

STATE OF SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE
POLICY AND PROCEDURES

Title:	Prevention of Sexual Offenses toward Juveniles	Policy No.:	321	Page(s):	1 of 19
Folder 300:	Safety and Security	Old Policy No.:	H-3.15		
Originator:	PREA Coordinator				
Juvenile Justice Code:	n/a				
PbS Related Standard(s):	Safety Standard 3-15				
Related Statutes/Regulations:	Prison Rape Elimination Act; South Carolina Code of Laws, Sections 16-3-652 - 56, 16-15-140, and 44-23-1150				
<u>April 11, 2019</u> Effective Date	<u>SIGNED/ <i>Freddie B. Pough</i></u> Freddie B. Pough Director				

POLICY: The South Carolina Department of Juvenile Justice (SCDJJ) has a zero-tolerance standard for juvenile on juvenile sexual violence or any form of staff sexual harassment or staff sexual misconduct with a juvenile. SCDJJ staff will promptly respond to and investigate all allegations/reports of sexual violence involving juveniles and staff sexual harassment of or staff sexual misconduct with a juvenile and will cooperate with and support the prosecution of all responsible parties involved in such conduct. [Also see SCDJJ Policy 336, Application of the Prison Elimination Act (PREA) Standards].

PROCEDURAL GUIDELINES:

A. PREA Coordinator and PREA Compliance Managers

SCDJJ will designate an agency-wide PREA Coordinator with the authority to develop, implement, and oversee efforts to comply with PREA standards in all facilities. Each SCDJJ and contracted facility will designate a PREA Compliance Manager with sufficient time and authority to, under the guidance of the agency's PREA Coordinator, manage each facility's efforts to comply with the PREA Standards.

B. SCDJJ Facilities

This policy applies to the SCDJJ Detention Center, Evaluation Centers, Broad River Road Complex, and all contracted alternative facilities.

C. Training Requirements

1. All staff/employees will receive instruction related to the statutory law and policy concerning sexual violence, staff sexual harassment, and staff sexual misconduct and the prevention, detection, reporting, and investigation of such. Employees will receive this information as part of new employee orientation, consistent with SCDJJ Policy 241, Staff Development and Training Requirements and Services. Staff Development and Training will provide additional training as part of annual employee training and will place a course containing this information on its annual training calendar.

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2. In addition to the general training provided to all employees, all certified investigators, criminal and administrative, will successfully complete training in conducting sexual abuse and sexual harassment investigations in confinement settings. This training will include all required criteria specified in the PREA Juvenile Facility Standards.
3. Medical and mental health practitioners who work regularly at SCDJJ facilities will be provided and will successfully complete specialized training identified in the PREA Juvenile Facility Standards.
4. Employees of independent contractors will receive information as part of the Contractor Conduct Agreement (Form 213A).
5. SCDJJ will provide training to private providers and the private providers will ensure that refresher training courses are conducted for their staff.
6. Volunteers will receive training as part of the volunteer orientation program, consistent with SCDJJ Policy 914, Volunteer Services.

D. Juvenile Education

1. Within 10 days of intake, all juveniles in all SCDJJ secure facilities will receive by assigned facility staff comprehensive instruction concerning juvenile's rights and responsibilities to be free from sexual abuse, sexual harassment, and retaliation for reporting sexual abuse. Juveniles will also receive information on SCDJJ policies and procedures for responding to incidents of sexual abuse, adolescent sexual development, risky sexual behavior, and the health and social consequences of inappropriate or risky sexual behavior. This information will be provided in formats accessible to all juveniles, including those who are limited English proficient, deaf, visually impaired or otherwise disabled or have limited reading skills. The information will include, but not be limited to:
 - a. The SCDJJ zero-tolerance standard.
 - b. How to avoid risk situations.
 - c. How to report if being threatened, intimidated, and/or assaulted.
 - d. How to obtain counseling and medical assistance, if victimized.
 - e. Protection against retaliation.
 - f. The risks and potential consequences for engaging in any type of sexual activity.
 - g. Disciplinary action(s) for making false allegations.

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2. Juveniles in the Broad River Road Complex (BRRC) will receive sex education, to include adolescent sexual development, appropriate/inappropriate sexual relationships, and consequences of sexual behavior as part of the core clinical curriculum lead by a Clinician and using a standard curriculum.
3. Each facility will maintain documentation of juveniles' participation in the education sessions and will ensure that key information is continuously and readily available or visible to juveniles through posters, resident handbooks, and other written formats.

