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**Prison Rape Elimination Act**

**Sexual Abuse and Sexual Harassment,  
Prevention, Detection And Response**

**Practice Guide**

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**I.****Policy**

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**Policy**

The Department of Children and Families has zero tolerance of all forms of sexual abuse and sexual harassment.

Consistent with the Prison Rape Elimination Act (PREA), all allegations of sexual abuse and sexual harassment generated by juveniles residing in or confined to a facility operated or contracted by DCF for the confinement of juveniles shall be referred for investigation. The medical and psychological trauma of sexual abuse or harassment shall be minimized as much as possible by prompt and appropriate health interventions and through the use of trauma screenings and assessments.

Consensual sexual contact between juveniles (regardless of age) or juveniles and adults shall not be allowed and shall be addressed by the agency's and facility's disciplinary procedures. If applicable, criminal charges may be filed.

**Note:** In DCF facilities, [DCF Policy 27-3-25, "Prohibition of Sex Discrimination,"](#) may also apply in these situations and, if so, must be followed concurrently. If conflicts between the reporting procedures develop, involved staff shall immediately consult with the DCF Office of Legal Affairs.

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**II.****Definitions**

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**Definitions**

Assault: slapping, hitting, kicking, physical intimidation, threats of physical force, put downs or harassment.

Chain of custody: The sequence of the procedures to collect, handle, store, and test substances or other physical evidence.

DCF-136, "Report of Suspected Child Abuse or Neglect": Official DCF reporting form used by mandated reporters to provide written information to DCF regarding an incident of suspected abuse or neglect of a child.

DCF Careline: Single point of contact for reporting suspected child abuse and neglect which operates 24 hours a day, seven days a week to receive and process reports.

Emotional abuse: Impairment of a juvenile's social, emotional or intellectual functioning to the extent the juvenile's health or emotional well-being is endangered.

Grooming behaviors: Actions by a perpetrator to set up a victim for sexual contact. These actions, part of the aggressor's pre-assault pattern, are a way of gauging victim responses to intrusive behaviors, directions or boundary violations.

Health Care Lead (HCL): The individual who oversees all aspects of health care services at a facility on a particular shift.

**Definitions**

Juvenile: Any person under the age of 18, unless under adult court supervision and confined or detained in prison or jail.

Juvenile-on-juvenile sexual assault: For the purposes of this Practice Guide, one or more juveniles engaging in, or attempting to engage in, unwanted sexual contact with another juvenile by the use of force, threat, intimidation, inappropriate touching or other actions or communications aimed at coercing or pressuring another juvenile to engage in a sexual act.

Mandated reporter: A person designated by statute (Conn. Gen. Stat. §17a-101b) as having the responsibility of reporting suspected abuse or neglect of a child.

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

No roommate status (NR): Classification for a juvenile signifying he or she is not to be housed in the same bedroom as another juvenile.

Nonconsensual sexual act: Any incident during which one person does not freely consent, or cannot consent due to age or mental capacity, to participate in sexual activity, or in which the relationship between the persons is unequal, or manipulation, exploitation, coercion, verbal or physical intimidation, or force is used to gain participation in sexual activity (*e.g.*, fondling, penetration, and other forms of sexual stimulation).

PREA Compliance Manager: A designated facility staff administrator with authority to coordinate the facility's efforts to comply with PREA standards.

PREA Coordinator: The DCF employee designated by the Commissioner to develop, implement and oversee DCF compliance with national PREA standards.

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

Prison Rape Elimination Act (PREA): Federal legislation that establishes zero tolerance standards for the incidence of sexual assault or rape for all incarcerated individuals. PREA has developed and implemented national standards for detection, prevention and punishment of sexual assault and sexual harassment occurring in facilities, and has increased the accountability of those who fail to detect, prevent, reduce and punish sexual assault and rape within facilities.

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**Definitions  
(continued)**

Rape: A crime in which someone forces, coerces or manipulates another person to have sexual intercourse. Rape includes vaginal, anal or oral penetration by any object.

Screening assessment: For purposes of this policy, an interview of a juvenile, a review of his or her records and completion of the screening tool in the electronic record, to determine if the juvenile is likely to have a condition or behavior that requires special housing while in a facility. The assessment also includes the juvenile's individual strengths, weaknesses, problems and needs, including any potential trauma triggers.

Sexual abuse: Any incident involving a child's non-accidental exposure to sexual behavior.

Sexual act: Any contact between the sex organ of one person and the sex organ, mouth or anus of another person, or any intrusion of any part of the body of one person, or any object, into the sex organ, mouth or anus of another person, by the use of force or threat of force

Sexual assault: Any non-consensual sexual contact characterized by the use or threat of force or coercion.

Sexual contact: Any intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of any person with the intent to abuse, arouse or gratify sexual desire.

Sexual harassment: For purposes of this policy, repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures or actions of a derogatory or offensive sexual nature by one juvenile directed toward another, or repeated verbal comments or gestures of a sexual nature to a juvenile by a staff member of the facility, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Staff member: For purposes of this policy, an employee, contractor or volunteer at a facility used for the confinement of juveniles.

Statutory rape: Consensual sexual contact between two individuals when there is a greater than two year age difference and at least one of the persons is under the age of 16, or consensual sexual contact with someone under the age of 18, if the older person is in a position of authority.

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

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### General Requirements

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#### 1. PREA Coordinator

The Commissioner of DCF shall designate an employee to develop, implement and oversee compliance with national PREA standards. The PREA Coordinator shall also report required data to the Federal Bureau of Justice.

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#### 2. PREA Compliance Managers

Each PREA-compliant facility will designate one employee as the PREA Compliance Manager who will be responsible for identifying, monitoring and tracking staff sexual misconduct, harassment or nonconsensual sexual acts or contact perpetrated by a staff member. The PREA Compliance Manager will also ensure that all staff members are in compliance with PREA training requirements, and will compile and report statistical data to the statewide DCF PREA Coordinator.

