

ST. LOUIS COUNTY JUVENILE DETENTION CENTER MANUAL OF OPERATIONS

Department/Unit Name: Detention Center	Effective Date: 11-01-2021
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Manual: Part 17	Reference: Section 17: Prison Rape Elimination Act (PREA) Standards for Operation
MO Revised Statutes	MO Supreme Court Rules

Policy: The St. Louis County Family Court Juvenile Detention Center (also sometimes referred to as “Center” and “agency” herein) shall comply with the Prison Rape Elimination Act (PREA) Standards. The St. Louis County Family Court Juvenile Detention Center is committed to a zero- tolerance standard for incidents of sexual abuse and sexual harassment.

Procedure:

The purpose of this Section of the St. Louis County Family Court Detention Center Manual is to set forth the plan for implementation of the requirements of PREA per 28 CFR Section 115.5-115.501 within the facility. This document, along with various sections throughout the manual, shall set forth the facility’s approach to preventing, detecting, and responding to such conduct within the St. Louis County Family Court Juvenile Detention Center.

1. **Definitions**

- A. Prison Rape Elimination Act of 2003 (PREA): Initiated the development of a set of standards to prevent, detect, and eliminate incidents of sexual abuse and harassment. PREA applies to facilities operated by, or on behalf of, State and local governments and the Department of Justice.
- B. PREA Compliance Manager: An employee designated to coordinate the facility’s efforts to comply with the PREA standards as set forth in this policy. The current Compliance Manager is Dr. Megan Schacht.
- C. Sexual Abuse as defined by PREA:
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:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 2. Contact between the mouth and the penis, vulva, or anus;
 3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- D. Sexual abuse of a youth by an employee, contractor, or volunteer includes any of the following acts, with or without consent of the youth:
1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 2. Contact between the mouth and the penis, vulva, or anus;
 3. Contact between the mouth and any body part where the employee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the employee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the employee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 6. Any attempt, threat, or request by an employee, contractor, or volunteer to engage in the activities described in paragraphs (a)-(e) of this section;
 7. Any display by an employee, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a youth, and
 8. Voyeurism by an employee, contractor or volunteer.
- E. Voyeurism: An invasion of privacy of a youth, by employee for reasons unrelated to official duties, such as peering at a youth who is using a toilet 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.

F. Sexual Harassment:

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 an employee, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

2. **Purpose of Legislation**

PREA supports the elimination, reduction, and prevention of sexual abuse and sexual harassment within corrections systems, including juvenile detention facilities.

PREA:

- Establishes a zero-tolerance standard for the incidence of sexual abuse in confinement settings in the United States, including juvenile detention facilities;
- Makes the prevention of sexual abuse a top priority in each correctional system;
- Develops and implements national standards for the detection, prevention, reduction, and punishment of prison/detention rape;
- Increases the accountability of corrections/detention officials who fail to detect, prevent, reduce, and punish prison/detention rape;
- Requires the collection of statistical data regarding the prevalence of sexual abuse in facilities; and
- In the past provided periodic funding of grants for state correctional systems to address factors that contribute to the incidence of sexual abuse.

See in Miscellaneous Documents: PREA Juvenile Facility Standards

3. **Prevention Planning**

Section 115.311, et al.

The St. Louis County Family Court Juvenile Detention Center is committed to a zero- tolerance standard for incidents of sexual abuse and sexual harassment.

The Family Court Administrator has designated a degreed staff member as the PREA Coordinator. The Coordinator is responsible for developing, implementing, and overseeing the facility's efforts to comply with the PREA standards.

Staffing

The St. Louis County Family Court Juvenile Detention Center has developed, implemented, and documented a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect residents against sexual abuse.

The Center's staffing plan provides that there shall be a minimum of a 1 to 8 ratio of direct care staff to juveniles within the facility during waking hours and a minimum of a 1 to 16 ratio of direct care staff to juveniles during sleeping hours. Direct care staff is defined as staff that provides immediate supervision to residents. This plan shall be maintained except during limited and discrete exigent circumstances.

