

# Lancaster County Youth Intervention Center



## Policy #500

<b>Subject:</b>	Prison Rape Elimination Act (PREA) Policy
<b>Date:</b>	9/28/14
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### I. PREVENTION PLANNING

- a. Policy:** The County of Lancaster has zero tolerance toward all forms of sexual abuse and sexual harassment of all residents at the Lancaster County Youth Intervention Center (hereinafter, the “Youth Intervention Center”). Residents of the Youth Intervention Center cannot give consent to engage in any sexual activity, regardless of age. Accordingly, it is the Youth Intervention Center’s policy to ensure that any form of sexual activity between residents or between residents and staff, volunteers, or contract employees, regardless of consent, is strictly prohibited. Such conduct is subject to administrative disciplinary sanctions and may result in criminal prosecution. §115.311(a).
- b. Definitions:** Sexual abuse, as referenced in this policy, includes sexually abusive contact, sexually abusive penetration, indecent exposure, voyeurism and sexual harassment.
- i. Sexually Abusive Contact: Touching without penetration of the genitalia, anus, groin, breast, inner thigh, or buttocks, either directly or through the clothing, of another person.
  - ii. Sexually Abusive Penetration: Contact between the penis and vagina or the penis and anus; contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another person by hand, finger, or other object.
  - iii. Indecent Exposure: The display by a person of his/her genitalia, buttocks, or breast in the presence of a resident.
  - iv. Voyeurism: An invasion of a resident’s privacy by a person unrelated to official duties, such as watching a resident who is showering or undressing in his or her room or requiring a resident to expose himself or herself for reasons unrelated to official duties.
  - v. Sexual Harassment: Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures or actions of a derogatory or offensive sexual nature by another individual.
- c. PREA Coordinator and Compliance Manager**
- i. PREA Coordinator: The Assistant County Solicitor will serve as the agency wide PREA Coordinator. The PREA Coordinator is responsible for developing, implementing and overseeing the County’s efforts to comply with the PREA Standards in all its facilities. §115.311(b).
  - ii. PREA Compliance Manager: The Director of the Youth Intervention Center (hereinafter, the “Director”) will serve as the facility’s PREA Compliance Manager and will be responsible for coordinating all the Youth Intervention Center’s efforts to comply with the PREA standards. §115.311(c).

- d. Contracting with Outside Entities for the Confinement of Residents:** The Youth Intervention Center does not contract with any other entities for the placement of residents. §115.312.
- e. Supervision and Monitoring:**
- i. The Youth Intervention Center will make all best efforts to comply with a regular staffing plan. §115.313(a). In calculating adequate staffing levels and determining the need for video monitoring, the following factors will be taken into consideration:
    1. The Pennsylvania Department of Human Service’s “Child Residential and Day Treatment Facilities” licensing requirements, 55 Pa. Code 3800.1 *et seq.*, which require that a security staff ratio of a minimum of 6:1 be maintained during waking hours, and 12:1 during sleeping hours when the residents are secured in their rooms; §115.313(c).
    2. Generally accepted detention, shelter, and alternative program practices; §115.313(a)(1).
    3. Any judicial findings of inadequacy; §115.313(a)(2).
    4. Any inadequacy findings from Federal investigative agencies; §115.313(a)(3).
    5. Any inadequacy findings from internal or external oversight bodies; §115.313(a)(4).
    6. All components of the physical plant; §115.313(a)(5).
    7. The composition of the resident population; §115.313(a)(6).
    8. The number and placement of supervisory staff; §115.313(a)(7).
    9. Programs occurring on a particular shift; §115.313(a)(8).
    10. Any applicable State or local laws, regulations or standards; §115.313(a)(9).
    11. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; §115.313(a)(10).
    12. Any other factor that could impact the safety and security of the facility. §115.313(a)(11).
  - ii. All deviations from the staffing plan will be documented and justifications for deviations supplied. §115.313(b).
  - iii. The administration of the Youth Intervention Center, in consultation with the PREA Coordinator, will review the following on an annual basis, or more frequently as otherwise required, to determine whether adjustments are necessary: §115.313(d).
    1. The staffing plan established in the above policy section; §115.313(d)(1).
    2. Prevailing staffing patterns; §115.313(d)(2).
    3. The deployment of video monitoring systems and other monitoring technologies; §115.313(d)(3).
    4. The resources available to ensure commitment to the staffing plan. §115.313(d)(4).
  - iv. The Youth Intervention Center administrators and supervisors are required to conduct and document unannounced Unit rounds to identify and deter sexual abuse and harassment. These rounds must be conducted on all three working shifts. These rounds will occur at a minimum of two times per shift and will be documented on the “Supervisor Shift Log” located in the Detention/Shelter Supervisors’ Office.
    1. The Youth Intervention Center Administration will conduct unannounced Unit rounds during all three shifts on a monthly basis. These rounds will be documented on the “Admin. PREA Tours” document.
  - v. Any staff that alert other staff members that these rounds are being conducted will be subjected to disciplinary action. §115.313(e).
- f. Searches** (Also refer to Youth Intervention Center Policies #111 and #314)
- i. Resident searches are only to be conducted by staff members of the same gender, without exception. Searches include unclothed, partially clothed and body cavity searches. §115.315(a). Cross-gender pat down searches are also not permitted. §115.315(b).
  - ii. Only staff of the same gender are permitted in the bathroom area while residents use the bathroom, shower, or change clothing. §115.315(d).
  - iii. Any staff member that enters a Unit housing residents of the opposite gender is required to announce his

- or her presence in the area upon entry. §115.315(d).
- iv. Staff is strictly prohibited from conducting searches for the sole purpose of determining a resident's genital status. Status should be determined through a residential interview or as part of the admission medical examination. §115.315(e).
  - v. Staff will be required to have annual training pertaining to the facility's emergency search and seizure procedures as outlined in Youth Intervention Center Policy #314. This training will include training specific to searches of transgender and intersex residents. §115.315(f).

