

Procedure Name:	ZERO-TOLERANCE STANDARDS AND GUIDELINES FOR SEXUAL HARASSMENT, ASSAULT OR RAPE INCIDENTS AND PRISON RAPE ELIMINATION ACT (PREA)
Relevant Policy:	ZERO-TOLERANCE STANDARDS AND GUIDELINES FOR SEXUAL HARASSMENT, ASSAULT OR RAPE INCIDENTS AND PRISON RAPE ELIMINATION ACT (PREA) (3.9)
Applicable to:	ALL STAFF AND RESIDENTS
Location:	MTJDC POLICIES AND PROCEDURES MANUAL
Effective Date:	08/26/2013
Dates of Revision:	03/19/2014, 10/01/2014, 03/09/2023
Legal and other	MTJDC POLICY 3.4 ABUSE REPORTING; MTJDC POLICY 1.2 CODE OF CONDUCT AND ETHICS: PROCEDURE: PROTECTION FOR REPORTERS OF SUSPECTED MISCONDUCT (WHISTLEBLOWER PROTECTION); PRISON RAPE ELIMINATION

- A. **PREA Coordinator:** The Executive Director assigns a PREA Coordinator with sufficient time and authority to develop, implement, and oversee Middle Tennessee Juvenile Detention Center, LLC compliance with PREA standards and related DCS requirements.
- B. **Assessment Process:**
1. During the intake process, DCS form *CS-0946 Assessment, Checklist, and Protocol for Behavior and Risk for Victimization* will be administered to residents within twenty-four (24) hours of admission.
 2. The “*At-Risk Protocol*” section of form **CS-0946** will be initiated and completed on all residents who are identified as vulnerable for at-risk sexual victimization or identified as having the potential to victimize/perpetrate, especially in regard to sexually aggressive behavior.
 3. Designated staff will develop appropriate treatment interventions that may include further assessments or screenings by a mental health professional for identified residents prior to assigning the resident to a program, education, work, or room assignment to decrease the risk of sexual victimization/perpetration.
 4. If further screening or assessments indicate that a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, designated staff will ensure that the resident is offered a follow-up meeting with a medical or mental health practitioner within fourteen (14) days of the intake screening.
 5. If the resident discloses that victimization occurred while the resident was confined at another facility/agency and s/he has not previously disclosed this, the staff member to which the information was disclosed will report the alleged abuse incident directly and immediately to the **DCS Child Abuse Hotline at 1-877-237-0004** and then to the Department of Children’s Services Family Services Worker (or the referring juvenile court if no FSW) and the Middle Tennessee Juvenile Detention Center, LLC Director.
 6. In addition to 5. (above), upon receiving an allegation that a resident was sexually abused while confined at another facility, the Executive Director or his or her designee shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. Notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. The Executive Director or designee shall document in the resident’s file that such notification has been made and whether it was made within 72

hours of receiving the allegation.

7. If the screening indicates that a child/youth has previously perpetrated sexual abuse/assault/misconduct/harassment, whether it occurred in an institutional setting or in the community, designated staff will ensure that the resident is offered a follow-up meeting with a mental health practitioner within fourteen (14) days of the intake screening.
8. If additional, relevant information about a resident is received by the facility after the initial screening, the Director will reassess the resident's risk of victimization or abusiveness within 30 days of the resident's date of admission, based on the previous assessment and the additional information.
9. If a referral, request, incident of sexual abuse, or receipt of additional information that bears on the resident's risk of sexual victimization or abusiveness takes place, the resident's risk level will, when warranted, be reassessed.
10. Discipline of a resident is prohibited for refusing to answer (or for not disclosing complete information related to) the following questions:
 - Whether s/he has a mental, physical, or developmental disability
 - Whether s/he is or is perceived to be gay, bisexual, transgender, intersex, or gender non-conforming
 - Whether s/he has previously experienced sexual victimization
 - His own perception of vulnerability

C. Resident Education:

1. During the intake process, residents will receive information explaining in an age-appropriate fashion, (this) Middle Tennessee Juvenile Detention Center, LLC zero-tolerance policy regarding sexual abuse/assault/misconduct/harassment and how to report incidents or suspicions of sexual abuse or sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
2. Written and verbal information on PREA will be provided and explained to all residents within forty-eight (48) hours of arrival and will include at a minimum:
 - a. Middle Tennessee Juvenile Detention Center's zero-tolerance policy regarding PREA
 - b. Their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents and regarding agency policies and procedures for responding to such incidents
 - c. Prevention/intervention
 - d. Self-protection and how to avoid risk situations
 - e. Consequences for engaging in any type of sexual activity while at the facility
 - f. How to obtain medical and mental health treatment and counseling
 - g. How to safely report sexual abuse, including
 - **Reporting the abuse incident directly to the DCS Child Abuse Hotline at 1- 877-237-0004. Upon request, residents may remain anonymous when calling this number. This number is accessible directly by using the pod phones whenever a resident is in the pod. In addition, residents are allowed two free phone calls out per week, which may be used to place a call to this number or to any other agency/person to which the resident wishes to make a report.**

