



The Juvenile Justice Authority (JJA) is committed to ensuring a safe and humane environment for all juvenile offenders and will not tolerate any form of sexual abuse / sexual harassment. An important part of a safe and humane environment is freedom from sexual abuse / sexual harassment by other juvenile offenders or staff. And JJA strived to treat juvenile offenders humanely.

State statute prohibits juvenile offender abuse, which includes sexual contact by a staff member and accordingly, JJA maintains a zero tolerance policy with regard to sexual abuse / sexual harassment. This guide explains juvenile offenders' rights and the safeguards that are in place for protection from sexual abuse / sexual harassment.

## What is Sexual Abuse?

**Two Categories of Sexual Abuse are:**

1. *Juvenile offender/Juvenile offender*
2. *Staff/Juvenile offender*

### **1. Juvenile Offender/Juvenile Offender Sexual Abuse:**

One or more juvenile offenders engaging in, or attempting to engage in unwanted sexual contact with another juvenile offender by force, the use of threats, intimidation, inappropriate touching, or other actions and/or communications by one or more juvenile offenders aimed at coercing and/or pressuring another juvenile offender to engage in a sexual act.

Sexual abuse of juvenile offender on juvenile offender 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. Penetration of the anal or genital opening of another person, however slight, by 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.

## Remember

Sexual abuse / sexual harassment between juvenile offenders or juvenile offenders and staff is never okay and is never considered as “consensual.”

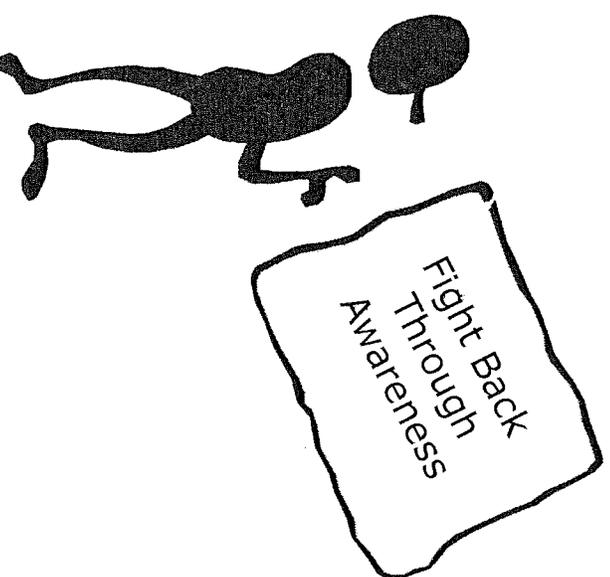
If you are a victim of sexual abuse / sexual harassment, report it immediately.

All reported incidents will be investigated. Keep in mind, a thorough investigation takes time. The investigation must clearly support or refute any allegations with evidence, information gathering from witnesses, and reviewing documentation.

False allegations can hurt the victim and the accused and you can face possible disciplinary actions.

Help is always available.

Sexual abuse / sexual harassment will not be tolerated by JJA by **ANYBODY!**



## Reporting Procedures

Any juvenile offender who witnesses, suspects, or has knowledge that another juvenile offender is sexually abusing / harassing other juvenile offenders or is a victim of sexual abuse /harassment shall immediately report the incident.

- Report it to a staff member, or reporting it confidentially by completing a grievance form or calling the Kansas Protection Report Center hotline at 1-800-922-5330.
- Request immediate medical attention. You may have serious injuries that you aren't aware of, and any sexual contact can expose you to sexually transmitted diseases.
- Do not shower, brush your teeth, use the restroom, or change your clothes. You may destroy important physical evidence.
- You can also seek assistance from mental health services and crisis intervention for counseling and / or referrals.

## Actions Following Reports

JJA will ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. Any juvenile offender or staff member who sexually abuses or harasses another juvenile offender will be disciplined up to and including criminal prosecution.

Information regarding the identity of the juvenile offender victim and the facts of the incident will be limited to those individuals on a need to know basis consistent with state and federal laws, regulations, statutes, professional licensure and ethical standards.

Any juvenile offender who fails or refuses to cooperate or who otherwise takes action to obstruct an investigation, including providing false or misleading information may be subject to disciplinary actions, up to and including referral for criminal prosecution.

## **2. Staff/Juvenile Offender Sexual Abuse:**

One or more staff members engaging in, or attempting to engage in unwanted sexual contact with a juvenile offender by force, the use of threats, intimidation, inappropriate touching, or other actions, and/or communications by one or more staff aimed at coercing and/or pressuring another juvenile offender to engage in a sexual act.

Sexual abuse of a staff member on a juvenile offender 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, contract staff, or volunteer has the intent to abuse,, arouse, or gratify sexual desire;
4. Penetration of the anal or genital opening of another person, however slight, by hand, finger, object or other instrument, that is unrelated to official duties or where the staff member, contract staff, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contract staff, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
6. Any attempt, threat, or request by a staff member, contract staff, or volunteer to engage in the activities described in paragraphs (1) through (5) of this definition;
7. Any display by a staff member, contract staff, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a juvenile offender; and
8. Voyeurism by a staff member, contract staff, or volunteer.

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

## What is Sexual Harassment?

Sexual harassment is repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, or gestures or actions of a derogatory or offensive sexual nature by an employee, contract staff, or volunteer to a juvenile offender or by one juvenile offender toward another juvenile offender. Such statements include demeaning references to gender, sexually suggestive or derogatory comments about clothing, or profane or obscene language or gestures.

## What is Undue Familiarity?

Conversation, contact, personal or business dealings between an employee, contract staff or volunteer and juvenile offender and/or the juvenile offender's family which is unnecessary, not a part of the employee's duties and related to a personal relationship or purpose rather than a legitimate correctional purpose. Undue familiarity includes, but is not limited to horseplay, betting, trading, dealing, socializing, family contact unrelated to the employee's duties, sharing or giving food, giving money. Personal conversation, exchanging correspondence, or in any other manner developing a relationship with a juvenile offender which is anything other than an employee/juvenile offender relationship.

## What is Retaliation?

Retaliation is intimidation to prevent a juvenile offender from filing a complaint or participating in an investigation of sexual misconduct. JJA prohibits any individual from interfering with an investigation, including intimidation or retaliation against witnesses. If a juvenile offender believes that she/he is being denied privileges, or is being unfairly transferred or punished in some way because she/he filed a complaint or assisted in an investigation or a complaint, she/he should report this to the Superintendent, Deputy Superintendent, or the JJA investigator.

## Prevention Strategies

### *Pay attention to:*

Where you are—Abuse happens most often when a juvenile offender is isolated and alone with another person than when the juvenile offender is part of a group

- Avoid being isolated away from the min group where staff members can't see you.
- Position yourself in plain view.

Situations that make you feel uncomfortable.

- Trust your gut feeling. If a situation feels wrong, it most likely is.
- Work to get yourself out of the situation, or leave the area and then report the situation to a staff member.

Special attention that someone may be giving you.

- This may be favors. Romantic or sexual gestures or talk. This includes sharing secrets and you need to report this to staff immediately.

Who you tell private information to.

- Juvenile offenders have been known to use this information to get another juvenile offender to do something they don't want to do.

Do not accept any offer of protection.

- Someone offering to protect you from consequences or harm from someone else will want something in return.

Do not accept a loan or gift.

- Do not borrow, gamble, or trade anything.
- Avoid owing anyone anything.

Do not let manners get in the way of keeping yourself safe.

- Do not be afraid to shout "NO" or "STOP IT NOW".