



PRISON RAPE ELIMINATION ACT (PREA)

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I. Purpose

The purpose of this policy is to ensure that Twin Oaks Residential Programs are in compliance with the Federal Prison Rape Elimination Act (PREA) and the Florida Department of Juvenile Justice standards regarding this act. Twin Oaks Juvenile Development, Inc. has **zero tolerance for any** acts of sexual abuse, assault, misconduct or harassment. Sexual activity between staff and juveniles, volunteers or contract personnel and juveniles, and juvenile and juvenile is prohibited and subject to administrative and criminal disciplinary sanctions.

II. Definitions

A. 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.

B. Sexual abuse by another youth 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 any person, excluding contact incidental to a physical altercation.

PRISON RAPE ELIMINATION ACT (PREA)**C. Sexual abuse by a staff member, contractor, or volunteer includes:**

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.

D. Sexual Harassment includes:

1. Repeated or unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures or actions of a derogatory or offensive sexual nature by one youth directed toward another;
2. Repeated or unwelcomed verbal comments or gestures of a sexual nature to a youth 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.

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- E. Voyeurism by a Staff member, Contractor, or Volunteer means:** Observing a youth for a purpose that is unrelated to official duties or where the staff has the intent to abuse, arouse, or gratify sexual desire, such as peering at a youth who is using the toilet the restroom to perform bodily functions; requiring a youth to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a youth's naked body or of a youth performing bodily functions.

III. Procedures**A. Screening for Sexual Abuse and/or Sexual Victimization at Admission**

Procedures outlined pertain to information obtained from a youth regarding sexual abuse and/or sexual victimization that occurred prior to their coming to the facility. Instructions for handling reports of sexual misconduct that occur at the facility after the youth has been admitted are outlined in Section C, Reporting an Allegation of Sexual Misconduct.

1. Within 24 hours of admission to a Twin Oaks residential program, all youth shall be screened for vulnerability to victimization and sexually aggressive behavior prior to room assignment. Room assignments by staff shall ensure a youth's potential for victimization or predatory risk has been reviewed. The Florida DJJ screening for Vulnerability to Victimization and Sexually Aggressive Behavior (VSAB) from – RC8050-2 attached to this policy shall be used to conduct the screening. The VSAB will be completed at intake and placed in the youth's medical file.
2. At a minimum, staff conducting the screening shall attempt to ascertain information about the following:
 - Prior sexual victimization or abusiveness
 - Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the youth may therefore be vulnerable to sexual abuse;
 - Current charges and offense history;
 - Age
 - Level of emotional and cognitive development
 - Physical size and stature
 - Mental illness or mental disabilities
 - Intellectual or developmental disabilities

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- Physical disabilities
 - The youth's own perception of vulnerability; and
 - Any other specific information about individual youth that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other youth.
3. Youth may not be disciplined for refusal to answer any question on the screening instrument or for not disclosing complete information.
 4. Lesbian, gay, bisexual, transgender, or intersex youth shall not be placed housing, bed or other assignments solely basis of such identification or status. A transgender or intersex youth's own view with respect to his or her own safety shall be given serious consideration. Lesbian, gay, bisexual, transgender or intersex identification or status is not an indicator of likelihood of being sexually abusive. Placement shall be considered on a case-by-case basis whether the placement will ensure the youth's health and safety, and whether the placement would present management or security problems. Placement and programming assignments for each transgender or intersex youth shall be reassessed at least once every 6 months to review any threats to safety experienced by the youth. All youth shall be reassessed if relevant information is received, an incident occurs, a change in custody, or it is deemed appropriate to re-evaluate more frequently due to history and/or inappropriate behavior.
 5. The facility shall develop and implement a system that ensures that all staff working directly with the youth are advised of the status of a youth identified as a risk or as posing a risk to others. The results of the youth vulnerability screening shall be used in making room assignment to ensure vulnerable youth are not assigned a roommate believed to pose a risk. Treatment teams should continually review the youth's adjustment.
 6. Information gathered by the admissions staff shall be entered into the youth case file. Youth responses to questions shall be on a need-to-know basis to ensure that sensitive information is not exploited to the youth's detriment by staff or other youth.
 7. If the youth discloses prior sexual victimization or perpetrated sexual abuse based on the intake screening information, health/mental health screening information or health history information gathered, whether it occurred in a facility setting or in the community. The staff shall ensure the youth is referred for Medical and Mental Health services within 14 days of the screening.
 8. If the youth discloses a youth-on-youth abuse or victimization, the program shall make an immediate referral to mental health for a crisis assessment

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and mental health practitioner will attempt to conduct a mental health evaluation within 60 days of referral of such abuse history and offer treatment when deemed appropriate.