- Reporting the abuse incident to Middle Tennessee Juvenile Detention Center personnel
 - Filing a grievance as outlined in MTJDC Policy GRIEVANCE POLICY FOR RESIDENTS/FAMILIES; DCS Policy 24.5-DOE Youth Grievance Procedures, and
 - Reporting the abuse incident to their John L. Attorney or Guardian ad Litem.
 - Residents detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.
3. Current residents who have not received such education shall be educated within one year of the effective date of the PREA standards and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the resident's new facility differ from those of the previous facility.
 4. PREA information will be included in the Resident Handbook.
 5. Appropriate provisions shall be made as necessary for residents who are of limited English proficiency, have disabilities (including those who are deaf or hard of hearing, those who are blind or have low vision), and those with low intellectual functioning, psychiatric, or speech or reading disabilities. Spanish-speaking only residents shall be provided with an interpreter for assessments and to provide educational materials. In addition, the resident handbook with PREA materials will be provided in Spanish (NOTE: Spanish-speaking only residents are the only non-English proficient residents referred to the program thus far). Other residents in need will be evaluated on a case-by-case basis as to the most appropriate way to provide materials, and provisions will be made for each within the same time limits as other residents. Middle Tennessee Juvenile Detention Center, LLC will not rely on resident interpreters for PREA information and education except in urgent circumstances where safety may be compromised.
 6. All residents are required to sign DCS form *CS-0939, Youth Acknowledgment and Notification of Prison Rape Elimination Act (PREA)* to acknowledge they have been notified and informed of PREA and on how to report incidents of sexual abuse/assault/misconduct/harassment.
 - Copies of the signed form will be sent to the resident's parents/guardians, family services worker or referring court (if not in DCS custody), and
 - The original signed form will be maintained in the resident's case file.
 7. If a resident requests to consult with an attorney, the guardian ad Litem will be contacted.
 8. Middle Tennessee Juvenile Detention Center, LLC will maintain documentation on file of all resident participation in PREA education sessions.
 9. The applicable staff member will document in TFACTS the PREA activities and efforts for educating and information residents.

D. Reporting Allegations:

1. Duty to Report – As per Tennessee Code Annotated 37-1-403 and 37-1-605 Pursuant to TCA 37-1-403 and 37-1-605, any person who has knowledge of or is called upon to render aid to any child/youth who is being sexually abused, sexually assaulted or sexually harassed has the duty to report such abuse. In terms of PREA standards, this duty to report

- includes but is not limited to any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Medical and mental health practitioners (including but not limited to the nurse) are required to report sexual abuse to designated supervisors and officials pursuant to the above **as well as to** the designated State or local services agency where required by mandatory reporting laws.
2. Staff members may have this knowledge by any means including personal witness or reports made verbally, in writing, anonymously, by third parties or by any other means and must in all cases be reported. Any allegation received from another institution or agency must be reported and investigated in the same manner according to PREA standards and DCS mandates.
 3. All allegations of sexual abuse must be reported immediately to the DCS Child Abuse Hotline at 1-877-237-0004. In order to provide for immediate action to be taken to assure resident safety, to preserve any evidence, and for immediate reporting to the Department of Children's Services Quality Assurance Division, any staff member observing or having knowledge of any abuse or neglect must report it to their shift supervisor and/or the Executive Director concurrent with making the report to DCS. The report number given to the reporting staff by Child Protective Services during the Child Abuse Hotline phone call must be submitted on the follow-up incident report.
 4. Failure to comply with "duty to report" requirements will result in disciplinary action up to and including termination and/or criminal charges.
 5. Apart from reporting to the designated supervisors and designated state and local services agencies, staff members are prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.
 6. Residents may report allegations of sexual abuse, assault, misconduct, and/or harassment internally or externally. They may also report internally or externally retaliation by other residents or staff members for reporting sexual abuse and harassment and staff neglect or violations of responsibilities that may have contributed to these incidents. If they choose to report internally, they may do so by telling any staff member or by filing a grievance (such a grievance would be treated as an emergency or urgent situation and would be handled immediately). NOTE: Residents are not required to nor should they attempt to resolve with staff an alleged incident of sexual abuse. Grievances involving allegations of sexual abuse, sexual assault, misconduct, harassment, or retaliation for reporting such incidents are not required to be and should not be referred to the staff member who is the subject of the complaint. If filing a grievance would result in the grievance being reviewed by that staff member, the resident should notify the Executive Director or report externally.
 7. Residents may report allegations of sexual abuse/assault/ misconduct/harassment externally to a public or private entity or office that is not part of the agency. This includes but is not limited to:
 - Local law enforcement agencies and may remain anonymous upon request
 - Department of Children's Services Family Services Workers
 - DCS Child Abuse Hotline at 1-877-237-0004
 - Their John L. Attorney or Guardian ad Litem

