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| Cochise County | Procedure: DET2401.2 | Last Review: n/a |
| Juvenile Court Services Administrative Manual | Page: 1 of 36 | |
| | Approved: Signature on file Delcy Scull Director, Juvenile Court Services | |
| Division: Detention | Issue Date: March 8, 2013 | |
| Subject: Prison Rape Elimination Act (PREA) | Next Review: | |

A. Purpose: Cochise County Juvenile Court Services (CCJCS) has a zero tolerance toward all forms of sexual abuse and sexual harassment. (PREA Standards §115.311)

B. Authority:

ARS §13-1404 – Sexual abuse

ARS §13-1405 – Sexual conduct with a minor

ARS §13-1406 – Sexual assault

ARS §13-1410 – Molestation of a child

ARS §13-1419 – Unlawful sexual conduct; correctional facilities

ARS §13-3620 – Duty to report abuse, physical injury, neglect and denial or deprivation of medical or surgical care or nourishment of minors; medical records; exception; violation; classification; definitions

State of Arizona Juvenile Detention Facilities Standard,

Section: III.A.16 – Searches of Persons and Facility

State of Arizona Juvenile Detention Facilities Standard,

Section: III.A.20 – Prison Rape Elimination Act (PREA)

Standards for the Prevention, Detection, Response, and Monitoring of Sexual Abuse in Juvenile Facilities, National Prison Rape Elimination Commission, Prison Rape Elimination Act (2003)

C. Responsibility:

The division director of detention shall ensure all detention officers review and understand this procedure and comply with the directive. Employees shall adhere to guidelines as set forth within DET 3740-Searches of Person and Facility and this written directive so as to determine the appropriate conditions for searches.

The detention division director shall ensure training is completed in adherence with this written directive.

D. General Definitions: (§ 115.5 PREA Standards)

"Age appropriate" means a way of communicating, explaining, interviewing, or providing services to a resident that is suitable for the resident's age and level of emotional and cognitive development.

"Agency" means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority.

"Agency head" means the principal official of an agency.

"Allegation" means an oral, written, or electronic statement that sexual abuse has occurred or might occur that is provided to a staff member or outside agency.

"Body cavity search" means a search of the anal and genital area that is not visible by normal observation.

"Business hours" means Monday through Friday, 8:00 a.m. – 5:00 p.m., excluding holidays.

"CCJCS" means Cochise County Juvenile Court Services.

"Clothing" means pants, shirt, undergarments, shoes, socks, hats and other outer garments.

"Contractor" means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

"Detainee" means any person detained in a lockup, regardless of adjudication status.

"Detainment process" means the process of which a juvenile is admitted into detention.

"Detention" means the temporary confinement of a juvenile who requires secure care in a physically restricting facility that is completely surrounded by a

locked and physically secure barrier with restricted ingress and egress for the protection of the juvenile and/or the community pending court disposition or as a condition of probation.

“Detention Officer” means employees responsible for the supervision and control of detainees in lockups.

“Direct staff supervision” means that security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.

“Employee” means a person who works directly for the agency or facility or a person who provides direct services to residents in a facility on a recurring basis according to a contractual agreement with the agency (e.g., contracted medical and mental health providers or contracted food service providers).

“Exigent circumstances” means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

“Facility” means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.

“Full compliance” means compliance with all material requirements of each standard except for de minimis violations, or discrete and temporary violations during otherwise sustained periods of compliance.

“Gender identity” means a person’s internal, deeply felt sense of being male or female, regardless of the person’s sex at birth.

“Gender nonconforming” means a person whose gender identity and/or expression do not conform to gender stereotypes generally associated with his or her birth sex.

“Intersex” means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

“Juvenile” means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

“Juvenile facility” means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

“Medical practitioner” means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

“Mental health practitioner” means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

“Officer” means detention officer.

“Pat-down search” means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.

“Post admissions strip searches” means searches conducted after admission into detention.

“Pre- admissions” means a stage of admission into the detention center.

“Professional staff” means CCJCS approved volunteers, judicial employees, Cochise County Health staff, mental health professionals, and Jail Ministry approved clergy.

“PREA coordinator” (§115.311 b) means the Detention Division Director. The PREA coordinator’s responsibilities include developing, implementing, and overseeing the agency’s plan to comply with the PREA standards. He or she is also responsible for ensuring the completion of the assessment checklists in this body of standards.

“Protocol” means written instructions that guide the implementation of policies.

“Reasonable suspicion” means the existence of objective information that could predict the likelihood of the presence of a weapon, drugs or other items of contraband.

“Report” means any allegation of sexual abuse. See definition of *allegation*.

“Resident/Detainee” means any person confined or detained in a juvenile facility or in a community confinement facility.

“Security staff/Detention Officer” means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.

“Sexual Abuse” includes:

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;

(7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and

(8) Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual harassment includes—

(1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and

(2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

"Staff" means employees and volunteers.

"Strip search" means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

"Substantiated allegation" means an allegation that was investigated and the investigation determined that the alleged event occurred.

"Transgender" means a term describing persons whose gender identity and/or expression do not conform to the gender roles assigned to them at birth.

"Unfounded allegation" means an allegation that was investigated and the investigation determined that the alleged event did not occur.

"Unit and cell searches" means a methodical inspection of the juvenile's room, general living space, day room and/or personal property for contraband, hazards and/or damage.

"Unsubstantiated allegation" means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

“Victim advocate” means an individual who provides victims with a range of services during the forensic exam and investigatory process. These services may include emotional support, crisis intervention, information and referrals, and advocacy to ensure victims’ interests are represented, their wishes respected, and their rights upheld.

“Video monitoring system” means an integrated security system consisting of installed cameras monitored by employees, which augments and/or enhances the ability of employees to provide the sight and sound security necessary to prevent, detect, contain, and respond to incidents of sexual abuse.