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#### 3. Education of Juveniles

A PREA pamphlet, DCF-8101, "Sexual Assault Information," in English or in Spanish, will be provided to all juveniles at intake and reviewed with the juvenile by a staff member. Education in other languages will be made available as necessary. The pamphlet will contain information concerning the following:

- prevention and intervention;
- self-protection;
- reporting sexual abuse or harassment;
- accessing medical and mental health treatment for sexual assault
- treatment and counseling;
- the facility's zero tolerance policy for sexual activity, abuse or harassment including the prohibition against consensual sexual activity; and
- consequences for false reporting.

The juvenile will be offered a copy of the DCF-8101 and his or her acceptance of, or refusal to take, the brochure will be documented in the juvenile's progress notes and on the DCF-8102, "PREA Brochure Acknowledgement." The juvenile must sign the DCF-8102 to verify that this information has been made available to him or her. The DCF-8102 will be maintained in the juvenile's confidential file.

Within ten days of intake, the facility will provide to each juvenile comprehensive age-appropriate education using the DCF-8103, "Rape and Sexual Assault Information and Resources Handbook," not provided at intake which includes his or her right to be free from sexual abuse and harassment, his or her right to be free from retaliation for reporting such incidents, and the details of the facility's policies and procedures for responding to such incidents. This information shall be presented in a manner that is sensitive to the juvenile's trauma history. Whenever possible, the staff member providing the education shall review the juvenile's trauma screen to understand the traumatic events he or she has been exposed to and his or her current reactions. The facility shall maintain documentation of the juvenile's participation in these education sessions.

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**Education of Juveniles (continued)**

The juvenile must sign the DCF-8104, "PREA Handbook Acknowledgement," to verify that this information has been made available to him or her. The DCF-8104 will be maintained in the juvenile's confidential file.

**Note:** Juveniles who are currently in a facility and who have not been educated or screened as described in this policy and practice guide will receive education and screening within 12 months of the effective date of this policy.

In addition to individual education, the facility will ensure that key information regarding juveniles' rights to be free of sexual abuse and harassment shall always be readily available to all juveniles at the facility through posters, handbooks and other written materials.

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**4. Transfer to Another Facility**

Juveniles who have transferred from another facility shall receive education upon transfer to the new facility to the extent that the policies and procedures of the resident's new facility differ from those of the previous facility. The juvenile must sign the DCF-8102 and DCF-8104 to verify that this information has been made available to him or her. The DCF 8102 and DCF-8104 will be maintained in the juvenile's confidential file.

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**5. LEP and Disabled Juveniles**

All information related to PREA prevention and compliance will be communicated to the juvenile orally and in writing in a language clearly understood by the juvenile, using an interpreter when necessary.

If the juvenile has Limited English Proficiency (LEP) or presents with a disability (*e.g.*, deafness, blindness), accommodations will be made to ensure the juvenile is able to report sexual abuse or harassment (*e.g.*, to staff directly or through interpretive technology or outside interpreters).

The facility will not rely on internal interpreters except in limited circumstances where an extended delay in obtaining an effective outside interpreter could compromise a juvenile's safety, the performance of first responder duties or the investigations of a juvenile's allegations.

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- 6. Screening** During admission to the facility, intake staff will complete a PREA screen using an objective screening instrument within 72 hours of admission.

This information shall be combined with information gained from the:

- intake interview;
- review of medical and mental health records;
- trauma screenings and assessments;
- other classification assessments;
- court records;
- case files;
- facility behavioral records; and
- other relevant documentation

to determine, using a trauma-informed approach, whether the juvenile requires special precautions or monitoring. The facility will review and update this information periodically throughout a juvenile's confinement.

Staff will complete the electronic screening form (DCF-8107) and enter it into the juvenile's electronic file. The screenings will gather information pertaining to:

- prior sexual victimization or abusiveness;
- prior trauma;
- any unmet meet needs or sensitivities related to gender nonconforming appearance or manner, or identification as lesbian, gay, bisexual, transgender, questioning or intersex, and whether the juvenile 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;
- physical disabilities;
- the juvenile's perception of physical or psychological disabilities;
- the presence of any trauma triggers and how to intervene with the juvenile if he or she is triggered; and
- any other specific information that may indicate a heightened need for supervision, additional safety precautions or separation from certain other juvenile (*e.g.*, gang affiliation, exposure to or experience of intimate partner violence).

Sensitive information may not be exploited to the juvenile's detriment by staff or other juveniles. All information is strictly confidential and can only be released to approved parties.

**7. Screening Results and Classification**

Screening results shall be used to make housing, bed, program, education and work assignments with the goal of keeping the juvenile safe and free from sexual abuse. All staff will be informed of the juvenile's status to ensure the protection of the juvenile, other juveniles in the facility, staff and the community through strict adherence to this policy, while also ensuring confidentiality of the juvenile's personal information.

**Cross Reference:** CJTS Policies 80-4-21, "Intake and Admissions;" 80-5-4, "Classification Plans;" and 80-4-34, "Suicide Assessment and Prevention."

**a. Housing:**

If screening results indicate that the juvenile is likely to be an aggressor, or be vulnerable to sexually abusive or assaultive behavior, the juvenile will be placed in single room housing. Should a single room not be available, the juvenile will be placed on direct observation status until a single room becomes available.

Anytime a juvenile is separated from other juveniles due to safety concerns, facility staff will document the reason in the staff daily log and the juvenile's files. Such separation will be used only as a last resort to ensure the safety of the juvenile or other juveniles. Staff will also document why no alternative means of safety planning could be arranged (*e.g.*, due to the physical makeup or gender of the current population or no current housing available). The separation status of the juvenile will be reviewed weekly by the facility administration to determine if there is a continued need for separation from the general population.

