, Jr. Detention Home. The city prohibits hiring or promoting anyone who may have contact with residents if they have:

- A. Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
- B. 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;
- C. Been civilly or administratively adjudicated to have engaged in the activities above;
- D. Incidents of sexual harassment.

Applicants recommended for employment must successfully complete a physical, drug test, polygraph, criminal background check/fingerprinting, Central Registry check, reference checks for all former employers (especially institutional employers), and Employee Performance Profile.

All applicants and employees who may have contact with residents directly are asked about previous conduct as described above in items A-D. Applicants and employees being considered for a promotion are asked these questions during the interview process. All employees will be asked these questions on an annual basis. All employees are responsible for disclosing any form of misconduct within or outside of the facility to the Director as it occurs.

The agency updates Central Registry checks, criminal background checks, DMV record checks, and Central Registry checks on all employees every five years.

Omissions of information or the provision of false information regarding any form of sexual misconduct by applicants or employees shall be grounds for no longer considering an applicant for employment or for termination of an employee.

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. All reference requests are forwarded to the City of Danville Human Resources Department.

Resident Orientation and Education §115.316 (a)1;(b)1;(c)1
§115.333(a)1-3;(b)1;(c)1-2;(d)1;(e)1;(f)1

- A. All new residents receive verbal and written information about sexual assault during their orientation. This information addresses:
 - a. Prevention;
 - b. Self-protection;
 - c. Reporting sexual assaults, protection from retaliation, including methods to identify and report such misconduct, and information that the resident/victim has the option to report the incident to a designated staff member other than the staff assigned to his/her unit;

- d. Treatment and counseling;
 - e. W. W. Moore, Jr. Detention Home's zero tolerance for sexual assault; and
 - f. Access to tools necessary to make a written report.
- B. Communication upon arrival of residents includes age appropriate information that is clearly understood by the resident and is presented in the form of a brochure which is reviewed with the resident. The residents sign a form indicating they have received the brochure and it has been reviewed with them. Within ten (10) days of admission, new residents will watch the PREA Juvenile Orientation video and have an opportunity to discuss and ask questions regarding the information they have received. This session is conducted by the PREA Coordinator and PREA Compliance Manager. The resident signs a form indicating they have viewed the video and had an opportunity to ask questions. If a resident is released prior to viewing the orientation video within the ten (10) day timeframe, the reason is documented and placed in the PREA section of the resident's case record. A copy is maintained by the PREA Coordinator also.
- C. This information includes the prevention/intervention, self-protection, reporting of sexual abuse, and treatment and counseling pertaining to all aspects of sexual abuse.
- D. Information is continuously and readily available and visible to the residents as well as their parents through the posting of the informational brochure throughout the facility in English and Spanish. The brochure is posted in the Intake area, on all housing units, and in the Parent Visitation Area. In addition, resident educational materials are provided verbally at the time of intake, as well as within ten days following intake. The orientation video is available in Spanish also. If a resident has limited reading skills, staff will read the information to them. The facility has a list of potential interpreters to assist residents that are disabled in having equal opportunity to prevent, detect, and respond to sexual abuse or harassment. The facility does not promote or encourage the use of residents in the role of interpreters or to assist other residents in these situations except in limited circumstances in which there would be an extended delay that could compromise the resident's safety, first responder duties, or investigation of the allegations of the resident.
- E. Information provided to the residents at the time of intake is documented as part of the resident's orientation, in which the resident signs and acknowledges that

they have received the brochure and it was reviewed with them. They also sign that they have watched the orientation video and participated in discussion. The documentation is placed in the PREA section of the resident's case record. The PREA Coordinator maintains a copy also. Residents receive the brochure and view the orientation video upon each admission to the facility.

- F. Residents who are transferred from another facility participate in the same education process regarding their rights to be free from sexual abuse and sexual harassment, and free from retaliation for reporting such incidents.

Volunteer/Contractor Training §115.332 (a)1;(b)1-2;(c)1

A. All volunteers and contractors who have contact with residents have been trained on their responsibilities under the agency's policies and procedures regarding sexual abuse and harassment prevention, detection, reporting, and response.

B. The level and type of training provided to volunteers and contractors is based on the services they provide and the level of contact they have with residents.

C. All volunteers and contractors who have contact with residents are always in the presence of direct care staff, except for those approved for religious-based individual counseling.

D. All volunteers receive training upon becoming a volunteer and annually thereafter. They receive training regarding the agency's zero tolerance policy regarding sexual abuse and harassment, and how to report such incidents. The volunteer signs a form indicating they have received and understand the training.