If, at any time, the staffing plan is not complied with, the circumstances around the deviation from the plan shall be documented and justification for the deviation noted. The Assistant Director or designee will submit an annual report to the Director, listing the instances of non-compliance with the schedule, recommendations for staffing patterns, and review of the video monitoring systems.

Section 3: Personnel Management

Cross gender viewing and searches

Strip searches are only to be conducted upon authorization of the Duty Supervisor with the approval of the Director or Assistant Director of Detention. Strip searches will only be conducted if there is reasonable suspicion that the resident is carrying a weapon or concealing a weapon or other contraband. Reasonable suspicion can be based upon the nature of the resident's offense, the resident's appearance or behavior during the admission process or the resident's prior record. If such a search is conducted, a Strip Search Authorization Form must be completed and filed in the appropriate file at the Control Desk. Section 11: Security and Control

A strip search shall be conducted by a staff member of the same gender as the juvenile being searched. Strip searches shall be performed visually and in an area that ensures privacy. Section 11: Security and Control

A body cavity search of the anal or genital area shall only be completed only by a licensed medical professional and pursuant to a court order when there is probable cause that weapons or contraband will be found. Section 11: Security and Control

All searches, regardless of type, shall be conducted by staff of the same gender as the resident being searched except in exigent circumstances which shall be justified and documented in writing. Section 11: Security and Control

Searches or examinations shall not be done on transgender or intersex residents for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. Section 11: Security and Control

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. Staff of the opposite gender shall announce their presence when entering an area where a resident is likely to be showering, performing bodily functions or changing clothing. Section 13: Hygiene and Sanitation

Staff shall be trained in "... how to conduct cross-gender pat-down searches, and searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs." Section 5: Training and Staff Development

Residents with disabilities and residents with limited English proficiency

Upon admission all residents shall receive information explaining the Center's zero tolerance policy regarding sexual abuse and sexual harassment and the procedures to be followed to report such activity. Thereafter, within 10 days of admission, residents shall personally receive more comprehensive information (if not previously provided) regarding the Center's policies and procedures including a resident's right to be free from sexual abuse and harassment and to be free from retaliation for reporting

same. Participation by residents in these informational and educational sessions shall be documented by Center staff. All residents, including those with either physical or mental disabilities, shall be able to fully participate in the Center's efforts to prevent, detect and respond to instances of sexual abuse or harassment. Interpreters will be provided, when necessary, to ensure that residents who are hearing impaired or who have limited English proficiency are able to understand and access the Center's policies and practices and to participate meaningfully in the informational and educational sessions. All written materials shall be presented to residents in a format and manner that ensures understanding by residents. This may include reading and verbally explaining the materials to residents as necessary. Section 6: Intake and Admissions; Section 7: Residents' Rights-Access

Staff Hiring and Record Checks

a. The St. Louis County Family Court Juvenile Detention Center shall not hire or promote anyone who may have contact with residents who:

- Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
- 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; or
- Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section

b. Employees and applicants who may have contact with residents directly may be asked about previous misconduct described under subparagraph (a) herein in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.

Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

c. Incidents of sexual harassment shall be considered in determining whether to hire or promote anyone who may have contact with residents.

d. Employees shall submit to periodic background checks as may

be requested by the St. Louis County Juvenile Court Detention Center. It is the policy of the St. Louis County Human Resources to follow PREA's mandate to submit criminal record checks every five (5) years for all employees who may have contact with detention residents in their professional capacity. All Family Court/Juvenile Office staff likewise submit to the record check every five (5) years.

Contractor Hiring and Record Checks

a. The St. Louis County Family Court Juvenile Detention Center shall not enlist the services of a contractor who may have contact with residents who:

- Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
- 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; or
- Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section

b. Incidents of sexual harassment shall be considered in determining whether to enlist the services of a contractor who may have contact with residents.

c. Contractors shall submit to periodic background checks and child abuse/neglect registry checks as may be requested by the St. Louis County Juvenile Court Detention Center.

