



ELIMINATING SEXUAL ABUSE OF OREGON YOUTH IN CUSTODY

COMPLIANCE WITH THE 2003 NATIONAL PRISON RAPE ELIMINATION ACT

OREGON YOUTH AUTHORITY

JANUARY 2011

This report by the Oregon Youth Authority reaffirms the agency's commitment to meeting all requirements of the 2003 National Prison Rape Elimination Act. This report outlines PREA's history and expectations and how OYA is responding to the PREA requirements. Included in this report is five years of data about reported sexual abuse incidents within the agency's close custody facilities.

HISTORY

2003

Congress voted unanimously to pass the Prison Rape Elimination Act (PREA) and create the National Prison Rape Elimination Commission. PREA requires the U.S. Attorney General to promulgate regulations that adopt national standards for the detection, prevention, reduction and punishment of prison rape. The Commission was tasked with conducting a legal and factual study of the penological, physical, mental, medical, social and economic impacts of prison rape and to provide to the U.S. Attorney General and U.S. Secretary of Health and Human Services standards for the detection, prevention, reduction and punishment of prison rape. PREA applies to all public and private facilities that house adult or juvenile offenders.

2005

The Oregon Youth Authority (OYA) implemented Prison Rape Elimination Act Policy II-B-4.0.

2006

- ◆ OYA created a Professional Standards Office and implemented Principles of Conduct Policy 0-2.0 and Professional Standards Policy 0-2.1. These actions standardized and clarified expectations of employees for ensuring the safety and well-being of youth in the care and custody of OYA, as well as for overall ethical and professional conduct among staff.
- ◆ OYA provided all staff members with a 90-minute training session on PREA, and instituted a two-hour PREA training session during the third week of New Employee Orientation for all direct-care employees.
- ◆ OYA established a toll-free Abuse Hotline; trained staff and youth on how to use the hotline; placed informational posters in all facilities; and provided cards with the hotline number to all youth.
- ◆ OYA instituted an ongoing practice of providing youth and their families at the time a youth is committed to OYA with a safety guide, information about the youth's rights, and information about how to file a grievance.

2009

- ◆ The National Prison Rape Elimination Commission presented its final report and proposed standards dated June 23, 2009, to the President, Congress, U.S. Attorney General, U.S. Secretary of Health and Human Services, and other federal and state officials. The report laid out recommendations for prevention, detection, response and monitoring. The Commission completed two sets of standards — one for adult facilities and one for juvenile facilities. The standards for juvenile facilities contain 40 separate requirements. Agencies have one year to meet these standards from the time the Attorney General accepts the Commission's recommendations. The Attorney General is expected to accept and approve these recommendations in early 2011.

- ◆ OYA established a PREA coordinator position using existing staff to guide its compliance with the Act and arranged to receive technical assistance from the National Institute of Corrections. NIC is an agency within the U.S. Department of Justice's Federal Bureau of Prisons established to provide training, technical assistance, information services, and policy and program development assistance to federal, state and local corrections agencies.

2010

The U.S. Department of Justice issued an Advance Notice of Proposed Rule Making (ANPRM) March 10, 2010, to solicit input on the Commission's proposed national standards and to receive information useful to the department in publishing a final rule adopting standards to address prison rape as mandated by PREA. The ANPRM can be found in the Federal Register, Vol. 75, No. 46, page 11,077.

OYA requested and received technical assistance from NIC and The Moss Group, a consulting firm provided through NIC, to address areas of need. At the recommendation of The Moss Group, OYA updated its PREA policy December 16, 2010, to become the "preventing, responding to, and monitoring offender sexual abuse policy."

OYA designated a Sexual Assault Response Team member at every OYA facility and Parole and Probation office in December 2010 to ensure a coordinated response. As part of the response, OYA developed a protocol to address the medical and mental health needs of any offender involved in sexual abuse as the victim or the perpetrator.

The U.S. Bureau of Justice Assistance (BJA) consulted in the review of the National Prison Rape Elimination Commission (NPREC) recommendations with Booz Allen Hamilton, which presented a cost-impact analysis of the NPREC standards specific to 49 sites including OYA. The document assesses the costs specific to each standard, assesses variations within the cost estimates, and addresses a comprehensive view of implementation and compliance on a national level. It covers five sectors of correctional operations: state prison systems, state and local juvenile facilities, community corrections and local/county jails, and police lockups. Although the NPREC standards have yet to be formally promulgated, OYA already has demonstrated policies and procedures that meet 63 percent compliance of the standards.

