



INTERNAL MANAGEMENT POLICY & PROCEDURE	SECTION NUMBER 07-101	PAGE NUMBER 1 of 19
	CHAPTER & SUBJECT: ADMINISTRATION: Prevention, Intervention and Reporting Abuse, Neglect, Sexual Abuse and Sexual Harassment	
Approved By:  Teresa Williams, Acting Commissioner		Original Date Issued: 06/01/00 (07-103); 04/23/08 (07-101)
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POLICY

The Juvenile Justice Authority (JJA) has zero tolerance for the abuse, neglect, or sexual abuse/harassment of or with a juvenile offender while confined at a juvenile correctional facility. To insure juvenile offenders are provided a safe and secure environment that is free of forced and/or pressured sexual acts, each facility shall implement a Sexual Assault Prevention and Intervention Program that includes prevention, prompt intervention, investigation, discipline, prosecution of assailants, training, and data collection.

DEFINITIONS

Abuse: Any act or failure to act which results in death, physical harm, emotional harm, or presents imminent risk of harm to a juvenile offender.

Contract Staff: Any person employed by an entity and under contract to provide services to JJA central office or a juvenile correctional facility.

Employee: Any person employed:

- Full time;
- Part-time; or
- On a temporary appointment to JJA.

Harm (harmed): Includes psychological injury or damage.

Juvenile Offender-on-Juvenile Offender Sexual Assault: For the purpose of this policy, this means one (1) 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 (1) or more juvenile offenders aimed at coercing and/or pressuring another juvenile offender to engage in a sexual act.

Juvenile Offender with a History of Sexually Assaultive Behavior: For the purpose of this policy, an internal classification designation for a juvenile offender who has a history of threatening, intimidating, forcing, strong-arming, coercing, pressuring and/or using other actions or communications to engage in or attempt to engage in unwanted sexual contact or acts with another juvenile offender or juvenile offenders while in custody or placement.

Mental/Emotional Abuse: Impairment of a juvenile offender’s social, emotional or intellectual functioning to the extent the juvenile offender’s health or emotional well-being is endangered.

Neglect: Acts or omissions on the part of a person responsible for the care of the juvenile offender that results in the harm to the juvenile offender or presents an imminent risk of harm and includes the failure of the person responsible for the juvenile offender to protect from him/her from abuse and/or neglect.

Physical Abuse: Non-accidental or intentional action that results in bodily injury or presents an imminent risk of death or bodily injury.

Sexual Abuse: Any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include: (1) allowing, permitting or encouraging a child to engage in prostitution or to be photographed, filmed or depicted in pornographic material; (2) Sexual abuse of a juvenile offender by another juvenile offender; and (3) Sexual abuse of a juvenile offender by a staff member, contractor, or volunteer.

Sexual Abuse of Juvenile Offender by Another Juvenile Offender: When one or more juvenile offender engages in, or attempts to engage in unwanted sexual contact with another juvenile offender by force, the use of threats, intimidation, unwanted touching, or other actions, and/or communications by one or more juvenile offender aimed at coercing and/or pressuring another juvenile offender to engage in a sexual act, and includes any act prohibited by K.S.A. 21-5501 through K.S.A. 21-5513, that is perpetrated on a juvenile offender, and 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 a Juvenile Offender by an Employee, Contractor, or Volunteer: includes any act prohibited by K.S.A. 21-5501 through K.S.A. 21-5513, that is perpetrated on a juvenile offender, and any of the following acts, with or without consent of the juvenile offender:

- (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) through (5) of this definition;
- (7) Any display by a staff member, contractor, 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, contractor, or volunteer.

Sexual Harassment: 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.

Suspected Child Abuse or Neglect in State Institutions (SISI) Report: A report of suspected child abuse or neglect occurring in an institution operated by commissioner of juvenile justice, pursuant to K.S.A. 38-2223 and amendments thereto

Volunteer: Any person who works at JJA central office or juvenile correctional facility on a voluntary basis including interns.