**g. Residents with Disabilities and Residents who are Limited English Proficient**

- i. The Youth Intervention Center will ensure that residents with physical and/or mental disabilities are instructed on the facility's efforts to prevent, detect and respond to sexual abuse and harassment. Staff will assist in meeting this requirement by reading the facility's PREA policy to vision impaired residents or allowing them to listen to the policy on the facility's PREA mp3 player located in the Detention Supervisor's Office closet or on the facility's network server. Staff will provide PREA Refresher Training Program material to hearing impaired. Facility educators will also be available to instruct residents with learning disabilities. §115.316(a).
- ii. The Youth Intervention Center will ensure that residents who are limited English proficient are instructed on the facility's efforts to prevent, detect and respond to sexual abuse and harassment. The facility will meet this requirement by providing translated copies of the Youth Intervention Center's orientation manual which addresses the PREA policy. These items are available on the facility's PREA mp3 player, located in the Detention Supervisor's Office closet or on the facility's network server. Bilingual staff can also be provided to assist residents when available. §115.316(b).
- iii. The Youth Intervention Center will not rely on resident interpreters, resident readers or other types of resident assistants to explain PREA policy and procedures to other residents. §115.316(c).

**h. Hiring and Promotion Decisions**

- i. The Youth Intervention Center will not hire or promote anyone who may have contact with residents, and will not enlist the services of a contractor who may have contact with residents, who:
  1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or program; §115.317(a)(1).
  2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; §115.317(a)(2).
  3. Has been civilly or administratively adjudicated to have engaged in the aforementioned offenses. §115.317(a)(3).
- ii. The Youth Intervention Center will consider any incidents of sexual harassment in determining whether to hire or promote anyone, or whether to enlist the services of any contractor who may have contact with residents. This information is obtained through background checks, reference checks, and criminal record checks. §115.317(b).
- iii. Any new hire at the Youth Intervention Center will be subjected to the following background checks and inquiries:
  1. A criminal background check through the PA Clean Network as required by the Department of Human Service's §3800 regulations and Pennsylvania's Child Protective Service Law; §115.317(c)(1).
  2. A PA CY-113 Child Abuse Clearance that lists any substantiated allegations of child abuse; §115.317(c)(2).
  3. All prior institutional employers will be contacted during reference checks. Any information pertaining to substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse will be obtained consistent with Federal, State and local laws; §115.317(c)(3).

4. Any potential new hire will be questioned during the interview process about any past conduct of the type described in Section I(h)(i) of this Policy. All employees of the Youth Intervention Center have a continuing affirmative duty to disclose any such misconduct. §115.317(f).
  - iv. Any new volunteer or contractor that has direct contact with residents will have a criminal record check conducted through the PA Clean Network and will be required to undergo a PA CY-113 Child Abuse Clearance. §115.317(d).
  - v. All employees requiring background checks will have new criminal background checks conducted every two years and Child Abuse Clearances conducted every three years on the anniversary of their hire/contract date. §115.317(e).
  - vi. Annual employee reviews or any internal interviews for vacant positions and/or promotions will include questions to see if the staff person being interviewed has engaged in any of the conduct described in Section (I)(H)(i) of this policy. §115.317(a),(f).
  - vii. The County of Lancaster’s Human Resources Department policies and procedures require employees to disclose any police contact or arrest. An employee must notify the Youth Intervention Center Director or his designee within twenty-four (24) hours of any such contact or he or she will be subject to the discipline pursuant to County policy. Material omissions regarding such misconduct or the provision of materially false information are grounds for termination. §115.317(g).
  - viii. The Youth Intervention Center will provide information on substantiated allegations of sexual abuse or harassment to any inquiring institutional employer conducting a reference or background check on a former employee unless prohibited by Federal, State or local law. §115.317(h).
- i. Technology and Facility Upgrades:** The Youth Intervention Center makes use of the “Commander” building integration system. This system places video cameras in all areas populated by residents. These cameras are monitored twenty-four (24) hours a day, seven (7) days a week. Any modifications, upgrades or expansions to the building or to the Commander system will include consideration of the impact of such design, acquisition, expansion or modification on the facility’s ability to protect residents from sexual abuse. §115.318.

## **II. RESPONSIVE PLANNING**

- a. Evidence Protocol and Forensic Medical Examinations; Policies to Ensure Referrals of Allegations for Investigations**
- i. All allegations of sexual abuse within the facility will be investigated by the Detectives Division of the Lancaster County District Attorney’s Office and/or by the Lancaster City Police as fully outlined in the “Memorandum of Understanding” attached hereto as “Appendix A.” §115.321(a),(f); §115.322.
  - ii. Any resident that is a victim of sexual abuse will be transported to the Lancaster General Hospital for a full medical examination. The examination will be performed by a Sexual Assault Forensic Examiner (“SAFE”) or a Sexual Assault Nurse Examiner (“SANE”) as directed by the treating physician. This examination will be provided without cost to the resident. §115.321(c). A Memorandum of Understanding regarding this policy is attached hereto as “Appendix B”
  - iii. Any resident that is a victim of sexual abuse will be provided a victim advocate and advocacy services thorough YWCA of Lancaster. A Memorandum of Understanding between the Youth Intervention Center and YWCA of Lancaster is attached hereto as “Appendix C.” As requested by the victim, the victim advocate will accompany and support the victim through the forensic medical examination process and investigatory interviews. The victim advocate will also provide emotional support, crisis intervention information and referrals. §115.321(d),(e).