Substantiated Allegations

Unless prohibited by law, the Center shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

Section 3: Personnel Management

4. **Responsive Planning**

Section 115.321, et al. and 115.322, et al.

St. Louis County Family Court Juvenile Detention Center does not undertake investigation of allegations of sexual abuse, but refers these matters to the appropriate authorities as set forth here. Although a grievance procedure is set forth in Section 7 of the

Detention Manual, it may not be utilized by residents to report allegations covered by the Prison Rape Elimination Act (PREA).

Section 7: Residents' Rights

Staff Reporting

The St. Louis County Family Court Juvenile Detention Center staff shall immediately report any knowledge, suspicion or information they receive regarding an incident of sexual abuse or sexual harassment to the Duty Supervisor, unless the Duty Supervisor is the subject of the report in which event the report shall immediately be made to Detention Administration. This reporting requirement also applies when any staff member becomes aware of an incident of retaliation against a resident or staff member for having previously made a report alleging sexual abuse or sexual harassment. Staff shall always be permitted to make reports privately. Upon receiving such a report, the Duty Supervisor or Detention Administration shall promptly notify the Clayton Police Department of any incidents that may involve a violation of law. Detention Administration shall also promptly notify the Children's Division if the incident appears to involve staff negligence or misconduct. All necessary information shall be provided to these agencies to permit them to conduct a thorough investigation of the allegations of sexual abuse or sexual harassment. In addition, the Duty Supervisor or Detention Administration shall promptly notify the alleged victim's parents or legal guardians and his or her attorney and Court caseworker. When allegations of sexual abuse that occurred when the juvenile was confined to another facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency. Such notification will be documented and shall be provided as soon as possible, but no later than 72 hours after receiving such allegations. Detention medical staff shall also be advised if the circumstances so warrant.

If the alleged incident of sexual abuse or sexual harassment does *not* rise to a level requiring notification of law enforcement or the Children's Division, then Detention Administration shall conduct its own investigation in accordance with procedures set forth in Section 7: Residents' Rights, Section 2.7: Reporting Child Maltreatment and/or Section 14: Healthcare of Residents. Any notifications received from other facilities about allegations of abuse which may have occurred in the Center will be investigated in the same manner.

Initial Staff Response

Staff first responding to a report of sexual abuse shall immediately separate the alleged victim and the abuser and shall take necessary steps to preserve any relevant physical evidence present at the scene. The alleged victim and abuser shall be directed to not destroy any such evidence.

Protection against Retaliation

Detention Administration shall take necessary steps to protect residents and staff who report sexual abuse or harassment from retaliation. This shall include monitoring their conduct or treatment for a period of at least 90 days following the report of sexual abuse (or until the allegations are found to be unfounded) for any signs that suggest possible retaliation by other residents or staff. Protective measures should be taken to reduce the likelihood of unsupervised contact between residents who report and individuals who might be inclined to retaliate.

Follow-up Reporting

Detention Administration shall ensure that resident victims of sexual abuse are informed as to whether the sex abuse allegations have been substantiated, not substantiated or determined to be unfounded. The resident shall also be informed if and when a staff member alleged to have committed the sexual abuse is indicted, convicted or transferred from the resident's living unit or from employment at the Detention Center. Subject to laws governing confidentiality, the resident shall also be informed if and when a resident alleged to have committed the sexual abuse is charged with or is found to have committed the act of sexual abuse. These obligations shall continue for so long as the resident who alleges sexual abuse remains in the Center.

Discipline

Staff who violate the Center's or Court's policies governing sexual abuse or sexual harassment of a resident shall be subject to disciplinary sanctions, up to and including termination of employment. Section 3: Personnel Management.

Contractors and volunteers who are found to have engaged in sexual abuse or who have violated the Center's or Court's policies governing sexual abuse or sexual harassment of a resident shall be prohibited from having further contact with residents. Where appropriate, their activities shall be reported to law enforcement and/or applicable licensing bodies.