9. Staff shall ensure that any report of sexual abuse obtained during screening be immediately reported that has not been previously reported, to the Central Communications Center (CCC), the Department of Children and Families (DCF), the Florida Abuse Hotline, and local law enforcement.
10. Medical and mental health practitioners shall obtain informed consent from youth 18 years of age and older before reporting information about prior sexual victimization that did occur at the facility. **(Attachment #5)**
11. The program shall develop and implement an alert system that ensures that all staff working directly with youth is advised of all status changes immediately.
12. Information gathered from screenings related to sexual victimization or abusiveness shall be strictly limited to medical and mental health practitioners and other staff, as required by Department policy and Federal, State, or local law, to guide treatment plans and security and management decisions, including housing, bed, work, education and program assignments.
13. When assigning a transgender or intersex youth to a male or female facility, staff shall consider on a case-by-case basis, 1) whether a placement would ensure the youth's health and safety and 2) whether the placement would present management or security problems. Such placements and programming assignments shall be reassessed every six months to review any threats to safety experienced by the youth. Serious consideration shall be given to the youth's own views with respect to his or her own safety.
14. If a youth is transferred directly from one facility to another for placement and has been determined to be vulnerable or aggressive to sexual abuse, this information will be relayed to the new program. In order to maintain confidentiality, the RC 8050-2 form will be placed in the youth's medical file.

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1. Staff shall use all information obtained using the VSAB to make housing and bed assignments with the goal of keeping all youth safe and free from sexual abuse.
2. The results of the youth vulnerability screening shall be used in making room assignments to ensure vulnerable youth are not a roommate believed to pose a risk. Treatment teams shall continually review the youth's assignment.
3. Youth may be isolated from others only as a last resort when less-restrictive measures are inadequate to keep them and other youth safe, and then only until an alternative means of keeping all youth safe can be arranged.
 - a) Staff shall clearly document the basis for the facility's concern for the youth's safety and the reason no alternative means of separation can be arranged.
 - b) Youth in isolation shall not be denied large-muscle exercise and educational programming.
 - c) Youth in isolation shall receive daily visits from medical and mental health practitioners.
4. Lesbian, gay, bisexual, transgender, or intersex youth shall not be placed in housing, bed, or other assignments solely based on such identification or status. Lesbian, gay, bisexual, transgender or intersex identification or status is not an indicator of likelihood of being sexually abusive.
5. Placement shall be considered on a case-by-case basis whether the placement will ensure the youth's health and safety, and whether the placement would present management or security problems. Placement and programming assignments for each transgender or intersex youth shall be reassessed at least once every 6 months to review any threats to safety experienced by the youth. All youth will be assessed if relevant information is received, an incident occurs, a change in custody, or it is deemed appropriate to re-evaluate more frequently due to history and/or inappropriate behavior.
6. If a youth is transferred directly from one facility to another for placement and has been determined to be vulnerable or aggressive to sexual abuse, this information will be relayed to the new program.

PRISON RAPE ELIMINATION ACT (PREA)**C. Youth Management and Services**

Procedures outlined in this section pertain to the general care and supervision of youth residing in a facility. Services related to sexual misconduct apply to incidents that occurred prior to the youth entering the facility or during the youths stay at the facility.

1. Supervision and monitoring:

- A. Overall supervision and monitoring staffing ratio requirements are 1:8 during youth waking hours and 1:8 during youth sleep hours.
- B. Staffing plan is established in order to maintain adequate levels of staffing, and to protect youth against sexual misconduct. Staffing ratios are to be adhered to except during limited and discrete exigent circumstances and any deviations from the staffing plan shall be fully documented.
 1. Generally accepted residential facility practices;
 2. Any judicial findings of inadequacy, findings of inadequacy from Federal investigative agencies or internal or external oversight bodies;
 3. All components of the facility's physical plant (including "blind spots" or areas where staff or youth may be isolated);
 4. The composition of youth population;
 5. The number and placement of supervisory staff;
 6. Institution programs occurring on a particular shift;
 7. Any applicable State or local laws, regulations, or standards
 8. The prevalence of substantiated and unsubstantiated of sexual misconduct;
 9. Any other relevant factors.
- C. Staffing ratios are to be adhered to except during limited and discrete exigent circumstances and any deviations from the staffing plan shall be fully documented.

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- D. At a minimum of once a year the Department's PREA Statewide Coordinator, shall access, determine, and document whether adjustments are needed to:
 - A. The staffing plan;
 - B. Prevailing staffing patterns;
 - C. The deployment of video monitoring systems and other monitoring technologies, when applicable;
 - D. The resources the facilities have available to commit to ensure adherence to the staffing plan.
- E. Facility or Corporate staff shall conduct and document unannounced site visits to identify and deter staff sexual misconduct at least twice a month. These rounds shall also be conducted during day and night shift hours. Facility staff shall be of Management Team level and not consist of floor staff. Staff are prohibited from alerting other staff that these supervisory rounds are occurring, unless such announcements are related to legitimate operations functions of the facility.

D. Cross-Gender Viewing and Searches

- A. Staff shall not search or physically examine a transgender or intersex youth for the sole purpose of determining the youth's genital status. If the youth's genital status is unknown, it may be determined during conversation with the youth, by reviewing medical records, or if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
- B. Staff shall not conduct cross-gender (opposite sex) strip searches or cross-gender frisk searches.
- C. All visual body cavity searches must be conducted in accordance with F.A.C. 63G-2.019(11)(e)(8) and F.A.C. 63E-7.107(2)(d).
- D. Transgender and intersex youth shall be given the opportunity to choose the gender of the staff to perform the above-mentioned searches.
- E. Youth must be allowed to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine room checks.