COMPLIANCE

PREA STANDARD

PREVENTION PLANNING

- 1 The agency enforces zero tolerance policies toward all forms of sexual abuse.
- 2 The agency contracts only with entities committed to eliminating sexual abuse.
- 3 The agency provides the amount of resident supervision necessary to protect residents from sexual abuse.
- 4 Except in emergencies, the agency restricts non-medical staff from viewing residents of the opposite gender who are nude or are performing bodily functions, and restricts cross-gender pat-downs.
- 5 The agency ensures residents with limited English proficiency or who are deaf or disabled have sufficient means to report sexual abuse to staff.

OYA ACTIONS and STATUS

PREVENTION PLANNING

- 1 OYA has a zero tolerance policy for sexual abuse, as codified in Policy II-B-4.0. OYA updated the policy December 16, 2010, to include additional language recommended in the PREA standards.
- 2 All new and renewed contracts with private and public agencies covered under PREA and contracted with by OYA for services include language requiring compliance with PREA standards and OYA's zero-tolerance policy toward sexual abuse.
- 3 OYA ensures the state standard is sustained for supervision of youth in OYA care and custody. Policy II-A-3.0 regarding offender supervision will be updated to enhance the safety of OYA Youth.
- 4 Policy II-A-2.0 addressing cross-gender searches was updated effective January 2011. The new search policy restricts cross-gender searches except in case of emergency, and requires two staff for a comprehensive search.
- 5 OYA has taken steps to ensure that youth with limited English proficiency, or physical or mental disability, have access to methods of reporting sexual abuse. OYA is leading a multi-agency approach to creating a youth safety video to help address the issue. OYA offers safety materials including a youth safety guide in different languages, language interpreters, and ensures all safety issues are addressed with youth on a one-on-one basis.

PREA STANDARD

PREVENTION PLANNING

- 6 The agency does not hire or promote anyone who has engaged in sexual abuse in an institutional setting or who has engaged in sexual activity in the community by use of force, the threat of force, or coercion.
- 7 The agency uses video monitoring systems and other cost-effective and appropriate technology to supplement sexual abuse prevention, detection and response efforts.

OYA ACTIONS and STATUS

PREVENTION PLANNING

- 6 All employees undergo criminal history background checks upon hire and promotion. Decisions related to findings are made in accordance with statutes and rules. New Employee Orientation includes two-hour training on mandatory child abuse reporting. OYA disciplines or terminates any staff member who has engaged in any form of sexual misconduct.
- 7 OYA completed its evaluation of facility-monitoring video cameras with the help of outside consultants Critigen and CH2M Hill. OYA has renovated central control of all facilities to enhance the monitoring capacity. New cameras are being placed in identified high-risk areas at all facilities. Hillcrest Youth Correctional Facility has installed 111 new cameras, and North Coast Youth Correctional Facility has undergone extensive remodeling of its camera system. OYA has purchased an additional 151 cameras that are awaiting installation. OYA is seeking additional funding to move forward on the next phase of renovating camera systems.

PREA STANDARD

RESPONSE PLANNING

- 8 The agency follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence, provides access to forensic medical exams by qualified forensic medical examiners, and makes available a victim advocate to accompany the victim through the forensic medical exam process.
- 9 The agency maintains agreements with outside public entities and community service providers to respond to sexual abuse complaints.

OYA ACTIONS and STATUS

RESPONSE PLANNING

- 8 OYA works with community partners and law enforcement to identify local resources for the least intrusive medical aftercare for youth who are victims of sexual abuse. OYA is developing a sexual abuse protocol to ensure all victims of sexual abuse have access to trained forensic medical examiners and are offered a victim advocate during the exam. Sexual Assault Response Teams are being formed for every OYA facility and field office. Training began January 2011.
- 9 OYA offers basic medical care to youth after an assault. If a sexual assault is discovered before 96 hours have elapsed, OYA arranges for the victim to receive a forensic medical exam from a hospital where the exams are performed by certified Sexual Assault Examiners and/or Sexual Assault Nurse Examiners. OYA also provides or contracts with service providers for a broad range of mental health services including treatments specific to sexual abuse. The PREA Coordinator and on-site Sexual Assault Response Teams track and evaluate all allegations of sex abuse to ensure victims receive initial treatment and additional treatment at their request. OYA's sexual abuse protocol requires that, within 24 hours of a sexual assault, all involved youth receive a mental health evaluation by a qualified mental health professional and must have two additional follow-up sessions within two weeks to evaluate their mental health status and treatment needs. OYA also supplies youth with a list of toll-free numbers and the addresses of agencies providing additional support for victims of sexual abuse.