8. Residents may report allegations of sexual abuse at any time regardless of when the incident is alleged to have occurred. Residents are not required to nor should they attempt to resolve with staff an alleged incident of sexual abuse. Incidents are not required to be and should not be referred to the staff member who is the subject of the complaint.
9. Residents may get assistance in filing requests for administrative remedies relating to allegations of sexual abuse from third parties, including other residents, staff members, family members, attorneys, and/or outside advocates. Those third parties may also file such requests on behalf of residents. If the resident declines to have third-party assistance in filing a grievance alleging sexual abuse, staff members of Middle Tennessee Juvenile Detention Center, LLC must document the resident's decision to decline.
10. Third parties, including parents, advocates, other residents, or any other person may report allegations of resident sexual abuse or sexual harassment internally by contacting any staff member or by filing an emergency grievance. It is suggested that in order to provide for immediate action, the third party directly contact the Executive Director or the Director at 1-931-490-0030 and notifying the person answering the telephone that the situation is an emergency. This information shall be posted in the common area of the facility.
11. Middle Tennessee Juvenile Detention Center, LLC and its employees will follow MTJDC policy ABUSE REPORTING for specific persons to be notified for sexual abuse reporting.
12. Middle Tennessee Juvenile Detention Center, LLC and its employees must ensure that the name of the person or persons reporting the allegation is kept confidential.
13. Retaliation or negative consequences for reporting sexual abuse/harassment or cooperating with sexual abuse/harassment investigations will not be tolerated and will result in disciplinary action up to and including termination. All staff members are required to report immediately and according to MTJDC policy retaliation against residents who reported sexual abuse or sexual harassment. Staff members have a duty to and must also report staff neglect or violations of responsibilities that may have contributed to an incident or retaliation.
 - a. For a period of ninety (90) days following a report, the Executive Director will appoint a staff member on site to monitor and document the treatment of the resident or staff that made a report, and the resident who was reported to be abused, to identify attempts at retaliation or negative consequences and will act immediately to remedy any such actions. Monitoring and documentation of monitoring will include, but not be limited to:
 - Resident disciplinary reports
 - Housing, room, or program changes
 - Negative performance reviews or staff reassignments
 - Periodic status checks of residents
 - b. Middle Tennessee Juvenile Detention Center, LLC will continue monitoring beyond ninety (90) days if evidence indicates a continued need.
 - c. If any individual involved in a report expresses fear of retaliation, Middle Tennessee Juvenile Detention Center, LLC will take appropriate measures to protect that individual.
 - d. Middle Tennessee Juvenile Detention Center's responsibility to monitor will terminate if the allegation is unfounded.

14. Pursuant TCA 37-1-413, any person who either verbally or by written/printed communication reports false accusations of sexual abuse commits a Class E felony. Refer to DCS Policy 14.15 Reporting False Allegations of Child Sexual Abuse for additional information on falsely reporting child sexual abuse. A report made in good faith upon reasonable belief of the alleged incident will not constitute a false report and may not be used as grounds for disciplinary action.
15. After an incident is reported to Child Abuse Hotline for a resident of Middle Tennessee Juvenile Detention Center, LLC:
 - a. Special Investigations designated staff IMMEDIATELY notifies:
 - Executive Director of Network Development (Private Provider Agencies)
 - Executive Director of Middle Tennessee Juvenile Detention Center, LLC
 - Local Police Department
 - Youth's Family Service Worker
 - b. Family Service Worker IMMEDIATELY notifies:
 - Parents/Guardians
 - c. In addition to a. and b. above, upon receiving any allegation of sexual abuse, the Executive Director or his or her designee shall promptly report the allegation to the alleged victim's parents or legal guardians, unless Middle Tennessee Juvenile Detention Center, LLC has official documentation showing the parents or legal guardians should not be notified. If the alleged victim is under the guardianship of DCS, the report shall be made to the alleged victim's Family Services Worker instead of the parents or legal guardians. If a juvenile court retains jurisdiction over the alleged victim, the Executive Director or designee shall also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation.

E. Response to allegations of sexual abuse:

1. In response to an allegation of sexual abuse, the following written institutional plan will be enacted to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership. The plan is as follows:

Upon receiving notice of an incident of sexual abuse by a resident, or if an employee witnesses or unexpectedly encounters an assault taking place, the employee will:

- a. Ensure the resident is safe and kept separated from the perpetrator;
- b. Immediately notify their Supervisor;
- c. Secure the incident area, not allowing anyone (residents, staff members, or others) to enter the area until law enforcement or Child Protective Services indicates that this is no longer necessary;
- d. If the abuse or assault took place within a time period in which physical evidence may be present, request that the alleged victim does not change clothes, shower, wash, brush teeth, rinse mouth, eat, drink, or use the toilet until after law enforcement arrives and determines that all physical evidence is obtained in connection with the violation. Also make sure the alleged abuser does not take any actions that could

