

PREA: What Staff Need to Know

A Guide to Preventing and Reporting Sexual Abuse, and Sexual Harassment



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What is PREA

The Prison Rape Elimination Act (PREA) of 2003 is a federal law established to address the elimination and prevention of sexual abuse and rape in correctional and juvenile systems. PREA applies to all federal, state, and local prisons, jails, police lock-ups and community settings such as residential facilities. PREA was the culmination of a collaborative effort between human rights, faith-based, and prison rape advocacy groups aimed at creating zero tolerance for prison rape by using the following tools:

- ◆ Data collection.
- ◆ Grants to the states.
- ◆ Training and technical assistance to the states to help them improve their practices.
- ◆ Research and guidance.
- ◆ Development of national standards.

How Does PREA Apply?

PREA seeks to ensure that these residential settings protect youth from sexual abuse, sexual harassment, “consensual sex” with staff, and youth - on - youth sexual assault.

There is NO excuse for sexual abuse or sexual harassment.

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Prison Rape Elimination Act

Introduction

Sexual abuse in custody can and often does have lifelong effects on youth. Youth who are sexually abused or experience sexual violence may suffer higher rates of drug use, have disproportionate contact with the criminal justice system into adulthood, become victimizers, and/or have higher rates of mental illness than youth who do not suffer sexual abuse. In addition, sexual abuse by staff or other youth in custody compromises safety and security as well as the overall mission of juvenile justice systems - to protect and rehabilitate youth.

Preventing sexual abuse of youth in custody should be an ongoing effort involving everyone involved with the juveniles — advocates, staff, judges, prosecutors, juvenile probation, social service providers, and families. Sexual abuse of youth in custody is a problem that occurs in community facilities and detention centers.

The purpose of this handbook is to educate juvenile justice professionals about the following:

- Why juvenile justice professionals should be concerned about sexual abuse of youth in custody.
- Tools that will help identify, address, and respond to sexual abuse of youth in custody.
- The role of the First Responder.
- Preventive measures for juvenile justice agencies.

Why Are We Talking About This Now?

Staff sexual misconduct undermines the mission of juvenile justice by creating unstable living and working environments for the youth as well as their supervising staff members. Sexual misconduct is the most serious form of boundary violation in a juvenile justice facility. Sexual misconduct is not about sex, but about safety and security. Both are compromised whenever boundaries break down and a staff member becomes personal or intimate with a youth.

Staff sexual misconduct with youth affects staff by:

- Jeopardizing staff safety;
- Threatening agency and facility safety and security;
- Creating the risk of legal action — both criminal and civil;
- Creating health risks;
- Harming family relationships;
- Diminishing trust and morale of staff and youth;
- Weakening respect for, and the authority of, facility staff among youth; and
- Creating negative public views of juvenile justice settings.

The Primary Purposes of PREA

- Establish zero tolerance for sexual misconduct;
- Make prevention a top priority;
- Develop national standards for detection, prevention, reduction, and punishment;
- Increase available data and information on incidence in order to improve management and administration; and
- Standardize definitions used for collecting data on the incidence of abuse.

The Definition of Staff

Staff in juvenile agencies include:

- Juvenile justice employees
- Contractors/Vendors
- Food service employees
- Maintenance workers
- Volunteers/Interns
- Medical or mental health staff members
- Clergy
- Teachers



It is also important to include all staff in efforts to prevent and respond to sexual abuse of youth because all staff in a setting who have contact with or access to youth can either be accused of staff sexual misconduct or receive a report of sexual abuse by another staff member or a youth. Staff



at all levels and job descriptions need to know appropriate boundaries, responsibilities, and responses when faced with allegations of sexual abuse.



Juvenile justice agencies are charged with safety, security, rehabilitation, and the guidance of youth under their supervision. These multiple roles often make it difficult to set appropriate boundaries between youth and staff. When staff provide safety and security, their roles as mentors can lead to closer relationships with youth than they would have otherwise, especially

as compared to staff supervising adults. It is imperative that staff become invested in youth under their care so that a rehabilitative environment exists; however, this dual role can cause difficulties in setting boundaries and can create opportunities for abuse.

To remedy this problem, staff training should reinforce staff's legal and ethical obligations and the importance of setting appropriate boundaries. Additionally, administrators should be involved in ongoing supervision and mentoring for staff to help identify and remediate potential problems.

Definitions and Red Flags

Staff sexual misconduct is defined as “Any behavior or act of a sexual nature, consensual or nonconsensual, directed toward a youth by an employee, volunteer, official visitor, or agency representative. Such acts include:

- intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to arouse or gratify sexual desire; or
- completed, attempted, threatened, or requested sexual acts; or
- occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification.”