PREA STANDARD

- 10 The agency maintains agreements with outside law enforcement agencies to conduct investigations of sexual abuse incidents.
- 11 The agency maintains agreements with prosecuting authorities.

PREVENTION TRAINING AND EDUCATION

- 12 The agency trains all employees to fulfill their responsibilities under PREA.
- 13 The agency ensures all volunteers and contractors are trained on their responsibilities under PREA.

OYA ACTIONS and STATUS

- 10 OYA is updating its current memorandum of understanding with Oregon State Police (OSP), which identifies OSP's role and response to allegations of criminal acts occurring within OYA specific to sexual abuse.
- 11 OYA maintains regular, ongoing discussions with prosecutors about issues related to investigating and prosecuting staff and youth offenders who engage in any type of criminal acts within the agency.

PREVENTION TRAINING AND EDUCATION

- 12 All new staff are trained on their responsibilities under PREA through a 2.5-hour training during New Employee Orientation. OYA is creating a mandatory annual PREA refresher training curriculum for all OYA staff. The new training is expected to be ready in spring 2011.
- 13 OYA has developed a mandatory PREA training for all volunteers and contractors who have contact with youth. A Web-based training will be implemented in February 2011, which will be mandatory for all volunteers, contractors and others OYA deems necessary.

PREA STANDARD

14 The agency informs residents of their rights to be free from sexual abuse and retaliation for reporting abuse.

15 The agency ensures agency investigators have received comprehensive specialized training for conducting investigations into sexual abuse.

16 The agency ensures all mental health care practitioners working in its facilities have received specialized training in detecting and assessing signs of sexual abuse.

OYA ACTIONS and STATUS

14 OYA is updating youth educational material and developing a series of annual refresher courses to educate youth about PREA. A Youth Safety Guide is provided to every youth upon entry into OYA custody and the youth is trained individually on the use of the guide by the presenting staff. The guide clearly states the agency's commitment that youth have the right to be free from sexual abuse. Every youth also is given a pocket-size card providing instruction and contact information for the OYA Hotline. Youth safety posters are posted in English and Spanish throughout the agency. Youth Safety Guide and OYA Hotline Card distribution is tracked monthly by the Professional Standards Office to ensure distribution. OYA is developing a youth video to enhance the Youth Safety Guide to provide additional education for youth about their right to be free from sexual abuse and retaliation for reporting abuse.

15 OYA ensures Professional Standards Office investigators and Human Resources analysts receive specialized training on investigating allegations of sexual abuse. OYA also ensures investigators receive ongoing training specializing in sexual abuse.

16 OYA ensures its medical and mental health care providers receive specialized training on detecting and assessing signs of sexual abuse. OYA Policy II-A-1.2 addresses the chain of evidence.

PREA STANDARD

PREVENTION ASSESSMENT AND PLACEMENT

17 Agency staff obtain information about residents' personal histories during intake and periodically during confinement to help keep residents safe from sexual abuse.

18 Decisions about placement of residents in housing, programs, education and work assignments are made with the goal of keeping all residents safe from sexual abuse.

REPORTING AN INCIDENT

19 The agency provides multiple internal ways for residents to easily, privately and securely report sexual abuse.

20 The agency has clear policies regarding exhaustion of administrative remedies.

OYA ACTIONS and STATUS

PREVENTION ASSESSMENT AND PLACEMENT

17 OYA is developing an assessment tool including a checklist to determine and track youth vulnerability to sexual abuse.

18 OYA is developing a comprehensive screening system specifically designed for juveniles in the care and custody of OYA. Programming has begun on the Juvenile Justice Information System to include tracking of conflicts such as potential for sexual victimization and/or sexual acting out.