- destroy physical evidence;
 - e. Call local law enforcement;
 - f. Report the incident to the Department of Children's Service Child Protective Services **DCS Child Abuse Hotline at 1-877-237-0004**;
 - g. Notify the Director and Executive Director;
 - h. Notify other DCS personnel as appropriate
 - i. Notify others according to MTJDC INCIDENT REPORTING procedure.
 - j. Wait for law enforcement and DCS Child Protective Services to arrive and investigate. Do not perform any investigation, (do not interview the alleged victim or alleged perpetrator other than to gain information necessary to make the report to Child Protective Services and law enforcement, do not attempt to collect any evidence, and do not perform any other form of investigation), as this is prohibited and is only to be performed by law enforcement and DCS Child Protective Services.
 - k. Middle Tennessee Juvenile Detention Center, LLC leadership will notify the facility's medical staff (nurse) of the incident of sexual abuse and the need for provision of victim support and possible emergent care in the interim. The nurse will arrange to provide such support and care, unless the resident is immediately removed from the program and placed in another care setting.
2. Upon learning that a resident is subject to a substantial risk of imminent sexual abuse, staff members on duty shall take immediate action to protect the resident. This will include but not be limited to separating the resident from any potential perpetrator of abuse or perpetrator of harassment about reporting imminent abuse, providing protection as needed, and notifying the Director or designee for further instruction.
 3. If the first staff responder is not a security staff member, that responder is required to request that the alleged victim not take any actions that could destroy physical evidence (see 1.d. above) and the staff responder shall immediately notify the Director, or if not available, the Executive Director.
 4. Refer to Protocol-First Responder Guidelines for Sexual Assault for guidelines on responding to sexual assaults.
 5. The resident shall be taken to the local hospital emergency room for examination, collection and preservation of evidence, and treatment. Staff members shall document this in the Serious Incident Report.
 6. If the resident refuses medical treatment recommended by Child Protective Services or law enforcement, the staff member to whom the resident verbalizes the refusal or to whom CPS, law enforcement, or medical personnel communicate the refusal shall complete documentation on form CS-0000 PREA Refusal of Medical Treatment, documenting that medical treatment was offered to the resident and whether the offer for medical treatment was:
 - a. Refused by the resident, or
 - b. Accepted by the resident but refused to be examined after arriving at a medical facility.
 7. Ongoing medical and mental health care – If the victim remains in the program, counseling and other services will be provided, to include but not necessarily be limited to:
 - a. Middle Tennessee Juvenile Detention Center, LLC shall offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any jail, lockup, or juvenile facility. This shall be

accomplished by timely referral to a licensed medical practitioner for medical evaluation and, as appropriate, treatment and by referral to a community mental health agency for mental health evaluation and, as appropriate, treatment. While the resident is still in the program, MTJDC will provide transportation and supervision for appointments.

- b. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
- c. The victim shall receive medical and mental health services consistent with the community level of care.
- d. Middle Tennessee Juvenile Detention Center, LLC will develop a safety action plan that includes a review/adjustment, if necessary, of appropriate housing, bed, program, education, and work assignments to keep the resident safe and free from sexual abuse. The individual safety plan that is developed for each alleged victim shall include multiple protection measures as needed, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. The plan shall include measures to be taken by the Director to ensure that retaliation is not taking place such as monitoring youth disciplinary reports, housing, or program changes, or negative staff performance reviews to get clues that retaliation might be occurring (see D.12.a. above). If a resident who is alleged to have suffered sexual abuse is placed in a single room for protection, s/he will be subject to all requirements of the Classification Procedure, which procedure complies with PREA §115.342.
- e. An assessment by a mental health professional.
- f. Mental health counseling as needed
- g. Unimpeded access to emergency medical treatment and crisis intervention services.
- h. Timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. Resident victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from such penetration, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
- i. Middle Tennessee Juvenile Detention Center, LLC shall provide residents with access to outside victim advocates for emotional support services related to sexual abuse, by providing, posting, or otherwise making accessible mailing addresses and telephone numbers, including toll free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations. For persons detained solely for civil immigration purposes, immigrant services agencies shall be made available in the same manner. Middle Tennessee Juvenile Detention Center, LLC shall enable reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible. Middle Tennessee Juvenile Detention Center, LLC shall inform residents, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.
- j. Middle Tennessee Juvenile Detention Center, LLC shall also provide residents with reasonable and confidential access to their attorneys or other legal representation

and reasonable access to parents or legal guardians to discuss PREA-related issues and situations.

8. No resident will be denied access to treatment resources and/or services for failing to fully disclose details to internal investigators, outside law enforcement investigators, and/or medical/mental health staff.
9. Treatment services shall be without financial cost to the victim.
10. If a resident remains in program after being found by DCS investigation to have committed sexual abuse or sexual harassment, and he is to receive sanctions for his behavior, see MTJDC Policy and Procedures 8.5 DISCIPLINARY REPORTS which states, "When determining sanctions, the following factors shall be considered.... Whether a resident's mental disabilities or mental illness contributed to his behavior when determining what type of sanction, if any, should be imposed."
11. Middle Tennessee Juvenile Detention Center, LLC shall discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

F. Investigations:

1. DCS will ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse/assault/misconduct/harassment.
2. Refer to DCS policy 14.25 Special Child Protective Services Investigations for details regarding sexual abuse investigation process.
3. As stated in MTJDC ABUSE REPORTING policy: "**The Department of Children's Services will conduct all investigation of the allegations. While the need for agencies to gather necessary information in order to make the report is recognized, agencies are prohibited by DCS from conducting an independent investigation into the validity of the report. It is NOT within the realm of authority of any staff member or the Executive Director to investigate or make any determination as to the validity of the report.**"
4. Middle Tennessee Juvenile Detention Center, LLC and its employees shall cooperate with outside investigators, and the Director shall endeavor to remain informed about the progress of the investigation. Documentation of each attempt to remain informed shall be kept in the resident's file with the Sexual Abuse Incident Review form and associated documents (see section H of this policy/procedure).
5. Child Protective Services notifies the Department of Children's Services Family Services Worker and the Director of the outcome of the investigation. If necessary, the Director will request the relevant information from Child Protective Services in order to inform the resident. When the Director learns the outcome of the investigation, the Director or his/her designee will inform the alleged victim directly as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
6. Following a resident's allegation that a staff member has committed sexual abuse against the resident, Middle Tennessee Juvenile Detention Center, LLC shall subsequently inform the resident (unless Child Protective Services has determined that the allegation is unfounded) whenever:
 - a. The staff member is no longer posted within the resident's unit (during the investigation, the staff member shall not be in any area with the resident without being directly supervised);
 - b. The staff member is no longer employed at the facility;
 - c. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or

