



OREGON YOUTH AUTHORITY
Policy Statement
Part I – Administrative Services




Subject: Preventing, Detecting, and Responding to Youth Sexual Abuse and Sexual Harassment

<i>Section – Policy Number:</i> A: General Administration – 10.0	<i>Supersedes:</i> I-A-10.0 (12/14) I-A-10.0 (7/14) I-A-10.0 (1/13) I-A-10.0 (12/10) II-B-4.0 (10/05)	<i>Effective Date:</i> 07/05/2017	<i>Date of Last Revision:</i> 08/23/2019
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Related Standards and References:	<ul style="list-style-type: none"> ▪ Public Law 108-79 Prison Rape Elimination Act (PREA) of 2003 ▪ 28 CFR Part 115 National Standards to Prevent, Detect, and Respond to Prison Rape Under PREA ▪ National Commission on Correctional Health Care, <i>Standards for Health Services in Juvenile Detention and Confinement Facilities</i>, Y-B-06 (Procedure in the Event of Sexual Assault) ▪ American Correctional Association, <i>Standards for Juvenile Correctional Facilities</i>; 4-JCF-3D-02 through 4-JCF-3D-09 (Child Abuse and Neglect); 4-JCF-4C-50 (Sexual Assault) ▪ Performance-based Standards (PbS), <i>Juvenile Correction and Detention Facilities; Safety</i> ▪ DAS Policy 50.010.03: Maintaining a Professional Workplace ▪ Attachment A (OYA Contract Requirements Regarding Sexual Abuse Prevention and Response) ▪ OYA policy: 0-2.3 (Mandatory Reporting of Abuse) <ul style="list-style-type: none"> I-E-1.0 (Director’s Incident Notification and Report) I-E-4.0 (Incident Reviews) II-A-1.2 (Preserving Chain of Evidence) II-D-1.0 (Facility Health Services) II-D-2.2 (Suicide Prevention in Close-custody Facilities) II-F-1.1 (Youth Grievance Process [Facility]) II-F-3.4 (Youth Use of Telephone) III-A-1.0 (Youth Incident Reports [Field]) III-B-4.0 (Youth Rights, Responsibilities, and Grievances [Field]) ▪ OYA forms: YA 1958 (Facility First Responders to Sexual Abuse Checklist) YA 1959 (Facility SARRT Sexual Abuse Incident Checklist) YA 9530 (Youth Safety Guide) YA 4033 (Intake Close-custody Youth Safety Orientation) YA 4034 (Youth Sexual Safety Education) YA 4037 (Facility Staffing Plan PREA Review) YA 4452 (Psychology Progress Report) YA 4453 (Psychiatric Progress Report) YA 8037 (PREA Questionnaire)
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Related Procedures:	<ul style="list-style-type: none"> ▪ TS I-E-4.0 Employee Support Plan ▪ FAC I-E-4.0 Youth Incident Report (YIR) ▪ HS I-A-10.0 Responding to Youth Sexual Abuse/Assault
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Policy Owner: Professional Standards Office Chief Investigator	Approved:  Fariborz Pakseresht, Director
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I. PURPOSE:

This policy provides guidelines for staff to prevent, detect, and respond to all forms of sexual abuse and sexual harassment within OYA facilities and community placements. It also complies with the Prison Rape Elimination Act (PREA) of 2003 and related national standards.

II. POLICY DEFINITIONS:

Executive team: An executive group that provides oversight of agency operations.

Gender nonconforming: A person whose appearance or manner does not conform to traditional societal gender expectations.

Institutional employer: A prison, jail, lockup, community confinement facility, juvenile facility, or other "institution" as that term is defined in the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. 1997 *et seq.* to include state facilities for persons who are mentally ill, disabled, or retarded, or chronically ill or handicapped; residential care or treatment facilities for juveniles; and facilities that provide skilled nursing, intermediate or long-term care, or custodial or residential care. See 42 U.S.C. 1997(1)

Intersex: A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

LGBTQQI: People who have identified themselves or may be perceived as lesbian, gay, bisexual, transgender, queer, questioning, or intersex.

Mental health practitioner: A qualified mental health professional (QMHP), psychiatric mental health nurse practitioner, psychiatrist, or psychologist.

PREA: Prison Rape Elimination Act of 2003.