E. Reporting Procedures

Written reports of suspected sexual violence involving juveniles, staff sexual harassment or staff sexual misconduct from any source will be submitted to the Office of the Inspector General by way of submitting an Event Report. Additionally, reporters may use the Tip line or call in the necessary information in conjunction with submitting an Event Report.

1. Juveniles

- a. Upon admission, the intake staff will inform juveniles will be and encouraged to report if any of the following events occur:
 - 1) The juvenile has been or is currently a victim of sexual violence, staff sexual harassment or staff sexual misconduct while in a SCDJJ facility/program.
 - 2) The juvenile has knowledge of sexual violence, staff sexual harassment or staff sexual misconduct having occurred or occurring in a SCDJJ facility/program.
- b. A juvenile who believes that he/she was the victim of a sexual violence, staff sexual harassment or staff sexual misconduct is expected to report this information to any SCDJJ employee as soon as possible.
- c. As an alternative, juveniles may report information confidentially through the SCDJJ Sick Call Process (SCDJJ Policy 605), or anonymously through the Juvenile Grievance Process (SCDJJ Policy 920), which will be provided by any staff member. A juvenile may also call any outside agency or entity involved with ensuring the safety of children, to include Protection and Advocacy for the Handicapped or the Department of Social Services.

2. Employees

- a. Pursuant to both state law and SCDJJ policy, SCDJJ employees are required and have a duty to immediately report incidents they observe of actual or threatened sexual violence involving juveniles and staff sexual harassment

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of, or staff sexual misconduct with a juvenile, and report information they receive from any source (juvenile, volunteer, parents, another employee). Reporting all such incidents will be consistent with SCDJJ Policies 322, Alleged Abuse and Neglect of a Juvenile and 326, Reporting Events. An employee may also report such incidents to any outside agency or entity involved with ensuring the safety of children, to include Protection and Advocacy for the Handicapped and the Department of Social Services.

- b. All staff will accept reports made verbally, in writing, anonymously and/or from third parties and will promptly document all verbal reports. Staff will not reveal information related to sexual abuse to anyone, apart from designated supervisors, other than the extent necessary to make treatment, investigation, and other security and management decisions
- c. The employee will immediately notify his/her supervisor and will submit an SCDJJ Event Report in the Event Reporting System (ERS). The supervisor will ensure that a verbal report is immediately telephoned to the SCDJJ Central Communications (Dispatch) Unit and that the Event Report is immediately faxed to the SCDJJ Central Communications (Dispatch) Unit.
- d. An SCDJJ employee who is found to have observed an act, actual or threatened, of sexual violence or of staff sexual misconduct with a juvenile, or who received a report of such and did not report the incident is subject to disciplinary sanctions, including but not limited to termination of employment, and criminal prosecution.
- e. Medical and mental health practitioners are required to report sexual abuse to designated supervisors as well as to any state or local service agencies as required by mandatory reporting laws, and are required to inform juveniles of their duty to report and limitations to confidentiality.
- f. The Office of Juvenile and Family Relations (OJFR) Coordinators, clinical personnel, or SCDJJ County Office Representatives will report the allegation to the victim's parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians should not be notified. If the victim is under the guardianship of the child welfare system, OJFR Coordinators or Facility Administrators will ensure the alleged victim's caseworker is notified instead of the parents or legal guardians, or if a juvenile court retains jurisdiction over the alleged victim, OJFR Coordinators, Facility Administrators, assigned clinicians, or SCDJJ County Office representatives will report the allegation to the juvenile's attorney or other legal representative within 14 days of receiving the allegation.

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- g. Upon receiving an allegation that a juvenile was sexually abused while confined at another facility, the OJFR Coordinator or Facility Administrator who received the allegation shall notify the Facility Manager where the alleged abuse occurred as soon as possible, but no later than 72 hours after receiving the notification. The person making the notification of the allegation to the Facility Manager shall document the allegation and notification on an event report and send the documentation into the Division of Investigative Services.