### **III. TRAINING AND EDUCATION**

#### **a. Employee Training**

- i. The Youth Intervention Center will provide PREA training to new employees and training for all existing employees annually. Training will be tailored to preventing and responding to sexual abuse and harassment of both genders since the facility serves both male and female residents. Successful completion of training will be documented through employee signature or electronic verification §115.331(a),(b),(c),(d).
- ii. The facility will train employees on all the following:
  1. The Youth Intervention Center's zero tolerance policy for sexual abuse and sexual harassment; §115.331(a)(1).
  2. The employees' individual rights and responsibilities under this policy; §115.331(a)(2).
  3. The residents' rights to be free from sexual abuse and harassment; §115.331(a)(3).
  4. The residents' and employees' rights to be free from retaliation for reporting incidents of sexual abuse and 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 harassment; §115.331(a)(6).
  7. How to detect and respond to signs of threatened and actual sexual abuse; §115.331(a)(7).
  8. How to avoid inappropriate relationships with residents; §115.331(a)(8).
  9. How to communicate effectively with residents, including residents who are lesbian, gay, bisexual, transgender, intersex ("LGBTI"), or gender non-conforming; §115.331(a)(9).
  10. The Pennsylvania Child Protective Service Law and the employees' responsibilities as mandated reporters. §115.331(a)(10).
- iii. Staff will be required to complete the following trainings/activities. Successful completion of these trainings must be documented through employee signatures or training certificates. §115.331.
  1. Complete and pass the National Institute of Corrections online PREA course and certification.
  2. Review the Pennsylvania Child Protective Service Law Mandated Reporter guidelines and the Bureau of Human Services Regulatory Compliance Guide.

#### **b. Volunteer and Contractor Training**

- i. All volunteers and contractors that have direct contact with residents must undergo training on the Youth Intervention Center's efforts to detect, prevent and respond to sexual abuse and sexual harassment. §115.332(a),(b). Each volunteer or contractor is required to:
  1. View the National Institute of Corrections Video "Keeping Our Kids Safe".
  2. View the Youth Intervention Center's PREA brochure for volunteers.
  3. Sign the Youth Intervention Center's "PREA Acknowledgment Sheet" verifying successful completion of the PREA training. §115.332(c).

#### **c. Resident Training**

- i. Every resident admitted to the Youth Intervention Center will receive the "Youth Intervention Center Rights and Responsibilities Form and Information Guide." Each resident will be briefed on the facility's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. Information will also be included on prevention/intervention, self-protection, reporting, medical treatment and mental health counseling. During orientation, this information will be communicated verbally and in writing in a language clearly understood by the resident. At risk residents will be placed on the shift pass-on so that staff can be briefed on the resident at the start of the shift. Resident and parental signatures indicating receipt of this information must be maintained in the resident's file. §115.333(a),(c),(e).
- ii. Upon admission, staff will review the Intake PREA Orientation form with the resident and provide

them with the “What You Should Know about Sexual Abuse” resident brochure. Both items have been added to the intake packets. Please ensure that the Intake PREA Orientation form is submitted to the Supervisor On-Duty along with the other intake paperwork. PULSE staff will review the Intake PREA Orientation form with their residents and provide them with the “What You Should Know about Sexual Abuse” resident brochure at each week’s admission. §115.333(a),(c),(e).

- iii. The Case Manager will facilitate the resident’s primary PREA training program for all new Detention and Shelter residents. Residents will sign a participation form which the Case Manager will submit to the Supervisor On-Duty at the conclusion of the program. Completed participation forms will be forward to the front office for inclusion in each resident’s legal file. §115.333(b),(e).
- iv. PULSE staff will facilitate their participant’s primary PREA training program once during the 5-week session. PULSE participants will sign a participation form which will be given to the PULSE Program Director. Completed participation forms will be filed in each resident’s legal file. §115.333(b),(e).
- v. Every resident will participate in a Monthly PREA Refresher Training on the 1<sup>st</sup> of each month which will provide education on the resident’s rights to be free from sexual abuse and sexual harassment. Monthly PREA Refresher Training forms will be printed by the Supervisor On-Duty and placed with each staff members’ population list at the beginning of 2<sup>nd</sup> shift. Staff will provide each resident with a pencil and a Monthly PREA Refresher Training form to complete. Monthly PREA Refresher Training forms are located in the Detention Supervisors’ Office filing cabinet or in the Shelter staff desks. All residents will then review their completed answers as a group. Staff will have the residents correct their answers if necessary. Staff will answer any other PREA related questions anyone may have. Any resident who refuses to participate will still need to sign their form and staff will attach an Unusual Incident Report. Completed forms will be submitted to the Supervisor On-Duty who will then forward them to the front office for inclusion in the resident’s legal file.  
Residents on Unit Restriction or Separation status will complete their forms on an individual basis. Staff will then review the answers with the resident and answer any PREA related questions they may have. §115.333(b),(e).
- vi. In addition to the education, there will be pamphlets provided and available along with visible posters throughout the Youth Center for residents to read and observe providing key information. §115.333(d),(f).

**d. Investigations**

- i. The Youth Intervention Center does not conduct any internal investigations of allegations of sexual abuse. All allegations are forwarded to law enforcement pursuant to “Appendix A.” §115.334.

**e. Medical Staff Training**

- i. PrimeCare Medical, Inc. is the contracted medical service provider for the Youth Intervention Center. PrimeCare requires all employees to undergo training on PREA and the accompanying regulations. The facility will keep on file a copy of the training provided to medical staff and the training roster. §115.335. Medical staff that have contact with residents must be trained on the following:
  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 to juvenile victims of sexual abuse and sexual harassment; §115.335(a)(3).
  4. How and to whom to report allegations of sexual abuse and harassment. §115.335(a)(4).