“Volunteer” means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

“Wand search” means the use of an electrical device which detects metal.

E. Procedure:

1. Zero Tolerance of sexual abuse and sexual harassment; PREA Coordinator (§115.311 PREA Standards).

CCJCS mandates a zero tolerance toward all forms of sexual abuse and sexual harassment. The Detention Services Division Director is the assigned PREA Coordinator for CCJCS.

2. Contracting with other entities for the confinement of detainees (§115.312 PREA Standards)

Not applicable for CCJCS

3. Supervision and Monitoring (§115.313 PREA Standards)

- a. Per State of Arizona Detention Standards (Section III A 3), a minimum of one staff assigned for every eight juveniles during waking hours, with a minimum of two staff on duty at all times.
- b. A minimum of one staff assigned to every 16 juveniles during sleeping hours.
- c. A minimum of one male and one female staff on duty whenever both males and females are housed in the facility.
- d. If detention programming causes the juvenile/staff ratio to be inadequate, additional staff will be summoned to help with supervision or the programming will be postponed until adequate staff are available.

- e. This ratio does not include the Control Room Officer(s), support staff or supervisors and only includes direct care staff.
- f. If, for any reason, the staffing ratio is violated, the shift supervisor shall document on an Incident Report, what the exigent circumstances were that caused the ratio to be violated and the time frame that the ration was not intact.
- g. An intermediate or higher level supervisor/administrator is to conduct random/unannounced visits to the detention center to evaluate and assess the staffing ratio, room assignments, security cameras and all other information to determine whether PREA standards are being adhered to by the respective shift.
- h. At least once per year, CCJCS in conjunction with the PREA Coordinator, will assess, determine, and document whether adjustments are needed for:
 - 1) The staffing plan/ratio
 - 2) Prevailing staffing patterns
 - 3) The facility's video monitoring systems and all other monitoring technologies
 - 4) Evaluate the resources that CCJCS has available to ensure adherence to the staffing plan
 - 5) Review/Evaluate the documentation of random/unannounced visits to all shifts by intermediate or higher level staff to ensure PREA standards are in practice at all times.

4. **Limits to cross-gender viewing and searches (§115.315 PREA Standards)**

- a. CCJCS shall not conduct cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by the Juvenile Detention Health Coordinator.
- b. CCJCS will not perform cross-gender pat down searches except in exigent circumstances. If any type of cross-gender search is conducted, all staff involved in the search must complete an Incident Report explaining and justifying why the search was needed, why there was a need to do the search at that time versus waiting for a same sex officer to conduct the search, etc.

Note: Also refer to CCJCS Procedure DET3740.1 Searches of Person and Facility

5. Detainee's with disabilities and detainee's who are limited English Proficient (§115.316 PREA Standards)

- a. Detainee's that have a disability, whether it be physical or mental or may speak another language other than English, all efforts will be made to accommodate their need to ensure that they can read and understand the zero tolerance that CCJCS enforces concerning PREA. Services shall be given to a detainee so that he/she understands the reporting procedures and be provided any other services that are provided to their fellow detainee's concerning PREA rules and notifications. In the cases where language interpretation is needed, a staff member who is proficient in that language may translate. If there is not a staff member to translate, staff should access the language translation services contracted by Cochise County. A fellow detainee should never translate for another detainee.

6. Hiring and promotion decisions (§115.317 PREA Standards)

- a. CCJCS shall not hire or promote anyone who may have contact with detainee's, and shall not enlist the services of any contractor, guest speaker or volunteer who may have contact with detainee's who:
 - 1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
 - 2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - 3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.
- b. CCJCS shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with detainees.
- c. Prior to hiring any new employee who may have contact with a detainee, CCJCS shall:
 - 1) Perform a criminal background records check;
 - 2) Consult any child abuse registry maintained by the State or locality in which the employee would work; and

3) Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

- d. CCJCS shall perform a criminal background records check, and consult applicable child abuse registries, before enlisting the services of any contractor who may have unsupervised contact with detainees.
- e. CCJCS shall conduct criminal background records checks at least every five years of current employees, contractors, volunteers or guest speakers who may have unsupervised contact with detainees. Guest speakers and/or volunteers will be supervised at all times when in direct contact.
- f. CCJCS shall also ask all applicants and employees who may have contact with detainees directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. CCJCS shall also impose upon employees a continuing affirmative duty to disclose any such misconduct. (Disclosure form is contained within the Cochise County application)
- g. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
- h. Unless prohibited by law, CCJCS shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

7. Upgrades to facilities and technologies (§115.318 PREA Standards)

- a. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, CCJCS shall consider the effect of the design, acquisition, expansion, or modification upon this agency's ability to protect detainee's from sexual abuse.

- b. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, CCJCS shall consider how such technology may enhance the ability to protect detainees from sexual abuse.

Responsive Planning

1. Evidence protocol and forensic medical examinations (§115.321 PREA Standards)

All CCJCS staff, volunteers, guest speakers or other person that has contact with a detainee, upon being made aware of allegations of sexual abuse, sexual harassment or any other type of inappropriate or criminal behavior of a sexual nature, will immediately contact the Detention Services Division Director, the Probation Services Division Director or the Director of Cochise County Juvenile Court Services. In the case of a potential sexual assault by staff on youth or youth on youth, the scene where the offense took place is to be immediately secured, remove all detainees from the area and contact the Sierra Vista Police Department immediately. The scene is to be secured until the SVPD arrives and takes control of the scene. Even if a staff member is unsure if the assault took place or not, SVPD is to be notified. The victim is to be protected at all times and should not shower, change clothes or alter anything on their person until approved by a Sierra Vista Police Staff. If a staff member, volunteer or anyone who has contact with a detainee is the alleged perpetrator, that person is to be removed from all contact with detainees until further notice. CCJCS will ensure that the measures taken in this procedure are developmentally appropriate for our detainees.