Residents who have been found, pursuant to a formal disciplinary process, to have engaged in sexual abuse or sexual harassment

of another resident shall be subject to disciplinary sanctions in accordance with Section 9: Rules and Discipline. Pending the results of the formal disciplinary process, necessary steps make be taken by Detention Administration to ensure the continuing safety and security of the Center.

Medical and Mental Health Services

Resident victims of sexual abuse shall have access to medical and mental health practitioners who can provide medical and mental health assistance including emergency medical treatment and crisis intervention services. Follow-up medical and mental health evaluations and treatment shall be made available to all residents with a history of sexual abuse victimization. Tests for pregnancy and for sexually transmitted diseases shall be offered as medically appropriate.

Post-Incident Review

Detention Administration shall conduct an incident review preferably within 30 days of the conclusion of every sexual abuse investigation (unless determined unfounded). The purpose of this review is to identify the cause of the sexual abuse incident and whether a change in policy, practice or operations would serve to reduce the likelihood of a re-occurrence. A review team assembled for this purpose shall prepare a report of its findings and recommendations. Detention Administration shall implement the recommendations or shall document its reasons for not doing so.

5. **Training and Education**

Section 115.331, et al. and 115.332, et al.

The St. Louis County Family Court Detention Center will train and/or educate its residents, employees, and onsite service providers. Sections 115.331-115.333 and 115.335.

Employee Training

See Section 5: Training and Staff Development of the St. Louis County Family Court Juvenile Detention Manual for training information regarding PREA Training and Education for employees.

Volunteer and contractor training.

The agency shall ensure that all volunteers and contractors who have contact with residents have been trained on their responsibilities under the agency's sexual abuse and sexual

harassment prevention, detection, and response policies and procedures.

The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with residents, but all volunteers and contractors who have contact with residents shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received.

Resident education

During the intake process, residents shall receive information explaining, in an age appropriate fashion, the agency's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

Within 10 days of intake, the agency shall provide comprehensive age appropriate education to residents either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

Current residents who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the resident's new facility differ from those of the previous facility.

The agency shall provide resident education in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to residents who have limited reading skills.

The agency shall maintain documentation of resident participation in these education sessions.

In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats.

Section 6: Intake and Admissions

Specialized training: Investigations

In addition to the general training provided to all employees pursuant to Section 115.331, the agency shall ensure that, *to the extent the agency itself conducts sexual abuse investigations*, its investigators have received training in conducting such investigations in confinement settings.

Specialized Training: Medical and mental health care

The agency shall ensure that all full and part-time medical and mental health care practitioners who work regularly in its facilities have been 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.

6. **Screening for Risk of Sexual Victimization and Abusiveness**

Section 115.341, et al and 115.342, et al.

Obtaining information from residents

Within 72 hours of the resident's arrival at the facility and periodically throughout a resident's confinement, the agency shall obtain and use information about each resident's personal history and behavior to reduce the risk of sexual abuse by or upon a resident. Such assessments shall be conducted using an objective screening instrument.

At a minimum, the agency shall attempt to ascertain information about: (1) Prior sexual victimization or abusiveness; (2) Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to sexual abuse; (3) Current charges and offense history; (4) Age; (5) Level of emotional and cognitive development; (6) Physical size and stature; (7) Mental illness or mental disabilities; (8) Intellectual or developmental disabilities; (9) Physical disabilities; (10) The resident's own perception of vulnerability; and (11) Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents.

This information shall be ascertained through conversations with the resident during the intake process and medical and mental health screenings; during classification assessments; and by

reviewing court records, case files, facility behavioral records, and other relevant documentation from the resident's files.

The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents.

Section 6: Intake and Admissions

Placement of residents

Information obtained from the resident during the screening shall be used by the agency to make housing, education, program and work assignment with the goal of keeping all residents safe and free from sexual abuse.

Residents may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other residents safe. Regular exercise and other activities should continue. The reason for the isolation and the reason for no alternative to isolation shall be documented by the Center. The Center will review the placement of any isolated resident at least every 30 days to determine whether there is a continuing need for separation from the general population.