E. All Contractors read a posted notice upon entering the facility. The notice advises them of the agency's zero tolerance policy regarding sexual abuse and harassment, and how to report such incidents. Their signature in the visitor log indicates they have read and understand the information.

Screening, Assessment, and Housing §115.341 (a)1-4;(b)1; (e); §115.342 (a)1; (b)1-2;(c)1-2;(d)1; (g)

- A. All residents receive a screening at initial intake which includes specific questions relative to assessing potential vulnerabilities or tendencies toward sexually aggressive or predatory behavior. The screening was adapted from the "Prison Youth Vulnerability Scale", New Zealand Department of Corrections, and approved by the W. W. Moore, Jr. Detention Home Director. The screening is used to provide information regarding pod assignments, education, special needs, or necessary referrals. It is maintained in the resident's case record, and access is limited to Administration, Shift Supervisors, Senior Youth Care

Workers, Intake staff, and the nurse. Reviews will be performed periodically throughout a resident's confinement. In addition, the resident completes the MAYSI questionnaire and a Mental Health Protocol.

- B. Based upon affirmative responses to a specific set of questions on the screenings conducted at intake, the resident is referred to the Mental Health Case Manager and/or the PREA Coordinator. The PREA Coordinator reviews all screenings performed at intake. The Mental Health Case Manager will meet with the referred resident within 72 hours of admission. If determined to be appropriate, a referral will be made to the Mental Health Clinician for additional services. The information gleaned from the Mental Health Case Manager is limited to those who have a need to know to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents.
- C. A resident's sexual orientation or status shall not serve as an indicator of the likelihood of being sexually abusive.
- D. It is the policy and practice of the W. W. Moore, Jr. Detention Home to assign only one resident to a sleeping room. Double-bunking is prohibited at the facility. Because residents are assigned to single occupancy sleeping rooms, the practice of isolating residents based solely upon PREA screening criteria is prohibited. In addition to single occupancy sleeping rooms, residents at the facility shower two at a time but are separated by a shower wall for privacy. Transgender and intersex residents shall be given the opportunity to shower separately from other residents. Showers are supervised and monitored by pod staff to ensure safety and security of residents.
- E. The sexual orientation or status of a resident shall not serve as the sole status for assigning residents to housing units. The W. W. Moore, Jr. Detention Home shall consider on a case-by-case basis, upon advisement from the Mental Health Case Manager/Clinician and PREA Coordinator, the housing assignment of lesbian, gay, bisexual, transgender, or intersex residents, taking into consideration the resident's health and safety, the resident's own views with respect to his or her own safety, as well overall facility management and security. If a lesbian, gay, bisexual, transgender, or intersex resident is sentenced to the facility for a period of six months or longer or remains for a period of six months or longer, housing assignments will be reassessed at that time by the Mental Health Case Manager/Clinician and the PREA Coordinator.
- F. Any housing concerns noted during the screening regarding a resident's history of sexual abuse-victimization or sexual predatory behavior will be communicated to the PREA Coordinator and placed in the resident's file. The PREA Coordinator shall ensure that:

- a. Once a resident is identified as a High Risk Sexual Predator (HRSP) or as a victim/potential victim at any time during his/her placement, the resident is evaluated for appropriate assignment and programs. Isolation will only be used as a last resort if less restrictive measures are inadequate to keep them and other residents safe, and only until alternative means to maintain the safety of all residents can be arranged. If residents are placed in isolation, the facility will clearly document the basis for the facility's concern for the resident's safety and the reason no alternative means of separation can be arranged. Residents placed in isolation will continue to have access to all programs and services provided, specifically education and daily large muscle exercise. A review will be conducted at least every thirty (30) days or more often if necessary to determine whether there is a need to continue separation from the general population.
 - b. Residents with a history of sexually violent behavior are identified, monitored, and provided with resources, as appropriate in a short-term detention facility.
 - c. Residents at risk for sexual victimization are identified, monitored, and are provided resources, as appropriate in a short-term detention facility. Residents included in this category may be younger, of small stature, first time offenders or perceived by other residents as weak.
- G. Any resident who displays predatory behavior or the potential for victimization at any time will be referred to the Mental Health Case Manager/Clinician for an assessment and an appropriate plan of action.

Cross Gender Viewing & Searches §115.315 (a)1;(b)1;(c)1;(d)1-2;(e)1

Searches of the residents are limited to pat down searches at the time of intake, when they return from the facility from another outside location, prior to going into their rooms, and when there is probable cause to believe the resident is in possession of contraband. Searches are conducted by staff of the same sex as the resident. The W. W. Moore, Jr. Detention Home does not permit cross-gender pat down searches of residents except in emergency situations or other unforeseen circumstances. In the event a cross-gender search had to be conducted, the search and the reason for doing so would be documented. The resident is not to be touched any more than is necessary to conduct a comprehensive search.