PREA Compliance Manager (PCM): Management staff designated by the superintendent or camp director with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

PREA Coordinator: A full-time OYA staff member whose responsibilities include developing, implementing, and overseeing the agency's plan for zero tolerance of sexual abuse and sexual harassment.

Sexual abuse: Includes (1) sexual abuse of a youth by another youth; and (2) sexual abuse of a youth by a staff member, contractor, or volunteer.

(1) Sexual abuse of a youth by another youth includes any of the following acts if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- b) Contact between the mouth and the penis, vulva, or anus;

- c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - d) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, **excluding contact incidental to a physical altercation.**
- (2) Sexual abuse of a youth by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the youth:
- a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b) Contact between the mouth and the penis, vulva, or anus;
 - c) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - d) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - e) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, **or** where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - f) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (a)-(e) of this section;
 - g) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a youth; and
 - h) Voyeurism by a staff member, contractor, or volunteer is an invasion of privacy of a youth by a staff member, contractor, or volunteer for **reasons unrelated to official duties**, such as peering at a youth who is using a toilet in his or her cell to perform bodily functions; requiring a youth to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a youth's naked body or of a youth performing bodily functions.

Sexual harassment: Includes -

- (1) Repeated and unwelcome sexual advances, requests for sexual favors; or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to a youth by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Sexual Abuse Response and Resource Coordinator (SARRC): Staff, preferably management, designated by the facility superintendent, camp director, or assistant director who coordinates responses, reporting, and follow-up to youth sexual abuse incidents.

Sexual Abuse Response and Resource Team (SARRT): A team of individuals who work collaboratively in response to sexual abuse. The team is based on a core membership of the PCM, SARRC, youth's OYA primary case manager and QMHP.

Sexually aggressive youth: A youth committing sexual abuse against another youth, or coercing sex from another youth in exchange for protection or other favors.

Volunteers: Persons, who, on a non-paid basis, provide services to OYA, including:
(a) Mentors: Mature, trustworthy and experienced persons who encourage a youth's personal growth, offer supportive friendships, act as positive role models and promote a constructive attitude and law-abiding behavior.

(b) Work Readiness Coaches: Persons who teach particular skills/tasks related to employment, or provide practical work experience.

(c) Students or Interns: Persons enrolled in a college or university-sanctioned program who earn college credit for their activities.

(d) Tutors: Persons who work with individual youth to improve the youth's academic performance.

(e) Religious Services Assistants: Persons who assist with religious programming or services.

Vulnerable youth: A youth who is at high risk to become a victim of sexual abuse by another youth due to characteristics related to age, physical stature, criminal history, and physical or mental disabilities, or past history of being victimized.

Youth: A person in the legal and physical custody of the OYA, either in an OYA facility or placed in the community under supervision, or a person in the legal custody of the Department of Corrections and the physical custody of OYA.

III. POLICY:

OYA has a zero-tolerance standard toward all forms of youth sexual abuse and sexual harassment. This policy provides uniform guidelines and procedures to reduce the risk of sexual abuse and sexual harassment in OYA facilities, field offices, and community residential programs.

All staff will be trained to recognize the signs of sexual abuse and sexual harassment and to understand their responsibility in the prevention, detection, response, and reporting of alleged sexual abuse and sexual harassment. Professional, trained staff will help prevent sexual abuse by acting in the following manner during the performance of their duties:

- Knowing and enforcing rules regarding sexual behavior;
- Maintaining professionalism at all times, including maintaining a sexual-harassment-free professional workplace; and
- Treating any allegation of sexual abuse or sexual harassment seriously by following appropriate reporting procedures.

Supervision of youth is necessary to protect them from sexual abuse and sexual harassment. Sound correctional practice includes conducting frequent, random area checks, providing direct staff supervision, and having an open line of communication that includes positive, supportive, consistent, and accountable behavior and expectations.

Inappropriate sexual behavior is prohibited in OYA facilities and community residential programs. Youth who commit any type of behavior violation in OYA facilities may be refocused according to OYA policy II-B-2.1 (Youth Accountability in

OYA Facilities). Behavior violations involving sexual behavior will be assessed by the PREA Coordinator as potential sexual abuse or sexual harassment cases.