PROCEDURES

I. Prevention of Sexual Abuse and/or Harassment (4-JCF-3D-03; 3D-05; 3D-06)

- A. All juvenile offenders newly admitted to one of the juvenile correctional facilities shall, within 24-hours of his/her arrival, be interviewed utilizing the Screening Tool for Identification of Sexual Aggression and Vulnerability, Attachment A, Form 01-181-001)
1. In addition to the use of the screening tool, each juvenile correctional facility shall review pre-sentence investigations, police reports, evaluation reports, chronological entries, and any other pertinent materials/assessments for any indication of a juvenile offender exhibiting sexually assaultive behavior or being a victim of sexual abuse and/or harassment.
 2. Any juvenile offender who has been identified as exhibiting sexually assaultive behavior shall be identified as a juvenile offender with a history of sexually assaultive behavior, assessed and counseled by mental health or qualified professional, and this behavior shall be considered when establishing the juvenile offender's initial custody classification, program plan, living unit and room assignments.
 3. If the juvenile offender has a history of being sexually victimized, he/she shall be identified as being at risk for sexual victimization, assessed, and counseled by mental health or qualified professional, and this factor shall be considered when establishing the juvenile offender's initial custody classification, program plan, and living unit and room assignments.
 4. The classification and program plan of juvenile offenders designated as juvenile offenders with a history of sexually assaultive behavior or who are victims of sexual abuse and/or harassment shall be periodically reviewed.
 5. If there is sufficient evidence based upon a juvenile offender's 180-day reclassification reviews that the juvenile offender is no longer vulnerable to sexual abuse and/or harassment or no longer poses a threat of sexual assault to others, the superintendent/designee, in collaboration with the facility health services/mental health staff and other designated staff, may authorize the modification of the juvenile offender's classification and program plan.
- B. Within 24-hours of being transferred to any juvenile correctional facility, each juvenile offender shall be interviewed utilizing the Sexual Assault and Vulnerability Questionnaire. (Attachment B, Form #01-181-002)
1. If the juvenile offender answers "Yes" to questionnaire questions number 1 and/or 2, employees shall follow the procedures outlined in Section V. below.
 2. If the juvenile offender answers "No" to questionnaire question number 3, employees shall follow the procedures outlined in Section II. below.
- C. At each 180-day reclassification review, juvenile offenders shall be required to complete the Sexual Assault and Vulnerability Questionnaire (Attachment B, Form #01-181-002)
1. If a juvenile offender answers "Yes" to questionnaire questions number 1 and/or 2 on the questionnaire, employees shall follow the procedures outlined in Section V. below.
 2. If the juvenile offender answers "No" to questionnaire question number 3, employees shall follow the procedures outlined in Section II. below.
- D. JJA shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

II. Juvenile Offender Orientation, Facility Transfers, and Education (4-JCF-3D-02; 3-D-08)

- A. During orientation, each juvenile offender shall be provided information on abuse, neglect, and sexual abuse/harassment, victimization prevention, and intervention both orally and in writing, in a manner that is clearly understood by the juvenile offender.
1. Information provided during the orientation process shall include, but not be limited to:
 - a. JJA's zero tolerance policy toward abuse, neglect and sexual abuse/harassment;
 - b. How juvenile offenders can protect themselves from becoming victims and/or avoid risk situations related to abuse, neglect, and sexual abuse/harassment while placed at a juvenile correctional facility;
 - c. Available services and/or programs for juvenile offenders who have a history of sexually assaultive behavior or who are victims of sexual abuse and/or harassment.
 - d. How to safely report incidents of abuse, neglect, and sexual abuse/harassment, including the options to report the incident to a designated staff member other than an immediate point-of-contact line staff member or reporting confidentially through the use of the Kansas Protection Report Center at 1-800-922-5330.
 - e. How to obtain medical assistance, counseling services, and/or treatment if victimized;
 - f. Protection against retaliation; and,
 - g. The risks and potential disciplinary actions, including criminal prosecution, for engaging in any type of abuse and/or sexual activity or making false allegations while placed at a juvenile correctional facility.
- B. At least twice a year, each facility shall provide information to juvenile offenders concerning the facility's efforts to eliminate abuse, neglect and sexual abuse/harassment, with emphasis on encouraging juvenile offenders to report incidents of abuse, neglect, and sexual abuse/harassment.