Strip searches of the residents are conducted visually by staff of the same sex. These searches occur upon intake and when the residents return from another location outside the facility. Staff of the same sex observe outer portions of the resident's body as they remove their clothing. These searches are performed in a private area.

Staff of the same sex as the resident observe the residents while showering. Residents shower one or two at a time and the shower stalls are separated by a wall for privacy. If a resident is in a camera room for close and continuous observation, the camera is covered in the area the resident would use the toilet for privacy. The resident can be viewed changing clothing if this is done in the room with a camera. Staff of the opposite gender are to use discretion if they are assigned to the Control Room and have the responsibility of monitoring residents in the camera room, and do so only for safety and security reasons. Visual rooms checks are to be conducted by staff of the same sex of the residents, absent exigent circumstances. If opposite gender staff perform visual room checks of residents, they are to do so with another staff member of the opposite gender. They should announce themselves prior to conducting the visual room checks. These situations are to be documented and the reason for doing so, and both staff members are to initial the visual room checks.

Body cavity searches are conducted by medical personnel of the same sex when possible or in the presence of a staff member of the same sex as the resident. Body cavity searches can only be authorized by the Director for a legitimate reason affecting the life, health, or safety of the resident or for the safety and security of the facility and its operation. In the event a body cavity search is conducted, the search and the reason for doing so would be documented.

When staff members of the opposite gender of the residents enters an area in which the residents may be showering, performing bodily functions, or changing clothes, they are to announce themselves in a manner in which they can be heard by the residents. If pod staff are in the area, they are to communicate to the staff member of the opposite gender that the residents are involved in one of the indicated activities and require privacy.

The sex of transgender and intersex residents will be determined by their own physiognomy. If the sex of the residents is unable to be determined by staff, they are to consult with medical staff to make a determination. Searches of transgender and intersex residents are to be conducted in a professional and respectful manner, and in a private area. There should be two staff members conducting the search. One must be the same sex as the resident and the other will serve as a witness. Searches are to be conducted in the least intrusive manner possible.

Agency staff will be trained in conducting pat down searches, strip searches, cross-gender pat down searches, and searches of transgender and intersex residents. All searches are to be conducted in a professional and respectful manner, and in a private area. Searches are to be conducted in the least intrusive manner possible.

**Resident, Staff, & Agency Reporting §115.351 (a)1;(b)1;(c)1-2;(d)1-2;(e)1-2;
§115.354(a)1-2 §115.361 (a) 1-3;(b)1;(c)1**

Residents have multiple internal ways for privately reporting sexual abuse and sexual harassment, retaliation by other residents or staff for making reports of such,

or staff neglect or violations of responsibilities that contributed to incidents of such, which are outlined for them on the brochure reviewed at the time of intake, posted throughout the W. W. Moore, Jr. Detention Home, and reviewed as part of the comprehensive education program provided within ten (10) days of intake by the PREA Coordinator:

1. Residents may request to speak privately and make a verbal report to any staff member including a Youth Care Worker, Senior Youth Care Worker, Shift Supervisor, Program Coordinator, Assistant Director, Director, Medical Staff, and non-W. W. Moore, Jr. Detention Home employees housed at the facility, such as Educational Staff employed by the Danville Public School System and Mental Health Staff employed by Danville – Pittsylvania Community Services. Residents are encouraged to report sexual abuse immediately and as the preferred means to the additional reporting means below.
2. Residents may fill out a Request Form which would be directed to W. W. Moore, Jr. Detention Home Administrative Staff.
3. Residents may utilize the Resident Grievance System.
4. Residents may utilize the resident telephones on the pod to contact the Danville Social Services/CPS business hours number, the non-emergency dispatch number to contact the On-Call Social Worker for Danville Social Services, or the National Sexual Assault Hotline. These numbers are listed on the brochure and posted on each pod.

In instances where residents choose to make reports of sexual abuse or harassment, retaliation by other residents or staff for reporting sexual abuse or harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents in writing, staff shall provide the necessary tools per the appropriate method and upon request.

Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports immediately upon receipt of the information. Youth Care Workers shall forward or report such information immediately to the Senior Youth Care Worker/Shift Supervisor who shall then notify the Director/PREA Coordinator. Staff are to report any knowledge, suspicion, or information received regarding alleged sexual abuse or harassment within or outside of the facility. Staff are also required to report any retaliation against residents or other staff who reported incidents of sexual abuse or harassment. In addition, staff are to report staff neglect or violations of responsibilities that may have contributed to such incidents. All staff are mandatory reporters and are required to comply with related laws regarding these responsibilities. The Director/PREA Coordinator will relate all reports to the appropriate individuals and

agencies to the extent necessary to make treatment, investigation, and other security management decisions.