When a juvenile is separated from other juveniles for his or her own protection following abuse or alleged abuse, he or she will still be afforded all of the rights and activities of those in the general population, including access to other programs and work activities to the extent possible. In addition, a juvenile separated from other juveniles will receive daily visits from a medical or mental health clinician, who recognizes that such separation has the potential to be re-traumatizing.

**b. Medical and Mental Health:**

If the screening indicates that a juvenile has experienced prior sexual victimization or has perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, the facility will ensure that the juvenile is offered trauma-informed and appropriate follow-up by meeting with a medical and/or mental health professional within 14 days of the intake screening. The juvenile's own trauma history and symptoms will be identified so his or her trauma-related needs can be clinically addressed. Staff will facilitate transportation if needed, and provide confidential meeting areas in order to assist with health assessments and ongoing counseling. Appropriate referrals shall be made as necessary if a juvenile is exhibiting high risk indicators of victimization or predatory behaviors.

**Screening  
Results and  
Classification  
(continued)****c. Prevention:**

Staff will inform other staff when a new admission has positive screening indicators of being at risk for sexual or assaultive behaviors, or sexually aggressive behaviors. Staff will closely monitor all juvenile interactions and will maintain an open dialog in which to share impressions and concerns about specific situations and juveniles. Staff will pay special attention to the interactions of sexual offenders, due to the increased potential for sexually abusive behaviors in that population.

A juvenile identified as likely to engage in sexually abusive or assaultive behavior with peers, or as at risk of sexual victimization, will be placed on appropriate status to ensure his or her safety (*e.g.*, safety watch).

When responding to behaviors involving the repetition of the juvenile's past trauma in relationships, his or her behaviors will be framed to understand his or her traumatic reactions.

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**8. Lesbian,  
Gay, Bisexual,  
Transgender,  
Intersex and  
Gender  
Nonconforming  
Juveniles**

Lesbian, gay, bisexual, transgender, intersex and gender nonconforming juveniles shall not be placed in a particular housing situation, bed or other assignment based solely his or her identification or status, nor shall the facility consider lesbian, gay, bisexual, transgender, intersex or gender nonconforming identification or status as an indicator of the likelihood of being sexually abusive. Staff will be sensitive to juveniles' own views of their safety.

In determining whether to assign a transgender or intersex juvenile to a facility for male or female juveniles, and in making other housing or programming assignments, the facility will consider on a case-by-case basis whether a placement will ensure the juvenile's health and safety and whether the placement will present management or security problems.

Placement and programming assignments for each transgender and intersex juvenile must be reassessed at least twice a year to review any threats to safety experienced by the juvenile.

A transgender or intersex juvenile's own views with respect to his or her own safety shall be given consideration.

Transgender and intersex juveniles shall be given the opportunity to shower separately from other juveniles.

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**9. Report of Allegations by Juveniles**

Juveniles may report abuse, harassment, retaliation or neglect to any staff, administrator, nurse, clinician, volunteer, teacher, probation or parole officer, social worker, attorney, advocate or outside agency. Posters shall be located throughout the facility informing juveniles, staff and outside agencies how to report sexual abuse and sexual harassment.

The facility shall provide juveniles with access to outside victim advocates for emotional support services related to sexual abuse by providing, posting or otherwise making accessible, mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state or national victim advocacy or rape crisis organizations. Reasonable communication between the juveniles and these organizations will occur in as confidential a manner as possible. These calls will not count toward any limit on the daily calls that juveniles are allowed to make.

The facility will inform juveniles, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

The agency will maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that have knowledge of trauma-informed practice and that are able to provide juveniles with the above-referenced confidential emotional support services related to sexual abuse. The facility will maintain copies of these agreements and of the attempts to enter into such agreements (see, *e.g.*, "Memorandum of Agreement between State of Connecticut Department of Children and Families and Women and Families Center").

Juveniles will also be provided with reasonable and confidential access to their attorneys or other legal representatives and reasonable access to parents or guardians.

Juveniles detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.

The facility will provide juveniles with access to tools necessary to make a written report. If sexually abusive or assaultive behaviors are alleged, threatened or have occurred, staff will take immediate action to intervene in the behavior and ensure the safety of all persons involved.

Staff can accept sexual abuse or sexual harassment reports verbally, in writing, anonymously or through third parties. Staff will immediately document all reports. Staff will immediately notify the shift supervisor and an administrator for guidance on required actions, and clarification on mandated reporting requirements, while respecting the confidentiality of the juvenile's personal history within the milieu.

**Report of Allegations by Juveniles (continued)**

All reports of sexual abuse or sexual harassment will be forwarded to the DCF Careline for further investigation. The internal investigation of the facility will not replace any action taken by law enforcement or other statutorily-mandated investigative entity. The grievance process shall not be utilized to make or resolve complaints of sexual abuse or harassment.

**Note:** In DCF facilities, DCF Policy 27-3-25, "Prohibition of Sex Discrimination," may also apply in these situation and, if so, must be followed concurrently. If conflicts between the reporting procedures develop, involved staff shall immediately consult with the DCF Office of Legal Affairs.

Upon a report of sexual assault or abuse, the facility will verify that the following conditions are met:

**First Responder Duties:**

- address the need for acute medical treatment;
- separate the victim from the offender;
- contact agency law enforcement, facility administration and a mental health professional;
- contact the DCF Careline;
- offer the victim a witness advocate;
- preserve and protect the crime scene, including notification to appropriate facility staff (*e.g.*, agency police) who will gather and preserve evidence;
- request that the victim and the offender not take any action that could destroy evidence (*e.g.*, washing, brushing teeth, urinating, defecating, changing clothes, eating, drinking);
- explain the need for a medical exam;
- prepare an incident report (DCF-8108, "PREA Incident Report:");
- if the first responder is not a facility employee (*e.g.*, volunteer, mentor), request that no one take any actions that could destroy evidence, and then immediately notify a staff member; and
- take any other action required by the facility's sexual assault and abuse response plan.