REPORTING AN INCIDENT

19 Youth can report abuse in person to a trusted staff, manager, volunteer or other adult, or on a grievance form, communication form, medi-gram or survey, or by calling the toll-free OYA Hotline to contact the Professional Standards Office (PSO). OYA has developed a process within the Juvenile Justice Information System that identifies all incidents with reported "sexualized behavior" involving all ages of offenders, to trigger an automatic alert to PSO and the PREA Coordinator to begin the process of reviewing and tracking the incident.

20 OYA has clear policy governing timelines for administrative remedies of youth grievances and complaints made to the Professional Standards Office.

PREA STANDARD

- 21 The agency provides residents with access to outside support services and legal representation.
- 22 The agency investigates all third-party reports of sexual abuse or refers reports to the appropriate authorities for investigation.

OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

- 23 All agency staff members are required to immediately report any information about or suspicion of sex abuse.
- 24 The agency notifies other confinement facilities about allegations of sexual abuse in those other facilities, and those facilities investigate.

OYA ACTIONS and STATUS

- 21 OYA provides access to juvenile rights advocacy groups including the Juvenile Rights Project, Court Appointed Special Advocates, and the Oregon Advocacy Center. OYA has identified staff members to be part of a Sexual Assault Response Team (SART) at each facility. Part of SART's role is to review with the victim his or her rights to outside support services after an incident of sexual assault has been reported. As listed in OYA policy II-F-3.6, youth offenders are allowed phone calls to an attorney.
- 22 OYA refers or investigates all third-party reports of sexual assault through law enforcement, the Oregon Department of Human Services, or the Professional Standards Office. Under-age reporting and investigation is codified in Policy 0-2.3 regarding mandatory abuse reporting.

OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

- 23 Every OYA staff member is a mandatory reporter, per Policy 0-2.3, which includes mandatory annual training requirements. Staff are required to complete a Youth Incident Report as indicated in the Procedure attached to Policy I-E-1.0, which includes notification requirements for all incidents of suspected sexual abuse.
- 24 It is OYA's practice to notify other facilities and agencies about any allegation of sexual abuse that occurs during placement in those facilities.

PREA STANDARD

- 25 Agency staff follow a specific list of first-responder duties.
- 26 All actions taken in response to a sexual abuse incident are coordinated among all staff, investigators, medical personnel, victim advocates and others involved.
- 27 The agency protects all residents and staff who report sexual abuse or cooperate in an investigation against retaliation.

INVESTIGATIONS

- 28 The agency investigates all allegations of sexual abuse and follows specific reporting procedures.

OYA ACTIONS and STATUS

- 25 Staff first-responder duties are codified in Policy II-B-4.0 regarding PREA and Policy II-A-1.2 regarding preserving the chain of evidence.
- 26 OYA's PREA Coordinator and Sexual Assault Response Teams (SARTs) provide a coordinated response to allegations of sexual abuse. A SART member will respond to each incident to coordinate medical staff, the treatment manager, mental health practitioner, investigator, victim advocate and other staff or outside partners as needed. The SART member will ensure notification and updates to all involved parties.
- 27 Policy O-2.0 regarding principles of conduct clarifies the agency's intent that there shall be no retaliation for reports of alleged illegal or unethical conduct. All allegations of retaliation are taken seriously and are investigated by OYA.

INVESTIGATIONS

- 28 All allegations of illegal or unethical conduct are referred to the appropriate agency or to the OYA Professional Standards Office (PSO) for investigation per Policy O-2.3 regarding mandatory reporting, Policy II-B-4.0 regarding PREA (currently under revision as I-A-10.0), and Policy I-D-4.0 regarding PSO.

PREA STANDARD

29 Agency investigations into allegations of sexual abuse are prompt, thorough, objective, and conducted by specially trained investigators.

30 Allegations of sexual abuse are substantiated if supported by a preponderance of the evidence.

DISCIPLINE

31 Disciplinary sanctions for staff are clear.

32 Residents receive appropriate interventions if they engage in resident-on-resident sexual abuse.

OYA ACTIONS and STATUS

29 After law enforcement concludes its investigation, or concurrently if approved, the OYA Professional Standard Office (PSO) will immediately begin its review and determine if additional investigation is necessary. PSO investigators are trained to be thorough, prompt and take an independent objective view of all cases. OYA ensures its PSO investigators have received, and remain current on, specialized training.