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. If the third party is not a legal guardian or parent, the alleged victim/resident must agree to have the request filed on his or her behalf. If the resident declines to have the request processed on his or her behalf, the W. W. Moore, Jr. Detention Home shall document this decision. A copy of the resident brochure contains information on how to report and is posted in the Visitation Area.

Any staff member who wishes to make a report in private of sexual abuse or sexual harassment of residents may address them with the Director verbally or in writing. Staff are advised of the procedures for reporting in writing in the PREA policy and verbally during PREA training. If the Director is the alleged abuser, the staff may make their report to the Police Chief. An initial administrative inquiry is conducted and documented whenever an allegation of sexual assault or sexual harassment is reported. Allegations of sexual assault threats will be reviewed by the W. W. Moore, Jr. Detention Home Director or designee. Such allegations are treated with discretion and, to the extent permitted by law, confidentially. A Serious Incident Report is completed by the Assistant Juvenile Detention Director or Director for all allegations of sexual assault.

Resident Grievance Procedure §115.352 (a)1;(b)1;(c)2;(d)1,5-6;(e)1-3;(f)1-2,5;(g)1

A. A resident may use the Resident Grievance Form to report incidents of sexual abuse or harassment at any time regardless of when the incident allegedly occurred.

B. Residents are not disciplined for filing a grievance alleging sexual abuse or harassment unless it is determined the allegation was unfounded and the resident filed the grievance maliciously or in bad faith.

C. A resident is required to submit a Resident Grievance Form alleging sexual abuse or harassment to a staff member that is not the subject of the complaint. A PREA grievance is to be reported to and routed directly to the Director/PREA Coordinator immediately upon receipt of the grievance. Other general grievances go to the staff member involved in the grievance during the first step.

D. An emergency grievance may be filed alleging a resident is subject to substantial risk of imminent sexual abuse. An emergency grievance is to be reported and routed directly to the Director/PREA Coordinator immediately upon receipt of the grievance. An initial response to an emergency grievance is eight (8) hours. A final decision to an emergency grievance alleging substantial risk of imminent sexual abuse must be made in five (5) days.

E. A decision on the merits of any grievance or portion of the grievance alleging sexual abuse or harassment must be made within seven (7) days of the filing of the grievance based on the Administrative investigation. Outside investigations may take additional time and decisions must be made within ninety (90) days of the filing of the grievance.

F. If the facility is unable to meet the seven (7) day timeframe, the Director/PREA Coordinator will notify the resident in writing of the need for an extension. Outside investigations may require an extension not to exceed seventy (70) days. The resident will be notified of these instances in writing also.

G. Third parties, including other residents, staff members, family members, attorneys, and outside advocates may assist residents in filing requests for administrative remedies relating to allegations of sexual abuse and harassment, and to file such requests on behalf of the residents. A copy of the resident brochure contains information on how to report and is posted in the Visitation Area.

H. If a resident declines to third party assistance in filing a grievance alleging sexual abuse or harassment, the decision to do so will be documented by the facility.

I. Parents or legal guardians of residents are allowed to file a grievance alleging sexual abuse or harassment, including appeals, on behalf of a resident, regardless of whether the resident agrees or not.

Reporting to Residents §115.373 (a)1;(b)1;(c)1;(d)1;(e)1

A. Following an investigation into a resident's allegation of sexual abuse or harassment occurring at the facility, an Administrator will inform the resident verbally or in writing whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. If a

verbal notification is made, the date and time of the notification will be documented.

B. The W. W. Moore, Jr. Detention Home Administration will request all relevant information from outside investigative agencies in order to inform the resident of the outcome of the investigation.

C. Following a resident's allegation that a staff member has committed sexual abuse, a W. W. Moore, Jr. Detention Home Administrator will 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) Administration learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
- (4) Administration 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, W. W. Moore, Jr. Detention Home Administration shall subsequently inform the alleged victim whenever:

- (1) Administration learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
- (2) Administration 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. The W. W. Moore, Jr. Detention Home's obligation to report under this standard shall terminate if the resident is released from the facility.

Resident Access to Outside Confidential Support Services §115.353(a)1;(b)1-2;(c)1;(d)1-2

The W. W. Moore, Jr. Detention Home provides residents with access to outside victim advocates for emotional support services related to sexual abuse by doing the following:

- A. Gives residents mailing addresses and telephone numbers to local, state, or national victim advocate agencies;
- B. Enables reasonable communication between residents and the agencies in as confidential a manner as possible.