Administration and law enforcement will work together to determine the sequence of actions once the report has been made.

If the sexual assault or abuse occurred within the past 72 hours, facility staff will make a referral to a medical facility where trained professionals can gather evidence, examine the juvenile, and make assessments and referrals as necessary. If the sexual assault or abuse occurred more than 72 hours before the initial complaint, law enforcement may request evidence collection, but it will be up to the hospital staff to make the final determination as to whether a "rape kit" will be completed.

Forensic examinations will be conducted at no cost to the juvenile. Every attempt will be made to have the exam conducted by Middlesex Hospital. If this is not possible, the examination may be performed by another qualified medical practitioner. The facility will document in the juvenile's progress notes and in the incident report all efforts to provide services by SANE or SAFE professionals.

**Report of Allegations by Juveniles (continued)**

If provisions will be made for testing for sexually transmitted diseases and, if appropriate, prophylactic treatment, a release of information for the purpose of medical management of involved persons will be necessary.

The facility will provide follow up by a mental health and/or medical professional who uses trauma-specific interventions to assess the need for ongoing treatment, intervention and counseling.

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**10. Report of Allegations by Staff**

Staff will immediately report any knowledge, suspicion or information received regarding an incident of sexual abuse or sexual harassment as noted below.

Any staff witnessing or having knowledge of an act which may constitute abuse or harassment, including acts allegedly committed by a staff member, volunteer, other juvenile or other person, while a juvenile is in the facility, in official custody or post-release, is required to immediately report such abuse or neglect to the facility superintendent or designee and to the DCF Careline.

Failure to report will be considered a serious violation, and disciplinary action will be taken up to and including termination of employment. Criminal and civil penalties may also apply.

Staff must also immediately report any knowledge, suspicion or information received regarding retaliation against a juvenile or staff member as a result of a report of abuse or harassment, as well as any neglect or violation of responsibilities by staff that may have contributed to an incident or retaliation.

In addition to the steps listed under "First Responder Duties," the following steps should occur:

- Upon knowledge or suspicion that a staff, service provider or juvenile has abused or harassed a juvenile, the staff will immediately report the information to the shift supervisor and to Careline. Juveniles will be offered a victim advocate, and this will be documented in the incident report.
  - The staff reporting the information will complete DCF-8108, "PREA Incident Report" and attach it to the DCF-136, "Report of Suspected Child Abuse or Neglect," and submit it to Careline before leaving shift. The documentation must include the following information: date and time of the incident, name of the juvenile victim, nature and extent of the abuse, person or persons involved in the abuse, and as much detail as possible describing the incident.
  - If there are visible signs of injury, staff are to take pictures of the injury, except in cases where the injury is to the genitals or breasts. Copies of the DCF-8108 and DCF-136, along with any pictures and victim and witness statements must be submitted to the facility's PREA Coordinator, and if the alleged abuser is a staff member, to the facility's Human Resources Specialist, in a sealed envelope marked "confidential."
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**Report of  
Allegations  
by Staff  
(continued)**

- The facility will ensure that administrative or criminal investigations are completed for all allegations of abuse, neglect, sexual abuse and sexual harassment. Law enforcement will determine if criminal charges are warranted. The facility will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
  - The facility superintendent or designee will notify, as appropriate, the licensing director, the DCF Office of Legal Affairs, the juvenile's attorney, the parents or guardians of the juvenile, and the Juvenile Justice Social Worker (as well as the CPS Social Worker if the juvenile is committed as abused or neglected to DCF), as soon as possible, but no later than 24 hours after the reported allegation.
  - Notification to persons who are not DCF staff will include only the nature of the allegation and general information regarding the investigation and the status of the juvenile. If the parents or guardians are court-ordered to have no contact with the juvenile, the facility is not required to notify them and will, instead, report the incident to whomever has current guardianship of the juvenile (if he or she is under 18 years of age). Notifications will be documented in the juvenile's progress notes.
  - Staff will ensure an appropriate and psychologically safe environment for the allegedly abused juvenile to present the information. The alleged abuser does not have the right and will never be allowed to be present during an interview with the juvenile who was allegedly abused.
  - Staff will not release any confidential information related to abuse of any type to anyone other than to the shift supervisor, facility administrators, other employees with a need to know or to state or local law enforcement, and only to the extent necessary, to make treatment, investigation and other security and management decisions.
  - All documents associated with an investigation (*e.g.*, incident reports, medical and mental health evaluation findings and recommendations, post-release treatment or counseling documentations, juvenile's information and law enforcement findings) will be considered confidential. The facility will continue with an investigation into allegations to its completion and make findings, even if the alleged abuser or victim has departed the facility or resigned from employment. The facility will not terminate an investigation solely because the source of the allegation recants the allegation.
  - If staff receives information that a juvenile was abused in any manner while confined at another facility, they will immediately report it to their own facility administrator. The administrator will then notify the head of the other facility or appropriate licensing agent within 72 hours. Documentation of the notification will be maintained in the administrator's office. Once notification is made, it is up to the licensing agent and facility head to ensure that the allegation is fully investigated according to state law and PREA standards.
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**11. Allegations Against Staff** All allegations against staff will be investigated in accordance with DCF policy and procedure.

When the allegation is against a staff member, the Superintendent and Director of Human Resources will activate an internal investigation. The internal investigation does not replace the investigation by law enforcement. All facts gathered during the internal investigation must be recorded in writing and made available to law enforcement upon request. The report will include all pertinent information and conclusions of the internal investigation as to whether the allegations are substantiated.