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- F. A youth's request for exemption from the dress code based on gender identity shall be granted unless, it is determined that doing so would compromise the safe and secure operations of the program.
- G. Transgender and intersex shall be given the opportunity to shower separately from other youth.
- H. Staff of the opposite sex shall announce their presence when entering youth housing or an area where youth are likely to be showering, performing bodily functions, or changing clothing.

E. Medical and Mental Health Care

- A. If the youth discloses prior sexual victimization or staff, based on intake screening information, suspects or discovers the youth has perpetrated sexual abuse, whether it occurred in a facility setting or in the community, then staff shall ensure the youth is referred for medical and mental health services within 14 days of the intake screening.
- B. Information gathered from screenings related to sexual victimization or abusiveness shall be strictly limited to medical and mental health practitioners and other staff, as required by Department policy and Federal, State, or local law, to guide treatment plans and security and management decisions, including housing, bed, work, education, and program assignments. The VSAB will be reviewed by program staff periodically throughout a youth's stay, specifically after any PREA-related incident where the youth has remained at the facility.
- C. Medical and mental health practitioners shall obtain informed consent from youth 18 years of age and older before reporting information about prior sexual victimization that did not occur at the facility.

F. Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers:

- A. The facility shall offer medical and mental health evaluations, and appropriate treatment to all youth who have been victimized by sexual misconduct in a juvenile facility.
- B. The evaluation and treatment of 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. Victims shall also be provided with medical and mental health services consistent with the community level of care.

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- D. The facility shall offer medical and mental health services to a youth sexual abuser, and as appropriate, treatment consistent with the community level of care.
- E. Youth shall be offered information to all lawful pregnancy related medical services which includes pregnancy testing in a timely matter.
- F. Youth shall be offered tests for sexually transmitted infections as medically appropriate. 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.
- G. If the youth discloses a youth-on-youth abuse or victimization, the program shall make an immediate referral to mental health for a crisis assessment and mental health practitioner will attempt to conduct a mental health evaluation immediately after such referral abuse history and offer treatment when deemed appropriate by mental health practitioners.

G. Youth Access to Outside Support Services and Legal Representation

- A. Youth shall have access to outside victim advocates for emotional support services related to sexual misconduct. The facility shall post, provide, or otherwise make accessible mailing addresses and telephone numbers (including hotline numbers) of local, state, or national victim advocacy or rape crisis organizations. Youth and victim advocate communications shall be confidential.
- B. Youth shall have reasonable and confidential access to their attorney or other legal representation, their parents, or legal guardians for reporting of sexual allegations. Youth shall have unimpeded access and means, including written, to submit or report sexual allegations.
- C. Each Twin Oaks facility will attempt to maintain agreements with community service providers to provide youth with confidential, emotional support services related to sexual misconduct. The facility will maintain copies of agreements or documentation showing attempts to enter into such agreements.

H. Access to Emergency Medical and Mental Health Services

Youth victims of sexual abuse shall:

- A. Receive timely, unimpeded access to on-site and off-site emergency medical and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgement.

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- B. Be offered access to forensic medical examinations whether on-site or at an outside facility, without cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFE) or Sexual Assault Nurse Examiners (SANE) where possible. If a SAFE or SANE cannot be made available, the examination can be performed by other qualified medical practitioners.
- C. Have access to victim advocate from a rape crisis center or a qualified staff member from a community-based organization or a qualified agency staff member. A qualified agency staff member or qualified staff member from a community-based organization shall be an individual who has been screened for the appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

*Each Twin Oaks facility will attempt to maintain a Memorandum of Understanding (MOU) with a local rape crisis center that has certified Sexual Assault Nurse Examiners or Sexual Assault Forensic Examiners or maintain documentation that attempts were made to enter into an MOU

I. Reporting an Allegation of Sexual Misconduct:

1. Florida Administrative Code Rule 63F-11, Central Communications Center (CCC), requires that any allegation of sexual misconduct or youth-on-youth sexual activity be reported to the CCC. The person making the report shall provide basic information such as the date and time of the incident, where the incident occurred, the supervising staff, and who may be involved. The CCC will make the appropriate notification to senior DJJ management who will in turn make subsequent notification to management overseeing the facility where the alleged abuse occurred. Other than making appropriate notification through Department channels, staff should take no further actions other than those directed by law enforcement or first responders.
2. There is no time limit on when a youth may report an allegation of sexual misconduct. Youth shall be provided multiple internal ways to privately report sexual misconduct, retaliation by other youth or staff for reporting sexual misconduct, and staff neglect or violation of responsibilities that may have contributed to such incidents.
3. Twin Oaks facilities must ensure all youth with disabilities, (including, for example, youth who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, developmental, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the efforts to prevent, detect, and respond to sexual misconduct.

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The facility must also ensure meaningful access to its efforts to prevent, detect, and respond to sexual misconduct to youth who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. The facility may not use youth as interpreters, readers, or other assistance to perform such functions except in limited circumstances where an extended delay in obtaining an effective interpreter/reader/assistance could compromise the youths' safety, the performance of the first responder duties, or the investigation of the youth's allegations.