#### **IV. SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS**

- a. Obtaining Information from Residents** (Also refer to Youth Intervention Center Policies #311 and #316 and Pennsylvania Department of Human Services Regulations §3800.141 and §3800.142)
- i. All residents will be assessed using the facility's Vulnerability Assessment within 72 hours of admission in order to determine their risk of being sexually abused by other residents or being sexually abusive towards other residents. This assessment will be completed by the facility's Case Manager. Residents can be removed from school or other programming in order to complete this assessment. Information will also be obtained through conversations with residents during the intake screening process. §115.341(a).
  - ii. The Pennsylvania Department of Human Services requires a health and safety screening assessment to be administered within one (1) hour of admission to the facility for detention residents and within twenty-four (24) hours of admission for shelter residents. §115.341(b),(d),(e).
  - iii. The following criteria will be considered when assessing each resident with the Vulnerability Assessment:
    1. The resident's prior history of detention or placement;
    2. Prior victimization or abusiveness; §115.341(c)(1).
    3. Whether the resident is LGBTI; §115.341(c)(2).
    4. Current charges and offense history; §115.341(c)(3).
    5. The age of the resident; §115.341(c)(4).
    6. The resident's level of emotional and cognitive development; §115.341(c)(5).
    7. The physical build of the resident; §115.341(c)(6).
    8. Whether the resident has a mental illness or a mental, physical or developmental disability; §115.341(c)(7),(8),(9).
    9. The resident's own perception of vulnerability; §115.341(c)(10).
    10. Any other information about the individual resident that may indicate a heightened need for supervision, additional safety precautions, or separation from certain other residents. §115.341(c)(11).
  - iv. A resident may not be disciplined for refusing to answer an inquiry or for not disclosing complete information on the facility's Vulnerability Assessment or Health and Safety Assessment. §115.341(d).
  - v. The Case Manager will communicate with each program's Supervisor to determine housing and increased watch status decisions based upon the results of the resident's assessment. Any adjustments will be documented on the population list per typical protocol. Assessments will be scanned and emailed to Medical Staff and copies of these assessments will be placed in the Health & Safety Plans binder for staff viewing. PrimeCare Medical will ensure that the resident receives proper medical care and guidance as necessary. Completed assessments will be forwarded to the Records Department and filed in the resident's legal file in Central Control. The Youth Intervention Center will implement appropriate controls in the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents.
  - vi. The Case Manager will update a resident's Vulnerability Assessment during their 180-Day Individual Service Plan.
- b. Unit Assignment of Residents** (Also refer to Youth Intervention Center Policies #311 and #316 and Pennsylvania Department of Human Service Regulations §3800.141 and §3800.142)
- i. Each resident will be classified individually for unit assignment according to his/her age, gender, delinquent charges, sexual orientation, level of risk, co-defendants and program needs. Special consideration will be given to residents that are mentally or emotionally disturbed, disabled, abused, or have other unusual circumstances. §115.342(a),(c).

- ii. Any information obtained through the resident’s medical health and safety assessment along with the Vulnerability Assessment will be used to develop a “Health and Safety Plan” as required by Pennsylvania Department of Human Service regulation §3800.142. This “Health and Safety Plan” will be reviewed by the Supervisor On-Duty to make housing and increased watch level assignments on a case-by-case basis. Any adjustments to a resident’s housing due to PREA related issues will be documented on the Detention Intake Half-Sheet, Shelter Referral Form, or PULSE Referral Form and updated as necessary on the Vulnerability Assessment. Necessary changes can be emailed to the Records Office staff. This email will be printed by the Records Office staff and attached to the resident’s Detention Intake Half-Sheet, Shelter Referral Form, or PULSE Referral Form §115.342(d).
- iii. When a resident is identified as being at risk for sexual abuse in his/her current unit or room assignment, staff will request that the Supervisor On-Duty immediately move the resident to an alternate unit. If an alternate placement cannot be arranged due to a lack of available beds, the Director will develop a written plan of action that provides a safe and secure environment for the victim and ensure that the plan is implemented. This plan of action will be documented on the Vulnerability Assessment and reviewed at each monthly Management Team Meeting.
- iv. Transgender or intersex residents will have a “Health and Safety Plan” developed upon admission to the Youth Intervention Center. Unit assignments for a transgender or intersex resident must be considered on a case-by-case basis that ensures the health and safety of the resident. Residents will not be placed in units based solely on sexual orientation or status. §115.341(c),(d).
- v. A transgender or intersex resident must be reassessed at least twice annually (every 6 months) to review any threats to his or her safety. The resident’s own personal evaluation of his or her safety will be considered during the review. §115.341(e),(f).
- vi. Transgender or intersex residents will shower individually pursuant to standard Youth Intervention Center operating procedures. §115.341(g).
- vii. The Youth Intervention Center does not utilize protective custody or segregated housing. §115.341(b),(h),(i); §115.368.

**V. REPORTING**

**a. Resident Reporting**

- i. Youth Intervention Center residents have several means available to report sexual abuse and sexual harassment as outlined in the facility’s orientation manual that is provided to each resident upon admission. Residents are instructed that incidents of sexual abuse and harassment should be reported to either a Youth Intervention Center staff member, the facility Case Manager, the Adolescent Therapist, a facility medical staff member, the resident’s attorney, a Juvenile Probation Officer, a Children and Youth Agency caseworker, a parent/guardian, or any other trusted adult. Residents are also instructed that they will not be punished in any way for reporting abuse or harassment. §115.351(a).
- ii. Residents are further instructed that incidents of sexual abuse and harassment can be reported to the following outside groups and entities:
  - 1. YWCA of Lancaster: Residents may contact YWCA of Lancaster to report sexual abuse or harassment or to seek support services on any Unit telephone or from the telephone located in the facility’s Hearing Room. Residents making reports may remain anonymous upon request. The YWCA of Lancaster telephone number will be posted at each telephone and the telephones will be tested on a weekly basis by 3<sup>rd</sup> shift Supervisors to ensure proper operation. Test results and name of the individual conducting the test documented on the “Supervisor Shift Log”. §115.351(b).
  - 2. PrimeCare Medical: Residents can also place reports of sexual abuse or harassment in the medical boxes located in the Detention Dining Room area or the Shelter Unit Vestibule. Medical staff will check these boxes on a daily basis at each medication pass. §115.351(b).
  - 3. PREA Reporting Boxes: Residents can also place reports of sexual abuse or harassment in the



PREA Reporting boxes located in the Detention Dining Room area or the Shelter Unit Vestibule. The Case Manager and Supervisor On-Duty will check these boxes on a daily basis. §115.351(b).

- iii. Youth Intervention Center staff must accept reports made verbally, in writing, anonymously and from third parties, and will immediately write an incident report. The facility will provide residents with the tools necessary to make a written report. These reports will then immediately be given to the Supervisor On-Duty. §115.351(d),(c).
- iv. Youth Intervention Center staff can privately report sexual abuse or harassment directly by contacting the Director or Training Coordinator via email, telephone or voicemail. All reports will be treated with extreme confidentiality. §115.351(e).