Depending on the circumstances and seriousness of the allegation, temporarily reassigning or relieving the staff member of all duties is a possibility to protect both the juvenile and the staff. The alleged abuser will not be allowed any type of contact with the juvenile during the investigation. Determining the need for protection of the juvenile will be the first priority during the investigation. When in doubt, the course of action will be in favor of protection of the juvenile victim. Confidentiality must be maintained. An accusation of abuse is extremely serious and can affect the professional and personal future of staff. Staff will fully cooperate with any investigation of abuse and neglect. Failure to do so may subject them to progressive disciplinary action.

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**12. Investigations** The agency shall ensure that all allegations of sexual abuse and sexual harassment are investigated. All allegations of sexual abuse shall be referred to law enforcement.

All reports of sexual assault, misconduct or harassment which meet the statutory definition of abuse or neglect of a juvenile will be referred by the Careline to the Special Investigations Unit (SIU) for investigation.

**Cross reference:** DCF Policy, 34-12-8, "Special Investigations Unit."

**Notifications:**

Upon receipt of the Careline report and assignment to an SIU investigator, notification shall be provided as soon as practical to the:

- Connecticut State Police;
- Administrator of the appropriate agency division; and
- PREA Compliance Manager.

**Investigation Process:**

The assigned SIU investigator shall follow the procedures as described in DCF Policy Chapter 34 as well as the PREA standards specifically related to the investigations process.

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**Special Investigations Unit (continued)****PREA Investigation Training:**

SIU investigators shall receive specialized training in conducting investigations in confinement settings. This training shall include:

- techniques for interviewing sexual assault victims;
- proper use of *Miranda* and *Garrity* warnings;
- sexual abuse evidence collection in confinement settings;
- criteria and evidence required to substantiate a case for administration action or prosecution referral; and
- trauma-informed interviewing practices.

DCF shall maintain documentation of the specialized training received by SIU investigators.

**PREA Investigation:**

The SIU shall initiate a PREA investigation in a timely manner, typically within 24 hours of the report. Only investigators who have received the PREA training shall be assigned sexual abuse allegations in a PREA-compliant setting.

Investigators shall:

- ensure any direct and circumstantial evidence, including any available physical and DNA evidence and any electronic monitoring data, has been gathered and preserved;
- interview
  - alleged victims;
  - suspected perpetrators;
  - witnesses; and
- review prior complaints and reports of sexual abuse involving the suspected perpetrator.

SIU shall not terminate an investigation solely based on a recantation by the source of the allegation. All investigations are carried through to completion, regardless of whether the alleged abuser or victim remains at the facility.

**Coordination of Investigation:**

All actions taken in response to an incident of sexual abuse are coordinated among:

- staff first responders;
- medical and mental health practitioners;
- investigators; and
- facility leadership.

The facility's coordinated response ensures that victims receive all necessary immediate and ongoing medical, mental health and support services, with all efforts made to ensure these service providers are skilled at working with sexually traumatized youth and that investigators are able to obtain usable evidence to substantiate allegations.

**Special  
Investigations  
Unit  
(continued)**

When the quality of evidence appears to support criminal prosecution, SIU shall conduct required interviews with the victim and alleged perpetrator after consultation with prosecutors or the assigned law enforcement agency. Attempts shall be made to coordinate interviews between the investigative agencies. SIU shall adhere to the statutory investigation mandates of DCF regarding interviews of all relevant parties.

**Credibility:**

The credibility of an alleged victim, suspect or witness shall be assessed on an individual basis and shall not be determined by the person's status as a juvenile or staff. No juvenile who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation.

**Staff Action or Inaction:**

SIU investigations shall include an effort to determine whether staff actions or failures to act (*e.g.*, inadequate supervision) contributed to the abuse.

**Evidentiary Standard:**

DCF shall substantiate allegations of sexual abuse if there is reasonable cause to believe the incident occurred as reported.

**Completion of an Investigation:**

A final decision on all allegations of sexual abuse shall be issued by the SIU investigator within 45 calendar days of the initial referral. Following an investigation into a juvenile's allegation that he or she suffered sexual abuse in a PREA-compliant setting, the facility administrator or designee shall inform the juvenile as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded, as defined below:

- **Substantiated Allegation:** An allegation that was investigated and determined to have occurred.
- **Unfounded Allegation:** An allegation that was investigated and determined not to have occurred.
- **Unsubstantiated Allegation:** An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

**Documentation:**

SIU investigations shall be documented in a LINK Investigation Protocol and shall include:

- a description of the physical and testimonial evidence;
- the reasoning behind credibility assessments; and
- investigative facts and findings.

**Sexual Abuse Incident Reviews:**

The SIU investigator shall participate in a sexual abuse incident review at the facility held at the completion of every sexual abuse investigation, unless the allegation was determined to be unfounded. This review shall ordinarily occur within 30 days of the conclusion of the investigation.

**13.  
Discipline**

Disciplinary responses to allegations of sexual abuse or sexual harassment will be as follows:

- Volunteers and contractors will be immediately removed from contact with juveniles for any alleged sexual abuse or sexual harassment; the allegation will be investigated by the SIU and/or the State Police as appropriate. Depending on the outcome and the nature of the allegation, a determination will be made as to whether the contractor or volunteer will be prohibited from future contact with juveniles at the facility.
- Staff discipline will be conducted in accordance with DCF Policy 7-13, "Corrective Discipline."