Red flags for identifying **staff sexual misconduct** include:

- Staff over identify with particular youth or their issues.
- A youth knows personal information about staff.
- A youth has letters from or photos of staff.
- Staff grants special requests or show favoritism.
- A youth is present in unauthorized areas or is repeatedly away from assigned spaces.
- Staff spends an unexplained amount of time with youth.
- Staff takes youth out of rooms at unusual times.
- Staff in personal crisis (e.g., divorce, ill health, bankruptcy, death in family).
- Conversations between staff and youth that are sexualized in nature or refer to the physical attributes of staff or a resident.

Youth - on - youth is defined as “Encompassing all incidents of youth-on - youth sexually abusive contact and sexually abusive penetration. Such acts include:

- Non-penetrative touching, either directly or through the clothing of the genitalia, anus, groin, breast, inner thigh, or buttocks by a resident of another resident without the latter's consent, or of a resident who is coerced into sexual contact by threats of violence, or of a resident who is unable to consent or refuse.

- Any sexual penetration by a resident of another resident. The sexual acts included are:
 - * Contact between the penis and the vagina or the anus;
 - * Contact between the mouth and the penis, vagina or anus; or
 - * Penetration of the anal or genital opening of another person by a hand, finger, or other object.

Red flags for identifying **victims** of **youth-on-youth sexual abuse** include:

- Refusals to shower, eat in, or be present in unsupervised areas.
- Self-abuse or suicidal behaviors.
- Withdrawing or isolating themselves.
- Increased medical complaints and attention-seeking behavior.
- Uncharacteristic acting out in an effort to stay in segregation.
- Letters between youth.
- Bedwetting.
- Doing favors for other youth (generally for protection).
- Homicidal threats.
- Giving away items in exchange for something.



Red flags for identifying **perpetrators** of **youth-on-youth sexual abuse** include:

- Verbal harassment
- Grooming potential victims
- Blatant sexual harassment

- Prior history of sexual assault toward others
- Past victimization by others
- Difficulty controlling anger
- Poor coping skills/strategies
- Voyeuristic/exhibitionistic behavior

Investigating Sexual Abuse of Youth in Custody: Duties of a First Responder

Investigations of sexual abuse allegations can both respond to and prevent sexual abuse of youth in custody. Investigations are responsive because:

- Youth may feel safer after reporting.
- Youth will receive the medical and mental health interventions necessary for recovery from abuse.
- Abusive staff and youth will be removed from the environment if allegations are substantiated.
- Criminal and/or administrative sanctions can shift the culture of an agency.

Investigations are preventive because:

- Staff and youth will know that leadership takes allegations seriously.
- Youth will feel confident in reporting sexual abuse by staff or other youth.
- They can help agencies create a culture where abuse of youth is not tolerated.

First Responders are critical to the success of the investigation. At a minimum, first responders should:

- Ensure the scene is safe to enter
- Make sure the victim is safe.
- Render first aid or refer the victim for appropriate medical and/or mental health care.

- Secure the scene and protect the victim.
- Report to the appropriate authorities (File incident report, including possible witnesses).
- Preserve evidence, **not collect** evidence.
- Follow protocol for questioning youth and staff = limited questions by the first responder (e.g. who, what, when, where?).

Not all allegations will be reported immediately after an incident occurs. Often, in cases of sexual abuse, allegations **will arise weeks or even months** after the incident. In this situation, for both allegations of staff

ALL Staff, volunteers, interns and contractors have a duty to report any information known to them about sexual abuse, sexual solicitation, or sexual coercion.

sexual misconduct and youth-on-youth sexual abuse, first responder duties may be different. If a report is delayed, first responders may be asked to:

- Refer the victim for appropriate medical and/or mental health care.
- Report to the appropriate authorities (File incident report, including possible witnesses).
- Record the date and time that the incident reportedly occurred.
- Record the date and time that the report was made.

Retaliation against any youth or staff is prohibited.

Prevention Strategies

Although preventing the sexual abuse of youth in custody may seem like a difficult and daunting task, internal policies and training for both staff and youth can help.



To prevent and address sexual abuse of youth, staff shall:

1. Maintain zero tolerance for sexual abuse of youth.
2. Report all sexual abuse.
3. Take all allegations of abuse reported by staff or youth seriously and investigate.
4. Implement and follow the Prison Rape Elimination Act (PREA) juvenile standards.
5. Provide appropriate supervision of youth in your care.
6. Take advantage of resources available for assistance.
7. Review and revise PREA-related policies regularly.
8. Train staff and youth.

It's simple...

- Treat victims (staff, resident or anyone else) with respect and understanding.
- Make sure victims are referred to appropriate medical staff immediately for treatment.
- Document with Incident Report ALL of the information you have learned about the allegation.
- Maintain confidentiality about information that is passed out to facility staff by investigations (i.e. do not speak to youth/residents about ongoing investigations, etc.)

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