F. Juvenile Assessment, Classification, Reclassification, and Housing Assignment in Secure Facilities

1. Juveniles assigned to secure facilities will be placed in a living unit consistent with SCDJJ Policies 509, Custody, Placement, and Supervision Levels and 512, Classification System for Housing in Secure Facilities.
2. The facility Multidisciplinary team will use the information gathered from the Juvenile Intake Form / Vulnerability to Victimization or Sexual Aggression Screener (VVSAS) (Form 321D) in assigning juveniles to the appropriate housing, bed, education, and programming within 72 hours of arrival at the facility. The facility Multidisciplinary Team's determinations of housing and room assignments will be documented using the Facility Housing Determination Form (321G). The facility Multidisciplinary Team's housing reassessments will be completed using the Facility Housing Assignment Review Form (321H).
3. Evaluation Center admissions staff will notify unit staff of a juvenile who is committed for a sex offense. The juvenile will be placed in a bed in the designated area for a high level of supervision and will not be placed in rooms with other juveniles.
4. The Evaluation Center Multidisciplinary Team will review each juvenile's criminal and behavioral history during the initial classification process to determine his/her potential risk of sexual vulnerability or sexually aggressive behavior based on the juveniles intake screening and VVSAS score.
5. The Facility Multidisciplinary will review each juvenile's behavior and adjustment since admission as a part of reclassification to continue the process of identifying and reclassifying potentially vulnerable/sexually aggressive juveniles.
6. Within 72 hours of arrival at any SCDJJ facility, each juvenile's criminal and behavioral history will be reviewed by the intake officer during the initial classification process to determine his/her potential risk of sexual vulnerability or sexually aggressive behavior and will document his/her review on the Vulnerability to Victimization or Sexual Aggression Screener (VVSAS) (Form 321D). The Facility Multidisciplinary Team will determine a juvenile's vulnerability to sexual violence as indicated by the following processes:

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- a. Vulnerable Juveniles: Classification staff will review juvenile records specifically to determine the juvenile's vulnerability to sexual violence as indicated by the following risk factors:
- 1) Age.
 - 2) Physical stature.
 - 3) Developmental or physical disability.
 - 4) Mental illness.
 - 5) Sex offender status.
 - 6) Number of commitments/first time commitment.
 - 7) Past history of victimization.
 - 8) Any non-conforming gender appearance or manner or identification as lesbian, gay, bisexual, transgender, questioning, or intersex (LGBTQI) and whether the juvenile may be vulnerable to sexual abuse. Juveniles who identify as lesbian, gay, bisexual, transgender, questioning/queer, or intersex (LGBTQI) will be treated in accordance with SCDJJ Policy 918, Juvenile Rights and Responsibilities, and SCDJJ Policy 222, Employee Ethics and Relations with Others. [PREA Standard(s) §115.342 (c)]. Employees completing the juvenile intake will complete the Sexual Orientation, Gender Identity, and Gender Expression (SOGIE Assessment) Form 321E.
 - 9) Any other specific information about individual juveniles ascertained through health screenings, during classification assessments, court records, case files, facility behavior logs, contact from parents or guardians regarding sexual vulnerability, information obtained from SCDJJ County Office Representatives, or other relevant documentation or communication from the juvenile's files.
 - 10) Juveniles identified as vulnerable will be assigned to beds in closest proximity to staff offices or posts. Staff will be informed of the concerns for the juvenile both verbally and in writing. The information will be recorded by the shift supervisor and documented by the officer on duty in the unit's logbook.

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b. Sexually Aggressive Juveniles:

- 1) Classification Case Managers will use the following information to screen juvenile records to determine if there are indications that a juvenile is prone to victimize other juveniles in regard to sexual behavior, including the following documented history of:
 - a) Sexually aggressive behavior.
 - b) Violence, especially if related to a sex offense.
 - c) Being a victim of sexual abuse.
- 2) The Multidisciplinary Team will determine if a juvenile is to be considered a potential sexually aggressive juvenile based on the following documented information:
 - a) Juveniles who have current/past convictions for any type of sexually related offense.
 - b) Juveniles who were originally charged with any type of sexual related offense, but were sentenced for a different offense.
 - c) Juveniles who are guilty of SCDJJ rules violations for sexual assault and/or sexual misconduct.
 - d) Juveniles who are found guilty repeatedly of SCDJJ rules violation for indecent exposure.
 - e) Juveniles whose sexual behavior has been observed to be threatening or intimidating to others and who have been referred for further clinical evaluation.
- 3) Juveniles identified by the admissions staff or Multidisciplinary Team as potential sexually aggressive will be housed as follows:
 - a) SCDJJ Detention Center: Placed in a bed in the designated area for a high level of supervision and not placed in rooms with other juveniles.
 - b) Evaluation Center: Placed in a bed in the designated area for a high level of supervision and not placed in rooms with other juveniles.