Staff must be aware of warning signs that might indicate that a youth has been sexually abused or is in fear of being sexually abused. Warning signs include, but are not limited to:

- Isolating self from others;
- Depression;
- Major changes in behavior, mood, and daily activities;
- Lashing out at others;
- Refusing to shower;
- Suicidal thoughts or actions;
- Seeking protective custody; and
- Refusing to leave an isolation room.

In the event that a youth is alleged to have sexually abused a staff member, volunteer, or contractor, the immediate response and preservation of evidence steps described in this policy must also be followed. Any health care examination must occur in the community. See agencywide procedure Employee Support Plan (TS I-E-4.0) for follow-up.

Any sexual behavior or act between staff and youth, volunteers and youth, or contractors and youth, regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions. Termination is the presumptive disciplinary sanction for staff, contractors, or volunteers, who have engaged in sexual abuse.

IV. GENERAL STANDARDS:

- A. OYA will respond to, investigate, and support the prosecution of sexual abuse in its facilities, field offices, and community placements in partnership with law enforcement and the judicial system.
 1. Through continual education of staff and youth, OYA increases awareness of safe reporting mechanisms and available services to victims, thereby creating an agency culture that discourages sexual abuse and sexual harassment.
 2. Through appropriate placement in program, education, work, and housing assignments, and physical plant improvements when feasible, OYA identifies opportunities to separate and carefully monitor both sexually aggressive and vulnerable youth to eliminate sexual abuse and sexual harassment incidents.
 3. OYA will collect related data and review all sexual abuse and sexual harassment incidents to assist in improving sexual abuse and sexual harassment prevention practices. The PREA Coordinator will coordinate the data collection.
 4. OYA requires that all residential programs contracting with OYA are committed to the elimination of sexual abuse and sexual harassment in

their programs by adopting policies and procedures consistent with this OYA policy.

5. Contract administrators must ensure contracts with individuals who have direct contact with youth address items listed on [Attachment A](#) (Contract Requirements Regarding Sexual Abuse Prevention and Response).

B. To ensure OYA does not hire, promote, or enlist services of any person who may have direct contact with youth who has engaged in, been convicted of, or been civilly or administratively adjudicated for engaging in sexual abuse in a confinement setting, or has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force or coercion or if the victim did not consent or was unable to consent or refuse, OYA:

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1. Conducts both a criminal record check and child abuse registry check on every applicant staff member or contractor who may have direct contact with youth;
2. Conducts follow-up criminal record checks on the people listed in paragraph 1 above at least every five years;
3. Ensures a criminal record check was completed no more than a year prior to any promotion of a staff member;
4. When hiring, makes the best effort to contact all previous institutional employers to obtain information on substantiated allegations of sexual abuse and sexual harassment;
5. Considers any incidents of substantiated sexual harassment in determining whether to hire or promote staff, or to enlist the services of any contractor who may have contact with youth;
6. In written applications and through a yearly signed disclosure form, affirms the duty to disclose any such actions;
7. Considers omissions regarding such conduct or the provision of false information as grounds for termination; and
8. Provides information on substantiated allegations of sexual abuse or sexual harassment involving a former staff member upon receiving a request from an institutional employer, as laws allow.

C. Training

1. All staff receive instruction related to the prevention, detection, reporting, and investigation of youth sexual abuse and sexual harassment during New Employee Orientation (NEO).

The training must include the following topics:

- a) OYA's zero-tolerance for sexual abuse and sexual harassment;
- b) How staff must prevent, detect, report, and respond to youth sexual abuse and sexual harassment;
- c) A youth's right to be free from sexual abuse and sexual harassment;
- d) A staff member's and youth's right to be free from retaliation for reporting sexual abuse and sexual harassment incidents;
- e) The dynamics of sexual abuse and sexual harassment in juvenile facilities, field offices, and community programs;
- f) The common reactions of juvenile victims of sexual abuse and sexual harassment;
- g) How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between youth;
- h) How to avoid inappropriate relationships with youth;
- i) How to communicate effectively and professionally with youth, including LGBTQI, and gender nonconforming youth; and
- j) Relevant laws regarding the applicable age of sexual consent.

2. In-service training

- a) Staff who have direct contact with OYA youth will receive in-service training on preventing, detecting, reporting, and responding to youth sexual abuse and harassment during annual staff updates according to their job classifications.
- b) In-service training must be tailored to the gender of youth the staff member has contact with.