The information is contained within the resident brochure and posted on each pod, intake, and the visitation area.

Prior to being given access to outside support services, the agency will advise the residents of the extent to which the communications with the agency will be monitored. This will vary from one agency to another. The residents will be informed of the mandatory reporting rules for privacy, confidentiality, and/or privileges that apply for disclosure of sexual abuse made to outside victim advocates. They will also be informed of any limits to confidentiality under relevant Federal, State, or Local law.

The W. W. Moore, Jr. Detention Home maintains a Memorandum of Understanding with the City of Danville Multidisciplinary Team through the Commonwealth Attorney's Office. They provide victim witness advocacy services to children and their families and immediate crisis intervention services from the Sexual Assault Response Program.

In addition, the W. W. Moore, Jr. Detention Home provides residents with reasonable and confidential access to their attorneys and legal representatives. The facility provides residents with reasonable access to parents or legal guardians.

Medical Services Responsibilities §115.335 (b)1

Medical Care for W. W. Moore, Jr. Detention Home Residents (Alleged Victims and Alleged Suspects)

The W. W. Moore, Jr. Detention Home Medical Staff follow established protocol, which includes provisions for initial examination to provide first aid and preserve evidence, documentation, transport to local emergency medical care upon direction from the Danville Police Department, testing for sexually transmitted diseases (including an HIV test) with counseling as appropriate, prophylactic treatment, follow up and mental health counseling and support.

- G. Guidelines for Medical Care and Investigations at Local Medical Facilities

Victims of sexual abuse at the W.W. Moore, Jr. Detention Home are transported under appropriate security provisions to the Danville Regional Medical Center by W. W. Moore, Jr. Detention Home staff and the Danville Police Department. They will perform an initial exam and then make the decision if the alleged victim will be transported to Lynchburg General Hospital for a forensic exam. W. W. Moore, Jr. Detention Home Medical Staff will not conduct forensic examinations.

The W. W. Moore, Jr. Detention Home will provide all residents who experience sexual abuse access to forensic medical examinations at an appropriate facility, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Nurse Examiners (SANEs). If SANEs cannot be made available, the examination can be performed by other qualified medical practitioners as determined by the appropriately-licensed community-based medical facility. The W. W. Moore, Jr. Detention Home administration shall document its efforts to obtain the services of SANEs.

H. Advocate and Mental Health Care Provider

In partnership with the Danville Police Department and the Commonwealth Attorney's Office, resident victims of sexual abuse will be provided with a victim witness advocate.

The advocate will ensure the resident has access to ongoing support, services, and resources, and the W. W. Moore, Jr. Detention Home Mental Health Case Manager/Clinician will provide on-site counseling, services, and support, while the victim continues to be a resident of the facility.

Screening and History of Sexual Abuse or Victimization §115.381 (a)1,4; (b)1,4; (d)1

1. W. W. Moore, Jr. Detention Home staff will ask residents about prior sexual victimization during the intake process.
2. If the screening 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 medical staff or the Mental Health Case Manager/Clinician within 72 hours of the intake screening.
3. If the screening 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 the Mental Health Case Manager/Clinician within 72 hours of the intake screening.

4. Intake staff will complete a Mental Health Request Form for the Mental Health Case Manager/Clinician to follow up with the resident. These forms are maintained by the Mental Health Case Manager/Clinician. Requests for mental health services will also be recorded in the Mental Health Follow Up log in the Intake area. The Mental Health Case Manager/Clinician will document their follow up in the log after seeing the resident. Mental Health staff maintain their individual agency records on the residents who receive services.
5. Subject to mandatory reporting laws, 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 required by the W. W. Moore, Jr. Detention Home and Federal, State, or local law, to develop treatment plans and make security and management decisions, including housing, bed, work, education, and program assignments.
6. 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.

Access to Emergency Medical and Mental Health Services §115.382 (a)1-3; (c)1; (d)1

1. 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.
2. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made (within 96 hours of incident), staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners.
3. 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.

4. 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.
5. Medical and Mental Health staff maintain secondary materials for documenting the timeliness of emergency medical treatment and crisis intervention services provided, appropriate response by non-medical staff in the absence of medical staff, and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis.

Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers
§115.383(a)1;(d)1;(e)1;(f)1;(h)1

1. The W.W. Moore, Jr. Detention Home will offer ongoing medical and mental health evaluation and services and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.
2. The W. W. Moore, Jr. Detention Home utilizes Danville-Pittsylvania Community Services to provide ongoing mental health care for sexual abuse victims and abusers.
3. The W. W. Moore, Jr. Detention Home will provide resident victims of sexual abuse with medical and mental health services consistent with the community level of care.
4. Resident victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
5. If pregnancy results from conduct specified in paragraph (4) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
6. Resident victims of sexual abuse while detained shall be offered tests for sexually transmitted infections as medically appropriate.
7. The facility attempts to conduct a mental health evaluation of all known resident on resident abusers within sixty (60) days of learning of such abuse history and offers treatment deemed appropriate by mental health practitioners.

Agency Reporting/Database Requirements

The W. W. Moore, Jr. Detention Home will maintain a record of all reported incidences of sexual assault.

A. Records

The following categories are designated by the Bureau of Justice Uniform Crime Reports. Records document the following:

1. Victim Information

- a. Date of incident(s);
- b. Facility;
- c. Number of victims;
- d. Gender of victim(s);
- e. Age category of victim(s);
- f. Race/ethnic origin of victim(s);
- g. Location and time of incident(s);
- h. Injuries sustained by the victim(s) during the incident(s);
- i. Medical treatment, counseling or mental health treatment, testing for HIV/AIDS or other sexually transmitted diseases, or rape kit provided or administered to the victim(s);
- j. Person(s) who reported the incident;
- k. Steps taken to protect the victim(s); and
- l. Type of sexual assault (resident-on-resident nonconsensual sexual act or abusive sexual contact or staff sexual misconduct or harassment).

2. Resident-on-Resident Perpetrator Information

- a. Number of perpetrators;
- b. Gender of perpetrator(s);

- c. Age category of perpetrator(s);
 - d. Race/ethnic origin of perpetrator(s);
 - e. Nature of the incident;
 - f. Type of pressure or physical forces used by the perpetrator(s) on the victim(s); and
 - g. Sanctions imposed on the perpetrator(s).
3. Staff-on-Resident Perpetrator Information
- a. Nature of the incident;
 - b. Number of staff involved;
 - c. Gender of the staff member(s);
 - d. Race/ethnic origin of staff member(s);
 - e. Staff classification (i.e. full- or part-time employee, contract employee, vendor, etc);
 - f. Primary position description of staff member(s); and
 - g. Sanctions imposed on the staff member(s).

Sexual Abuse Incident Reviews §115.386 (a)1;(b)1;(c)1;(d)1;(e)1

- A. The W. W. Moore, Jr. Detention Home will conduct a sexual abuse incident review within thirty (30) days of 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. The review team will include W. W. Moore, Jr. Detention Home administrators, PREA Coordinator, investigators, Medical Staff, and the Mental Health Case Manager/Clinician.
- C. 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 or otherwise caused by the perpetrator or victim's race, ethnicity, sexual orientation,

gang affiliation, or other group dynamics at the W. W. Moore, Jr. Detention Home;

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 §115.386, and any recommendations for improvement and submit such report to the Director.
7. W. W. Moore, Jr. Detention Home administration shall implement the recommendations for improvement, or shall document its reasons for not doing so.

Data Collection §115.387 (a)1-2;(b)1;(c)1-2;(d)1

- A. The W. W. Moore, Jr. Detention Home will collect accurate, uniform data for every allegation of sexual abuse occurring at the facility using a standardized instrument and set of definitions.
- B. W. W. Moore, Jr. Detention Home administration will 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 W. W. Moore, Jr. Detention Home will maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- E. Upon request, the W. W. Moore, Jr. Detention Home will provide all such data from the previous calendar year to the Department of Justice according to their deadline.

Data Review for Corrective Action §115.388(a)1;(b)1-2;(c)1-3;(d)1-2

- A. The W. W. Moore, Jr. Detention Home will review data collected from all reports of sexual abuse in order to assess and improve the effectiveness of

the 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 findings and corrective actions.
- B. The 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 W. W. Moore, Jr. Detention Home's progress in addressing sexual abuse.
- C. The report shall be approved by the Director and made readily available to the public by posting it on the City of Danville's website at www.danvilleva.gov.
- D. The W. W. Moore, Jr. Detention Home reserves the right to redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the facility, but in so doing will indicate the nature of the material redacted.

Data Storage, Publication, and Destruction §115.389 (a)1;(b)1-2;(c)1-2

- A. The W. W. Moore, Jr. Detention Home will ensure that data collected on all reports of sexual abuse is securely retained.
- B. The W. W. Moore, Jr. Detention Home will make all aggregated sexual abuse data readily available to the public at least annually by posting it on the City of Danville's website at www.danvilleva.gov.
- C. Before making aggregated sexual abuse data publicly available, the W. W. Moore, Jr. Detention Home will remove all personal identifiers.
- D. The W. W. Moore, Jr. Detention Home will maintain sexual abuse data for at least 10 years after the date of its initial collection unless Federal, State, or local law requires otherwise.