If it is determined that a detainee has been sexually assaulted or is in need of a forensic medical exam and/or forensic interview, the respective Sierra Vista Police Staff assigned to the case will immediately contact the Southern Arizona Children's Advocacy Center (SACAC) in Tucson, AZ to schedule an emergency forensic medical exam (and interview, if necessary). The exam shall be performed by a Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. CCJCS shall document the efforts to provide SAFEs or SANEs. The exam will be free of charge to the victim and the family.

Notification of the child's parent shall immediately follow the procedures above. In addition, upon contacting the SACAC, staff shall request that a rape crisis counselor from SACAC be assigned to provide support and counseling to the victim. The detention counselor should also be immediately notified to provide immediate support and counseling until the rape crisis counselor can meet with the victim.

As requested by the victim, any of the professional counselors or advocates can continue to advocate and support the victim throughout the forensic exam and interviewing process. Referrals for additional support can be administered as well, if needed or requested by the victim or the family.

CCJCS, the Sierra Vista Police Department, and the Southern Arizona Children's Advocacy Center will work in conjunction to ensure procedures (a) thru (e) are followed.

The requirements of paragraphs (a) through (f) of this section shall also apply to:

- (1) Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in juvenile facilities; and
- (2) Any Department of Justice component that is responsible for investigating allegations of sexual abuse in juvenile facilities.

For the purposes of this standard, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

2. Referrals of allegations for investigations (§115.322 PREA Standards)

- a. The Detention Services Division Director shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

- b. The Detention Services Division Director shall report all allegations of sexual abuse or sexual harassment to the Sierra Vista Police Department, unless the allegation does not involve potentially criminal behavior. CCJCS will document all such referrals to law enforcement via an Incident Report.
- c. A copy of this PREA Procedure shall be posted on the CCJCS website and updated as changes occur.
- d. Not applicable to CCJCS
- e. Not applicable to CCJCS

Training and Education

1. Employee Training (§115.331 PREA Standards)

- a. CCJCS will train all employees who may have contact with detainees on:
 - 1) The zero-tolerance policy for sexual abuse and sexual harassment;
 - 2) What the staff's responsibilities are under the CCJCS & PREA policies and procedures;
 - 3) The detainee's right to be free from sexual abuse and sexual harassment;
 - 4) The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
 - 5) The dynamics of sexual abuse and sexual harassment in juvenile facilities;
 - 6) The common reactions of juvenile victims of sexual abuse and sexual harassment;
 - 7) 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 detainees (Note: CCJCS does not permit ANY sexual contact in detention, consensual or otherwise);
 - 8) How to avoid inappropriate relationships with detainees;
 - 9) How to communicate effectively and professionally with detainees, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming detainees; and
 - 10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;

11)CCJCS does not allow any sexual contact within our facility's, therefore, the "age of consent" does not apply.

- b. Staff trainings shall be tailored to the unique needs and attributes of detainees of CCJCS and to the gender of the detainees at the Cochise County Juvenile Detention Center. All employees shall be trained to supervise both male and female detainees. Unless exigent circumstances exist, male employees will supervise the male detainees and female staff will supervise the female detainees.
- c. All current employees who have not received the trainings listed in (a) and (b) of this section shall be trained within one year of the effective date of the PREA standards, and the agency shall provide each employee with refresher training every calendar year to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures.
- d. CCJCS will require staff who complete a training in respect to PREA, sexual abuse or sexual harassment, to sign a form of acknowledgement that they understand the training that they have completed. If there is policy/procedure review on the topics in this procedure, a graded test will provide verification that the employee understands the respective topic.

2. Volunteer and contractor training (§115.332 PREA Standards)

- a. CCJCS shall ensure that all volunteers and contractors who have contact with detainees have been trained and that they provide a signed acknowledgement that they understand their responsibilities under CCJCS & PREA procedures contained herein.
- b. All volunteers, contractors, guest speakers or anyone who is not a Cochise County employee shall be given a copy of CCJCS' PREA policy/procedure and be required to sign a CCJCS Letter of Acknowledgement to verify that they understand the expectations of them while they are in the detention center. In addition, all volunteers, contractors, guest speakers or any non-Cochise County employees shall be escorted and accompanied at all times by a CCJCS staff member when having contact with a detainee. Exception: Mental health provider staff, medical staff or anyone who has contact with a detainee that is required by HIPAA regulations to ensure privacy, does not have to be accompanied by

detention staff while having contact with a detainee. However, they will be required to have a Letter of Acknowledgement on file with CCJCS.

- c. CCJCS will maintain documentation confirming that non-Cochise County staff understand the training that they have received.

3. Detainee education (§ 115.333 PREA Standards)

- a. During the intake process, all detainees will be provided with the Cochise County Juvenile Detention Handbook. The Handbook will contain age appropriate information regarding CCJCS' zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
- b. Within 10 days of intake, CCJCS shall provide comprehensive age-appropriate education to detainees either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding CCJCS' policies and procedures for responding to such incidents.
- c. All current detainees who have not received such education shall be educated within one year of the effective date of the PREA standards. Detainees who leave the Cochise County Juvenile Detention Center to be placed with a contracted agency for services or the Arizona Department of Juvenile Corrections (ADJC) will need to be educated as to that respective agencies' policies/procedures. All contracted placement agencies and/or ADJC will be required to maintain their own PREA policies and procedures and educate their residents as to their respective rules regarding this topic.
- d. CCJCS shall provide detainee education in formats accessible to all detainees, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to detainees who have limited reading skills.
- e. CCJCS shall maintain documentation of detainee participation in the education sessions.