Lesbian, gay, bisexual, transgender and intersex residents shall not be placed in particular housing or other assignments based solely on such identification or status. However, in placing such residents, the Center may consider on a case-by-case basis whether placement would ensure the resident's health and safety and whether the placement would present management or security issues. Such placements shall be reassessed twice per year to review threats to safety experienced by the resident.

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

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

7. Reporting

Section 115.351, et al., and 115.353, et al.

Section 115.352, et al.--exempt

Resident Reporting –

The Center shall provide ways for residents to privately report incidents of sexual abuse or sexual harassment of themselves or

any other resident. Residents shall also be permitted to privately report incidents of retaliation triggered by a report of sexual abuse or sexual harassment as well as instances of staff misconduct that may have contributed to an incident of sexual abuse or sexual harassment. Verbal reports from residents, anonymous reports and third-party reports shall also be received by staff and documented. Under conditions consistent with the safety and security of the Center, third-parties shall be permitted to assist residents in making such reports. Parents and legal guardians shall be permitted to make such reports in lieu of the resident. Reports shall not be submitted to or referred to staff members who are the subject of a complaint nor shall residents be required to first attempt to resolve their complaint informally with any detention staff. Although a grievance procedure for residents is set forth in this Manual, it may not be utilized to report allegations covered by the Prison Rape Elimination Act (PREA).

Staff Reporting

The St. Louis County Family Court Juvenile Detention Center staff shall immediately report any knowledge, suspicion or information they receive regarding an incident of sexual abuse or sexual harassment to the Duty Supervisor, unless the Duty Supervisor is the subject of the report in which event the report shall immediately be made to Detention Administration. This reporting requirement also applies when any staff member becomes aware of an incident of retaliation against a resident or staff member for having previously made a report alleging sexual abuse or sexual harassment. Staff shall always be permitted to make reports privately. Upon receiving such a report, the Duty Supervisor or Detention Administration shall promptly notify the Clayton Police Department of any incidents that may involve a violation of law. Detention Administration shall also promptly notify the Children's Division if the incident appears to involve staff negligence or misconduct. All necessary information shall be provided to these agencies to permit them to conduct a thorough investigation of the allegations of sexual abuse or sexual harassment. In addition, the Duty Supervisor or Detention Administration shall promptly notify the alleged victim's parents or legal guardians and his or her attorney and Court caseworker. When allegations of sexual abuse that occurred when the juvenile was confined to another facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency. Such notification will be documented and shall be provided as soon as possible, but no later than 72 hours after receiving such allegations. Detention

medical staff shall also be advised if the circumstances so warrant.

Other Reporting

The agency shall also provide at least one way for residents to report abuse or harassment to a public or private entity or office that is not part of the agency and that is able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials, allowing the resident to remain anonymous upon request. Residents 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.

Tools necessary to make a written report will be made available to all residents upon request.

Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

The public shall be permitted to make third-party reports of sexual abuse or sexual harassment of residents to Detention Administration. Instructions on how to make such reports shall be shared with the public.

Resident access to outside support services and legal representation

Residents are permitted access to outside supports and legal representation in person, via telephone and through mail.

8. Official Response Following a Resident Report

Section 115.361, et al., 115.362, et al., 115.363, et al., 115.364, et al., 115.365, et al., 115.366, et al, 115.367,et.al and 115.368, et al.

Staff Reporting

Staff shall immediately report any knowledge, suspicion or information they receive regarding an incident of sexual abuse or sexual harassment to the Duty Supervisor, unless the Duty Supervisor is the subject of the report in which event the report shall immediately be made to Detention Administration. This reporting requirement also applies when any staff member becomes aware of an incident of retaliation against a resident or staff member for having previously made a report alleging sexual

abuse of sexual harassment. Staff shall always be permitted to make reports privately. Upon receiving such a report, the Duty Supervisor or Detention Administration shall promptly notify the Clayton Police Department of any incidents that may involve a violation of law. Detention Administration shall also promptly notify the Children's Division if the incident appears to involve staff negligence or misconduct. All necessary information shall be provided to these agencies to permit them to conduct a thorough investigation of the allegations of sexual abuse or sexual harassment. In addition, the Duty Supervisor or Detention Administration shall promptly notify the alleged victim's parents or legal guardians and his or her attorney and Court caseworker. When allegations of sexual abuse that occurred when the juvenile was confined to another facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency. Such notification will be documented and shall be provided as soon as possible, but no later than 72 hours after receiving such allegations. Detention medical staff shall also be advised if the circumstances so warrant.

