

	<b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES: 505 KAR 1:170 4-JDF-3D-02 4-JCF-3D-02 3-JTS-3D-06-2 3-JCRF-3D-04-2 1-JBC-3D-06-1</b>
<b>CHAPTER: Prison Rape Elimination Act of 2003 (PREA)</b>	<b>AUTHORITY: KRS 15A.065; 28 CFR 115; 28 CFR 115.333</b>	
<b>SUBJECT: Resident PREA Education</b>		
<b>POLICY NUMBER: 907</b>		
<b>TOTAL PAGES: 4</b>		
<b>EFFECTIVE DATE: 03/09/18</b>		
<b>APPROVAL: Carey D. Cockerell, COMMISSIONER</b>		

**I. POLICY**

The Department of Juvenile Justice (DJJ) shall provide education to all juveniles in the custody, care, or supervision of DJJ regarding the Prison Rape Elimination Act of 2003 (PREA). The education material shall include general information regarding the zero tolerance policy prohibiting sexual abuse, sexual harassment, sexual contact, or any type of sexual misconduct directed toward a juvenile in the custody, care, or supervision of DJJ and shall provide instructions for reporting sexual misconduct of any type.

**II. APPLICABILITY**

This policy shall apply to all DJJ staff, volunteers, interns, contractors, and juveniles in the custody, care, or supervision of DJJ.

**III. DEFINITIONS**

Refer to Chapter 900.

**IV. PROCEDURES**

A. DJJ staff shall be responsible for providing juveniles with age-appropriate information and documentation explaining:

1. The zero tolerance policy regarding sexual abuse, sexual harassment, sexual contact, or any type of sexual misconduct;
2. How to report incidents or inappropriate behavior to the Internal Investigations Branch (IIB) hotline or staff; and

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3. How to access Kentucky Association of Sexual Assault Programs (KASAP) services and what services are provided.
- B. Juveniles in the custody, care, or supervision of DJJ shall receive verbal and written instruction regarding PREA during the following times:
1. Initial contact with the juvenile services worker (JSW);
  2. Initial facility intake at a detention center, youth development center (YDC), and group home;
  3. Initial meeting with a youth counselor;
  4. Monthly treatment team meetings; and
  5. Upon request for PREA information by a juvenile.
- C. During intake with the JSW, where a juvenile may be placed with a private child care agency or in a DJJ residential facility, community staff shall provide the juvenile and the parent or caregiver with a PREA flyer and shall read the information contained within the flyer to the juvenile.
- D. Within seventy-two (72) hours of intake into a DJJ facility, staff shall provide comprehensive age-appropriate education to residents either in person or through video on the following:
1. DJJ's zero tolerance PREA policy;
  2. Sexual abuse, sexual harassment, victimization prevention, and intervention;
  3. Self- protection information to prevent becoming a victim and how to avoid high- risk situations while placed in a facility;
  4. Safely reporting an incident of sexual abuse, sexual harassment, sexual contact, or any type of sexual misconduct including the option to report the incident to a designated staff member or confidentially through the IIB hotline;
  5. Obtaining medical assistance, counseling services, and treatment if victimized;
  6. Details regarding services and programs available for a juvenile who has a history of sexually assaultive behavior or a juvenile who has been a victim of previous sexual abuse or sexual harassment; and
  7. Potential disciplinary action, including prosecution, for engaging in any type of abuse or sexual activity or for making false allegations.
- E. DJJ facility staff shall provide and read the following PREA education material to each juvenile within seventy-two (72) hours of intake:
1. Juvenile PREA brochure; and
  2. Juvenile PREA Education Booklet.

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- F. Within seventy-two (72) hours of intake into a facility, DJJ staff shall obtain signed and dated PREA acknowledgement documentation, from the juvenile, stating that they have received comprehensive information on the right to be free from sexual abuse, sexual harassment, sexual contact, and any sexual misconduct, reporting instructions, and the right to be free from retaliation for reporting such incidents. The documentation shall be placed in the hard case file and the electronic record, if applicable of the juvenile.
- G. In YDC's and group homes, juveniles shall receive the comprehensive PREA education again during each sixty (60) day review. The verbal instruction shall be documented in the juveniles individual client record (ICR).
- H. In a detention center, juveniles shall receive verbal instruction, during each group counseling session regarding DJJ's zero tolerance policy and reporting information. The verbal instruction shall be documented in the group counseling progress note in the booking system.
- I. Each facility shall display PREA posters, in communal juvenile access areas, that inform the juveniles of DJJ's zero tolerance policy.
- J. DJJ's PREA policy shall be made available in an accessible format to juveniles with disabilities, juveniles who speak limited English, or in the juvenile's native language if the juvenile does not understand English. DJJ staff shall not use juveniles as interpreters, readers, or for any other types of resident assistance for translation except in exigent circumstances.
- K. Juveniles shall have access to the IIB hotline telephone to report an incident, allegation, or complaint. In a facility that does not have a direct access to the IIB hotline juveniles shall be permitted to use a facility telephone. The 1-800 IIB hotline number shall be clearly posted.
- L. The PREA standards, literature, and materials shall be made accessible to juveniles in each facility library and each community office.

## **V. STAFF TRAINING**

- A. The Agency PREA Compliance Officer or designee shall be responsible for training all Facility and Community PREA Coordinators regarding juvenile education.
- B. Each Facility PREA Coordinator shall be responsible for training facility staff regarding PREA juvenile education.
- C. Each Community PREA Coordinator shall be responsible for training community staff regarding PREA juvenile education.

## **VI. MONITORING MECHANISM**

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The Agency PREA Compliance Officer or designee shall conduct an annual audit to verify that DJJ staff are being trained regarding the policy.