III. Sexual Misconduct by Employees, Contract Staff, Volunteers and/or Juvenile Offenders (4-JCF-3D-07)

- A. No employee, contract staff and/or volunteer shall engage in any type of sexual misconduct with a juvenile offender whether on or off duty.
1. Regardless of whether the juvenile offender consents or initiates the behavior shall be irrelevant in determining if sexual misconduct has occurred.
 2. Any employee who violates this policy shall be subject to disciplinary action up to and including dismissal, and prosecution pursuant to K.S.A. 21-3520, Unlawful Sexual Relations.
 3. Any contract staff violating this policy shall be reported to the administrator of his/her entity, denied access to central office and/or any juvenile correctional facility, and a report shall be filed with local prosecutor's office for prosecution.
 4. Any volunteer violating this policy shall be denied access to central office and/or any juvenile correctional facility and a report shall be filed with local prosecutor's office for prosecution.
- B. No juvenile offender shall engage in any type of sexual misconduct with another juvenile offender regardless of whether the juvenile offender consents or initiates the behavior and shall be irrelevant in determining if sexual misconduct has occurred.
- C. No employee, contract staff, and/or volunteer shall engage in any type of sexual misconduct with any juvenile offender who is on conditional release from JJA.

1. Regardless of whether the juvenile offender consents or initiates the behavior shall be irrelevant in determining if sexual misconduct has occurred.

IV. Reporting Procedures

- A. All employees, contract staff, volunteers and juvenile offenders shall be responsible for being alert to signs of potential situations in which abuse, neglect, or sexual abuse/harassment might occur and report any abusive, negligent and/or sexually assaultive behavior or victimization. (4-JCF-3D-01)
- B. Any juvenile offender who witnesses, suspects, or has knowledge that a juvenile offender is being abused, neglected or is sexually abusing/harassing other juvenile offenders or is a victim of abuse, neglect and/or sexual abuse/harassment shall immediately notify a point-of-contact line staff member, a designated staff member, or confidentially report through the use of the Kansas Protection Report Center at 1-800-922-5330.
- C. Any employee, contract staff, or volunteer who witnesses, suspects, or receives a report that a juvenile offender 17 years of age or younger is a victim of abuse, neglect, sexual abuse/harassment:
 1. Immediately complete the Suspected Child Abuse & Neglect in State Institutions (SISI) form (<http://ag.ks.gov/docs/forms/suspected-child-abuse-neglect-instate-institutions-form.pdf?fvrsn=8>) in accordance with IMPP 12-120 Critical Incident Report – Juvenile Correctional Facilities.
- E. Any employee, contract staff, or volunteer who witnesses, suspects, or receives a report that a juvenile offender 18 years of age or older who is a victim of abuse, neglect and/or sexual abuse/harassment shall immediately make a report to Kansas Protection Report Center at 1-800-922-5330 in accordance with IMPP 12-120, Critical Incident Report – Juvenile Correctional Facility.
- F. Any employee, contract staff, or volunteer having reason to suspect a juvenile offender was the victim of abuse, neglect, and/or sexual abuse/harassment in his/her home or while in the community shall make a report to the superintendent/designee, who shall refer the necessary information to the appropriate local community officials.

V. Actions Following Reports of Abuse, Neglect and Sexual Abuse/Harassment

- A. Any employee, contract staff, or volunteer who suspects, witnesses, or receives an allegation of abuse, neglect or sexual abuse/harassment shall follow the procedures in accordance with IMPP 12-114, Crime Scene, Contraband and Physical Evidence Preservation.
- B. Upon receiving a report that a juvenile offender has been the victim of abuse, neglect, sexual abuse/harassment; the superintendent/designee shall immediately act to protect the welfare of the juvenile offender victim and others who may be at risk.
 1. The juvenile offender victim shall be interviewed and examined by medical personnel using established medical protocols.
 2. Pending an internal investigation into a report of abuse, neglect or sexual abuse/harassment, the facility shall reassign any employee, contract staff, or volunteer alleged to have engaged in such conduct so that there is no contact between the victim and the alleged perpetrator. Alternatively, the facility may place any employee on administrative leave or issue a gate stop on any contract staff or volunteer pending an internal investigation.
- C. The superintendent/designee shall ensure the Suspected Child Abuse & Neglect in State Institutions (SISI) form is completed and faxed to the Office of the Attorney General, with a copy faxed to the chief attorney/designee in accordance with IMPP 12-120 Critical Incident Report – Juvenile Correctional Facilities.
- D. The chief attorney or designee shall be responsible for ensuring that the incident is promptly referred to the appropriate law enforcement agency for investigation and possible prosecution.