Staff Disciplinary Sanctions §115.376 (a)1;(c)1;(d)1

- A. Staff will be subject to disciplinary sanctions up to and including termination for violating the W. W. Moore, Jr. Detention Home's PREA and/or Sexual Harassment Policies.

- B. Termination will 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 the W. W. Moore, Jr. Detention Home's PREA and/or Harassment Policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to the Danville Police Department, unless the activity was clearly not criminal, and to any relevant licensing bodies.

Corrective Action for Contractors and Volunteers §115.377 (a)1-2; (b)1

- A. Any contractor or volunteer who engages in sexual abuse will be prohibited from contact with residents and will be reported to the Danville Police Department, unless the activity was clearly not criminal, and to relevant licensing bodies.
- B. The W. W. Moore, Jr. Detention Home will take appropriate remedial measures, and will 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.

Disciplinary Sanctions for Residents §115.378 (a)1-2;(b)1-3; (d)1-3;(e)1;(f)1;(g) 1-2

- 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, the W. W. Moore, Jr. Detention Home 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 administrative or supervisory staff. Residents shall also have access to other programs 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. The Danville-Pittsylvania Community Services Mental Health Case Manager/Clinician assigned to the facility will be consulted in administering discipline.
- D. The W. W. Moore, Jr. Detention Home will offer counseling or other interventions designed to address and correct underlying reasons or motivations for the abuse. The W. W. Moore, Jr. Detention Home will 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 W. W. Moore, Jr. Detention Home will 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. The W. W. Moore, Jr. Detention Home prohibits all sexual activity between residents and may discipline residents for such activity. The agency deems such activity to constitute sexual abuse only if it is determined the activity is coerced.

Confidentiality

All cases associated with claims of sexual assault, including incident reports, investigative reports, resident information, case disposition, medical and counseling evaluation findings and recommendations for post release treatment and/or counseling are confidential and retained by the W. W. Moore, Jr. Detention Home. All investigative files are considered confidential information.

Memorandum of Understanding

Agreements with outside public entities are kept on file in the W. W. Moore, Jr. Detention Home Director's Office. The facility will maintain copies of agreements or documentation showing attempts to enter into agreements.

1. MOU – DPCS
2. MOU – Local Multidisciplinary Team

Protecting Residents from Contact with Abusers §115.366 (a)1

- A. Collective bargaining does not exist in the Commonwealth of Virginia.
- 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.

Protection Against Retaliation §115.367 (a)1-2;(c)1-4

- A. The W. W. Moore, Jr. Detention Home will 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. The Director/PREA Coordinator is responsible for monitoring retaliation.
- B. The W. W. Moore, Jr. Detention Home will employ multiple protection measures, including pod changes 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. The W. W. Moore, Jr. Detention Home will 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. The W. W. Moore, Jr. Detention Home will monitor any resident disciplinary reports, pod/program changes, negative performance reviews and reassignments of staff. The facility will continue such monitoring for the length of the resident's stay or the length of the staff's employment.
- D. In the case of residents and staff, such monitoring shall also include periodic status checks.

- E. If any other individual who cooperates with an investigation expresses a fear of retaliation, the W. W. Moore, Jr. Detention Home will take appropriate measures to protect that individual against retaliation.
- F. The W. W. Moore, Jr. Detention Home's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

Post-Allegation Protective Custody §115.368 (a)1-2;7

Residents who allege to have suffered sexual abuse may only be placed in isolation as a last resort if less restrictive measures are inadequate to keep them and other residents safe, and only until an alternative means of keeping all residents safe can be arranged. Residents placed in isolation under these circumstances have access to legally required educational programming, special education, and daily large-muscle exercise. If a resident who alleges to have suffered sexual abuse is held in isolation, the facility will review the situation at least every thirty (30) days and more often if necessary to determine if there is a continuing need for separation from the general population.

Reporting to Other Confinement Facilities §115.363 (a)1-2;(b)1;(c)1;(d)1

The W. W. Moore, Jr. Detention Home does not contract with other entities for the confinement of residents. There are situations in which residents are admitted to the facility from other confinement facilities or entities.

Upon receiving an allegation from a resident that he/she was sexually abused while placed at another confinement facility (i.e., detention center, Juvenile Correctional Center, group home), the staff member receiving the report shall notify the Director. The Director or designee shall contact the appropriate authorities (law enforcement, social services, licensing agencies) where the alleged abuse occurred and shall also notify the Department of Juvenile Justice Certification Unit. The parent/guardian and placing agency will also be notified. Such notification shall be made as soon as possible but no later than 48 hours from the time the resident made the report. The Director or designee shall document such notification. A Serious Incident Report will be completed in the BADGE system.