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c) BRRRC: Placed in the Sex Offender Treatment Program (SOTP) in a single bed in a single room without a roommate.

- c. Sex Offenders not known to be sexually aggressive may be recommended by the SOTP Multidisciplinary Team to transfer to a different program upon successfully completing the SOTP treatment component. The Deputy Director for Rehabilitative Services must approve these juvenile transfers.
- d. A mental health evaluation of all known juvenile-on-juvenile abusers will be conducted within 60 days of learning of such abuse history, and that treatment will be offered when deemed appropriate by mental health clinicians.
- e. If the screening indicates that a juvenile has experienced prior sexual victimization or has previously perpetrated sexual abuse, whether it occurred in an institutional setting or not, staff shall ensure the juvenile is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. Informed consent must be obtained from any juvenile over the age of 18 before reporting any sexual victimization information.
- f. Dissemination of responses to questions in the screening within the facility is strictly limited to medical and mental health practitioners and, as necessary, to inform treatment plans and security and management decisions, including housing, bed, education, and program assignments in order to ensure that sensitive information is not exploited to the juvenile's detriment by staff or other juveniles and that all juveniles are kept safe and free from sexual abuse. Completed screening documents will be retained in the juvenile's file and restricted to those authorized to access juvenile records.

G. Juvenile Supervision and Security Practices

- 1. Juveniles will be properly supervised by employees according to the level of supervision necessary for the type of juveniles within the facility/program area, as required by facility's procedures. Employees will be aware of juveniles allowed in common areas. In secure facilities, storage rooms, laundry rooms, and other utility rooms will be locked when not in use.
- 2. Security practices will be consistent with SCDJJ Policies 309R, Key Control, 312, Search Procedures, 314, Camera Surveillance and 328, Investigations.
- 3. Juveniles will be assigned to isolation/segregation only as a last resort. When housed in isolation, security practices will be consistent with SCDJJ Policy 323, Isolation of Youth. If a juvenile is isolated from other juveniles, the Facility Multidisciplinary Team will document the basis for concern for the juvenile's

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safety and the reason no other alternative means of separation could be arranged. The Multidisciplinary Team will meet at a minimum of every 30 days to review all juveniles assigned to isolation/segregation to determine the need for continued isolation/segregation.

4. LGBTQI juveniles will neither be assigned to a particular housing, bed or other assignment based on such identification or status, nor will the Facility Multidisciplinary Team consider identification or status as LGBTQI as an indicator of likelihood of being sexually aggressive or vulnerable.
5. Decisions about placing transgender or intersex juveniles in facilities or housing units for male or female juveniles or into program assignments will be made on a case-by-case basis and will be based on whether a placement would ensure the juvenile's health and safety, and on whether the placement would present management or security concerns. In determining housing and programming for juveniles who identify as transgender or intersex, staff will complete the Transgender/Intersex Declaration of Preference Statement form (321F) and will utilize the juvenile's preferences in their assignment decision on a case-by-case basis. Decisions to place a transgender or intersex youth in a particular housing or program assignment will be determined by information provided by clinical, security, classification, JJMS, SCDJJ County Office information, and any other means of gathering historical information. Transgender or intersex juveniles will not be automatically assigned to a living facility based off of their gender of birth without documentation.
7. The Facility Multidisciplinary Team will reassess transgender and intersex juveniles' placement and programming assignments at least twice each year to review any threats to safety experienced by the juveniles and to document the assessment. A transgender or intersex juvenile's own views with respect to his/her safety will be given serious consideration and be documented. Transgender and intersex juveniles will be provided the opportunity to shower separately from other juveniles.
8. If a facility staff member learns that a juvenile is subject to a substantial risk of imminent sexual abuse, the staff member will take immediate action, such as separating the juvenile from the accused and notifying a supervisor, to protect the juvenile, and will document the actions taken.