Staff is prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

If the alleged incident of sexual abuse or sexual harassment does not rise to a level requiring notification of law enforcement or the Children's Division, then Detention Administration shall conduct its own investigation in accordance with procedures set forth in Section 9: Residents' Rights, Section 2.7: Reporting Child Maltreatment and/or Section 14: Healthcare of Residents. Any notifications received from other facilities about allegations of abuse which may have occurred in the Center will be investigated in the same manner.

Medical and Mental Health Practitioners

Medical and mental health practitioners are required to report sexual abuse to designated supervisors, as well as to the designated State or local services agency where required by mandatory reporting laws.

Said practitioners are required to inform residents at the initiation of services of their duty to report and the limitations of confidentiality.

Initial Staff Response

Staff that first respond to a report of sexual abuse shall immediately separate the alleged victim and the abuser and shall take necessary steps to preserve any relevant physical evidence present at the scene. The alleged victim and abuser shall be directed to not destroy any such evidence.

Protection against Retaliation

Detention Administration shall take necessary steps to protect residents and staff who report sexual abuse or harassment from retaliation. This shall include monitoring their conduct or treatment for a period of at least 90 days following the report of sexual abuse (or until the allegations are found to be unfounded) for any signs that suggest possible retaliation by other residents or staff. Protective measures should be taken to reduce the likelihood of unsupervised contact between residents who report and individuals who might be inclined to retaliate.

Follow-up Reporting

Detention Administration shall ensure that resident victims of sexual abuse are informed as to whether the sexual abuse allegations have been substantiated, not substantiated or determined to be unfounded. The resident shall also be informed if and when a staff member alleged to have committed the sexual abuse is indicted, convicted or transferred from the resident's living unit or from employment at the Detention Center. Subject to laws governing confidentiality, the resident shall also be informed if and when a resident alleged to have committed the sexual abuse is charged with or is found to have committed the act of sexual abuse. These obligations shall continue for so long as the resident who alleges sexual abuse remains in the Center.

Protection

Upon learning that a resident is subject to a substantial risk of imminent sexual abuse, Center staff shall take immediate action to protect the resident.

Upon receiving an allegation that a resident at another facility has been sexually abused while confined at that facility, the Director shall notify the head of the facility at which the alleged abuse took place within 72 hours of the allegation and shall document the notice.

Staff first responder duties

See Staff Reporting and Initial Staff Response above

Agency protection duties

See First Responder plan

Protection against Retaliation

Detention Administration shall take necessary steps to protect residents and staff who report sexual abuse or harassment from retaliation. This shall include monitoring their conduct or treatment for a period of at least 90 days following the report of sexual abuse (or until the allegations are found to be unfounded) for any signs that suggest possible retaliation by other residents or staff. Protective measures should be taken to reduce the likelihood of unsupervised contact between residents who report and individuals who might be inclined to retaliate.

Discipline

Staff violating the Center's or Court's policies governing sexual abuse or sexual harassment of a resident shall be subject to disciplinary sanctions, up to and including termination of employment, in accordance with the Family Court Human Resources Policy Manual.

Contractors and volunteers that are found to have engaged in sexual abuse or who have violated the Center's or Court's policies governing sexual abuse or sexual harassment of a resident shall be prohibited from having further contact with residents. Where appropriate, their activities shall be reported to law enforcement and/or applicable licensing bodies.

Any use of segregated housing to protect a resident who is alleged to have suffered sexual abuse shall be subject to the requirements of § 115.342.