If the W. W. Moore, Jr. Detention Home receives such a report from another confinement facility, the matter shall be investigated in accordance with these policies. If the other confinement facility has not contacted the appropriate authorities in the detention home's locality, as well as the parent/guardian and placing agency, the Director will make the contacts and document such. The Director will then contact the Department of Juvenile Justice Certification Unit. Such notification shall be made as soon as possible, but no later than 48 hours

from the time the report is received. A Serious Incident Report will be completed in the BADGE system.

Audits

The W. W. Moore, Jr. Detention Home shall conduct audits pursuant to **§ 115.401–405.**

A. Frequency and scope of audits.

1. During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the W. W. Moore, Jr. Detention Home will ensure that the facility is audited at least once.
2. The W. W. Moore, Jr. Detention Home will bear the burden of demonstrating compliance with the standards.
3. The auditor shall have access to, and shall observe, all areas of the facility.
4. The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).
5. 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.
6. The auditor shall interview a representative sample of residents, staff, supervisors, and administrators.
7. The auditor shall review a sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.
8. The auditor shall be permitted to conduct private interviews with residents.
9. Residents shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.
10. Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.

B. Auditor Qualifications

1. An audit shall be considered independent if it is conducted by:
 - a. A correctional monitoring body that is not part of the agency but that is part of, or authorized by, the relevant State or local government;
 - b. An auditing entity that is within the agency but separate from its normal chain of command, such as an inspector general or ombudsperson who reports directly to the agency head or to the agency's governing board; or
 - c. Other outside individuals with relevant experience.
2. No audit may be conducted by an auditor who has received financial compensation from the W. W. Moore, Jr. Detention Home within the three years prior to the retention of the auditor.
3. The W. W. Moore, Jr. Detention Home will not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the retention of the auditor, with the exception of contracting for subsequent audits.
4. All auditors shall be certified by the Department of Justice to conduct such audits, and shall be re-certified every three years.
5. The Department of Justice shall prescribe methods governing the conduct of such audits, including provisions for reasonable inspections of facilities, review of documents, and interviews of staff and residents. The Department of Justice also shall prescribe the minimum qualifications for auditors.
6. The W. W. Moore, Jr. Detention Home will enable the auditor to enter and tour the facility, review documents, and interview staff and residents to conduct a comprehensive audit.
7. The W. W. Moore, Jr. Detention Home will ensure that the auditor's final report is made available to the public by posting it in the lobby or posting it on the City of Danville website under the Police Department/Juvenile Detention Division.

C. Audit Contents and Findings

1. 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 W. W. Moore, Jr. Detention Home under review.

2. Audit reports shall state whether the W. W. Moore, Jr. Detention Home policies and procedures comply with relevant PREA standards.
3. For each PREA standard, the auditor shall determine whether the W. W. Moore, Jr. Detention Home 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 W. W. Moore, Jr. Detention Home has achieved at each grade level.
4. Audit reports shall describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision, and shall include recommendations for any required corrective action.
5. Auditors shall redact any personally identifiable resident 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.
6. The W. W. Moore, Jr. Detention Home shall make the report available to the public by posting it on the City of Danville's website at www.danvilleva.gov.
7. Audit Corrective Action Plan
 1. A finding of "Does Not Meet Standard" with one or more standards shall trigger a 180-day corrective action period.
 2. The auditor and the W. W. Moore, Jr. Detention Home Director shall jointly develop a corrective action plan to achieve compliance.
 3. 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 the W. W. Moore, Jr. Detention Home.
 4. After the 180-day corrective action period ends, the auditor shall issue a final determination as to whether the W. W. Moore, Jr. Detention Home has achieved compliance with those standards requiring corrective action.
 5. If the W. W. Moore, Jr. Detention Home 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.

D. Audit Appeals

1. The W. W. Moore, Jr. Detention Home 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.
2. If the Department determines that the W. W. Moore, Jr. Detention Home has stated good cause for a re-evaluation, the facility may commission a re-audit by an auditor mutually agreed upon by the Department and agency, and the facility shall bear the costs of this re-audit.
3. The findings of the re-audit shall be considered final.

Action

The W. W. Moore, Jr. Detention Home Director, Assistant Director, and Program Coordinator are responsible for compliance with these procedures.

The W. W. Moore, Jr. Detention Home Director or designee is responsible for the annual review and revisions.

Any exceptions to these procedures will require prior written approval from the W. W. Moore, Jr. Detention Home Director.

These procedures remain in effect indefinitely.