4. Any staff, contractor(s), or volunteer(s) who receives a report of sexual misconduct or possible sexual misconduct must ensure that it is reported to the Department of Children and Families Florida Abuse Hotline, local law enforcement and the CCC. Reports can be received verbally, in writing, anonymously, and from third parties. All verbal reports shall be documented promptly and reported accordingly. Apart from reporting to designated supervisors or officials and designated state or local services agencies, staff are prohibited from revealing any information related to a sexual misconduct report to anyone other than to the extent necessary to make treatment, investigations, and other security and management decisions. While victims and complainants may report anonymously, staff who follow-up to report the allegations shall not be afforded anonymous status.
5. All staff, contractor(s) and volunteers are required to immediately report any knowledge, suspicion, or information received regarding 1) any incident of sexual misconduct that has occurred in the facility; 2) retaliation against youth or staff who report sexual misconduct; and 3) any staff neglect or violation of responsibilities that may have contributed to an incident of sexual misconduct or retaliation to the Florida Abuse hotline, local law enforcement, and the CCC as required by mandatory reporting laws and Twin Oaks policy.
6. If staff learns that a youth is subject to a substantial risk of imminent sexual misconduct, they shall take immediate action to protect the youth from further harm or threat. In addition, if staff learns a youth poses a substantial risk of sexually abusing other youth in the facility, they shall take immediate action to protect other youth from further harm or threat.
7. Medical and mental health practitioners shall be required to report sexual misconduct to designated supervisors and Department officials, the CCC, local law enforcement, and the Florida Abuse Hotline operated by the Department of Children and Families (s.39.201, F.S.). Said practitioners must inform residents at the initiation of services of their duty to report and the limitations of confidentiality.

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8. Apart from reporting to designated supervisors or officials, all staff shall only reveal information to those individuals who have a need-to-know to develop treatment plans, investigate, or make other security and management decisions.
9. Staff will fully cooperate with any law enforcement investigations of sexual abuse.
10. Section 982.701, Florida Statutes, makes certain acts of sexual misconduct between a youth and staff a felony. A youth's consent to sexual acts with a staff member is not a defense under this subsection of the law.
11. Youth must be allowed unimpeded access to report any allegation of misconduct or neglect to the Florida Abuse hotline operated by the Department of Children and Families. Youth 18 years of age or older will call the CCC to report an allegation of abuse or neglect.
12. Youth shall be advised that any person who knowingly and willfully makes a false report to the Florida Abuse Hotline or counsels another to make a false report is guilty of a third-degree felony in accordance with Chapter 39.205, Florida Statutes. Anyone reporting in a good faith shall be immune from civil or criminal liability.
13. A report of sexual misconduct made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident, even if an investigation does not establish sufficient to substantiate the allegation.
14. Youth, staff, contractor(s), or volunteer(s), who have reported sexual misconduct shall be provided protection against retaliation. Accommodations will include housing changes and removal of alleged staff or youth from contact with victims. Emotional support services for youth or staff who fear retaliation for reporting or cooperating with investigations will be available.
15. For at least 90 days following a report of sexual misconduct, the facility program director or designee will monitor the conduct or treatment of youth or staff who reported the sexual misconduct and the victims to determine if retaliation is occurring and shall act promptly to remedy any such retaliations. Items to be monitored include, but are not limited to, youth disciplinary reports, status checks, housing or program changes, negative performance reviews, or reassignment of staff. The program shall continue such monitoring beyond the 90 days if the initial monitoring indicates a continuing need. The obligation to monitor terminates if the allegation is determined to be unfounded.

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16. Upon receiving an allegation that a youth was sexually abused while confined at another facility, the program director that received the allegation shall notify the head of the facility where the alleged abuse occurred and shall notify the CCC, the Florida Abuse Hotline, and local law enforcement.

J. Responding to Abuse Reports

1. Upon discovery of an incident defined as sexual abuse, staff members responsible for taking immediate actions to ensure the safety of the victim and notifying appropriate law enforcement and medical personnel. These actions include, but are not limited to, identifying and separating victim(s), suspect(s), and making every attempt to preserve evidence.
2. It is essential that the garments/clothing worn by those involved and the scenes where alleged act(s) occurred be protected to ensure that evidence is not further contaminated. This means simply securing any evidence until the arrival of law enforcement. Securing is defined as keeping control over the evidence or scene and documenting any access to or deviation regarding access to that evidence. Staff shall not move, touch, or alter the evidence in any way. Staff shall not discuss any facts of the incident(s) with anyone except those directly involved in response or investigation of the incident. All this information is reportable to law enforcement and subsequent investigators.
3. Upon receipt of notice that any sexual abuse has occurred in the last 72 hours, whether informed by the victim or a third party, take the following actions:
 - A. If the incident is reported by the victim:
 - i. Ensure the victim is safe, has no further contact with the alleged subject (youth or staff), and if medical staff is available, take the victim to medical staff.
 - ii. Do not question the youth, other than to obtain basic information such as the date and time of the incident, where the incident occurred, the supervising staff, and who may be involved. Do not request youth to write a statement.
 - iii. Immediately preserve the area where the incident allegedly occurred, including ensuring that bedding, clothing, or related material are not disposed of or cleaned up by staff, and keep those materials secure or free from contamination by anyone else until instructed to do differently by law enforcement.
 - iv. Immediately notify the program director.