**14.  
Disciplinary  
Sanctions for  
Juveniles**

Juveniles who have been found to have engaged in juvenile-on-juvenile abuse, through either a formal administrative process or following a criminal investigation which has substantiated juvenile-on-juvenile abuse, will be subject to disciplinary sanctions. These sanctions will be imposed taking into consideration the following:

- the nature and circumstance of the abuse committed;
- the juvenile's disciplinary history; and
- the sanctions imposed for comparable offenses by other juveniles with similar histories.

Juveniles who are isolated from other juveniles will continue to be afforded, at a minimum:

- one hour of daily large muscle exercise;
- educational programming and special education services as needed;
- daily visits from a mental health professional; and
- access to facility programming, chores, etc. to the extent possible.

When determining the type of sanction that will be imposed, if any, the Administration:

- will consider whether a juvenile's mental disabilities or mental illness contributed to his or her behavior;
- may offer therapy, counseling or other interventions designed to address and correct underlying reasons or motivations for the abuse; and
- may consider whether to require the offending juvenile to participate in these interventions as a condition of access to any type of behavior-based programming, but not to general programming or education.

**NOTE:** Juveniles will be disciplined for sexual contact with staff if it is found that the staff member did not consent to the contact.

**15.  
Retaliation**

Facilities will ensure that both staff and juveniles who report sexual abuse or harassment, or those who cooperate with sexual assault or sexual harassment investigations, are protected against retaliation.

Multiple protection measures will be utilized, including:

- changes in housing for juveniles (and potentially a change in facility if the program is small);
- removal of the alleged staff abuser pending investigation;
- transfer of juvenile abusers when feasible; and
- providing support services for juveniles or staff who fear retaliation.

The agency must designate which staff are responsible for monitoring retaliation.

For at least 90 days following a report of sexual abuse or harassment, the PREA Compliance Manager will monitor the conduct or treatment of the staff or juvenile who filed the report. This monitoring period may be extended if issues arise. Monitoring of juveniles will include a review of any disciplinary reports and periodic status checks (*e.g.*, housing or programming changes). Monitoring for staff will include a review of negative performance reviews or reassignments.

If any other individual who cooperates with an investigation expresses fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.

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**16. False Reporting**

For the purposes of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. Therefore, no disciplinary action will be initiated for reports of sexual abuse that were made in good faith.

Substantiated deliberately malicious or false reporting by juveniles, staff or other parties will result in disciplinary action and may result in criminal charges.

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**17.  
Reporting  
Findings to  
Juveniles**

Following an investigation into a juvenile's allegation of abuse, sexual abuse or harassment in the facility, the Superintendent or designee will ensure that the juvenile is informed as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded.

If the allegation is against a staff member and found to be substantiated, administration will inform the juvenile whether the staff member is:

- is no longer allowed to work on the unit the juvenile is housed on;
- is still employed by the facility; and/or
- has been indicted, charged or convicted of an offense related to abuse within the facility.

If the juvenile leaves prior to the conclusion of the investigation, the facility is no longer obligated to inform him or her of the outcome of the investigation. All notifications will be documented in the juvenile's file and a copy will be maintained in the superintendent's office.

If the allegation was against another juvenile in the facility, and found to be substantiated, the administration will inform the juvenile whether the juvenile has been indicted, charged or convicted of an offense related to the abuse.

If the juvenile leaves prior to the conclusion of the investigation, the facility is no longer obligated to inform him or her of the outcome of the investigation. All notifications will be documented in the juvenile's file as well as a copy maintained in the Superintendent's office.

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**18.  
Distribution  
of Reports**

If the sexual abuse or assault is alleged to have occurred by another juvenile while in the facility, facility administration will review and fax all incident reports within 24 hours of the incident, excluding weekends and holidays, to the:

- Careline;
- probation officer or Juvenile Justice Social Worker; and
- CPS Social Worker, if applicable.

If the sexual abuse or assault is alleged against a staff member, volunteer or other such party, the probation officer, Juvenile Justice Social Worker and CPS Social Worker will be notified of the investigation, but not the particulars until it is concluded.

The agency will follow all applicable local, state and federal laws pertaining to the investigation.

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**19. Random Shift Rounds**

Shift supervisors and administrators will conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. These rounds will occur on all shifts, and staff is prohibited from alerting other staff members that the supervisory rounds are occurring. Rounds shall include random observation of rooms with a solid door and without windows that preclude staff to have an unobstructed view of the inside. Documentation of the rounds will be maintained in the Superintendent's office.

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**20. Staff Training (Including Providers, Volunteers and Others)**

All DCF staff who have significant contact with juveniles will receive orientation and training to:

- understand the widespread impact of trauma;
- gain the insight and skills necessary to recognize and address the warning signs of sexually abusive or sexually assaultive behavior among juveniles;
- understand how traumatic stress affects a youth; and
- learn the appropriate interventions necessary when they become aware of such behavior.

The facility will ensure that all staff (including but not limited to all medical and mental health practitioners), volunteers and service providers who have significant contact with juveniles in confinement settings will be trained in the agency's zero-tolerance policy for sexual abuse and sexual harassment.

Staff must be trained in all of the following, and volunteers and service providers trained in the areas appropriate to the level of service to be provided:

- how to prevent, detect, assess and report signs of sexual abuse and sexual harassment;
  - how to preserve evidence of sexual abuse;
  - how to respond effectively and professionally to victims of sexual abuse and sexual harassment;
  - how and to whom to report allegations or suspicions of sexual abuse and sexual harassment;
  - juveniles rights to be free from sexual abuse and sexual harassment;
  - the right of juveniles and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
  - the dynamics of sexual abuse and sexual harassment victims;
  - the common reactions of sexual abuse and sexual harassment victims;
  - the impact of trauma on juveniles;
  - how to avoid inappropriate relationships with juveniles;
  - how to communicate effectively and professionally with juveniles, including lesbian, gay, bisexual, transgender, questioning, intersex or gender nonconforming juveniles; and
  - the relevant laws regarding the applicable age of consent.
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**Staff Training (Including Providers, Volunteers and Others)**

For facility employees, this training will be documented in the personnel file using the DCF-8105, "PREA Employee Training" (which must be signed by the employee), or by electronic verification that the employee has understood the received training. Similarly, volunteers and contractors must sign DCF-8106, "PREA Acknowledgement Statement," to indicate they are aware of the agency's zero tolerance policy and their reporting responsibilities.