- d. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
7. Following a resident's allegation that he has been sexually abused by another resident, Middle Tennessee Juvenile Detention Center, LLC shall subsequently inform the alleged victim whenever:
 - a. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - b. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
 8. Documentation of notifications as required in 5, 6, and 7 above shall be provided and maintained in the resident's file on a page or pages following the applicable Serious Incident Report.
 9. A copy of any documentation submitted or received by Middle Tennessee Juvenile Detention Center, LLC pertaining to investigation of alleged sexual assault or sexual harassment will be retained by Middle Tennessee Juvenile Detention Center for:
 - a. A period of no less than the last day of employment of an allegedly perpetrating employee, plus five (5) years, or
 - b. Seven (7) years after the resident's twenty-second (22nd) birthday. Records may be maintained either as hard copy or electronically.

G. Documentation:

All incidents of sexual abuse/assault/misconduct/harassment and rape must be documented in appropriate TFACTS incident reporting section as outlined in DCS policy 1.4 Incident Reporting.

H. Sexual abuse incident review:

1. Middle Tennessee Juvenile Detention Center, LLC will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation involving a PREA-related incident, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
 - a. The review will occur within thirty (30) days of the conclusion of the DCS investigation.
 - b. As specified in section F.4. of this policy and procedure, the Director or his/her designated staff member in charge of the Sexual Abuse Incident Review shall endeavor to remain informed about the progress of the investigation. Documentation of each attempt to remain informed shall be kept in the resident's file with the Sexual Abuse Incident Review form and documents.
 - c. The review team will consist of management level staff/designees, as applicable, with input from line supervisors, investigators, and medical and/or mental health practitioners.
2. The review team will:
 - a. Consider whether the allegation or investigation indicates a need to change policy or

- practice to better prevent, detect or respond to sexual abuse;
- b. Consider whether the incident was motivated by:
 - Race
 - Ethnicity
 - Gender identity
 - Gay, bisexual, transgender (LGBT) or intersex identification, status, or perceived status, or
 - Gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility
 - c. Examine the area in the facility where the incident allegedly occurred and assess whether physical barriers in the area may enable abuse;
 - d. Assess the adequacy of staffing levels in that area during different shifts;
 - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - f. Prepare a report of its findings and recommendations including, but not limited to determinations made pursuant to paragraphs 2.a. through e. of this Section, and any recommendations for improvement and submit the report to the Executive Director, the PREA Compliance Manager, and DCS.
 - g. Middle Tennessee Juvenile Detention Center, LLC will implement the recommendations or will document reasons for not doing so and provide this information to the Department of Children's Services as required.

I. Training:

1. Appropriately trained employees will help deter sexual assaults during the performance of their duties by:
 - a. Knowing and enforcing rules and procedures regarding sexual conduct of youth and staff;
 - b. Maintaining professionalism at all times; and
 - c. Treating any allegation of sexual assault seriously and following appropriate reporting procedures.
2. All Middle Tennessee Juvenile Detention Center staff and persons listed below will receive training in compliance with PREA Standards:
 - a. All volunteers who have contact with residents will be trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with residents, but all volunteers and contractors who have contact with residents shall be notified of the agency's zero- tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
 - b. All Middle Tennessee Juvenile Detention Center, LLC employees and contractors that have direct contact with residents will receive training during orientation or in-service and through annual refresher training thereafter. All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and MTJDC shall provide each employee with refresher training

every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.

- c. Such training shall be tailored to the unique needs and attributes of residents of juvenile facilities and to the gender of the residents of Middle Tennessee Juvenile Detention Center, LLC. The employee shall receive additional training if the employee is reassigned from a facility that houses only male or only female residents.
- d. All Middle Tennessee Juvenile Detention Center, LLC employees, contractors, and any volunteers that may be utilized in the future that have direct contact with residents shall complete training on:

- The Middle Tennessee Juvenile Detention Center, LLC zero-tolerance policy for sexual abuse and sexual harassment;
- How to fulfill their responsibilities under Middle Tennessee Juvenile Detention Center, LLC sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- Residents' right to be free from sexual abuse and sexual harassment;
- The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- The dynamics of sexual abuse and sexual harassment in juvenile facilities;
- The common reactions of juvenile victims of sexual abuse and sexual harassment;
- How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents;
- How to avoid inappropriate relationships with residents;
- How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents;
- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and
- Relevant laws regarding the applicable age of consent.