- E. An internal investigation shall be conducted immediately upon the report of abuse, neglect, and/or sexual abuse/harassment in accordance with IMPP 01-181 Investigations. (4-JCF-3D-04)
1. Information regarding the identity of the juvenile offender victim and the facts of the incident shall be limited to those individuals on a need to know basis consistent with state and federal laws, regulations, statutes, professional licensure and ethical standards.
 2. The agency shall not terminate an investigation solely because the source of the allegation recants the allegation.
- F. All employees, contract staff, volunteers, and juvenile offenders with information and/or material pertaining to the incident shall cooperate with any internal and/or external investigation.
1. Any employee who fails or refuses to cooperate or who otherwise takes action to obstruct an investigation, including providing false or misleading information shall result in disciplinary action, up to and including dismissal and/or referral for criminal prosecution.
 2. Any contract staff or volunteer who fails or refuses to cooperate or who otherwise takes action to obstruct an investigation, including providing false or misleading information, may be denied access to the facility and/or subject to referral for criminal prosecution.
 3. 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 action, up to and including referral for criminal prosecution.
- G. The superintendent shall immediately notify the juvenile offender's parent(s)/guardian(s) via phone, if at all possible, that an alleged incident of abuse, neglect and/or sexual abuse/harassment involving his/her son/daughter is under investigation.
1. The superintendent shall also notify the parent(s)/guardian(s) by letter (Attachment C, Form #07-101-003) of the alleged incident involving his/her son/daughter.
 - a. A copy of the letter shall be sent to the facility case manager and community supervision officer; and,
 - b. A copy shall be placed in the juvenile offender's master file.

VI. Actions Following Investigation

- A. If an internal and/or external investigation discloses a juvenile offender has been a victim of abuse, neglect and/or sexual abuse/harassment, prompt corrective action shall be taken by the superintendent.
- B. The superintendent/designee shall notify the juvenile offender's parent(s)/guardian(s) by letter (Attachment D, Form #07-101-004) as to the results of the investigation.
1. A copy of the letter shall be sent to the facility case manager and the community supervision officer; and,
 2. A copy of the letter shall be placed in the juvenile offender's master file.

VII. Intervention (4-JCF-4C-50)

- A. Any juvenile offender who claims to be a victim of a sexual assault while in a juvenile correctional facility shall be offered services in the following areas:
1. A medical examination by a licensed physician or medical personal trained to evaluate and treat sexual assault victims.

- a. A history of the victim is taken;
 - b. The examination shall include, but is not limited to:
 - (1) Documentation and treatment of injuries arising from the alleged sexual assault;
 - (2) Collection of evidence; and
 - (3) Testing for HIV and other sexually transmitted diseases and treatment, if needed, including follow-up treatment.
 2. Mental health services and crisis intervention, including assessment of treatment needs, and psychiatric referral;
 3. Social services, including family and/or peer support; and
 4. Protective services, including protective custody, transfer to another facility if applicable; or other staff action to prevent future assaults.
- B, No juvenile offender victim shall be denied access to treatment resources and/or services for failing to fully disclose details to internal investigators, outside law enforcement investigators, and/or medical/mental health staff.
- C. Sensitivity toward juvenile offenders who are victims of sexual assault is critical.
1. Employees shall take all juvenile offenders' statements or reports of such sexual acts seriously and take immediate action to protect the juvenile offender from the alleged perpetrator and report the incident as required above.