3. Specialized training

- a) Staff who may be involved in youth Sexual Abuse Response and Resource Teams (SARRT) must complete specialized training specific to sexual abuse responses.
- b) Professional Standards Office (PSO) investigators must complete specialized training specific to conducting sexual abuse investigations in juvenile justice settings.
- c) OYA medical and mental health care practitioners must complete specialized training on the following topics:

- (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 where to report allegations or suspicions of sexual abuse or sexual harassment.

D. Youth education

1. Upon a youth's commitment to OYA custody and any subsequent transfer between close-custody facilities, staff must give the youth the Youth Safety Guide and Hotline card.

The Youth Safety Guide identifies abuse; gives guidelines on how to stay safe; how to report abuse; and what to do if abused. The Hotline card provides direct contact information to the Professional Standards Office.

2. Staff must document in JJIS that the Youth Safety Guide and Hotline card were given and explained to the youth, and the youth indicated an understanding.

This must also be documented on a YA 4033 Intake Close-custody Youth Safety Orientation form for facility youth within 10 days of the youth's initial commitment, and any subsequent transfers between close-custody facilities.

3. Staff also must provide each facility youth a comprehensive age-appropriate presentation (in-person or electronic) regarding the youth's right to be free from sexual abuse and harassment, free from retaliation for reporting incidents, and how OYA must respond to such incidents. This presentation must be provided within 10 days of a facility youth's commitment to OYA custody. Staff must document on OYA form YA 4034 that the youth viewed the presentation and understood it. The YA 4034 must be distributed and retained according to the form's instructions.
4. All OYA facilities and field offices must have the information described in paragraphs 1 and 2 (above) readily available and displayed for youth.
5. Provisions of youth education includes formats accessible to all youth, including those who are limited English proficient, hearing impaired, visually impaired, have limited reading skills, or are otherwise disabled (e.g., intellectual, psychiatric, or speech disabilities).
6. All OYA facilities and field offices must provide youth with, or display in an accessible area, mailing addresses and telephone numbers of local,

state, or national victim advocacy or rape crisis organizations; OYA safety posters; hotline information posters; and Youth Grievance forms ([YA 1300](#)).

E. Confidentiality

1. Staff must notify youth upon initial intake to OYA custody that any report of sexual abuse will be reported to law enforcement or Department of Human Services, Child Protective Services.
2. OYA facility medical and mental health practitioners
 - a) Must notify youth at the initiation of services of their duty to report and the limitations of confidentiality.
 - b) Must obtain informed consent from youth who are 18 years old or older before reporting information about the youth' prior sexual victimization that did not happen in an institutional setting.
3. Any sexual abuse information received by any staff member must only be disclosed on a need-to-know basis. Information must be shared according to state and federal privacy laws, professional licensure, and ethical standards.
4. Youth interviews about sexual abuse incidents must be conducted in safe and private environments.
5. Under no circumstances may access to treatment resources be denied a youth who is a victim of sexual abuse because the youth refuses to disclose sexual abuse incident details.

F. Youth reporting

1. OYA provides multiple ways for youth to report sexual abuse and sexual harassment incidents, retaliation for reporting incidents, and perceived staff neglect or policy violations that may be contributed to sexual abuse or sexual harassment incidents, including:
 - a) The youth grievance process (see OYA policies II-F-1.1 Youth Grievance Process [Facility] and III-B-4.0 Youth Rights, Responsibilities and Grievance [Field]);
 - b) Access to the confidential OYA Hotline 1-800-315-5440 (see OYA policy II-F-3.4 Use of Telephone);
 - c) Regular safety surveys;
 - d) Confidential access (correspondence, telephonic, or in person) to agencies that provide legal services, including legal aid offices; and

- e) Confidential access through correspondence to the Governor's Constituency Services Office that receives and forwards reports of sexual abuse and sexual harassment to OYA officials, allowing the youth to remain anonymous upon request.
2. In OYA facilities, the PREA Compliance Manager (PCM) must ensure any youth who reports sexual abuse or sexual harassment or cooperates with sexual abuse or sexual harassment investigations is protected from retaliation by other youth or staff.
- a) Protection may include:
 - (1) Housing change;
 - (2) Facility transfer; and
 - (3) Emotional support.
 - b) For at least 90 days following a report of sexual abuse or sexual harassment, the PCM or designee must monitor the youth's conduct or treatment to see if there are changes that may suggest possible retaliation by other youth or staff and must act promptly to remedy any such retaliation.
 - (1) Monitoring must be documented in the SARRC Log.
 - (2) Monitoring may include reviewing youth behavior violation incident reports (YIRs), housing or other program changes, unit log entries, and periodic face-to-face check-ins with the youth.