- e. Middle Tennessee Juvenile Detention Center, LLC will ensure that all full and part time medical and mental health care practitioners who work regularly in its facilities receive training. This training shall include:

- How to detect and assess signs of sexual abuse and sexual harassment;
- How to preserve physical evidence of sexual abuse;
- How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment; and
- How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

If medical staff employed by the Middle Tennessee Juvenile Detention Center conduct forensic examinations, such medical staff will receive the appropriate training to conduct such examinations in compliance with PREA Standards.

Medical and mental health care practitioners will also receive the training mandated for employees under PREA Standards § 115.331 or for contractors and volunteers

under PREA Standards § 115.332, depending upon the practitioner's status at the facilities.

3. All Middle Tennessee Juvenile Detention Center, LLC volunteers and contractors shall sign form CS-0940, Employee Acknowledgement and Notification of Prison Rape Elimination Act (PREA) to acknowledge they have read the DCS zero-tolerance policy and understand the training they have received.
4. Middle Tennessee Juvenile Detention Center, LLC will maintain documentation on all employees, volunteers and contractors who receive training on PREA.
5. "The Contractor shall comply with the Final Rule of the Prison Rape Elimination Act (PREA) of June 20, 2012 (Federal Law 42 U.S.C. 15601) and all applicable PREA standards and the agency's policies. Contractor shall make itself familiar with and at all times shall observe and comply with all PREA regulations which in any manner affect the performance under this Contract. The Contractor must subject itself to a Department of Justice (DOJ) PREA Audit at least once every three (3) years beginning August 20, 2013 and will be solely responsible for paying for a PREA Audit as required by this contract. Failure to comply with the PREA standards and related policies of said entity, Middle TN Juvenile Detention Center, may result in termination of the contract".

J. Supervision and monitoring:

1. Middle Tennessee Juvenile Detention Center, LLC provides services to both perpetrators and victims of violent crimes. Some individual residents are both perpetrators and victims of violent crimes. The security systems of the facility have been planned to provide maximum supervision and monitoring of interactions between all residents. Even with such, certain steps shall be taken to ensure monitoring of interaction between those who are primarily identified as perpetrators and any resident who is primarily identified as a victim of a violent crime. NOTE: Violent crimes include those of both a non-sexual and sexual nature.
 - a. Middle Tennessee Juvenile Detention Center, LLC staff members shall use the information from the PREA risk screening(s) as well as information contained in the resident's file and any other information obtained after admission to assess his level of risk for either victimization or perpetration of sexual abuse, assault, misconduct, harassment or rape. If a resident has been identified as being a past victim of a violent crime or incident, including but not limited to all forms of sexual abuse, assault, misconduct, harassment or rape, the resident's housing assignment will be closely monitored by staff to ensure the safety and security of each resident. Room and program assignments for transgender or intersex residents shall be made on a case-by-case basis.
 - b. Middle Tennessee Juvenile Detention Center, LLC shall only separate residents from the general population who are suicidal or in danger of causing physical harm to others. Such residents are placed in one of the three camera rooms until they are assessed by the Mobile Crisis Unit, which occurs within a very few hours. Residents may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of keeping all residents safe can be arranged. Such plan for removing the resident from the camera room is as recommended by the Mobile Crisis Unit. During any period of isolation, MTJDC shall not deny residents daily large-muscle exercise and any legally required educational programming or special education services. Residents in a camera room shall receive daily visits from the Medication Supervisor,

who will follow the written safety plan of the clinician from the Mobile Crisis Unit. Residents in a camera room shall also have access to other programs and work opportunities to the extent possible.

- c. No resident who has been identified as being a past victim of a violent crime including but not limited to all forms of sexual abuse, assault, misconduct, harassment or rape shall be left unsupervised in any area with a resident who has been identified as being a perpetrator of a violent crime.
 - d. If a resident is identified as being a past or current victim of a violent crime, including but not limited to all forms of sexual abuse, assault, misconduct, harassment or rape, the intake officer shall document in his case file any noted impact of interaction with a perpetrator of a violent crime and shall bring this to the attention of the Director for recommendations.
 - e. For any resident who has been identified as being either a perpetrator of a victim of a violent crime, the director shall coordinate services and protective measures. The Director shall notify YSW's and any other staff members who are responsible for supervision of residents that the resident is either a victim or perpetrator so that they can enact safety measures. This notification is considered "need-to-know" information and confidentiality policies and procedures shall be followed in the notification. Information shall be limited to that necessary for treatment planning, room assignments, work, education, and program activities.
2. Middle Tennessee Juvenile Detention Center, LLC develops, implements, and documents a staffing plan at least annually that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect residents against sexual abuse. The staffing plan and any amendments are reviewed during each quarterly administrative staff meeting. All staff members shall comply with the staffing plan except during limited and discreet exigent circumstances and shall fully document any deviations from the plan during such circumstances. In an Annual Review of the Staffing Plan each August, the Executive Director meets with the PREA Coordinator, Director, safety committee members, and any other assigned staff members to review the staffing plan and determine whether adjustments are needed. The team utilizes the form STAFFING PLAN ASSESSMENT for this review. This committee takes into consideration each of the following:
- a. Generally accepted juvenile secure residential practices;
 - b. Any judicial findings of inadequacy;
 - c. Any findings of inadequacy from Federal investigative agencies;
 - d. Any findings of inadequacy from internal or external oversight bodies;
 - e. All components of the facility's plant (including "blind spots" or areas where staff or residents may be isolated);
 - f. The composition of the resident population, if changes have occurred;
 - g. The number and placement of supervisory staff;
 - h. Programs/activities occurring on a particular shift;
 - i. Any applicable State or local laws, regulations, or standards;
 - j. The prevalence of substantiated and unsubstantiated incidents of sexual abuse;
 - k. Prevailing staffing patterns;
 - l. The deployment of video monitoring systems and other monitoring technologies;
 - m. The allocation of agency/facility resources to commit to the staffing plan to ensure compliance; and
 - n. Any other relevant factors
3. Intermediate-level or higher-level supervisors shall conduct and document unannounced