VIII. Training

- A. All employees that have direct contact with juvenile offenders shall receive training during Orientation or Basic Training (IMPP 03-104, Training and Staff Development) and annual refresher training thereafter.
1. Training shall include, but not be limited to:
 - a. JJA's zero-tolerance policy for abuse, neglect, and/or sexual abuse/harassment;
 - b. How to fulfill their responsibilities under agency abuse, neglect, and/or sexual abuse/harassment prevention, detection, reporting, and response policies and procedures.
 - c. Juvenile offenders' rights to be free from abuse, neglect, and/or sexual abuse/harassment;
 - d. The right of juvenile offenders and employees, contract staff, and volunteers, to be free from retaliation for reporting abuse, neglect, and/or sexual abuse/harassment;
 - e. The dynamics of neglect, abuse, and sexual abuse/harassment in juvenile correctional facilities;
 - f. The common reactions of juvenile offender victims of abuse, neglect, and sexual abuse/harassment;
 - g. How to detect and respond to signs of threatened and actual neglect, abuse, and/or sexual abuse/harassment and how to distinguish between consensual sexual contact and sexual abuse/harassment between juvenile offenders.

- h. How to avoid inappropriate relationships with juvenile offenders;
 - i. How to communicate effectively and professionally with juvenile offenders including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming juvenile offenders;
 - j. How to comply with relevant laws related to mandatory reporting of abuse, neglect and/or sexual abuse/harassment; and
 - k. Relevant laws regarding the applicable age of consent.
 2. Training shall be tailored to:
 - a. The unique needs and attributes of juvenile offenders in the juvenile correctional facilities; and
 - b. The gender of the juvenile offenders in the juvenile correctional facility.
 3. All current employees who have not received abuse, neglect, and/or sexual abuse/harassment training shall be required to receive training as soon as possible.
 - a. Employees shall receive refresher training every two (2) years to ensure that all employees know the agency's current abuse, neglect, and/or sexual abuse/harassment policies and procedures.
 - b. In years that an employee does not receive refresher training, they shall be provided refresher information on current abuse, neglect, and sexual abuse/harassment policies.
 4. All abuse, neglect, and sexual abuse/harassment training shall be documented through the employee's signature or electronic verification that he/she understands the training received.
- B. All contract staff and volunteers that have direct contact with juvenile offenders shall receive training during orientation and annual refresher training thereafter.
 1. Training shall include, but not be limited to:
 - a. Their responsibilities under JJA's abuse, neglect, and sexual abuse/harassment prevention, detection, and response policies and procedures;
 - b. JJA's zero-tolerance policy for abuse, neglect, and/or sexual abuse/harassment;
 - c. How to report incident of abuse, neglect, and/or sexual abuse/harassment;
 2. All abuse, neglect, and sexual abuse/harassment training shall be documented through the contract staff and volunteer's signature or electronic verification that he/she understands the training received.
- C. Specialized training shall be provided to employees responding to or involved in incidents of sexual assault. Training shall include, but not be limited to:
 1. Crime scene management/investigation, to include, but not be limited to, securing the victim's clothing, not allowing the victim to shower, etc.;
 2. Victim empathy; and,
 3. Crisis intervention.
- D. All training shall be documented in the training system/database used by central office or the facilities.

IX. Data Collection and Review of Sexual Abuse/Harassment

- A. Each facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. The sexual abuse incident review may be structured and conducted in the same manner and by the same personnel used in a critical incident debriefing conducted pursuant to IMPP 12-120, Critical Incident Reporting - Juvenile Correctional Facilities.
1. The review shall occur within 30 days of the conclusion of the investigation.
 2. The review team shall consist of upper-level management with input from line supervisors, investigators, and medical and/or mental health practitioners.
 3. 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 abuse;
 - b. Consider whether the incident or allegation was motivated by:
 - (1) Race;
 - (2) Ethnicity;
 - (3) Gender identity;
 - (4) Lesbian, gay, bisexual, transgender or intersex identification, status, or perceived status; or
 - (5) 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 should be deployed or augmented to supplement supervision by staff; and
 - f. Prepare a report of its findings including, but not necessarily limited to determinations made pursuant to paragraphs 2. a. through e. of this section, and any recommendations for improvement and submit such report to the superintendent, commissioner, and chief attorney.
 4. The superintendent shall implement the recommendations for improvement or shall document his/her reasons for not doing so.
- B. The JJA PREA Coordinator shall collect accurate, uniform data for every allegation of sexual abuse at each juvenile correctional facility under its direct control using a standardized instrument and set of definitions.
1. The JJA PREA Coordinator shall aggregate the incident-based sexual abuse data at least annually.
 - a. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