- f. CCJCS shall ensure that key information is continuously and readily available or visible to detainees through posters, detainee handbooks, or other written formats.

4. Specialized Training: Investigations (§115.334 PREA Standards)

- a. CCJCS staff shall notify the Sierra Vista Police Department immediately if/when sexual abuse or sexual harassment of a criminal nature has occurred. CCJCS staff shall not investigate any incidents of sexual abuse or sexual harassment of a criminal nature.
- b. In the case of a sexual abuse or sexual harassment incident that is of a criminal nature, any interviewing of the persons involved shall be done by the Sierra Vista Police Department and/or the Southern Arizona Children's Advocacy Center. No CCJCS staff shall interview any party involved in a sexual abuse or sexual harassment of a criminal nature incident.
- c. No CCJCS staff are trained or certified to conduct a sexual abuse investigation. All investigations shall be addressed by the Sierra Vista Police Department.
- d. See (c) of this section.

5. Specialized Training: Medical and mental health care (§115.335 PREA Standards)

- a. All full- and part-time medical and mental health care practitioners who work regularly in Cochise County Juvenile Detention Center will have yearly training in:
 - (1) CCJCS procedures as to when/how to contact the Sierra Vista Police Department in the case of sexual abuse or sexual harassment of a criminal nature;
 - (2) No CCJCS staff are to handle/preserve evidence in the case of sexual abuse of any type.
 - (3) How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment; and
 - (4) See procedures (1), (2) and (3) of this section.
- b. Staff at CCJCS are not trained to conduct forensic examinations. All forensic examinations shall be referred to the Southern Arizona

Children's Advocacy Center. If the SACAC is not available, the victim shall be taken to the Sierra Vista Regional Health Center Emergency Room for the forensic examination.

- c. Please see procedure (b) of this section.
- d. Medical and mental health care practitioners employed by Cochise County and work regularly in the Cochise County Juvenile Detention Center shall also receive the training mandated for employees under § 115.331 or for contractors and volunteers under § 115.332, depending upon the employee's status.

Screening for Risk of Sexual Victimization and Abusiveness

1. Obtaining information from detainees (§115.341 PREA Standards)

- a. Within 24 hours of a detainee's arrival at the Cochise County Juvenile Detention Center, the Detention counselor must interview and complete a Vulnerability Assessment and Sexually Aggressive Behavior Instrument (VASABI) with the detainee. The detainee's personal history and behavior is to be evaluated and used to reduce the risk of sexual abuse by or upon another detainee. The detainee is to remain in an intake cell and not be introduced to the general population until a VASABI is completed, not to exceed twenty four (24) hours from intake.
- b. See procedure (a) of this section.
- c. The Cochise County Juvenile Court Services Vulnerability and Sexually Aggressive Behavior Instrument (VASABI) shall include questions that will help determine the Risk of Victimization or Perpetration of sexual abuse for each detainee. The questions included in the VASABI shall address:
 - 1) Prior sexual victimization or abusiveness;
 - 2) Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the detainee may therefore be vulnerable to sexual abuse;
 - 3) Current charges and offense history;
 - 4) Age;
 - 5) Level of emotional and cognitive development;
 - 6) Physical size and stature;

- 7) Mental illness or mental disabilities;
- 8) Intellectual or developmental disabilities;
- 9) Physical disabilities;
- 10) The detainee's own perception of his/her vulnerability; and
- 11) Any other specific information about the detainee that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other detainees.

- d. This information shall be ascertained through conversations with the detainee during the intake process, medical and mental health screenings and by reviewing court records, case files, facility behavioral records, JOLTS and other relevant documentation from the detainee's files.
- e. CCJCS shall control the dissemination of responses to the questions asked pursuant to this procedure in order to ensure that sensitive information is not exploited to the detainee's detriment by staff or other detainees.

2. Placement of detainees in housing, bed, program and education assignments (§115.342 PREA Standards)

- a. CCJCS shall use all information obtained pursuant to § 115.341 and subsequently to make decisions concerning detainee bed/pod assignment, programming and education for detainees to ensure that all detainees are safe and free from sexual abuse.
- b. In reference to this Procedure, isolation of a detainee shall only be used as a last resort when less restrictive measures are inadequate to keep them and other detainees safe, and then only until an alternative means of keeping all detainees safe can be arranged. If isolation is believed to be in the detainees best interest, staff shall not deny any detainee daily large-muscle exercise nor any educational programming or special education services. Any detainee in isolation shall receive a daily visit from the Juvenile Detention Health Coordinator, the Detention Counselor or the respective mental health provider from the local Regional Behavioral Health Provider.
- c. CCJCS staff will carefully evaluate the pod and bed assignment of any detainee that is gay, bisexual, transgender or intersex, however, the bed/pod assignment shall not be based solely on the detainees sexual preference, gender or sex. A detainee's status or

sexual identification shall not indicate that the detainee is a higher risk to be sexually abused or sexually abusive.

- d. On a case by case basis, CCJCS will evaluate a transgender or intersex detainee as to which pod/bed assignment would be safest for that particular detainee and/or the other detainees. Once the decision is made for bed/pod assignment, the information shall be documented in the detainee's JOLTS notepad. Information shall include the reason for placement (security, management issues, etc.)
- e. CCJCS will reassess the programming and placement assignments of each transgender or intersex detainee every six months. The assessment is to include any threats to safety that he/she may have had experienced as a detainee.
- f. CCJCS staff will respect and consider any pod/bed suggestions that a transgender or intersex detainee may have.
- g. Transgender and intersex detainees shall be given the opportunity to shower separately from other detainees.
- h. If a detainee is isolated pursuant to paragraph (b) of this section, documentation shall indicate:
 - 1) The basis as to why the isolation is needed to protect the detainee; and
 - 2) Any reasons that alternative means of separation cannot be arranged.
- i. Every 30 days, CCJCS shall afford each detainee described in paragraph (h) of this section a review to determine whether there is a continuing need for separation from the general population. Documentation as to the review shall be documented in the detainee's JOLTS notepad.