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- v. Immediately notify law enforcement (911)
 - vi. Immediately contact the DCF Florida Abuse Hotline
 - vii. Notify the CCC within two (2) hours of the incident or learning of the incident
 - viii. Do not discuss the facts of the incident with anyone except those directly involved in response or investigation of the incident
 - ix. IF the suspect is in the care and custody of the facility, do not notify them of the victim's report, but take adequate steps to ensure the safety of other youth, and report suspect or subject information to law enforcement upon their arrival
 - x. Cooperate fully with law enforcement
 - xi. Within seven (7) days of the reported event, the youth's VSAB shall be reviewed and updated by the youth's case manager or the facility mental health provider
- B. Upon receipt of notice that any sexual abuse occurred longer than 72 hours ago, whether informed by the victim or a third party, take the following actions:
- i. Ensure the victim is safe, has no further contact with the alleged subject (youth or staff), and if medical staff is available, take the victim to medical staff.
 - ii. Do not question the youth, other than obtain basic information such as the date and time of the incident, where the incident occurred, the supervising staff, and who may be involved. Do not request youth to write a statement.
 - iii. Immediately notify the facility management
 - iv. Immediately notify law enforcement (911)
 - v. Immediately contact the DCF Florida Abuse Hotline
 - vi. Notify the CCC within two (2) hours of the incident or learning of the incident

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- vii. Do not discuss the facts of the incident with anyone except those directly involved in response or investigation of the incident
 - viii. Cooperate fully with law enforcement
 - ix. If the subject is in the care and custody of the facility, do not notify them of the victim's report, but take adequate steps to ensure the safety of other youth, and report suspect or subject information to law enforcement upon their arrival
 - x. Within Seven (7) days of the reported event, the youth's VSAB shall be reviewed and updated by the youth's case manager or the facility mental health practitioner.
4. The facility staff shall notify the alleged victim's parents or legal guardians; unless there is official documentation showing the parents or legal guardians shall not be notified. If the youth is under DCF custody, the caseworker shall be notified. If applicable the youth's attorney or other legal representative of record shall be notified of the allegation within 14 days of receiving the allegation. Youth over 18 years of age must provide informed consent prior to any notifications.
5. If a juvenile court retains jurisdiction over the alleged victim, the youth's attorney or other legal representative of record shall be notified of the allegation within 14 days of receiving the allegation. Youth over 18 years of age must provide informed consent prior to any notifications.
6. Twin Oaks facilities will develop a Facility Coordinated Response for all PREA-related incidents that outlines facility personnel responsibilities in the event of an incident.

K. Investigations:

1. The Department does not conduct criminal investigations for youth-related sexual abuse reports. Local law enforcement agencies and the Department of Children and Families handle such investigations involving youth in Florida. The department conducts administrative investigations and management reviews, separate and apart from any criminal investigations, to identify any misconduct by staff as related to Department regulatory guidance. Staff are expected to cooperate with the Office of the Inspector General (OIG) investigations.
2. The OIG staff will be trained on Department policies and procedures related to the handling of sexual misconduct incidents and reports.

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3. The Department will ensure administrative investigations and reviews are completed for all allegations of sexual misconduct and all administrative investigations by the OIG shall follow OIG guidelines governing PREA investigations.
4. Twin Oaks programs being audited shall demonstrate that it has attempted to gain compliance from local law enforcement that conducts criminal investigation of sexual abuse with requirements (a) through (e) of standard 28 C.F.R. Part 115.231
5. The PREA Statewide Coordinator will conduct a sexual misconduct incident review at the end of every sexual misconduct investigation or administrative review, including those where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Said review shall ordinarily be conducted within 30 days of the conclusion of the investigation. The review team shall include the PREA Facility Compliance Manager, Department program staff, upper-level management, with input from the shift leader, including medical and mental health staff. The OIG may participate when the incident was investigated by the OIG. If applicable, information regarding administrative investigations resulting from a sexual misconduct incident shall be included in such reviews to include the reasoning behind the creditability assessments.
6. The review team shall:
 - A. Consider whether the allegations or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual misconduct.
 - B. Consider whether the incident or allegation was motivated by race, ethnicity gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or had 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 to 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 shall be deployed or augmented to supplement supervision by staff.
 - F. Prepare a report of its findings, including but not necessarily limited to items (a) through (e) above, and any recommendations for improvement and submit such report to the DJJ Regional Director, the Program Director and the PREA Facility Compliance Manager.