2. The JJA PREA Coordinator shall maintain, review, and collect data as needed from all available incident-based documents including, but not limited to:
 - a. Reports;
 - b. Investigation files; and
 - c. Sexual abuse incident reviews.
3. The JJA PREA Coordinator shall also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its juvenile offenders.
4. Upon request, the JJA PREA Coordinator shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

C. Data review for corrective action.

1. The JJA PREA Coordinator shall review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training including, but not limited to:
 - a. Identifying the problem areas;
 - b. Taking corrective action on an ongoing basis; and
 - c. Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
2. The annual report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
 - a. The agency report shall be approved by the commissioner and made readily available to the public through the agency's website.
 - (1) Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed.
 - b. Specific material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of a facility; however, it must indicate the nature of the material being redacted.
3. All data collected pertaining to sexual abuse shall be securely retained.
4. All sexual abuse data collected shall be retained for at least 10 years after the date of its initial collection unless Federal, State, or local law requires otherwise.

X. This IMPP shall serve as final policy for the Juvenile Justice Authority and no Facility Orders shall be allowed on this subject.

This policy shall replace the following:

IMPP 07-101, Sexual Assault Prevention and Intervention Program
IMPP 07-103, Reporting Abuse and/or Neglect of a Youth Resident

REPORTS REQUIRED

None.

REFERENCES

42 U.S.C. § 147, *et seq.* and amendments thereto. Prison Rape Elimination Act,
K.S.A. 21-3520; 21-5501 through 21-5513; 38-2223
IMPP: 01-181; 12-114; 12-120
JCF: 4-JCF-3D-01; 3D-02; 3D-03; 3D-04; 3D-05; 3D-06; 3D-07; 3D-08; 4C-50

ATTACHMENTS

Attachment A: Screening Tool for Identification of Sexual Aggression and Vulnerability, Form #01-181-001, 5 Pages.
Attachment B: Sexual Assault and Vulnerability Questionnaire, Form #01-181-002, 1 Page.
Attachment C: Notification Letter, Form 07-101-003, 1 Page.
Attachment D: Notification Letter, Form 07-101-004, 1 Page.

**SCREENING TOOL FOR IDENTIFICATION OF
SEXUAL AGGRESSION AND VULNERABILITY**

Juvenile Offender's Name: _____ JJIS # _____

Admission Date and Time: _____ Interview Date and Time: _____

Interviewer's Name and Title: _____

Does this youth have a history of assaultive behavior? Yes No

Does this youth have a history of sexually aggressive behavior? Yes No

Does this youth have a history of sexual victimization? Yes No

If response to any of these questions is "Yes," describe the incident(s): _____

INTERVIEW

1. Do you have a problem with managing your anger? Yes No

2. What do you do when you are angry? _____

3. Have you ever physically assaulted anyone? Yes No If "Yes," describe (who, what, when, where, why, how often) _____

4. Have you ever received counseling or treatment for assaultive behavior? Yes No If "yes," explain (where, when, outcome): _____

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5. Have you ever touched someone sexually against his or her will or forced anyone into sexual activity?
Yes No If "Yes," explain (what happened, how often, when): _____

6. Have you ever received treatment/counseling for this? Yes No If "Yes,"
Where? _____
When? _____
What was the outcome? _____
7. Has anyone ever touched you in a way that made you uncomfortable? Yes No If "Yes," describe:

When? _____

Was this reported? Yes No If "Yes," to whom? _____

8. Has anyone ever forced you into sexual activity against your will? Yes No If "Yes," what happened?

When? _____
Was this reported? Yes No To Whom? _____

9. Have you ever received treatment/counseling for this? Yes No If "Yes,"
Where? _____
When? _____
What was the outcome? _____