**b. Resident Grievances and Administrative Remedies** (Also refer to the Pennsylvania Department of Human Service Regulation §3800.31 and Youth Intervention Center Policy #217.)

- i. Information related to grievance procedures and administrative remedies is contained in the “Youth Intervention Center’s Child Rights, Access to Grievance Procedures, Consent to Treatment and Responsibilities Form” that is provided to both residents and parents/guardians as a part of the initial intake paperwork, and is attached hereto as “Appendix D.”
- ii. There is no time limit for a resident to submit a grievance for any situation including an allegation of sexual abuse. Staff will never try to resolve a grievance informally with a resident. §115.352(b).
- iii. Any grievance involving sexual abuse will not be received by or referred to the staff member involved or mentioned in the resident’s grievance. §115.352(c).
- iv. All grievances will be resolved in seven (7) calendar days as outlined in “Appendix D.” Any extension of this time frame will result in the resident receiving written notification of the extension and a date that the final decision will be issued. Residents will always receive a response to a grievance. §115.352(d).
- v. Third parties are permitted to file grievances on behalf of a resident. The normal grievance procedures will be followed upon receipt of a third-party grievance. If a resident rejects the grievance filed on his or her behalf, this will be documented, and the resident’s signature will be obtained supporting the objection. §115.352(e)(1),(2),(3).
- vi. The parent or legal guardian of a resident may file a grievance regarding allegations of sexual abuse on behalf of a resident. These grievances can be submitted via the PREA Reporting box located in the Main Lobby or via the facility’s website. The Main Lobby PREA Reporting box will be checked by administrative staff on a daily basis during the week and by Detention and Shelter Supervisors on a daily basis on weekends and holidays. §115.352(e)(4).
- vii. Emergency grievances (resident is subject to a substantial risk of imminent sexual abuse) will be processed within twelve (12) hours of receipt. Upon receiving an emergency grievance, staff will immediately forward the grievance to the Supervisor On-Duty or Director of the Youth Intervention Center. Corrective action will be processed and completed within forty-eight (48) hours of any findings. An initial response will be provided within forty-eight (48) hours of receipt of the grievance, and a final decision regarding the grievance will be made within five (5) calendar days. The initial response and final decision of the Youth Intervention Center and all conclusions reached, and actions taken will be documented. §115.352(f); §115.362.
- viii. No disciplinary action will be taken against any resident for any grievance filed regardless of the resident’s intent in filing the grievance. §115.352(g).

**c. Resident Access to Support Services and Legal Representation**

- i. The Youth Intervention Center’s resident orientation manual provides the name and contact information for the following entities and encourages a resident to initiate contact with said entities if he or she is a victim of sexual abuse in order to report the abuse and access support services:
  1. YWCA of Lancaster
  2. PrimeCare Medical

- ii. YWCA of Lancaster can be contacted on any Unit telephone or from the telephone located in the facility's Hearing Room in order to report abuse or to seek support services. Residents can also place reports in the PREA Reporting boxes or medical boxes located in the Detention Dining Room area or the Shelter Unit Vestibule. §115.351(a),(b).
  - iii. The Youth Intervention Center has entered into a Memorandum of Understanding ("Appendix C") with YWCA of Lancaster to provide support services to victims of sexual abuse and sexual harassment free of charge to the resident and his or her family. Residents have direct access to YWCA of Lancaster through the Unit telephones or from the telephone located in the facility's Hearing Room. The Youth Intervention Center does not record any of these types of calls made by the residents. §115.353(a),(b),(c).
  - iv. The Youth Intervention Center provides all residents with reasonable and confidential access to their attorneys or other legal representation, and with reasonable access to their parents or legal guardians. §115.353(d).
- d. Third Party Reporting:** Third party reports of sexual abuse and sexual harassment can be made as outlined in the "Youth Intervention Center Child Rights, Access to Grievance Procedures, Consent to Treatment and Responsibilities Form". Reports can also be submitted via email, telephone or voicemail to the Director or via the PREA Reporting box located in the facility's Main Lobby. The Main Lobby PREA box will be checked by administrative staff on a daily basis during the week and by Detention and Shelter Supervisors on a daily basis on weekends and holidays. §115.354. Third party reports can also be made to the following entities:
- i. Lancaster County Detectives or the Lancaster City Police;
  - ii. PrimeCare Medical;
  - iii. YWCA of Lancaster;
  - iv. PREA box located in the facility's Main Lobby;
  - v. Facility's website at [www.lcyic.com](http://www.lcyic.com).

## **VI. OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT**

### **a. Staff and Agency Reporting Duties**

- i. All Youth Intervention Center staff are required to immediately report any knowledge, suspicion, or information regarding sexual abuse or sexual harassment that occurs in the facility. This includes third party and anonymous reports. Reports are not contingent on persons, location, intent, neglect, performance or any other factors contributing to the incident. Childline will be contacted, and the procedures outlined in Facility Policies #123 and #415 will be followed. §115.361(a).
- ii. All incidents fall under the mandated abuse reporting requirements outlined in the Pennsylvania Child Protective Services Law. §115.361(b).
- iii. Upon receiving a report of sexual abuse, the Director or his designee must promptly report the allegation to the alleged victim's parents or legal guardians, unless the facility has official documentation to show that the parents or legal guardians should not be notified. If the alleged victim is under the guardianship of the child welfare system, the report must be made to the victim's caseworker instead of the parents or guardians. If the juvenile court retains jurisdiction over the alleged victim, the Director or his designee will report the allegation to the resident's probation officer and attorney or other legal representative within fourteen (14) days of receiving the allegation. §115.361(e).
- iv. Apart from reporting to a Supervisor On-Duty, other officials, and State and local agencies, staff are prohibited from revealing any information related to sexual abuse to anyone other than absolutely necessary in order to make treatment, investigation and other security and management decisions. §115.361(c).
- v. Medical and mental health practitioners are required to report abuse to the Director or his designee, as well as to report incidents pursuant to Pennsylvania's Child Protective Services Law. These practitioners must inform residents of their duty to report and the limitations of confidentiality.