Staff may only refocus a youth for a behavior violation regarding an unfounded allegation if it can be determined that the youth made the allegation in bad faith.
 - (3) The PCM or designee must continue such monitoring beyond 90 days if the initial monitoring indicates continued need.
3. After responding to a facility youth's report of sexual abuse or sexual harassment, the facility's PCM must ensure the youth is notified whether the allegation has been substantiated, unsubstantiated, or unfounded. All notifications must be documented in the SARRC Log.
- a) If the allegation is substantiated and the perpetrator is a staff member, the PCM or designee must inform the youth of the following when known:
 - (1) The staff member is no longer assigned to work in the youth's housing unit;

- (2) The staff member is no longer employed at the facility where the youth is residing;
 - (3) The agency learns that the staff member has been indicted on a charge related to the allegation; or
 - (4) The agency learns that the staff member has been convicted on a charge related to the allegation.
- b) If the allegation is substantiated and the perpetrator is another youth, the PCM or designee must inform the youth who reported the incident of the following when known:
- (1) The agency learns that the alleged perpetrator has been indicted on a charge related to the allegation; or
 - (2) The agency learns that the alleged perpetrator has been convicted on a charge related to the allegation.
4. Field supervisors must ensure youth who have reported sexual abuse or sexual harassment incidents while in community placements are notified of the results of related investigations, if the information is available to OYA. Investigations of allegations in the community may be conducted by law enforcement or another government agency that may not share the information with OYA.

G. Third-party reporting

OYA may receive youth-related sexual abuse and sexual harassment reports from youth family members or the public. Information regarding the reporting process is available on the OYA public Internet website and the Youth Family Guides ([close-custody youth](#), and [community youth](#)) including:

1. Access to the confidential OYA Hotline 1-800-315-5440;
2. Access to a confidential e-mail contact:
professionalstandards.office@oya.state.or.us;
3. E-complaint form:
<http://www.oregon.gov/oya/pages/onlinecomplaints.aspx>;
4. The youth grievance process; and
5. By notifying staff.

- H. OYA must ensure any staff member who reports youth sexual abuse or sexual harassment or cooperates with sexual abuse or sexual harassment investigations is protected from retaliation by youth or other staff. Protection may include workplace changes, ensuring the subject(s) of the investigation cannot contact the staff member, and emotional support.

For at least 90 days following a report of sexual abuse or sexual harassment, the PREA Coordinator, in collaboration with the facility's PCM, must monitor the staff's conduct to see if there are changes that may suggest possible retaliation by youth or other staff and must act promptly to remedy any such retaliation.

1. Monitoring must be documented in the PSO case management system database.
 2. Monitoring may include reviewing for negative performance reviews, unwarranted reassignments, and periodic face-to-face check-ins with the staff member.
 3. The PREA Coordinator, in collaboration with the facility's PCM, must continue such monitoring beyond 90 days if the initial monitoring indicates continued need.
- I. Youth placement in OYA facility program, education, work, housing, and bed assignments

OYA will provide safe program, education, work, housing unit, and bed assignments for every youth to reduce the likelihood of sexual abuse while a youth is in close custody.

1. OYA staff will consider vulnerability to sexual abuse or sexual aggressiveness of each youth at the time of the youth's admission to close custody and prior to assigning the youth a program, education, work, housing unit, or bed.

Sexual abuse vulnerability and aggressiveness will be reviewed during the youth's regularly-scheduled Multidisciplinary Team (MDT) meetings.

2. Sexually vulnerable youth

A mental health practitioner will evaluate a youth within 72 hours of the youth's initial intake to close custody, transfer to another OYA facility and annually, specifically to determine the youth's vulnerability to sexual abuse or sexual harassment as indicated by the following risk factors:

- a) Age;
- b) Physical size and stature;
- c) Intellectual or developmental disabilities;
- d) Level of emotional and cognitive development;
- e) Mental illness or mental disability;
- f) Physical disabilities;

- g) Current charges and offense history including sexual offenses;
- h) First-time-youth status (first time in OYA custody);
- i) Past history of victimization;
- j) Any gender nonconforming appearance or manner, or identification as lesbian, gay, bisexual, transgender, queer, questioning, or intersex (LGBTQQI);
- k) The youth's own perception of vulnerability; and
- l) Any other specific information about the youth that may require an increase in supervision, additional safety precautions, or separation from certain other youth.