Reporting

1. Detainee Reporting (§115.351 PREA Standards)

- a. CCJCS shall list the multiple internal ways for detainees to privately report sexual abuse and sexual harassment, retaliation by other detainees or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that

may have contributed to such incidents in the detention handbook that each youth receives upon detainment.

- b. Detainee's who are not comfortable or wish to report allegations of sexual abuse or sexual harassment of a criminal nature to someone other than a CCJCS staff, the detainee shall be instructed to contact the Child Abuse Hotline at 1-888-767-2445 to make his/her report. Detainee's detained solely for civil immigration purposes shall be provided information on how to contact their respective consular officials and relevant officials at the Department of Homeland Security.
- c. CCJCS shall accept and document any/all reports made verbally, in writing, anonymously and from third parties in a CCJCS Incident Report and submitted to their direct line supervisor immediately.
- d. A detainee who wishes to make a report or complaint in writing shall be given the tools to do so.
- e. CCJCS staff that are aware of or made aware of sexual abuse and/or sexual harassment of detainee's shall report the information to their immediate supervisor immediately and privately.

2. Exhaustion of administrative remedies (§115.352 PREA Standards)

- a. All detainees at CCJCS are encouraged to use the Detainee Grievance Forms to report any grievances that they may have or to report any incidents or allegations of sexual abuse or sexual harassment.
- b.
 - 1) If a detainee chooses to use the Grievance Procedure to report sexual abuse, sexual harassment or abuse/neglect of any kind that may have occurred in the past, there is no time limit sanctions imposed.
 - 2) All other timelines concerning the CCJCS Grievance Procedure shall be adhered to other than reports of sexual abuse or sexual harassment.
 - 3) CCJCS does not require a detainee to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

- 4) CCJCS reserves the right to defend against a lawsuit filed by a detainee on the ground that the applicable statute of limitations has expired.
- c.
 - 1) A detainee who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
 - 2) Such grievance is not referred to a staff member who is the subject of the complaint.
 - d.
 - 1) CCJCS shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
 - 2) The 90-day time period shall not include the time consumed by detainees or their representatives in preparing any administrative appeal.
 - 3) If an extension of time is needed by CCJCS to respond to a sexual abuse or sexual harassment grievance, up to 70 days can be requested. If the normal time period for response is insufficient to make an appropriate decision, CCJCS shall notify the detainee in writing of any such extension and provide a date by which a decision will be made.
 - 4) The detainee shall receive a written response as to the findings of the administrative process.
 - e.
 - 1) Third parties, including fellow detainees, staff members, family members, attorneys and outside advocates shall be permitted to assist detainees in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of residents.
 - 2) If a third party, other than a parent or legal guardian, files such a request on behalf of a detainee, CCJCS requires that as a condition of processing the request that the alleged victim must agree to have the request filed on his or her behalf.
 - 3) If the detainee declines to have the request processed on his or her behalf, CCJCS staff shall document the detainee's decision in the respective JOLTS notepad. The detainee shall still be allowed to file the request themselves if they desire.
 - 4) A parent or legal guardian of a detainee has the right to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of their child. This grievance can be filed by the parent or guardian without the detainee's approval.

- f.
 - 1) A detainee, parent, guardian or another third party deemed appropriate by the youth and/or parent/guardian can initiate an emergency grievance by contacting the Detention Manager or the Detention Services Division Director. Emergency grievance procedure should only be initiated if there is imminent risk of sexual abuse to the detainee.
 - 2) After receiving an emergency grievance alleging a detainee is subject to a substantial risk of imminent sexual abuse, the Detention Manager or the Detention Services Division Director shall immediately review the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse). An initial response shall occur within 48 hours. A final agency decision shall occur within 5 calendar days. The initial response and final agency decision shall document CCJCS' determination whether the detainee is in substantial risk of imminent sexual abuse and if so, what action will be taken to ensure the detainee's safety.
- g. If it is found that a detainee filed a grievance in bad faith as a tool to harass a staff member or another detainee, the detainee may receive disciplinary action.

3. Detainee access to outside support services and legal representation (§115.353 PREA Standards)

- a. Access to outside victim advocates for emotional support services related to sexual abuse shall be provided to any detainee in the Cochise County Juvenile Detention Center. Contact information for these advocates shall be listed in the Detention Handbook as well as shall be posted in the living areas of the detainees. For detainees that are detained solely for civil immigration purposes, contact information for the immigrant service agencies shall be available in the same manner as well.
- b. CCJCS staff shall inform detainees that communications will be monitored and any reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.
- c. CCJCS is a member of a County-wide collaborative effort to effectively serve children in our County. Agencies involved do have a letter of agreement that the agencies involved in the collaboration will continue to serve the children of Cochise County cooperatively. Members of this collaborative effort are providers

that can provide detainees with confidential emotional support services related to sexual abuse.

- d. All detainees shall have reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians.

4. Third-party reporting (§115.354 PREA Standards)

Information concerning third-party reporting of sexual abuse and sexual harassment shall be posted on the CCJCS website.