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7. Recommendations for improvement from the report shall be implemented, or justification provided for not implementing said recommendations.
8. Following an investigation into a youth's allegation of sexual misconduct occurring in a facility, the facility shall inform the victim or victim's parent(s) or legal guardian(s) by letter as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

A. Following a youth's allegation that a staff member has committed sexual abuse against the youth, the youth will be informed (unless the allegation is unfounded) whenever:

- i. The staff member is no longer posted within the youth's unit
- ii. The staff member is no longer employed at the facility
- iii. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility
- iv. The Agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility

B. Following a youth's allegation that he or she has been sexually abused by another youth, the alleged victim will be informed whenever:

- i. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility
- ii. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility

C. All such notifications or attempted notifications shall be documented.

L. Youth Access to Grievance regarding sexual abuse and/or sexual harassment

Procedures outlined in this section pertain to the exhaustion of administrative remedies through the use of Sexual Harassment Grievance only and to not pertain to Sexual Abuse. Twin Oaks considers a grievance pertaining to sexual abuse to be an allegation of sexual abuse and when such a complaint is received reporting and

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investigation policies will be initiated. Twin Oaks will not impose a time limit on when a youth may submit a grievance regarding an allegation of sexual harassment. Nothing in this section shall restrict Twin Oaks' ability to defend against a lawsuit filed by a youth on the grounds that the applicable statute of limitations has expired.

1. Youth are not required to use an informal grievance process, or otherwise attempt to resolve with staff, an alleged incident of sexual harassment. Youth who allege sexual harassment may submit a grievance without submitting it to a staff member who is the subject of the complaint and the grievance will not be referred to a staff member who is the subject of the complaint.
 - A. Sexual Harassment Grievance Reports can be turned into the Program Director, medical staff, mental health staff, or any direct care staff that the youth is comfortable submitting the form to.
2. Third parties, including fellow youth, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual harassment using the Sexual Harassment Grievance Report, and shall also be permitted to file such requests on behalf of the residents using the Sexual Harassment Grievance Report.
 - A. If a third party, other than a parent or legal guardian, files such a request behalf of a youth, the request will be processed only if the alleged victim agrees to have the request filed on his/her behalf, and the alleged victim shall personally pursue any subsequent steps in the administrative remedy process. If the youth declines to have the request processed on his/her behalf, the facility shall document the youth's decision.
 - B. A parent of legal guardian of a juvenile shall be allowed to file a grievance regarding allegations of sexual harassment, including appeals, on behalf of the youth. grievance filed by a parent or legal guardian will not be conditioned upon the juvenile agreeing to have the request filed on his/her behalf.
3. If a Sexual Harassment Grievance Report indicates that there is a substantial risk of imminent physical harm to the youth due to sexual harassment, the report will be viewed as an emergency grievance. After receiving an emergency grievance alleging a youth is subject to a substantial risk of imminent harm, the youth will be removed and placed in a safe area and the grievance will be immediately forwarded to the Program Director or designee at a level of review that will take immediate corrective action.

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- A. An initial response to an emergency grievance will occur within 2 hours, and a final decision will be made within 5 calendar days. The initial response and final decision will document the agency's determination whether the youth is in substantial risk of imminent harm due to sexual harassment and the action taken in response to the emergency grievance.
4. Twin Oaks will issue a final agency decision on the merits of any portion of a grievance alleging sexual harassment within 90 days of the initial filing of the grievance. Computation of the 90-day time period shall not include the time consumed by the youth in preparing an administrative appeal. Twin Oaks may claim an extension of the time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the youth in writing of any such extensions and provide a date by which a decision will be made.
 - A. If at any level of the administrative process, including the final level, the youth does not receive a response within the time allotted for reply, including any properly noticed extension, the youth may consider the absence of a response to be a denial at that time.
5. Twin Oaks may discipline a resident for filing a grievance related to alleged sexual harassment only where it is demonstrated that the resident filed the grievance in bad faith.

M. Hiring and Promotion Decisions:

1. Twin Oaks does not hire, promote, or contract with anyone who:
 - A. Has engaged in sexual abuse in a prison, jail, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)
 - B. 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 able to consent or refuse
 - C. Has been civilly or administratively adjudicated to have engaged in the activity described in C ii above.

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2. Twin Oaks shall ask all applicants and staff who may have contact with youth directly about previous misconduct in Section F. 1 in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of review or current staff.
3. Twin Oaks shall consider any substantiated incidents of sexual harassment in determining whether to hire, promote, or contract with anyone.
4. Twin Oaks performs background checks prior to hiring any new staff. Twin Oaks will make best efforts to contact all prior PREA regulated employers for information on substantiated allegations of sexual abuse or any resignations during a pending investigations of an allegation of sexual abuse. Background checks shall be conducted every five (5) years for all staff.
5. Staff considered for promotion shall disclose any sexual misconduct and material omissions regarding such misconduct, or the provision of materially false information shall be grounds for termination.
6. Unless prohibited by law, Twin Oaks shall provide information on substantiated allegations of sexual misconduct involving former staff upon receiving a request from any PREA regulated employer for whom such staff has applied to work.
7. Neither the Twin Oaks nor any other governmental entity responsible for collective bargaining on the Department's behalf shall enter into or renew any collective bargaining agreement or other agreements that limit the Department's ability to remove alleged staff sexual abusers from contact with youth pending the outcome of an investigation or of a determination of whether, and to what extent, discipline is warranted. Nothing in this policy shall restrict the entering into or renewal of agreements that govern;
 - A. The conduct of disciplinary process, as long as such agreements are not consistent with PREA standards;
 - B. Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