rounds to identify and deter staff sexual abuse and sexual harassment. These rounds shall take place on all shifts. Staff members shall not alert other staff members that these supervisory rounds are occurring.

K. Data:

1. Data Collection

Middle Tennessee Juvenile Detention Center, LLC will collect accurate, uniform data for every allegation of sexual abuse at its facility and from each of its subcontractors using Serious Incident Reports, the Sexual Abuse Incident Review form, and the State of Tennessee Department of Children's Services Survey of Alleged PREA Incidents (which includes data necessary to answer questions from the Survey of Sexual Violence conducted by the Department of Justice). Definitions are included in the glossary at the end of these procedures.

- a. The PREA Coordinator will record, maintain, review, and collect data using the SSV Data Collection Form Middle Tennessee Juvenile Detention Center, LLC, which contains definitions of terms necessary to accurately complete the form. The form includes the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. If the Survey of Sexual Violence form is updated from year to year, the SSV Data Collection Form, Middle Tennessee Juvenile Detention Center, LLC shall be changed to include data necessary to complete the updated form.
- b. Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.
- c. The PREA Coordinator will present sexual abuse data for the previous fiscal year, after the end of each fiscal year, in an annual PREA compliance meeting to include the Executive Director, Director and senior staff members. Aggregated data will be included in an Annual PREA Assessment Report.
- d. Upon request, Middle Tennessee Juvenile Detention Center, LLC will provide all such data from the previous fiscal year to the Department of Children's Services.

2. Data Review for Corrective Action

- a. Middle Tennessee Juvenile Detention Center, LLC will review data collected and aggregated pursuant to PREA Standards § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:
 - Identifying problem areas;
 - Taking corrective action on an ongoing basis;
 - Preparing an annual report of its findings and corrective actions for the agency. The report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
- b. Middle Tennessee Juvenile Detention Center's report will be approved by the Executive Director and made readily available to the public through the facility's website and annual report to DCS. It will be posted in common area of facility.
- c. Middle Tennessee Juvenile Detention Center, LLC will not include material in

aggregated data reports when publication would present a clear and specific threat to the safety and security of the facility, but will indicate the nature of the material redacted. If such information is redacted, a notice of the redaction will be included in the reports.

- d. Middle Tennessee Juvenile Detention Center, LLC will make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website.

3. Data Storage, Publication, and Destruction

- a. Middle Tennessee Juvenile Detention Center, LLC will ensure that data collected pursuant to PREA Standards § 115.387 are securely retained.
- b. Middle Tennessee Juvenile Detention Center, LLC will make all aggregated sexual abuse data for its programs and programs with which it subcontracts readily available to the public at least annually through the facility's website and an annual report to DCS.
- c. Before making aggregated sexual abuse data publicly available, Middle Tennessee Juvenile Detention Center, LLC will remove all personal identifiers.
- d. Middle Tennessee Juvenile Detention Center, LLC will maintain sexual abuse data collected pursuant to PREA Standards § 115.387 for at least ten (10) years after the date of its initial collection unless Federal, State, or local law requires otherwise.

Glossary:

Term	Definition
Abusive sexual contacts:	Contact of any person without his or her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person.
Congregate care:	Congregate care is designed to meet the needs of children/youth who are unable to live at home or in a Resource Family and require temporary care in a group or residential setting. Congregate care provides structure, counseling/therapy, behavioral intervention and other services identified in a child's permanency plan for children with moderate to severe clinical needs.
Contractors:	Any person or corporation, other than an employee, providing any service to Middle Tennessee Juvenile Detention Center, LLC (i.e., food services, medical, dental and mental health services, etc.) for an agreed upon form of compensation. Contractors may include other local government agencies that contract with Middle Tennessee Juvenile Detention Center, LLC or who supervise adult inmate work crews.
Hostile work environment:	Harassment, speech or conduct that is, based on the judgment of a reasonable person, severe or pervasive enough to create a hostile or abusive work environment, based on race, religion, sex, national origin, age, disability, veteran status, or, in some jurisdictions, sexual orientation, political affiliation, citizenship status, marital status, or personal appearance.
Lesbian, Gay, Bisexual, Transgender, or Questioning (LGBTQ):	A person who identifies as Lesbian, gay, bisexual, transgender or questioning.
Non-consensual sex acts:	Contact of any person without his or her consent, or of a person who is unable to consent or refuse; and contact between the penis and the vagina or the penis and the anus including penetration, however slight; or contact between the mouth and penis, vagina, or anus; or penetration of the anal or genital opening of another person by hand, finger, or other object.
PREA Coordinator:	The PREA Coordinator is the staff person designated with the responsibilities of developing, implementing, and overseeing compliance with PREA standards.
Prison Rape Elimination Act (PREA) 2003:	<p>PREA is the first United States federal law passed dealing with the sexual assault of prisoners. The bill was signed into law on September 4, 2003. PREA covers all adult, as well as juvenile detention facilities; the definition of prison for the purposes of the act includes "any juvenile facility used for the custody or care of juvenile inmates." U.S. Congress, within the text of PREA, noted that young, first-time offenders are at an increased risk of sexually motivated crimes. Juveniles held in adult facilities are five times more likely to be sexually assaulted than juveniles held in juvenile facilities.</p> <p>Intentional touching of the genitals or intimate parts, including</p> <p>PREA directed the attorney general to promulgate standards for all confinement facilities including, but not limited to, local jails, police lockups, and juvenile facilities. See 42 U.S.C. § 15609(7). DOJ has promulgated standards for prisons and jails (28 C.F.R. §§ 115.11 – 115.93), lockups (28 C.F.R. §§ 115.111 – 115.193), residential community confinement facilities (28 C.F.R. §§ 115.211 – 115.293), and</p>