§115.361(d).

- vi. When the facility learns that a resident is subject to a substantial risk of imminent sexual abuse, it will take immediate action to protect the resident. §115.362(a)(1).

**b. Reporting to Other Facilities**

- i. Upon receiving an allegation that a resident was sexually abused while confined at another facility, staff will immediately notify the Supervisor On-Duty. Childline will be contacted, and the procedures outlined in Facility Policies #123 and #415 will be followed. The appropriate office of the agency/facility where the sexual abuse is alleged to have occurred will be contacted and notified of the incident. Notification must occur within twenty-four (24) hours of receipt of the report. An incident report will be written and filed that contains documented details of the notification. §115.363(a),(b),(c).
- ii. Any report filed by another agency to the Youth Intervention Center will be investigated in the same manner as any other incident that pertains to sexual abuse within the facility. §115.363(d).

**c. Youth Care Worker First Responder Duties**

- i. Upon learning of alleged sexual abuse of a resident, the first responder must take immediate steps to protect the victim by ensuring that the alleged victim and the alleged perpetrator are physically separated pending an investigation, which may include, but is not limited to:
  1. Initiating a unit transfer of other placement within the facility, or an administrative transfer to another facility or program; §115.364(a)(1).
  2. Notifying medical staff for instructions regarding examination of the resident; §115.364(a).
  3. Preserving and protecting any crime scene until appropriate steps can be taken to collect any evidence; §115.364(a)(2).
  4. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensuring that the alleged victim 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)(3).
  5. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensuring 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).
  6. Notifying the Director and providing a referral for the victim to the appropriate health care staff:
    - a. During normal business hours, the Supervisor On-Duty will notify the Director or his designee and will immediately provide for the alleged victim's physical safety and ensure that the resident is promptly referred to health care staff;
    - b. During evening and overnight shifts, the Supervisor On-Duty will notify the Director or his designee of the incident. The resident will be transported to a medical facility as directed by the on-call medical staff.
  7. The Supervisor On-Duty will notify the appropriate law enforcement agency and follow all directives and recommendations of that agency. §115.322.
  8. Childline will be contacted, and the procedures outlined in Facility Policies #123 and #415 will be followed.
  9. If the first responder is not a Youth Care Worker, the responder will be required to inform the victim to not take any action that could destroy physical evidence the responder should then immediately notify facility staff. §115.364(b).

**d. Coordinated Response**

- i. The facility will adhere to the steps listed in the previous section (Youth Care Worker First Responder Duties) upon learning of an alleged sexual abuse of a resident. §115.365.
- ii. The Director, in consultation with the appropriate law enforcement agency, will notify the following

individuals/entities of the report:

1. The victim's parents or guardians;
2. The placing agency (i.e., Juvenile Probation Department, Children & Youth Agency);
3. The Pennsylvania Department of Human Services through the HCSIS system;
4. The appropriate law enforcement agency per "Appendix A;"
5. YWCA of Lancaster.
6. Childline, as detailed in Facility Policies #123 and #415.

**e. Collective Bargaining**

The Detention Youth Care Workers and Security Officers belong to the American Federation of State, County, and Municipal Employees, AFL-CIO bargaining unit. The following language is written in the agreement:

ARTICLE 20 - DEMOTION, SUSPENSION, WRITTEN REPRIMAND, DISCHARGE

SECTION 7. The parties agree that the County is bound and must comply with the provisions of the Prison Rape Elimination Act (PREA), as amended, and that in any conflict between the provisions of PREA and the within bargaining agreement, PREA shall control. §115.366.

**f. Protection from Retaliation**

- i. The Youth Intervention Center will protect all residents who report sexual abuse or harassment or cooperate with investigations from retaliation by other residents or staff members. The Youth Intervention Center administrators and supervisors will conduct monitoring to ensure these protections. §115.367(a),(b).
- ii. Measures to protect staff and residents will include, but are not limited to, the following:
  1. Initiating Unit transfers of both victims and alleged abusers; §115.367(b);
  2. Removing staff from contact with the victim (in accordance with Pennsylvania Department of Human Services §3800 regulations); §115.367(b);
  3. Providing emotional support services through YWCA of Lancaster and the County Employee Assistance Program ("EAP"); §115.367(b);
  4. Monitoring for any changes by staff or residents that suggest possible retaliation. §115.367(b),(c).
- iii. The Youth Intervention Center will conduct this monitoring for a ninety (90) day period following a report of sexual abuse or sexual harassment. Monitoring will be conducted by review of disciplinary reports, Unit changes, or negative performance. A resident's grade sheets, and shift notes/comments will also be reviewed, and periodic status checks of the resident will be conducted. These reviews will be recorded and documented in the facility's Unified Case Management platform by each Program's Director or designee on a weekly basis. If indicators of retaliation are found, the monitoring period will be extended for an additional ninety (90) days. §115.367(c),(d).
- iv. If at any time other individuals express a fear of retaliation by another resident or staff member, this "Protection from Retaliation" policy will apply to that individual as well. §115.367(e).
- v. The Youth Intervention Center's obligation to monitor shall terminate if the allegation is deemed Unfounded. §115.367(f).

**VII. INVESTIGATIONS**

**a. Criminal Investigations and Administrative Reviews**

- i. Any report (direct, indirect, or via third party) received involving sexual abuse or sexual harassment will be reviewed by the Director in order to determine if the incident meets the minimum criteria under the guidelines established by PREA. The incident will be reviewed promptly, thoroughly, and objectively. If the minimum criteria as met, the allegations shall be reported to the Lancaster County Detectives Unit who have been trained in sexual abuse investigations involving juvenile victims. §115.371(a),(b),(m).