PRISON RAPE ELIMINATION ACT (PREA)**N. Staff Training:**

1. All Twin Oaks employees must complete training as outlined in FDJJ 1520, Employee Training and Florida Administrative Code Rule 63-H, Staff training. This curriculum includes training on the agency's zero tolerance of sexual misconduct outlined in this policy. Each employee is required to take a refresher training every two (2) years. Twin Oaks will document, through employee's signature or electronic verification that employees understand the training they have received. Information on current sexual misconduct policies will be available for staff on the Department's PREA webpage. Direct care staff shall be trained in how to conduct cross-gender pat searches, and searches of transgender and intersex youth, in a professional and respectful manner, and in the least intrusive manner possible.
2. Specialized Training – Medical and Mental Health Care – All full and part-time medical and mental health care practitioners who work in Residential facilities, whether employed by Twin Oaks, contracted by Twin Oaks, will be expected to complete either the PREA medical and mental health training available in SkillPro or a suitable training that has been previously approved by the PREA Resource Center. This specialized training will include the following:
 - A. How to detect and assess signs of sexual abuse:
 - B. How to preserve physical evidence of sexual abuse;
 - C. How to respond effectively and professionally to juvenile victims of sexual abuse;
 - D. How and to whom to report allegations or suspicions of sexual abuse
3. Medical and Mental Health Care providers will be subject to sexual abuse training similar to DJJ employees. Twin Oaks shall maintain documentation that practitioners have received the training references in this policy either from the agency or elsewhere.
4. Volunteer and Contractor Training – All volunteers and contracted providers with Twin Oaks who have contact with youth must be trained on their responsibilities under the Department's sexual misconduct prevention, detection, and response policy and procedures – FDJJ 1919 and FDJJ 1520.

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- A. The level of training provided to volunteers and contractors is based on the service they provide and level of contact with youth. Volunteers and contractors are based on the service they provide and level of contact with youth. Volunteers and contracted who perform services on a continuous basis or at regular intervals, or who volunteers 10 hours or more each month, must complete the PREA training prescribed for all full-time employees. The course is available on the Department's Learning Management System (Course FDJJ 110).
- B. Volunteers and contractors who perform services or interact with youth for less than 10 hours a month and/or accompanied by a staff member who is always present and has the volunteer or contractor in his/her line of sight, will not be required to take the course FDJJ 110, but shall read the FDJJ Course for Volunteers and sign the PREA Acknowledgement to document their understanding of the training received, this course is available on the Department's PREA web page at [http://www.djj.state.fl.us/partners/prison-rape-elimination-act-\(prea\)/training-tools/volunteer-training](http://www.djj.state.fl.us/partners/prison-rape-elimination-act-(prea)/training-tools/volunteer-training).
- i. The facility shall maintain documentation confirming that volunteers and contractors understand the training they have received, in accordance to contract language and FDJJ 1520
 - ii. A copy of the documentation shall be retained by the PREA Facility Compliance Manager and the original will be placed with the respective Human Resource Dept

PRISON RAPE ELIMINATION ACT (PREA)**O. Youth Training:**

1. During intake, all youth will be provided with information on the agency's zero-tolerance policy regarding sexual misconduct, including how to report incidents or suspicions of sexual misconduct.
2. Special accommodations shall be made to ensure all written information about sexual misconduct policies, including how to report sexual misconduct is conveyed verbally to youth with limited reading skills or who are visually impaired, deaf, or otherwise disabled.
3. Within 10 days of intake, Twin Oaks shall provide comprehensive education to youth (either in-person or via video), regarding 1) youth's rights to be free from sexual misconduct, 2) youth's rights to be free from retaliation for reporting such misconduct, and 3) Twin Oaks sexual misconduct response policies and procedures. Refresher information will be readily available to all youth at all facilities. Twin Oaks will retain documentation of youth participation in said training classes.

P. Audits:

1. The Department's PREA Statewide Coordinator will ensure facilities, including contracted facilities, are audited in compliance with PREA standards.
2. Each year of a three-year period, one third of all facilities will be audited by an independent organization that fall into one of the three following categories:
 - A. A correctional monitoring body that is not part of the Department but that is part of or authorized by the State of Florida.
 - B. An auditing entity that is within the agency but separate from its normal chain of command, such as an inspector general or ombudsperson who reports directly to the Department's head or the Governor's Office.
 - C. Other outside individuals with relevant experience.
3. No audit may be conducted by an auditor who has received financial compensation from the agency within the three (3) years prior to the Department's retention of the auditor, and the Department shall not employ, con of contract with, or otherwise financially compensate the auditor for three

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(3) years subsequent to the Departments' retention of the auditor, with the exception of contracting for subsequent audits.