H. Response to an Alleged Sexual Violent Act in a SCDJJ Facility

SCDJJ employees will promptly and properly respond to all allegations involving juveniles, as follows:

1. Report of a Sexual Violence in a SCDJJ Facility

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- a. Upon receiving a report of an alleged juvenile toward juvenile or staff toward juvenile sexual violent event, the on-duty Supervisor will ensure that the following tasks are carried out and documented:
- 1) Direct an employee to serve as the Event Recorder. The Event Recorder will assist Facility Operations Staff complete and document the tasks and information on the Sexual Violent Event Checklist (Form 321A).
 - 2) Ensure that the Facility Operations/Unit staff document all persons entering and exiting the facility/unit and the times of such in their respective logbooks.
 - 3) Ensure that the Facility Operations Staff notify the facility Sexual Assault Response Team as indicated below, documenting the notifications in the facility log book, to include the team member's name, title, contact number(s), time of attempt(s), and actual time of notification/return call:
 - A) SCDJJ Public Safety;
 - B) The Facility Administrator;
 - C) SCDJJ Health Services; and
 - D) The Treatment Director or On-call Clinician.
 - 4) Ensure the juvenile victim is safe and separated from other juveniles.
 - 5) If a juvenile perpetrator is identified, take appropriate action to keep the victim and perpetrator separated.
 - 6) Ensure that the juvenile victim does not change clothes, shower, eat, drink or, if possible, urinate or defecate until after evidence collection.
 - 7) Ensure that the juvenile perpetrator (if identified) does not change clothes, shower, eat, drink or, if possible, urinate or defecate until after evidence collection.
 - 8) Secure the event area and treat it as a crime scene. No items are to be removed, added, or moved within the event area. No one should enter the event area that is not authorized to do so for investigative purposes.

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- 9) If the juvenile victim's personal property is not located at the crime scene, inventory and secure his/her personal property. If it is located at the crime scene, do not allow anyone to touch it.
 - 10) If the juvenile perpetrator's personal property is not located within the event area, inventory and secure his/her personal property. If it is located within the event area, do not allow anyone to touch it.
 - 11) Notify the ERS Site Reporter to telephone in the initial ERS report.
 - 12) Submit an SCDJJ Event Report through ERS.
 - 13) If the first responder is not a security staff member, the responder is required to request that the alleged victim not take any actions that could destroy physical evidence and then he/she should notify security staff.
- b. The SCDJJ Central Communications (Dispatch) Unit will notify the Deputy Director of Investigative Services and the Chief of Investigations who will dispatch an Investigator to the scene.
 - c. The Facility Administrator (secure facility) will notify his/her supervisors, as required, and will report to the scene.
 - d. SCDJJ Health Services will determine the specific action to be taken by facility staff for the juvenile's health treatment according to health services protocols. If Health Services determines that the juvenile victim is to be sent to the emergency room and the incident is in the Columbia area, Health Services will arrange to have the juvenile victim transported to the community hospital emergency room for services. If Health Services determines that the juvenile victim is to be sent to the emergency room and the incident is out of the Columbia area, SCDJJ Health Services will direct the facility to arrange for the juvenile victim to be transported to the community hospital emergency room for services.
 - e. Alleged victims will be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis in accordance with professionally accepted standards of care and where medically appropriate. Services will be provided according to the provider's professional judgement and will be provided to the victim without financial cost, regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
 - f. All juveniles who have been victimized by sexual abuse in any confinement facility will be offered medical and mental health evaluation, follow up services, treatment plans and, if necessary, referrals for continued care

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following their transfer to, or placement in, other facilities, or release from custody. The services provided will be consistent with community standards of care.

- g. Juvenile victims of sexually abusive vaginal penetration while incarcerated will be offered pregnancy tests and, as appropriate, tests for sexually transmitted infections. Juveniles will receive timely and comprehensive information about and access to all lawful pregnancy related medical services without financial cost regardless of whether the victim cooperates with any investigation.
- h. The on-call Clinician will report to the scene and will provide support and counseling to the juvenile victim in secure facilities. The Clinician will notify the juvenile's assigned Social Worker, consistent with SCDJJ Policy 911, Clinical Crisis Intervention.
- i. The juvenile's assigned Social Worker will:
 - 1) Notify the juvenile's parents/guardians of known factual information.
 - 2) Provide the juvenile on-going counseling.
 - 3) Coordinate with the SCDJJ Victim Services Coordinator to ensure that the juvenile victim is provided appropriate services.
- j. Each facility will provide juveniles with access to outside victim advocates for emotional support services related to sexual abuse by giving juveniles mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations.
 - 1) Each facility will enable reasonable communication between juveniles and these organizations or agencies in as confidential manner as possible and shall inform juveniles, prior to giving them access, of the extent to which communication will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.
 - 2) Each facility will enter into a Memorandum of Understanding or other agreements with community service providers that are able to provide juveniles with confidential emotional support services related to sexual abuse, and will maintain copies of agreements or documentation of attempts to enter into such agreements.