- ii. The Lancaster County Detectives Unit and/or Lancaster City Bureau of Police shall gather and preserve evidence; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior reports if any of sexual abuse involving the suspected perpetrator. §115.371(c).
- iii. Investigators shall not terminate an investigation if the source of the allegation recants the allegation. §115.371(d).
- iv. The determination of creditability of an alleged victim, suspect, or witness will be assessed on an individual basis. No resident who alleges sexual abuse will be subjected to a polygraph examination or other truth telling device by the Youth Intervention Center as a condition for proceeding with the investigation of the allegation. §115.371(f).
- v. The Lancaster County Detectives Unit shall document in a written report thorough descriptions of physical, testimonial, and documentary evidence when feasible and refer any substantiated allegations of conduct that appear to be criminal for prosecution. §115.371(i).
- vi. The departure of an alleged abuser or victim from employment or custody is not basis for terminating the investigation or influencing the outcome. §115.371(k).
- vii. Upon completion of the investigation by the appropriate law enforcement agency, the entire incident will be reviewed by the Youth Intervention Center's administration. This incident review will determine whether staff actions or inactions contributed to the incident. This review will be documented with incident assessments, including descriptions of physical evidence, testimony, and corrective actions. These reviews will be maintained for as long as the alleged abuser is housed in or employed by the Youth Intervention Center, plus an additional five (5) years. §115.371(g),(j).

**b. Evidentiary Standard for Administrative Investigations:** The Youth Intervention Center will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. §115.372.

**c. Reporting to Residents**

- i. Any resident who makes an allegation of sexual abuse will be informed verbally and in writing as to whether or not the allegation was substantiated, unsubstantiated, or unfounded by the appropriate law enforcement agency. The resident and his or her parent or guardian will also be provided with regular updates and status reports pertaining to the investigation. If an outside entity conducts such investigations, the agency requests the relevant information from the investigative entity in order to inform the resident as to the outcome of the investigation. §115.373(a),(b).
- ii. Following a resident's allegation that a staff member committed sexual abuse, the Youth Intervention Center will update the resident and parent whenever:
  - 1. The staff member is no longer posted within the resident's living unit; §115.373(c)(1).
  - 2. The staff member is no longer employed at the facility; §115.373(c)(2).
  - 3. The staff member is indicated on a charge of or related to sexual abuse; §115.373(c)(3).
  - 4. The staff member is convicted on a charge of or related to sexual abuse. §115.373(c)(4).
- iii. Following a resident's allegation that he or she was abused by another resident, the alleged victim will be informed whenever:
  - 1. The alleged abuser is criminally charged related to the sexual abuse; §115.373(d)(1).
  - 2. The alleged abuser is adjudicated on a charge related to sexual abuse. §115.373(d)(2).
- iv. Any notification to a victim, parent or guardian will be documented in writing and placed in the resident's legal file. §115.373(e).

**VIII. DISCIPLINE**

**a. Disciplinary Sanctions for Staff**

- i. The Youth Intervention Center has zero tolerance for any staff member that violates this policy as it pertains to sexual abuse or harassment. Staff will be subject to disciplinary action, up to and including

termination, for violating the facility's sexual abuse or sexual harassment policies. Any staff engaging in sexual abuse or harassment of residents, or that has engaged in sexual abuse of residents in the past, will be terminated. Disciplinary action for violations of this policy other than engaging in sexual abuse or harassment will be commensurate with the nature and circumstances of the act committed and will be issued as outlined in the Lancaster County Human Resources Department's policies and procedures. Sanctions will be imposed based on the incident level, disciplinary history and past precedent of sanctions implemented at the facility for similar occurrences. §115.376(a),(b),(c).

- ii. All terminations for violations of the facility's sexual abuse or sexual harassment policies, or staff resignations related to violation of these policies, will be reported to the appropriate law enforcement agency per "Appendix A." If it is determined that the activity was criminal, charges will be filed, and the Pennsylvania Department of Human Services will be notified. §115.376(d).

**b. Corrective Actions for Contractors and Volunteers:** The Youth Intervention Center has zero tolerance for any contractor or volunteer who engages in sexual abuse or sexual harassment. The facility 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. Any contractor or volunteer that engages in such activity will be banned from access to the facility. The matter will also be referred for investigation to the appropriate law enforcement agency as per "Appendix A." §115.377.

**c. Resident Sanctions**

- i. The Youth Intervention Center has zero tolerance for any resident who engages in sexual abuse or sexual harassment. Any resident that violates these policies will be subjected to the following:
  - 1. Residents will 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. §115.378(a)-1.
  - 2. Disciplinary sanctions as outlined in the resident orientation manual. Sanctions will take into consideration the nature and circumstances of the incident, resident history, mental health or disabilities, and precedent of sanctions imposed at the facility under similar circumstances. §115.378(a),(b),(c).
  - 3. Mandated counseling, therapy or other interventions as ordered by the juvenile court system. §115.378(d).
  - 4. Criminal charges as filed by the Lancaster County Office of the District Attorney.
- ii. Residents are subject to disciplinary sanctions for contact with staff if upon investigation it is determined that the staff member did not consent to such contact. §115.378(e).
- iii. No resident will be subjected to disciplinary sanctions for filing any report pursuant to this policy. A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred will not constitute falsely reporting an incident even if that report is unsubstantiated by the investigating law enforcement agency. §115.378(f).
- iv. Sexual contact between residents is strictly prohibited and deems such activity to constitute sexual abuse if it is determined that the activity is coerced. §115.378(g)(1), §115.378(g)(2).

**IX. MEDICAL AND MENTAL HEALTH CARE**

**a. Medical and Mental Health Screenings; History of Sexual Abuse**

- i. Any resident who indicates during the initial health and safety assessment that they were a victim of sexual assault or sexual harassment while previously at the Youth Intervention Center, other institution, or in the community will be offered a follow up meeting with PrimeCare medical staff or YWCA of Lancaster within fourteen (14) days of admission to the facility. §115.381(a).
- ii. Any resident who indicates during the initial health and safety assessment that they were a perpetrator of sexual assault or sexual harassment while previously at the Youth Intervention Center, other

institution, or in the community will be offered a follow up meeting with PrimeCare medical staff or YWCA of Lancaster within fourteen (14) days of admission to the facility. §115.381(b).