All current facility employees who have not received such training must be trained within one year of the effective date of these PREA standards. In addition, the facility will provide each employee with a refresher training every two years that includes information on the agency's current sexual abuse and sexual harassment policies and procedures. In the "off" year, when the employee does not receive the refresher training, written information will be provided to him or her regarding the current practices.

Security staff will be trained in how to conduct cross-gender pat-down searches, and searches of transgender and intersex juveniles, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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**21. Sexual Activity**

All staff and service providers (contractors) are strictly prohibited from engaging in any type of sexual activity with juveniles, regardless of whether the staff or service providers considers it consensual.

Failure to adhere to this policy is a violation of agency and facility policies (DCF Policy 7-3, "Employee Code of Conduct," and CJTS Policy 80-5-16, "Residents Rights and Responsibilities") and will result in disciplinary action up to and including termination. Criminal charges and civil sanctions may also apply.

When disciplining staff for violations of this policy that do not involve actually engaging in sexual abuse, the nature and circumstances of the acts committed, the staff member's disciplinary history, and those sanctions imposed for comparable offenses on other staff with similar histories will be taken into consideration.

All terminations for violations of this policy, or resignations by staff who would have been terminated if not for the resignation, will be reported to law enforcement (unless the activity was clearly not criminal) and, if applicable, the appropriate Department of Public Health licensing division.

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**22. Cross-Gender Searches**

Cross-gender pat searches, strip searches and body cavity searches are strictly prohibited.

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**23. "On-Floor" Announcements** Residents shall be able 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.

When the status quo of the gender-supervision on a housing unit changes from exclusively same-gender to mixed- or cross-gender supervision, staff of the opposite gender shall announce his or her presence when entering a resident housing unit (*e.g.*, sound a door bell, buzzer or chime; call out in loud, clear voice).

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**24. Victim Services** The facility will provide a sexual victim advocate as requested or in cases where a medical forensic examination needs to take place. Advocates may also accompany juveniles during investigatory interviews.

Whenever these agencies need to speak with a juvenile, the juvenile will be informed that it will be done in as a confidential a manner as possible and will not be subject to monitoring by staff. The juvenile will also be informed, prior to any communication, the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

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**25. Law Enforcement** Law enforcement will be required to follow their investigatory policies on sexual assault cases in addition to doing the following:

- collecting evidence at the scene of the crime;
  - interviewing the victim, suspected abuser and any witnesses;
  - explaining the need for a medical examination; and
  - escorting the victim to a medical examination
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**26. Mental Health and Medical Professionals**

Mental health and medical care services will be consistent with the community level of care. All efforts will be made to use mental health and medical providers who use a trauma-informed approach. Mental health and medical care practitioners must inform juveniles, prior to rendering services, of the practitioner's duty to report any type of abuse, and the limitations of confidentiality, unless otherwise precluded by federal or state law.

Medical and mental health practitioners who work regularly in the facility shall receive the training mandated for employees under PREA standard 115.331 and shall also be trained in:

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

Medical practitioners and mental health professionals are mandated reporters and must report abuse according to state child abuse reporting laws. When mental health and medical care providers are working within the facility, they will immediately report any knowledge, suspicion or information they receive regarding an incident of any type of abuse to the administration and to Careline.

Any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to:

- medical and mental health practitioners;
- other staff as necessary to inform them of treatment plans and safety or security decisions (*e.g.*, housing, education);
- other staff as necessary to carry out their duties under this policy; and
- other staff as required by federal and state laws.

Juvenile victims of sexual abuse will receive timely unimpeded access to emergency medical treatment and crisis intervention services, to the level determined necessary by medical and mental health professionals. If mental health professionals are not on duty at the time of the report of alleged abuse, staff will take preliminary steps to protect the victim, and immediately contact facility administration and law enforcement. All parties will work collaboratively to determine necessary actions to take in regards to medical and mental health assistance for the victim.

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**27. On-going Medical and Mental Health Care for Sexual Abuse Victims and Abusers**

The facility will offer medical and mental health evaluations and, as appropriate, treatment to all juveniles who have been victimized by sexual abuse in any juvenile facility.

The agency must attempt to obtain an advocate from a rape crisis center (*e.g.*, Women and Families: 203-235-4444) to support the juvenile through all medical and legal processes.

Juveniles who have experienced sexual abuse must have access to forensic medical evaluations without cost, whether on-site or outside the facility. The examinations should be performed whenever possible by medical professionals with particular qualifications for these assessments. The response to juveniles who have been victimized will focus on physical and psychological safety. Based on assessed needs, whenever possible, an evidenced-based practice for intervention will be explored.

The mental health professional will need to ensure that when the victim is released or transferred from the facility to another facility, follow-up services, treatment plans and referrals for continued care that are appropriate to the needs of a juvenile who has experienced sexual abuse or harassment are available when the juvenile leaves the placement.

Treatment services will be provided to victims of sexual abuse without financial cost, regardless of whether the victim names the abuser, and regardless of whether the victim cooperates with any investigation arising out of the incident. The services provided to victims must be consistent with the community level of care.

Juvenile victims of sexual abuse while confined shall be offered timely information about and timely access to emergency contraception and sexually transmitted infection prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. Juvenile victims of sexually abusive vaginal penetration while confined shall be offered pregnancy tests and if a pregnancy results from the vaginal penetration, the juvenile shall receive timely and comprehensive information about and timely access to all pregnancy-related medical services. Juvenile victims of sexual abuse shall be offered tests for sexually transmitted infections as medically appropriate.