30 OYA's PREA Coordinator and Chief Investigator evaluate all PREA cases to the standard of preponderance of the evidence.

DISCIPLINE

31 All staff receive clear and consistent sanctions for violating law, policy and/or procedure.

32 Youth who engage in sexual abuse receive consistent consequence with the potential to incur additional criminal charges or adjudications. OYA has implemented an Offender Behavior Refocus Options matrix to ensure consistency. The PREA Coordinator and Sexual Assault Response Team members follow up to ensure the perpetrator receives appropriate sanctions.

PREA STANDARD

MEDICAL AND MENTAL HEALTH CARE

33 Medical and mental health intake screenings collect information to help determine appropriate housing, program, education and work assignments.

34 Victims of sexual abuse have timely and unimpeded access to emergency medical and mental health services.

35 The agency provides ongoing medical and mental health care for sexual abuse victims and abusers.

DATA COLLECTION AND REVIEW

36 The agency conducts sexual abuse incident reviews for all instances of sexual abuse.

37 The agency collects accurate, uniform data for every reported incident of sexual abuse.

OYA ACTIONS and STATUS

MEDICAL AND MENTAL HEALTH CARE

33 OYA policy II.D-1.0 regarding health history and physical assessment of youth requires the youth intake assessment to be completed within seven days of admission to a facility. A risk-needs assessment is completed on all youth with direct community placement to determine appropriate housing, program and educational needs.

34 OYA employs staff or contracts with agencies to provide access to emergency medical and mental health service on a 24/7 basis.

35 OYA employs staff or contracts with agencies to provide medical and mental health care for sexual abuse victims and abusers. OYA is creating a checklist for mental health providers to follow to ensure victims and abusers are provided with mental health care following an incident of sexual abuse.

DATA COLLECTION AND REVIEW

36 OYA's Professional Standards Office reviews all incidents and allegations of sexual abuse and makes recommendations as necessary.

37 All reported incidents of sexual abuse are documented in Juvenile Justice Information System Youth Incident Reports. All PREA-reportable events are stored in the Administrative Investigations Management database maintained by the OYA Professional Standards Office. The information received is compiled and stored for reference and analysis.

PREA STANDARD

38 The agency uses and reviews all data to determine needed corrective actions.

39 The agency properly stores and protects all data related to sexual abuse of its residents.

AUDITS

40 The agency ensures all of its facilities are audited to measure compliance with PREA standards.

OYA ACTIONS and STATUS

38 Data compiled and stored from the Juvenile Justice Information System and Administrative Investigations Management database are reviewed on a quarterly basis to determine patterns and the need for corrective actions.

39 All PREA events are stored in the Administrative Investigations Management database and are destroyed in compliance with Policy I-D-4.0 regarding the Professional Standards Office and retention of records. Youth Incident Reports in the Juvenile Justice Information System are automatically protected and may be restricted to ensure only those individuals with designated permissions are able to access the records.

AUDITS

40 OYA's PREA Coordinator will develop a system in conjunction with the Sexual Assault Response Team members to annually audit facility compliance. OYA's internal auditor will consult with the PREA Coordinator on an ongoing basis. Independent outside audits will be conducted every three years by outside agencies. Reports and corrective action plans will be published on the OYA Web site.

STATISTICS

The following table shows the number of reports of sexual abuse incidents received by OYA during the past five years and the number of substantiated reports. The larger share of substantiated incidents for 2009 compared with the number reported is a result of agency efforts to enhance the investigation process. It also is a result of combined Professional Standard Office and Human Resources efforts to ensure all cases receive due process.

Reports of sexual abuse within OYA facilities								
Year	Youth-to-youth non-consensual sexual acts		Youth-to-youth abusive sexual contacts		Staff-to-youth sexual misconduct		Staff-to-youth sexual harassment	
	All reports	Substantiated	All reports	Substantiated	All reports	Substantiated	All reports	Substantiated
2005	5	4	6	5	1	0	0	0
2006	4	4	6	6	3	1	0	0
2007	4	2	9	7	4	1	6	0
2008	9	4	28	16	17	3	5	3
2009	6	4	19	13	2	1	2	2
2010	3	1	20	7	16	1	10	2

OYA continues to vigorously strengthen its PREA reporting, investigating and tracking system to ensure the agency attains full compliance with all PREA standards on or before the required implementation date.



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