Official Response Following a Detainee Report

1. Staff and agency reporting duties (§115.361 PREA Standards)

- a. CCJCS staff shall notify the Sierra Vista Police Department immediately if they have any knowledge, suspicion, or information that they may have received regarding an incident of sexual abuse, sexual harassment, retaliation against detainees or staff or any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- b. All CCJCS staff are mandated reporters and shall comply with all mandatory child abuse reporting laws.
- c. All information obtained by CCJCS staff as a part of a sexual abuse report shall remain private. Only information that is necessary to consider for housing or security decisions shall be passed on to supervisors or CCJCS officials.
- d.
 - 1) Medical and mental health staff that work in the Cochise County Juvenile Detention Center are mandatory reporters and are required to report sexual abuse to a detention supervisor, detention manager or the detention services division director pursuant to paragraph (a) of this section.
 - 2) At the initiation of services, the CCJCS medical and mental health staff shall inform detainees of their duty to report and the limitations of confidentiality.
- e.
 - 1) Upon receiving any allegation of sexual abuse, the detention services director or detention manager shall promptly report the allegation to the Sierra Vista Police Department (if not already

done) and notify the alleged victim's parents or legal guardians as well as the alleged perpetrator's parents or legal guardians (if the alleged perpetrator is a detainee).

2) If the alleged victim and/or alleged perpetrator are under the guardianship of Child Protective Services, his/her Case Manager shall be notified promptly. If after hours, the CPS Hotline shall be notified.

3) The shift supervisor, detention manager or the detention services division director shall report the allegation to the detainee's attorney or other legal representative of record within 48 hours of receiving the allegation.

f. See 1(a) of this section.

2. Agency protection duties (§115.362 PREA Standards)

Upon notification that a detainee is subject to a substantial risk of imminent sexual abuse, immediate action shall be taken to protect the detainee by removing him/her from the potential risk. This may include a new pod assignment.

3. Reporting to other confinement facilities (§115.363 PREA Standards)

Upon receiving an allegation that a detainee was sexually abused while confined/placed at another detention center or placement facility, the detention services division director shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency. Notification shall be no later than 72 hours after receiving the allegation. Documentation of the notification shall be logged into the Control Log of detention. The facility's administrator that receives such notification is required to investigate the allegations in accordance with the PREA Standards.

4. Staff first responder duties (§115.364 PREA Standards)

Any CCJCS staff member that learns of an allegation that a detainee was sexually abused shall:

- Separate the alleged victim and abuser;
- Immediately notify the control room officer;
- Remain with the victim until directed otherwise by detention supervisory staff.

5. Coordinated response (§115.365 PREA Standards)

Control Room Officer

- The control officer shall contact the Sierra Vista Police Department via 911 immediately upon notification from the first responder;
- The control officer will contact the shift supervisor, detention manager or the detention services division director;
- The control officer will summon additional staff to assist;
- The control room officer shall then contact the detention medical staff and the detention counselor or Nursewise.

Detention Supervisory Staff

- If the abuse occurred within a time period that still allows for the collection of physical evidence, the supervisory detention staff will coordinate with detention staff to preserve and secure the crime scene (which may involve moving detainees to a new pod). The crime scene is to remain undisturbed at all costs. If the crime scene is a detainee's cell, the cell shall be undisturbed and locked immediately. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;
- The detention services division director or the Juvenile Court Services Director shall contact the parent/guardian immediately.
- The detention supervisory staff will work in cooperation with the Sierra Vista Police Department and the Southern Arizona Child Advocacy Center to ensure examinations, interviews and services are provided to the victim as needed.
- Detention supervisory staff will gather witness names (if any), Incident Reports and other pertinent information to be passed on to the SVPD for their investigation.
- If any special medical or mental health instructions for the victim are provided by the medical and/or mental health counselor, information shall be passed on to the other shifts via the shift notes.

6. Preservation of ability to protect detainees from contact with abusers (§115.366 PREA Standards)

CCJCS will ensure that any/all victims of sexual abuse will have the right and ability to be separated by the abuser, to include a staff member. Cochise County Merit Rules will dictate as to the extent of punishment that a staff member may be exacted as to the staff member's job assignment. The Sierra Vista Police Department and Cochise County Attorney's Office will decide and pursue the charges with the Cochise County Superior Court as to the extent of criminal punishment a staff member shall be assigned. No matter the outcome of the case, precautions shall be taken to ensure that there is no future contact between the abuser and detainee while the detainee is detained in the Cochise County Juvenile Detention Center.

7. Agency protection against retaliation (§115.367 PREA Standards)

CCJCS staff and youth on probation or detainees are protected from retaliation as set forth by the Arizona Code of Ethics, the Judicial Merit Rules and the PREA National Standards. CCJCS will take all measures to ensure that a victim and/or any witnesses that fears retaliation, are separated from the perpetrator at all times. This will be effective for all programming, school, recreation, meals and living areas. For a period of no less than 90 days following a report of sexual abuse, CCJCS shall monitor the conduct and/or treatment of detainees who were victims or witnesses to the abuse. Monitoring the disciplinary reports, shift notes and pass on logs shall be mandatory to ensure that no victim or witness suffers from retaliation against by anyone. Monitoring shall include weekly status checks of the witness/victim by the detention medical staff and/or the detention mental health counselor.

8. Post-allegation protective custody (§115.368 PREA Standards)

CCJCS shall ensure that if a detainee is segregated for their own protection that he/she will be subject to the requirements of §115.342 of the PREA Standards.

Investigations

1. Criminal and administrative agency investigations (§115.368 PREA Standards)

Criminal Investigations

CCJCS shall not investigate any allegations of sexual abuse or sexual harassment of a criminal nature. All investigations shall be conducted by the Sierra Vista Police Department. CCJCS staff shall cooperate with the SVPD in any investigation concerning staff and/or a detainee.

Administrative Investigations

Administrative Investigation and staff discipline on any CCJCS staff will be done in adherence to the Judicial Merit Rule 16 and Rule 17. If there is a criminal investigation occurring on the same staff member simultaneously, the criminal investigation will have priority.