The facility will conduct a mental health evaluation of all known juvenile-on-juvenile abusers within 60 days of learning of such abuse history, and arrange for treatment when deemed appropriate by mental health practitioners.

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**28. Hiring and Promotion Decisions and Collective Bargaining**

The agency prohibits hiring or promoting anyone who may have contact with juveniles, including enlisting the services of any service provider, who has engaged, been convicted of or been civilly or administratively adjudicated to have engaged in sexual abuse or harassment whether it occurred in a custodial or community environment.

- A criminal history records check will occur before hiring new employees or enlisting the services of any service providers. Criminal background checks will be conducted at least every five years on CJTS employees and on service providers who may have contact with residents.
- All DCF employees are required to immediately report any arrest, regardless of whether the incident occurred while the employee was off duty or on duty.
- The Central Registry of Perpetrators of Child Abuse or Neglect will be consulted prior to using the services of any private provider.
- Within the scope of federal or state law, the agency will contact all prior institutional employers for information on substantiated allegations of sexual abuse, or any resignation during a pending investigation of an allegation of sexual abuse.
- The agency will ask all applicants about previous misconduct during interviews for hiring. The agency will also ask employees about previous misconduct during interviews for promotions and self-evaluations.
- Employees must disclose all types of sexual misconduct. Purposely omitting material information, or providing materially false information regarding any type of sexual abuse or sexual harassment will be grounds for termination.

Neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with juveniles pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

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**29. Sexual Abuse Incident Review**

The PREA Coordinator will complete a standardized sexual abuse incident review at the conclusion of every sexual abuse investigation, including both cases of substantiated and unsubstantiated findings.

The sexual abuse incident review will occur within 30 days of the conclusion of the investigation. The sexual abuse incident review team will include facility administrators, supervisors, clinicians, investigators and healthcare staff.

The sexual abuse incident review team will:

- consider whether the allegation or investigation indicates a need to revise policy or practice to better prevent, detect or respond to sexual abuse;
- consider whether the allegation or incident was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, intersex or gender nonconforming identification, status or perceived status; gang affiliation; or otherwise caused by other group dynamics at the facility;
- examine the area in the facility where the incident allegedly occurred to assess whether the physical configuration of the area may enable abuse;
- assess the adequacy of staffing levels in that area during different shifts;
- assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
- prepare a report of its findings and any recommendations for improvement and submit such report to the facility administrator.

The Superintendent or designee will implement the recommendations for improvement or document the reasons for not doing so.

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**30. Facility Assessment**

At least once a year, facility administrators, in collaboration with the PREA Compliance Manager, will assess, determine and document at each facility whether adjustments are needed to:

- a staffing plan that provides for adequate levels of staffing to protect juveniles against sexual abuse;
- prevailing staffing patterns;
- the deployment of video monitoring systems and other monitoring technologies; or
- the resources the facility has available to commit to ensure adherence to the staffing plan.

When designing or acquiring a new facility or planning any significant modification or expansion of the current facility, the agency must consider the effect of the acquisition or changes on the agency's ability to protect juveniles from sexual abuse. Any changes to any monitoring technology must consider how the changes will impact the agency's ability to protect juveniles from sexual abuse.

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**31. Data Collection**

The facility will collect accurate, uniform data for every allegation of sexual abuse at the facility.

The data will be collected from:

- incident reports;
- investigation files; and
- sexual abuse incident reviews.

The data gathered will, at a minimum, be responsive to the questions from the Department of Justice Survey of Sexual Violence.

The Superintendent will prepare, approve and report these data to the Bureau of Justice and the state PREA Coordinator at least annually. Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice by no later than June 30.

Data collected will be used to:

- improve the effectiveness of the agency's sexual abuse prevention, detection and response policies, procedures and training;
- identify problem areas;
- help in the preparation of corrective action plans; and
- compare data from year to year.

The agency will publish the yearly reports of aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts on the agency website, as long as the materials do not present a clear and specific threat to the safety and security of the facility. The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the redacted material.

All personal identifiers will be removed prior to making the data publicly available. Sexual abuse data will be retained for at least ten years after the date of initial collection.

In addition, a yearly report will be prepared by the PREA Coordinator that addresses system-wide compliance with PREA, data analysis and any proposed improvement plans.

The agency will conduct an annual audit self-assessment in order to ensure compliance with all PREA standards. External PREA auditors will be allowed access to the facility and may conduct private interviews with staff, administrators and juveniles to ensure compliance with PREA standards. Juveniles are allowed to send confidential information or correspondence to external PREA auditors in the same manner as if they were communicating with legal counsel. The PREA policy and data on sexual abuse allegations will be made available on the agency website.

The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its residents.

**32. Retention of Records**

The facility will retain all records in regards to internal and criminal investigations related to abuse for as long as the alleged abuser is confined at or employed by the facility, plus five years.

The agency shall maintain sexual abuse data for at least ten (10) years after the date of the initial collection.

Records will be securely maintained with access limited to the Administration.

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**33. Title IX**

“Each person designated by a state agency, department, board or commission as an affirmative action officer shall (i) be responsible for mitigating any discriminatory conduct within the agency, department, board or commission, (ii) investigate all complaints of discrimination made against the state agency, department, board or commission, and (iii) report all findings and recommendations upon the conclusion of an investigation to the commissioner or director of the state agency, department, board or commission for proper action.” Conn. Gen. Stat. §46-68 (4)(A).

Therefore, the DCF Office of Diversity and Equity will be notified and will collaborate in the investigation process in the areas of sex discrimination and sexual harassment.

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