- iii. Any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited for use by PrimeCare Medical staff and YWCA of Lancaster. Information will only be provided to the Youth Intervention Center that would impact such areas as Unit assignment, resident health and safety plans, program assignments, and security decisions. §115.381(c).
- iv. Informed consent is not required from a parent or guardian prior to reporting information about prior sexual victimization that did not occur in an institutional setting if the resident is less than eighteen (18) years old due to the mandated reporter provisions of the Pennsylvania Child Protective Services Law. §115.381(d).

**b. Resident Access to Emergency Medical and Mental Health Services**

- i. Victims of sexual abuse must receive immediate medical treatment and crisis intervention services provided by PrimeCare Medical and YWCA of Lancaster. These services must include, where appropriate, information about contraception, sexually transmitted diseases, and infections. Facility policy will also be followed to protect the resident, and if required, transport of the resident to Lancaster General Hospital. §115.382(a),(b),(c).
- ii. All treatment services will be provided to the victim without cost to victim, parent, or guardian regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. §115.382(d)(1).

**c. Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers**

- i. Medical and mental health evaluations will be offered to residents who are victims of sexual abuse. The evaluation and treatment will include the implementation of treatment plans and referrals for follow up care, regardless of placement or return to the community. All services will be consistent with care received if the resident was in the community. §115.383(a),(b),(c).
- ii. PrimeCare Medical offers all females pregnancy tests upon admission and by request while at the Youth Intervention Center. Any victims of sexual abuse while at the facility will be offered a pregnancy test and will also receive timely and comprehensive information about lawful pregnancy related medical services. §115.383(d),(e).
- iii. Any resident who is a victim of sexual abuse while at the Youth Intervention Center will be offered STD testing through PrimeCare Medical as is medically appropriate. §115.383(f).
- iv. All treatment services are provided to the victim without cost to victim, parent, or guardian. §115.383(g).
- v. All resident-on-resident abusers will be subjected to a mental health examination within sixty (60) days of the facility learning of such history of abusive conduct and will be offered treatment where mental health practitioners deem appropriate. §115.383(h).

**X. DATA COLLECTION AND REVIEW**

**a. Sexual Abuse Incident Reviews**

- i. The Youth Intervention Center will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation regardless of outcome within thirty (30) days of receiving the report from the investigating law enforcement agency. §115.386(a), (b).
- ii. The incident will be reviewed by a team of Youth Intervention Center staff consisting of the following individuals: §115.386(c).
  - 1. Facility Director;
  - 2. Shelter Program Director;
  - 3. PULSE Program Director;

4. Facility Training Coordinator;
  5. Detention/Shelter Care Supervisor;
  6. PrimeCare Medical Staff Member;
  7. YWCA of Lancaster Staff Member;
  8. Investigating Law Enforcement Agency (where applicable).
- iii. The review team will convene and review the following:
    1. Whether the investigation or allegation indicates a need to change the facility's policies or practices to better prevent, detect or respond to sexual abuse. §115.386(d)(1).
    2. Whether the incident or allegation was motivated by race, ethnicity, sexual orientation or identification, perception of such status by other residents, gang affiliation, or group dynamics; §115.386(d)(2).
    3. Whether the physical plant may have contributed to the incident; §115.386(d)(3).
    4. Whether staff levels or patterns might have impacted the situation; §115.386(d)(4).
    5. Whether possible changes to technology, such as cameras, is required. §115.386(d)(5)
  - iv. At the conclusion of the review, the review team will prepare a report with the team's findings and recommendations. §115.386(d)(6).
  - v. The Youth Intervention Center Director and Training Coordinator will comply with all of the recommendations of the report within a sixty (60) day period of receiving the report or will document reasons for not having the recommendations completed in this time frame. §115.386(e).

**b. Data Collection**

- i. The Youth Intervention Center will collect information related to the purposes outlined at the beginning of this policy in order to help the facility reduce the risk that sexual abuse and/or sexual harassment occurring within the facility. This data will include, at a minimum, data necessary to answer all questions from the most recent version of the "Survey of Sexual Violence" conducted by the Department of Justice and will be compiled into monthly and annual reports. The data shall be collected, reviewed annually, and maintained from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. §115.387(a),(b),(c),(d).
- ii. The Youth Intervention Center will provide such data to the Department of Justice from the previous year no later than June 30 of each calendar year. §115.387(f).

**c. Data Review for Corrective Action**

- i. The Youth Intervention Center will document that there is accountability for those who perpetrate sexual abuse by tracking the following:
  1. The forwarding of reports related to sexual abuse to law enforcement including the disposition of each case;
  2. The status of investigations conducted by the law enforcement concerning suspected incidents of sexual abuse;
  3. Referrals of sexual abuse cases for prosecution, including the status and outcome of such efforts within the judicial system;
  4. Document that victims of sexual abuse receive appropriate follow-up care as required under this policy.
- ii. The Youth Intervention Center will review all data collected pursuant to this policy in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training including:
  1. Identifying problem areas; §115.388(a)(1).
  2. Taking corrective action on an ongoing basis; §115.388(a)(2).
  3. Preparing an annual report of its findings and corrective actions for the facility. §115.388(a)(3).
- iii. The annual report prepared by the facility must include a comparison of the current year's data and



corrective actions with those from prior years and will provide an assessment of the facility's progress in addressing sexual abuse. The report will be made readily available to the public on the Youth Intervention Center's website. §115.388(b),(c),(d).

**d. Data Storage, Publication and Destruction**

- i. All data collected pursuant to this policy will be securely retained. All sexual abuse data will made available to the public on the Youth Intervention Center's website in the annual report. All personal identifiers will be removed as required by the Pennsylvania Juvenile Act and the Child Protective Services Law. All data collected will be maintained no less than ten (10) years from the initial date of collection. §115.389(a), (b),(c),(d).

Approved by:

Drew Fredericks