3. Sexually aggressive youth

- a) A mental health practitioner will also evaluate a youth within 72 hours of the youth's initial intake to close custody, transfer to another OYA facility, and annually, specifically to determine if there are indications that the youth is prone to sexually abusing other youth, including the following:
 - (1) History of sexually aggressive behavior;
 - (2) History of violence, especially if related to a sex offense with same gender victim; and
 - (3) Antisocial attitudes indicative of sexually aggressive behavior.
- b) LGBTQQI identification or status may not be considered as an indicator of likelihood of being sexually aggressive.

4. A youth who discloses any previously unknown sexual victimization or perpetration must be offered an individual meeting with a mental health practitioner to further assess related treatment and placement needs within 14 days of the disclosure.

The mental health practitioner's meeting must be documented in the following manner and include recommendations about the youth's treatment and placement needs:

- a) A case note restricted to the "OYA MH Full Access" group in JJIS; or
- b) A YA 4452 (Psychology Progress Report) if completed by a psychologist; or
- c) A YA 4453 (Psychiatric Progress Report) if completed by a psychiatrist or psychiatric mental health nurse practitioner.

5. Any staff who learns that a youth is subject to a substantial risk of imminent sexual abuse, or is a substantial risk of imminently sexually abusing must immediately ensure the youth's safety, and notify the staff member's supervisor or officer-of-the-day (OD), and a PCM.

V. Responding to Alleged Youth Sexual Abuse in OYA Facilities

- A. Each superintendent or camp director must designate a PREA Compliance Manager (PCM) who is responsible for the facility's compliance with the national PREA standards and OYA policies regarding preventing, detecting, and responding to sexual abuse and sexual harassment incidents.
- B. The PCM must designate a Sexual Abuse Response and Resource Team (SARRT).

The PCM will ensure responses to sexual abuse incidents and investigations follow established protocols described in this policy, their local operating protocols, and the Facility SARRT Sexual Abuse Incident Checklist ([YA 1959](#)).

- C. Notification and investigation of sexual abuse in OYA facilities
 1. If a youth notifies a staff member that the youth has been sexually abused or the staff sees or learns of the abuse, staff must, **in the following order**, immediately:
 - a) Ensure the victim is safe and kept separated from the perpetrator.
 - b) If the incident occurred within 96 hours, secure the incident area(s) and treat it as a crime scene(s) in accordance with OYA policy II-A-1.2 (Preserving Chain of Evidence) until released.
 - (1) Request that the alleged victim not take any action that could destroy physical evidence to include: brushing teeth, changing clothes, showering, washing, urinating, defecating, drinking, or eating.
 - (2) Ensure that the alleged abuser (if a youth) does not take any action that could destroy physical evidence to include: brushing teeth, changing clothes, showering, washing, urinating, defecating, drinking, or eating.
 - c) Notify his/her supervisor or officer-of-day (OD).
 2. The supervisor or OD must verbally notify:
 - a) The superintendent or camp director;
 - b) The PCM; and

- c) The PSO Chief Investigator.
3. The superintendent, camp director, or OD, and the facility SARRC will ensure their local operating protocol is followed.
4. Staff responding to sexual abuse incidents may refer to the Facility First Responders to Sexual Abuse Checklist (YA 1958) to help guide them through the appropriate response.
5. The staff who saw the incident or to whom the incident was reported will initiate a related Youth Incident Report (YIR).

Refer to facilitywide procedure [FAC I-E-4.0](#) (Youth Incident Reports) for YIR instructions.

6. Staff must follow mandatory reporting laws regarding child abuse if the victim is less than 18 years old. Refer to OYA policy [0-2.3](#) (Mandatory Reporting of Youth Abuse and Child Abuse) for instructions on how to comply with mandatory child abuse reporting.
7. The agency's PREA Coordinator will automatically be notified of the incident through the YIR reporting process, and by a facility SARRT member.
8. If the victim is under the guardianship of the child welfare system (Department of Human Services - DHS), the PREA Coordinator must ensure DHS is notified of the incident.
9. If the victim was committed to OYA through a juvenile court and has an attorney or legal representative on record, the PREA Coordinator must ensure that person is notified within 14 days of the sexual abuse allegation.