10. If you answered "Yes" to Questions 7, 8, or 9, please complete the Victimization Questionnaire.

OBSERVATION

11. Youth is physically vulnerable? Yes No Describe: _____

12. Youth is intellectually limited and may be a target for victimization? Yes No
Describe how this has been verified: _____

CONCLUSION

1. Youth is at risk?
a. To be physically assaultive? Yes No
b. To be sexually aggressive? Yes No
c. To be sexually victimized? Yes No
2. Special Housing is recommended? Yes No
3. Follow-up by Psychology staff is recommended? Yes No
4. Follow-up necessary for documentation? Yes No
5. Other recommendations? Yes No If "yes," specify: _____

Name (Please Print) Title Signature Date

ORIGINAL FORM SHALL BE PLACED IN JUVENILE OFFENDER'S FILE

Distribution: Original be filed in the Juvenile Offender's Master File; copies to the Social Worker/Corrections Counselor II, PREA Compliance Manager and Psychologist

VICTIMIZATION QUESTIONNAIRE

Date: _____

Time: _____

Juvenile Offender's Name: _____

JJIS # _____

The information you provide will be kept confidential and shall only be shared with designated staff on a need-to-know basis. Your answers will assist in understanding you and your feelings about sexual abuse/assault. Please answer the following questions honestly and to the best of your ability.

1. Are you sexually active? Yes No
2. (a) Was it at your will? Yes No (b) Was it against your will? Yes No
3. These people have tried or have sexually assaulted you: (Check all that apply.)

Father	Step-Father	Foster Father	Grandfather
Step-Brother	Foster Brother	Male Cousin	Boyfriend
Mother	Step-Mother	Foster Mother	Grandmother
Step-Sister	Foster Sister	Female Cousin	Girlfriend
Uncle	Aunt	Acquaintance	Friend of Family
Stranger	Other (Tell who) _____		
2. Category of Assault:

Stranger Rape	Acquaintance Rape	Date Rape	Intra-Family Rape	Child Molestation
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3. About how old were you when you were first sexually assaulted? _____
4. How old were you when you were last sexually assaulted? _____
5. Was your sexual assault of an ongoing nature? Yes No
6. Length of continuous sexual assault? _____
7. How often did the sexual assault happen?

1 Time	2-5 Times	6-10 Times	More than 10 Times
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8. The sexual assault included:

Touching and Fondling	Masturbation	Forced Sex With Others	Oral Sex
Intercourse	Other: _____		
9. Where you physically abused during the course of the sexual assault? Yes No
10. Were you ever threatened by your abuser if you ever told? Yes No
11. What type of threats did you receive?

Violence Toward You	Violence Toward Pets	Family Break Up
Violence Toward Others In Family	Your Removal From Home	Other (Describe)

12. Have you told anyone about the sexual assault? Yes No
13. If you were raped, did you report it immediately? Yes No

ATTACHMENT A, Page 5 of 5

14. If your sexual assault was ongoing, did you report it while it was occurring? Yes No
15. If you answered "yes" to Question 14, did the assault stop after you reported it? Yes No
16. Who was the first person you told?
Mother Grandparent Sibling Friend Teacher Counselor
Other _____
17. How did that person react and what did they do?

18. If you did not tell anyone, what was your reason?
Fear Embarrassment Not Being Believed Other _____
19. How has being sexually assaulted changed the way you think, feel, or act?