2. Evidentiary standard for administrative investigations (§115.372 PREA Standards)

The burden of proof for CCJCS is preponderance of the evidence (more likely to be true than not true) as per the Arizona Judicial Merit Rules and the PREA Standards.

3. Reporting to detainees (§115.373 PREA Standards)

- a. Following an investigation into a detainee's allegation of sexual abuse suffered in the Cochise County Juvenile Detention Center, CCJCS shall coordinate with the Sierra Vista Police Department to inform the detainee as to whether the allegation will be pursued by the SVPD and the Cochise County Attorney's Office. The detainee shall be notified if the allegation has been determined to be substantiated, unsubstantiated, or unfounded and what, if any, actions will be taken to ensure that detainee's safety (ie. staff member no longer posted in the detainee's pod, staff member is no longer employed by CCJCS, if the perpetrator has been indicted on a charge related to sexual abuse within the facility, if the perpetrator has been convicted on a charge related to sexual abuse within the facility). The same information shall be passed on to the victim if the perpetrator is a detainee.

Discipline

1. Disciplinary sanctions for staff (§115.376 PREA Standards)

Disciplinary sanctions, disciplinary action and/or all personnel actions will be in accordance with the Arizona Judicial Merit Rules and the PREA Standards. If the actions by a CCJCS staff are determined to be of a criminal nature, the Sierra Vista Police Department shall be notified immediately for investigation/prosecution.

2. Corrective action for contractors and volunteers (§115.377 PREA Standards)

Contractors and volunteer's who have contact with detainees and are alleged to have committed a criminal act or a civil act, shall be immediately removed from the detention center. If the allegations are of a criminal nature, the Sierra Vista Police Department shall be notified immediately. If the act was a civil violation, CCJCS will conduct an administrative investigation of the allegations. If, after an administrative investigation, any volunteer or contractor have been found to have caused a detainee to be unsafe or have committed a civil violation, that contractor/volunteer shall be escorted out of the detention center and will not be allowed to return.

3. Interventions and disciplinary sanctions for detainees (§115.378 PREA Standards)

If a detainee is found guilty and adjudicated of sexual abuse on another detainee, or a similar charge , CCJCS is legally bound to follow the directives set forth in the court order by the presiding Judge for detainment. The detainee shall not receive other disciplinary sanctions that violate the detainee's rights. Recreation and all other programming will be provided to the detainee, as long as the services can be delivered in a safe manor for all. If it is determined that the normal services cannot be delivered in a safe manor for staff or the detainee, alternative locations for programming shall be delivered (recreation in inside rec area by themselves, school in a private room, etc.) If mental health services has been deemed appropriate by the detention counselor,

medical staff or detention administrator, those services shall be sought and delivered as quickly as possible.

Medical and Mental Care

1. Medical and mental health screenings; history of sexual abuse (§115.381 PREA Standards)

If the screening (VASABI) indicates that a detainee has experienced prior sexual victimization, whether is occurred in an institutional setting or in the community, the detention counselor shall ensure that the detainee has the opportunity for a follow up meeting within 14 days of intake. In addition, if the screening indicates that a detainee has perpetrated sexual abuse previously, the detention counselor shall offer a follow up meeting within 14 days of intake. Any information gained by mental health or medical staff concerning prior victimization/perpetration in an institutional setting shall be kept as confidential and only supervisory staff that make bed/pod and security arrangements shall be privy to this information.

2. Access to emergency medical and mental health services (§115.382 PREA Standards)

Any detainee who is a victim of sexual abuse shall receive emergency medical care immediately upon notification that there has been a sexual abuse incident. If it is after hours, the shift supervisor shall contact the detention health nurse and a decision shall be made whether to take the victim to the emergency room at the Sierra Vista Regional Health Center. The victim shall be notified and have timely access to contraception and sexually transmitted infections prophylaxis. Medical care shall be provided at no cost to the detainee or their family.

3. Ongoing medical and mental health care for sexual abuse victims and abusers (§115.383 PREA Standards)

Any victim or abuser that is detained at the Cochise County Juvenile Detention Center shall receive ongoing medical and mental health evaluations. These services shall include treatment plans and/or referrals for continued care upon release. Victims shall have an opportunity to receive pregnancy testing and/or sexually

transmitted disease testing as appropriate. Detainee's shall have access to any/all lawful pregnancy services, to include pregnancy tests, if the abuse includes vaginal penetration. With permission from the parent/guardian, all resident-on-resident abusers shall receive a mental health evaluation within 60 days from the abuse incident and treatment shall be delivered to the abuser. All costs for any tests and/or services will be free of charge for the victim and the abuser, if the incident was a detainee-on-detainee abuse.

Data Collection and Review

1. Sexual abuse incident reviews (§115.386 PREA Standards)

CCJCS shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, whether substantiated or unsubstantiated. Members of the Review Committee shall be the Cochise County Juvenile Court Director, the Detention Services Director, the Probation Services Director, the detention shift supervisors, the detention nurse, the detention counselor, the respective police officer from the Sierra Vista Police Department and his/her supervisor. The review team will evaluate:

- Whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
- Whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
- The area in detention where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- Assess the adequacy of staffing levels during different shifts;
- Assess whether monitoring technology should be deployed or enhanced to supplement supervision by staff; and
- Upon completion of the assessment, the person completing the assessment shall prepare a report of his/her findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1) - (d)(5) of this section, and any recommendations for improvement and submit such report to the detention services director/PREA Compliance Manager. Once a report is received, CCJCS and detention services shall implement

the recommendations or shall document the reason for not following the recommendations.