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- k. In the event a juvenile alleges a sexual offense which includes penetration, however slight, SCDJJ Attachment 321B: Protocol for Alleged Sexual Assault involving Penetration will be followed.
 - l. Within 72 hours / three (3) calendar days, the Facility Administrator or his/her Designee will convene with the facility Sexual Assault Response Team (SART). SART will consist of the facility administrator, lead clinician, lead medical practitioner, facility PREA compliance manager, a senior security staff, an education representative, and the classification coordinator. SART will complete the initial Safety Plan (SP) for Alleged Sexual Abuse and Sexual Harassment form (SCDJJ Form 321C) and will forward the completed form to the assigned investigator.
 - m. Within 7 calendar days after the initial review and return of the initially completed form, the SART will reconvene to review the safety plan. Any updates, adjustments or changes will be made and will be documented at that time. A final review before distribution and filing will be conducted as indicated on Form 321B.
 - n. SCDJJ Division of Investigative Services Investigator will:
 - 1) Report to the scene and initiate the investigative process.
 - 2) Remain in contact with the facility administrator to ensure knowledge of the progress in the investigation.
 - 3) Fully complete page 5 of Form 321C and return to the facility administrator within 7 calendar days of receipt.
2. Report of Sexual Violence to a SCDJJ County Office Employee
- The County Office employee will immediately notify the Office of the Inspector General upon receiving a report of a sexually violent act to a juvenile. The Inspector General will determine if the matter will be handled by SCDJJ or by another law enforcement agency, contingent upon where and when the alleged act occurred. The Inspector General will advise the County Case Manager of the responsible investigating authority. The Inspector General will contact the local law enforcement authorities, if appropriate. The County Office Employee will submit an SCDJJ Event Report through ERS and will telephone in the ERS report.
3. Report at any Location of Staff Sexual Harassment or Staff Sexual Misconduct
- Any employee witnessing or receiving a report from any source concerning staff sexual harassment of or staff sexual misconduct with a juvenile is required to immediately report the information to his/her supervisor or manager and to the Office of the Inspector General. The employee will submit an SCDJJ Event Report

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through ERS and the Inspector General will ensure that the report is recorded as an ERS event.

I. Protection of Juvenile Victims and Reporters

1. Victims and Perpetrators

The Supervisor will take immediate steps to protect the alleged juvenile victim from further harm. Upon receipt of an allegation of a sexual violent act, the Supervisor will take necessary action to separate the victim from the perpetrator. Upon receipt of an allegation of staff sexual harassment or staff sexual misconduct, the Supervisor will immediately notify his/her supervisor or manager and request guidance concerning separating the juvenile victim from the staff member.

2. An employee or juvenile will not be subject to any repercussions, discipline, or other punishment for reporting, unless the investigator finds that the report was made in bad faith.
3. The OJFR Coordinator and/or Facility Manager shall monitor for retaliation for a minimum of 90 days (or longer if the initial monitoring indicates a continuing need), and will act promptly to remedy any retaliation. The OJFR Coordinator and/or Facility Manager shall monitor juvenile disciplinary reports, housing or program changes, negative performance reviews and reassignments of staff. The OJFR will utilize housing changes or transfers for juvenile victims or abusers, removal of alleged staff or juvenile abusers from contact with the victim, and/or emotional support services for juveniles or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
4. In the case of juveniles, monitoring will include periodic status checks, and if any other individual who cooperates with the investigation expresses a fear of retaliation, the OJFR Coordinator and/or Facility Administrator will take appropriate measures to protect that individual against retaliation.

J. Investigation/Prosecution of Sexual Violence

1. All allegations of sexual violence will be investigated, regardless of their sources. The Division of Investigative Services will initiate the investigation of an alleged sexual violent act, staff sexual harassment or staff sexual misconduct. The Inspector General will immediately report staff on juvenile incident to the State Law Enforcement Division (SLED), which will determine the investigative process, consistent with the Memorandum of Agreement between SCDJJ and SLED.
2. The Inspector General's Chief of Investigation will ensure that the Magistrate/Solicitor reviews the completed investigative reports. The Magistrate/Solicitor will determine if there is sufficient probable cause for a criminal charge(s) to be filed.