20. Have you experienced any of the following as a result of the sexual assault? (Check all that apply)
- | | | |
|----------------------|----------------------|---|
| Increased Anxiety | Increased Depression | Suicidal Thoughts |
| Suicidal Behavior | Lower Self-Esteem | Alcohol/Drug Abuse |
| Feelings of Guilt | Difficulty Trusting | Increased Aggression Toward Others |
| Prostitution | Runaway Behavior | Uncomfortable with Sexuality |
| Felt Loss of Control | Problems in School | Participation in Unwanted Sexual Behavior |
21. Have you ever had the impulse/desire to sexually assault another person? Yes No
22. Have you ever sexually assaulted anyone yourself? Yes No
23. Who did you assault?
Brother Sister Male Cousin Female Cousin
Male Acquaintance Female Acquaintance Other: Who? _____
24. Have you allowed yourself to become involved in other abusive/assaultive relationships? Yes No
25. These relationship involved:
Physical Abuse Sexual Assault Verbal Abuse
26. Would you be interested in being in a group counseling while you are here at the facility? Yes No Unsure

Your signature indicates that you have been provided information about sexual abuse/assault/misconduct including prevention, intervention, self-protection, reporting methods, treatment, services, and counseling available at this facility.

Juvenile Offender's Signature

Date

ATTACHMENT B

Juvenile Offender's Name: _____ **JJIS #** _____

SEXUAL ASSAULT AND VULNERABILITY QUESTIONNAIRE

You can help prevent sexual assault by reporting concerns to staff and avoid situations and places where individuals may be attempting to get you involved in some type of sexual assault. These reports will be confidential unless there are concerns about the safety and welfare of other juvenile offenders or staff. Staff here will do their part to ensure that you feel safe and secure but you also have a responsibility to make this a safe environment.

1. Since you have been in custody or at this facility, have you ever been beaten up or threatened with being beaten up? Yes No If "Yes," explain (by whom, what happened, how often, when):

2. Since you have been in custody or at this facility, has anyone forced you to engage in sexual activity? Yes No If "Yes," explain (by whom, what happened, how often, when): _____

3. Do you know how to find help if someone (peer or staff, contract staff, volunteer, juvenile offender) assaults or threatens you? Yes No If "No," explain: _____

Your signature indicates that you have been provided information about sexual abuse/assault/misconduct including prevention, intervention, self-protection, reporting methods, treatment, services, and counseling available at this facility.

Juvenile Offender's Signature

Date

Staff Member's Name (Please Print)

Title

Staff Member's Signature

Date

Distribution: Original be filed in the Juvenile Offender's Master File; copies to the Social Worker/Corrections Counselor II, PREA Compliance Manager and Psychologist

ATTACHMENT C

(JUVENILE CORRECTIONAL FACILITY LETTERHEAD)

MONTH, DAY, YEAR

PARENT/GUARDIAN'S NAME
ADDRESS
CITY, STATE, ZIP CODE

RE: JUVENILE OFFENDER'S NAME

Dear PARENT'S NAME:

This letter is to advise you (OR This letter is a follow-up to our telephone conversation on (date) in which I informed you) that an incident of alleged sexual abuse/assault/misconduct against JUVENILE OFFENDER'S FIRST NAME has recently been reported. The incident has been reported to the Office of the Attorney General and an investigation is currently being conducted.

Once the investigation(s) has/have been completed and the facts and evidence have been reviewed, I will take prompt, remedial action should the facts and circumstances of the investigation warrant such action.

If you should have any questions concerning any of the above, please do not hesitate to contact me at FACILITY PHONE NUMBER.

Sincerely,

SUPERINTENDENT'S NAME
Superintendent

cc: Community Supervision Officer's Name/Title
Case Manager/Social Worker's Name/Title
Juvenile Offender's Master File
PREA Compliance Manager

ATTACHMENT D

(JUVENILE CORRECTIONAL FACILITY LETTERHEAD)

MONTH, DAY, YEAR

PARENT/GUARDIAN'S NAME
ADDRESS
CITY, STATE, ZIP CODE

RE: JUVENILE OFFENDER'S NAME

Dear PARENT'S NAME:

The investigation(s) conducted by the Office of the Attorney General into the alleged sexual abuse/assault/misconduct against JUVENILE OFFENDER'S FIRST NAME has been completed.

Their investigation concluded that TYPE OF ABUSE/NEGLECT was unsubstantiated/substantiated.

If you have any questions, please feel free to contact me.

Sincerely,

SUPERINTENDENT'S NAME
Superintendent

cc: Community Supervision Officer's Name/Title
Facility Group Leader's Name
Social Worker's Name
Juvenile Offender's Master File
PREA Compliance Manager