D. Sexual abuse victim services in OYA facilities

1. If the reported incident was a sexually abusive penetration¹ that occurred within 96 hours, Health Services staff (if available) must assist in arranging the youth's medical examination in the local community at a facility equipped to evaluate and treat sexual abuse victims. If Health Services staff are not available, facility staff will arrange the medical examination in the community.
2. Health Services staff must follow Health Services procedure [HS I-A-10.0](#) (Preventing, Responding to Monitoring Sexual Assault/Abuse) when responding to sexual abuse incidents.

¹ The sexual act included: (1) Contact between the penis and the vagina or the anus; or (2) Contact between the mouth and the penis, vagina, or anus; or (3) Penetration of the anal or genital opening by a hand, finger, or other object.

3. Prophylactic treatment and follow-up care for sexually transmitted or other communicable diseases must be offered to the victim, as appropriate, and documented.
4. A mental health practitioner must evaluate the victim for crisis intervention counseling and long-term follow-up within 24 hours of the medical examination.
 - a) The evaluation must include an assessment for potential for suicide and anxiety disorders, and appropriate treatment needs to address victimization. (See OYA policy II-D-2.2 Suicide Prevention in OYA Close-custody Facilities)
 - b) The evaluation must be documented in the following manner and include specific recommendations about the youth's treatment and placement needs:
 - (1) A case note restricted to the "OYA MH Full Access" group in JJIS;
 - (2) A YA 4452 (Psychology Progress Report) if completed by a psychologist; or
 - (3) A YA 4453 (Psychiatric Progress Report) if completed by a psychiatrist or psychiatric mental health nurse practitioner.
5. The superintendent, camp director, SARRC or PCM, must ensure the sexual abuse victim is reminded of victim rights and advocacy information, and that a qualified victim advocate is available to the sexual abuse victim. The qualified victim advocate may be a qualified agency staff member, or an advocate from a community-based organization.

E. Alleged perpetrator services in OYA facilities

1. A mental health practitioner must conduct an evaluation of a youth who allegedly perpetrated a sexual abuse against another youth to assess related treatment needs within 60 days of the mental health practitioner learning of the alleged sexual abuse.
2. The evaluation must be documented in the following manner and include specific recommendations about the youth's treatment and placement needs:
 - a) A case note restricted to the "OYA MH Full Access" group in JJIS;
 - b) A YA 4452 (Psychology Progress Report) if completed by a psychologist; or

- c) A YA 4453 (Psychiatric Progress Report) if completed by a psychiatrist or psychiatric mental health nurse practitioner.

F. Allegations of sexual abuse in another facility

1. Upon receiving an allegation that a youth was sexually abused while housed in another facility, the superintendent/camp director that received the allegation must notify the following entities as soon as possible, but no longer than 72 hours after receiving the allegation:
 - a) The head of the facility or appropriate office of the agency where the alleged abuse occurred;
 - b) The other facility's or office's investigative agency; and
 - c) PSO.
2. PSO must document the notification in its case management system.

G. Sexual abuse incident review

The superintendent, camp director, or PCM, must ensure an Administrative Incident Review Report ([YA 0024](#)) is completed within 30 calendar days after the conclusion of a sexual abuse investigation whenever the allegation is unsubstantiated or substantiated. (See OYA policy [I-E-4.0 Incident Reviews](#))

VI. Responding to Alleged Youth Sexual Abuse in the Community

A. Notification and investigation of alleged youth sexual abuse in the community

1. If a staff member becomes aware of a sexual abuse allegation of a youth on OYA supervision in the community, the staff member must, in the following order, immediately:
 - a) Ensure the victim is safe and kept separated from the alleged perpetrator;
 - b) Notify the field supervisor;
 - c) If the victim is a minor, notify law enforcement or DHS Child Protection Services (see OYA policy [0-2.3](#) Mandatory Reporting of Youth Abuse and Child Abuse); and
 - d) If the victim is 18 years old or older, notify law enforcement.
2. The staff who saw the incident or to whom the incident was reported will initiate a related Youth Incident Report (YIR).

Refer to OYA policy [III-A-1.0](#) (Youth Incident Reports – Field) for YIR instructions.