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3. SCDJJ staff will fully cooperate with all investigations and prosecutions from any agency.
4. Information provided in confidential communications to professional staff will be shared consistent with and according to the standards required by state statute, professional licensure, and ethical standards.
5. Investigators will inform the juvenile(s) of any limits to confidentiality prior to conducting interviews.
6. Under no circumstances will access to treatment resources be denied to a juvenile victim because he/she will not fully disclose details to investigating staff.
7. If the alleged perpetrator is a staff member, the Investigator will notify the respective Deputy Director/Associate Deputy. The Deputy Director/Associate Deputy will take appropriate action to preclude the person from accessing the juvenile victim, other persons involved, and/or obtaining knowledge of the investigation. The Deputy Director/Associate Deputy may request assistance from the Inspector General, SCDJJ Associate Deputy of Human Resources, and/or the Legal Office to ensure appropriate action. The respective Deputy Director/Associate Deputy may take any or all of the following actions against an alleged perpetrator (an SCDJJ employee, other state employee, contractual employee, volunteer, or official visitor) accused of sexual violence against a juvenile:
 - a. An employee may be suspended pending the investigation, subject to SCDJJ Policy 228, Progressive Employee Discipline.
 - b. A contractual employee/volunteer/employee from another State agency may be denied access to SCDJJ until the investigation is completed and/or will be banned from having telephone contact or written communication with the alleged victim.
8. A SCDJJ employee who is found to have committed sexual violence, sexual harassment or sexual misconduct to a juvenile is subject to disciplinary sanctions, including but not limited to termination of employment and criminal prosecution.
9. A juvenile housed in an SCDJJ facility who is found to have committed sexual violence is subject to SCDJJ disciplinary sanctions and criminal prosecution.
10. 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.

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11. A juvenile who has been determined to have made a false allegation of sexual violence, staff sexual harassment or staff sexual misconduct is subject to disciplinary action.
12. The Deputy Director of Investigative Services will keep the responsible Deputy Director/Associate Deputy and SCDJJ Director informed of the status of investigations. If a case is founded involving an employee in a position that requires licensure by state law, the Inspector General will notify the SCDJJ Manager of that area (e.g., Social Work Manager, Director of Health Services, etc.). The Manager will notify the appropriate licensure board/authority/ organization.

K. Data Collection, Compilation, and Reporting

1. SCDJJ will collect data that will assist SCDJJ in reducing the risk of sexual violence and/or sexual activity occurring within SCDJJ facilities.
2. SCDJJ will compile information that relates to the prevalence of sexual violence and/or sexual activity within the facilities, including circumstances that contribute to this kind of behavior, in order to provide insight into potential strategies for its reduction or elimination.
3. SCDJJ will report all acts of sexual violence, staff sexual harassment, and staff sexual misconduct with juveniles to the Bureau of Justice Statistics, SLED, and any other federal and/or state authority that requires this information.
4. SCDJJ will ensure that the annually collected data is accurate and uniform using a standardized instrument that answers all the questions on the most recent version of the Survey of Sexual Violence conducted by the Department of Justice (DOJ), and will maintain, review, and collect the data as needed from all available incident based documents. Upon request, SCDJJ will ensure all data from the previous calendar year is available and submitted before the required date.
5. SCDJJ will review and aggregate the collected data to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training by identifying problem areas, by taking corrective action on an on-going basis, and by preparing an annual report for each facility as well as SCDJJ as a whole.
6. The annual report will include a comparison of the current year's data and corrective actions with those from prior years, and to provide an assessment of SCDJJ's progress in addressing sexual abuse. Specific material that presents a clear and specific threat to the safety and security of the facility may be redacted. The SCDJJ Director will approve the report and ensure that it is placed on the SCDJJ website.

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7. The collected data will be securely retained for at least 10 years after the date of initial collection and SCDJJ will make all data available for the public at least annually

L. Prevention Plan

Sexual violence, staff sexual harassment, and staff sexual misconduct will be prevented, as follows:

1. Employee Training: Employees will be trained to understand their responsibility in the detection, prevention, and reporting of an alleged sexual activity before it escalates to an act of sexual violence.
2. Juvenile Education: Juveniles will be taught prevention and reporting as part of orientation. Appropriate adolescent sexual development, risky sexual behavior, and health consequences will be taught as part of health education, and appropriate/inappropriate sexual behaviors will be part of clinical education.
3. Juvenile Assessment, Classification, Reclassification, and Housing Assignment: SCDJJ will provide safe housing assignments for juveniles in order to reduce the likelihood of sexual violence. Housing assignment will take into consideration the vulnerability/sexual aggressiveness of juveniles at the time of admissions, prior to living unit assignment, and subsequent to inappropriate sexual behavior. SCDJJ will identify opportunities to separate and carefully monitor both sexually aggressive and vulnerable juveniles through assessment, room assignment, and improvement to facility architecture where feasible, to reduce the incidence of sexual violence.
4. Juvenile Supervision: Employees will properly supervise juveniles, know and enforce the rules regarding sexual conduct of juveniles, take appropriate action to prevent assaults by following sound security practices (e.g., key control, camera surveillance, search and inspections, patrols, etc.), establish effective communication with juveniles, and observe other staff, volunteers, and official visitors.
5. Safe Reporting Systems: Employees and juveniles will be taught the procedures for reporting information. SCDJJ will increase awareness of safe reporting mechanisms and available services to victims, through continual education of staff and juveniles, thereby creating facility cultures that discourage sexual aggression and misconduct.
6. Response to Allegations/Reports: Employees will treat any allegation of sexual violence, staff sexual harassment, or staff sexual misconduct seriously and will follow appropriate reporting procedures.

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7. Protection of Offender Victims and Reporters: SCDJJ will, to the extent possible, protect offender victims and reporters through confidentiality, relocation, etc.
9. Investigation/Prosecution of Offender: SCDJJ will quickly and thoroughly investigate all allegations and will prosecute offenders to the full extent of the law.
10. Protocols for screening employment applicants and promotional candidates as part of the SCDJJ's efforts to prevent incidents of sexual abuse.
10. Data Collection and Review: Data will be collected and evaluated and SCDJJ processes, programs, and policies will be revised, when appropriate, to ensure the highest level of prevention of sexual violence. SCDJJ will collect data to accurately track sexual violence. The Executive Management Team will review this data on an annual basis to improve operations and services.

RELATED FORMS AND ATTACHMENTS:

Form 914F, Volunteer's Certification of Orientation and Agreement (A-5.5F)
Form 213A, Contractor Conduct Agreement (B-8.1A)
Form 513A, PREA Unannounced Round Form (G-9.41A)
Form 312B, Cross-Gender Search Documentation (H-3.8B)
Form 321A, Sexual Violent Event Checklist (H-3.15A)
Form 321B, Incident Review Form (H-3.15B)
Form 321C, Safety Plan for Sexual Abuse and Harassment (H-3.15C)
Attachment 321A, General Definitions for PREA Standards (H-3.15A)
Attachment 321B, Protocol for Alleged Sexual Assault involving Penetration (H-3.15B)
Exhibit 321C, Vulnerability to Victimization or Sexual Aggression Screener (VVSAS) Interpretation /Criteria Guide
Form 321D, Juvenile Intake Form / Vulnerability to Victimization or Sexual Aggression Screener (VVSAS)
Form 321E, Sexual Orientation, Gender Identity, and Gender Expression (SOGIE) Assessment Form
Form 321F, Transgender/Intersex Declaration of Preference Statement
321G, Facility Housing Determination Form
321H, Facility Housing Assignment Review Form

REFERENCED POLICIES:

914, Volunteer Services (A-5.5)
222, Employee Ethics and Relations with Others (B-3.9)
241, Staff Development and Training Requirements and Services (B-7.0)
605, SCDJJ Sick Call Process (C-1.6)
911, Clinical Crisis Intervention (C-2.6)
509, Custody, Placement, and Supervision Levels (E-1.4)
512, Classification System for Housing in Secure Facilities (E-1.7)
513, Supervision of Juveniles in Secure Facilities (G-9.41)
309R, Key Control (H-3.4R)
312, Search Procedures (H-3.8)

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314, Camera Surveillance (H-3.9)
322, Alleged Abuse and Neglect of a Juvenile (I-3.1)
326, Reporting Events (I-3.2)
328, Investigations (I-3.5)
920, Juvenile Grievance Process (I-4.3)

SCOPE:

This policy applies to all SCDJJ employees, volunteers, interns, contractors, alternative placements, and visitors.

STANDARD OPERATING PROCEDURES:

Each facility is required to follow instructions provided within this policy to create and implement standard operating procedures as it applies to this policy.

TRAINING REQUIREMENT:

All employees are required to review this policy within 30 calendar days of its publication. All volunteers, interns, and contractors are required to be provided training on any updates to this policy within 30 calendar days of its publication.

UPDATED:

April 3, 2019, PREA Manager title changed to PREA Coordinator
February 20, 2019, New policy and form numbers
September 14, 2018, Agency and policy reorganization