	<p>juvenile facilities (28 C.F.R. §§ 115.311 – 115.393).</p> <p>The Act applies to all public and private institutions that house adult or juvenile offenders and is also relevant to community-based agencies. It addresses both inmate-on-inmate sexual abuse and staff sexual misconduct.</p> <p>Additionally, on May 17, 2012, the President directed “all agencies with federal confinement facilities that are not already subject to the Department of Justice’s final rule” to develop rules or procedures that comply with PREA.</p> <p>A public agency that contracts for the confinement of its residents with private agencies or other entities, including other government agencies, will include in any new contract or contract renewal the entity’s obligation to adopt and comply with the PREA standards.</p> <p>Any new contract or contract renewal will provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards</p>
Professional Visitors:	<p>Any person having access to any of the agency who provides a professional service to children/youth or employees, including but not limited to, attorneys, paralegals, paraprofessionals, investigators, clergy, unpaid interns, or researchers.</p>
Sexual abuse:	<p>Includes, but is not limited to, subjecting another person to any sexual act or contact between an employee, volunteer, contractor, or agency representative, and a youth by force, persuasion, inducement, or enticement; any sexual act or contact in which an employee, volunteer or agency representative participates or forces any youth to engage; subjecting another person who is incapable of giving consent by reason of their custodial status, physical or mental state; or rape, sexual molestation, prostitution or other form of sexual exploitation.</p>
Sexual assault:	<p>Any sexual touching or contact, including but not limited to rape, sodomy or unlawful touching. Child sexual abuse also means one or more of the following acts:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen <ul style="list-style-type: none"> <li style="text-align: right;">of one person and the mouth or tongue of another person <input type="checkbox"/> Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose <ul style="list-style-type: none"> <li style="text-align: right;">the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator <input type="checkbox"/> Intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose <input type="checkbox"/> Sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to solicit for or engage in prostitution or engage in sexual exploitation.

Sexual harassment:	Includes, but is not limited to, all of the following, whether by employees, volunteers, contractors, other agency representatives, or youth: Sexual advances; sexually offensive language, comments or gestures; influencing, promising or threatening any youth's (or employee's) safety, custody status, privacy, housing, privileges, work or program status, in exchange for personal gain or favor of a sexual nature; creating or encouraging an atmosphere of intimidation, hostility or offensiveness as perceived by any individual who observes the sexually offensive behavior or language.
Sexual misconduct:	Any behavior or act of a sexual nature directed toward a youth by an employee, volunteer, official visitor, or agency representative. Romantic relationships between employee and youth are included. Consensual or non-consensual sexual acts include: intentional touching of the genitalia, anus, groin, breast, inner thigh or buttocks with the intent to abuse, arouse, or gratify sexual desire or completed, attempted, threatened or requested sexual acts; or occurrences of indecent exposure, invasion of privacy or voyeurism for sexual gratification which is an invasion of a youth's privacy by an adult by peering at a youth in private situations outside of those required by supervisory policies, requiring a youth to expose any part of the body for any purpose except for medical treatment or searches pursuant to DCS policies, and includes indecent exposure to the youth or allowing a youth to expose himself or herself to an adult present in the facility. Sexual misconduct also includes, but is not limited to, conversations or correspondence that suggests a romantic relationship between and youth and any party referenced above, demeaning references to gender or sexual preference, or sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
Sexualized work environment:	A work environment in which the behaviors, dress, and speech of either employees and/or youth create a sexually charged workplace. Sexually explicit talk, inappropriate emails, posted cartoons, jokes, or unprofessional dress characterizes a sexualized work environment. In a sexualized work environment, often employees' off-duty behaviors, dating, and other activities intrude into the everyday work environment. In a sexualized work environment talk or actions have sexual overtones. A sexualized work environment severely erodes the professional boundaries between employees and between employee and youth.
Volunteer:	Any person who, by mutual agreement with the agency, provides service without compensation, or who voluntarily assists children/youth or DCS in the course of the volunteer's duties.