3. Staff must follow mandatory reporting laws regarding child abuse if the victim is less than 18 years old. Refer to OYA policy [0-2.3](#) (Mandatory Reporting of Youth Abuse and Child Abuse) for instructions on how to comply with mandatory child abuse reporting.
 4. The agency's PREA Coordinator will automatically be notified of the incident through the YIR reporting process.
- B. Victim and alleged perpetrator services for youth in the community
1. Appropriate OYA contract administrators must ensure contracted community residential programs have procedures addressing sexual abuse victim services and alleged perpetrator services.
 2. Field supervisors must ensure OYA youth victims and alleged OYA youth perpetrators receive appropriate health care services in the community if needed or requested.

VII. Data Collection and Monitoring

- A. The PREA Coordinator must coordinate OYA's PREA data collection and generate any reports needed to comply with national PREA Standards. The data will be retained for 20 years after related investigations are completed.
- B. The PREA Coordinator is responsible for monitoring the PREA data and alerting the OYA Executive Team of any notable trends.

VIII. LOCAL OPERATING PROTOCOL REQUIRED: YES

Each OYA facility must have a local operating protocol that coordinates actions taken among staff first responders, medical and mental health practitioners, investigators, and facility leadership in response to an incident of youth sexual abuse.

Attachment A: OYA Contract Requirements Regarding Sexual Abuse Prevention and Response

Type of Contractor	Language Required in Contract
Medical Treatment Providers at OYA facilities	<ol style="list-style-type: none"> 1. Sexual abuse prevention training and reporting required. 2. Criminal record and child abuse registry checks required; update CRC every five years. Language re: zero tolerance of sexual abuse
Medical Treatment Providers serving youth outside of OYA facilities (e.g., dentists, ERs, opticians)	<ol style="list-style-type: none"> 1. Sexual abuse reporting required. 2. Zero tolerance of sexual abuse required. <p>Professional licenses require reporting and criminal records checks. Also, they have minimal contact with youth.</p>
Residential Providers (BRS Medical)	<p>BRS Placements are not subject to the PREA regulations because youth are admitted to BRS programs "pursuant to a social service system, or for medical purposes, and is beyond the scope of these regulations." (28 CFR Part 115 § 115.5 General Definitions "juvenile facility.")</p> <p>However, DHS and OYA remain committed to the safety of the youth in these programs through licensing and review for compliance with Oregon Administrative Rules and contracts. Therefore, OYA requires:</p> <ol style="list-style-type: none"> 1. Sexual abuse reporting. 2. Zero tolerance of sexual abuse. 3. Criminal record checks required and updated every five years.
<p>Residential Providers (non-BRS) (e.g., county providers, YCCs)</p> <p>Youth-specific Residential Providers (non-BRS) [Used on occasional short-term placements (under 90 days) to meet targeted needs of a specific youth]</p>	<ol style="list-style-type: none"> 1. Sexual abuse reporting required. 2. Zero tolerance of sexual abuse required. 3. Criminal record and child abuse registry checks required; and CRC updated every five years. <p>If provider clientele is 50% or more OYA youth, PREA Residential Provider Exhibit must be attached to contract (developed by PSO and CRU).</p>
Licensed Contractors With Direct Facility Youth Contact (e.g., LCSWs, LPCs, LMFTs)	<ol style="list-style-type: none"> 1. Zero tolerance of sexual abuse required. 2. Criminal record and child abuse registry checks required; and CRC updated at least every five years. <p>These contractors already are subject to training and reporting requirements as part of their licensure.</p>
<ul style="list-style-type: none"> • Unlicensed Contractors With Direct Facility Youth Contact • VESoy providers • Community Reintegration Contractors with Direct Facility Youth Contact • Youth Work Crew Contractors 	<ol style="list-style-type: none"> 1. Sexual abuse prevention training and reporting required. 2. Zero tolerance of sexual abuse required. 3. Criminal record and child abuse registry checks required; and CRC updated at least every five years.
No Direct Youth Contact - e.g., trade services contractors, consultants, training vendors etc.	No sexual abuse prevention training or reporting required.
Architects, Engineers, Building Design Consultants	Language regarding considering the effect of the building design, acquisition, expansion, or modification upon OYA's ability to protect residents from sexual abuse required in relevant building design contracts.