4. Auditors must be certified by the Department of Justice (DOJ) to conduct such audits, and ensure the auditor if retained again, has been re-certified every three (3) years.
5. Auditors shall have access to enter and tour all facilities, including those contracted to review documents, and interview staff and youth to conduct a comprehensive audit.
6. All facility reports shall be published on the Twin Oaks and the Department's website and be readily available to the public.

Q. Data Collection:

Twin Oaks Juvenile Development, Inc. utilizes the TRENDSTAT system to collect accurate, uniform data for every allegation of sexual abuse at our facilities using a standardized instrument and set of definitions.

TRENDSTAT

Twin Oaks monitors the operations and risk management of programs through a monthly Quality Improvement process we call TRENDSTAT. Through the TRENDSTAT process, data is collected, analyzed and is submitted monthly to the corporate leadership team. Data elements include, but are not limited to, allegations of sexual abuse, number of incidents, number of abuse calls, number of medication errors, status of corrective actions, utilization data, staff training and development, overtime, staff injuries, and other risk management issues. This data is analyzed, and trends and/or problem areas are identified for corrective actions as needed. Data elements are added to or removed from the process based on identified areas of concern or when desired outcomes are met. Internally, each program uses this trend analysis data in their Management Team Meetings to guide staff in the Quality Improvement process. Data is displayed in our facilities for staff to see, and when appropriate, for the youth also.

This process has attributed to a significant reduction in restraints and incidents in all our programs.

The Twin Oaks culture is one of extreme dedication toward achieving the highest level of excellence for the youth we serve. We understand how critical it is to be unified in our approach. Setting clear expectations, providing effective training, conducting frequent and consistent meetings, and holding people accountable, has been, and will continue to be, effective methods to plan, control, and manage our program to provide the services.

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Data collected through this process includes the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Juvenile Justice as well as PREA related data available from incident-based documents, investigation files, and sexual abuse incident reviews.

Data Review, Analysis, and Reporting

Twin Oaks Juvenile Development, Inc. reviews data collected and aggregated pursuant to §115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, and training, including:

- Identifying problem areas
- Taking Corrective Action
- Preparing an annual report of findings from data review and any corrective actions necessary for each facility as well as the agency as a whole

Monthly TRENDSTAT data and analysis is aggregated and recorded in the Annual PREA Report, including an assessment of the agency's progress in addressing sexual abuse, comparison of the current year's data, and corrective actions from those prior years.

The Annual PREA Report is approved by the PREA Coordinator and the Twin Oaks Chief Executive Officer.

Data Storage, Publication, and Destruction

Twin Oaks ensures that incident-based and aggregate data are securely retained. The annual report is provided to the public via the agency website www.twinoaksfl.org and to the Department of Justice with data from the previous calendar year upon request. Prior to publication, all personal identifiers will be removed from the report. Information that is redacted for publication purposes is limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility. Redacted information will clearly indicate the nature of the material redacted.

PRISON RAPE ELIMINATION ACT (PREA)**Record Retention**

Twin Oaks maintains sexual abuse data collected pursuant to §115.387 for at least 10 years after the date of initial collection, unless Federal, State, or local law requires otherwise.

R. Responsibilities and Duties

1. PREA Statewide Coordinator
 - A. This person is responsible for the statewide oversight of the Department's implementation and compliance efforts as they relate to PREA standards.
 - B. This person will ensure facility audits are completed timely and by appropriately certified staff.
 - C. This person will maintain the Department's PREA-related website to ensure all related information, including audit reports, are current and readily available to the public.

2. PREA Facility Compliance Manager – Twin Oaks has designated the Chief Operations Officer as the agency PREA Coordinator to oversee all facility PREA compliance Managers. All Twin Oaks facilities shall appoint a PREA Facility Compliance Manager who shall:
 - A. Be responsible for oversight of their designated facility's state-operated or contracted implementation and compliance efforts as they relate to PREA standards.
 - B. Coordinate and communicate on a regular basis with the Department PREA Coordinator as to the facility's compliance with PREA standards.
 - C. Be responsible for hands-on involvement with auditors conducting reviews at their facility and for developing corrective action plans deemed necessary as a result of the audit.
 - D. Be directly responsive for ensuring all PREA training is conducted as required at their facility and that all staff have been properly trained on PREA prior to their interactions with youth at the facility.
 - E. Be responsible for ensuring that youth have access to information regarding PREA, Twin Oaks and the Department's zero-tolerance policy on sexual

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misconduct, and that information is readily available to youth if they need to report any incident.

- F. Be responsible for ensuring confidentiality of reported information and monitoring any retaliation that may happen as a result of a reported incident.

S. Attachments

1. Screening for Vulnerability to Victimization and Sexually Aggressive Behavior (VSAB) – RV 8050-2
2. PREA Acknowledgement Form – PREA01
3. Staffing Plan
4. Volunteer, Intern, and Sub-contracted Staff Policy
5. Authorization for release of information (youth who are 18)
6. PREA Sexual Abuse Incident Review
7. Staff approved interpreter list, Language Lines
8. Use of headphones for privacy calls (JUST)

T. Annual Review

It shall be the responsibility of the Chief Executive Officer to review and update this operating procedure annually or as necessary.



Chief Executive Officer



Date