2. Data Collection (§115.387 PREA Standards)

CCJCS shall collect accurate, uniform data for every allegation of sexual abuse that occurs in the Cochise County Juvenile Detention Center using the Survey of Sexual Violence form SSV – 6 and the SSV-IJ generated by the U.S. Department of Justice and the CCJCS DET Procedure 2401.2. CCJCS shall collect this data yearly. If requested, CCJCS shall provide data to the U.S. Department of Justice no later than June 30.

3. Data Review for corrective action (115.388 PREA Standards)

CCJCS shall review data collected pursuant to §115.387 to assess and improve sexual abuse prevention, detection, and response policies and practices. Data shall include problem areas and corrective action taken on an ongoing basis. The PREA Coordinator for CCJCS shall prepare an annual report on any findings of assessments, comparison of last year's data, any incidents and the information related and suggestions for preventive measures in the future. Once approved, this report shall be published on CCJCS website. NOTE: Pertinent information in the report such as names, addresses, etc. shall be redacted to protect the privacy of all parties involved.

4. Data Storage, publication, and destruction (§115.389 PREA Standards)

CCJCS shall maintain data collected pursuant to §115.387 and ensure that the information is securely retained. All data shall be made readily available to the public via CCJCS' website. All personal identifying information in the report shall be redacted prior to publicizing the report on the website. All data collected on sexual abuse incidents must be retained for a minimum of 10 years.

Audits

Audits of Standards (§115.393 PREA Standards)

CCJCS shall conduct audits pursuant to §§115.401-405

Auditing and Corrective Action

Frequency and scope of audits (115.401 PREA Standards)

During the three-year period starting on August 20, 2013, and during each three-year period thereafter, CCJCS shall ensure an audit is completed at least once within the 3 year time period. The Department of Justice may require an audit at which time all CCJCS employees are to cooperate and provide any/all information requested. The audit shall consist of, but not limited to, detainee interviews, staff interviews, tape review, policy/procedure review and all other data requested. CCJCS will utilize and implement suggestions/requirements offered by the Department of Justice or will document as to the reasons that CCJCS is unable to utilize the information.

Auditor qualifications (§115.402 PREA Standards)

Audit's for PREA compliance shall be conducted by a member of a correctional monitoring body, inspector general's or ombudsman's office. Auditor's shall be certified by the Department of Justice. No auditor shall conduct an audit on CCJCS that is receiving compensation from CCJCS.

Audit contents and findings (§115.403 PREA Standards)

Each audit report shall contain the following information at minimum:

- certification that the auditor has no conflict of interest with the agency under review;
- that CCJCS policies and procedures comply with relevant PREA standards;
- For each PREA standard, the auditor shall determine whether CCJCS reaches one of the following findings: Exceeds Standard (substantially exceeds requirement of standard); Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period); Does Not Meet Standard (requires corrective action). The audit summary shall indicate, among other things, the number of provisions the facility has achieved at each grade level;
- Audit reports shall describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard

provision for each audited facility, and shall include recommendations for any required corrective action;

- Auditors shall redact any personally identifiable detainee or staff information from their reports, but shall provide such information to the agency upon request, and may provide such information to the Department of Justice;
- CCJCS shall ensure that the auditor's final report is publicized on the CCJCS website.

Audit corrective action plan (§115.404 PREA Standards)

Any finding of "Does Not Meet Standard" shall trigger a 180-day corrective action period. The auditor and CCJCS shall jointly develop an appropriate corrective action plan. The auditor shall take necessary steps to ensure the corrective action plan is implemented and the changes are made. After the 180-day corrective action plan period ends, the auditor shall issue a final determination as to whether CCJCS has achieved compliance.

Audit appeals (§115.405 PREA Standards)

CCJCS may lodge an appeal with the Department of Justice regarding any audit finding that is believed to be incorrect. This appeal needs to be lodged within 90 days of the auditor's final determination. The findings of the re-audit are considered final.

F. Cross Reference:

PREA Standards Final Rule

CCJCS DET3105.1 – Detention Review and Screening Index

CCJCS DET2401– PREA

CCJCS DET2401.1 – Prevention, Planning and Evidence Protocol

CCJCS DET2401.3 – Assessment and Placement of Detainees

CCJCS DET2401.4 – Detection and Response

CCJCS DET2401.5 – Monitoring

CCJCS DET 3740 – Searches of Person and Facility

Attachments:

Attachment 1 – PREA Certificate of Training

Attachment 2 – Survey of Sexual Violence (SSV-6)

Attachment 3 – Survey of Sexual Violence (SSV-IJ)

Attachment 4 – Secure Facility Vulnerability Assessment

**Attachment 5 – VASABI (Vulnerability and Sexually Aggressive
Behavior Instrument**

Attachment 6 – Letter of Acknowledgement Form

CERTIFICATE OF ATTENDANCE

THE UNDERSIGNED COURSE SPONSOR CERTIFIES THAT THE REGISTRANT INDICATED WAS IN ATTENDANCE AT THE COURSE DESCRIBED.

Sponsor: **CCJCS**

Course Title: **Prison Rape Elimination Act (PREA)**

Course Location:

Course Date(s):

Faculty:

Total Credit Hours: _____ hours

Cost of Class: \$0

This course satisfies Administrative Code § 1-302 requirements for completion of:

- The Arizona Court System (Current and Local Issues in the Courts)
 Working and Communicating Effectively with Others (Dealing with the Public and Communication)

Dated this _____th of _____, 2010

Sponsor's Signature

CERTIFICATION OF PARTICIPANT

I, _____ certify that I attended a total of _____ hours. I also certify that I understand the PREA training that I have received.
(please print your name)

Dated this _____ day of _____, 2010.

Participant's Signature

Supervisor's Signature

This form must be submitted to your training coordinator no later than 30 days after the date of the course.