Residents who have been found, pursuant to a formal disciplinary process, to have engaged in sexual abuse or sexual harassment of another resident shall be subject to disciplinary sanctions in accordance with Section 9: Rules and Discipline. Pending the results of the formal disciplinary process, necessary steps may be taken by Detention Administration to ensure the continuing safety and security of the Center.

Medical and Mental Health Services

Resident victims of sexual abuse shall have access to medical and mental health practitioners who can provide medical and mental health assistance including emergency medical treatment and crisis intervention services. Follow-up medical and mental health evaluations and treatment shall be made available to all residents with a history of sexual abuse victimization. Tests for

pregnancy and for sexually transmitted diseases shall be offered as medically appropriate.

Post-Incident Review

Detention Administration shall conduct an incident review preferably within 30 days of the conclusion of every sexual abuse investigation (unless determined unfounded). The purpose of this review is to identify the cause of the sexual abuse incident and whether a change in policy, practice or operations would serve to reduce the likelihood of a re-occurrence. A review team assembled for this purpose shall prepare a report of its findings and recommendations. Detention Administration shall implement the recommendations or shall document its reasons for not doing so.

9. Investigations

Section 115.371, et al., 115.372, et al. and 115.373, et al.

When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. The St. Louis County Family Court Juvenile Detention Center does not conduct its own investigations, but refers the investigations to appropriate local investigative authorities.

Upon receiving such a report, the Duty Supervisor or Detention Administration shall promptly notify the Clayton Police Department of any incidents that may involve a violation of law. Detention Administration shall also promptly notify the Children's Division if the incident appears to involve staff negligence or misconduct. All necessary information shall be provided to these agencies to permit them to conduct a thorough investigation of the allegations of sexual abuse or sexual harassment.

See Staff Reporting above.

Notice of Conclusion of Investigation

Upon the conclusion of the investigation, the agency shall request relevant information from the investigative agencies in order to inform the resident whether the allegation was determined substantiated, unsubstantiated or unfounded. The resident shall also be informed if and when the staff member alleged to have committed the sexual abuse is indicted, convicted or transferred from the resident's living unit or from employment at the Detention Center. Subject to laws governing confidentiality, the resident shall also be informed if and when a resident alleged to have

committed the sexual abuse is charged with or is found to have committed the act of sexual abuse. These notifications or attempts to notify shall be properly documented. These obligations shall continue for so long as the resident who alleges sexual abuse remains in the Center.

10 **Discipline**

Section 115.376, et al., 115.377, et al., 115.378, et al., 115.381, et al., 115.382, et al. and 115.383, et al.

Staff Discipline

Staff violating the Center's or Court's policies governing sexual abuse or sexual harassment of a resident shall be subject to disciplinary sanctions, up to and including termination of employment, in accordance with the Family Court Human Resources Policy Manual. Section 3: Personnel Management.

Disciplinary sanctions against staff for violations of the agency's policies relative to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by staff with similar histories.

All terminations for violations of agency sexual abuse or sexual harassment policies or resignation by staff who would have been terminated if they had not resigned, shall be reported to law enforcement unless the activity was not criminal or relevant to any licensing body.

Corrective Action for Contractors or Volunteers

Contractors and volunteers that are found to have engaged in sexual abuse or who have violated the Center's or Court's policies governing sexual abuse or sexual harassment of a resident shall be prohibited from having further contact with residents. Where appropriate, their activities shall be reported to law enforcement and/or applicable licensing bodies.

Disciplinary Sanctions for Residents

Residents who have been found, pursuant to a formal disciplinary process, to have engaged in sexual abuse or sexual harassment of another resident shall be subject to disciplinary sanctions in accordance with Section 9: Rules and Discipline. Pending the results of the formal disciplinary process, necessary steps make be taken by Detention Administration to ensure the continuing safety and security of the Center.

Medical and Mental Health Services

Resident victims of sexual abuse shall have access to medical and mental health practitioners who can provide medical and mental health assistance including emergency medical treatment and crisis intervention services. Follow-up medical and mental health evaluations and treatment shall be made available to all residents with a history of sexual abuse victimization. Tests for pregnancy and for sexually transmitted diseases shall be offered as medically appropriate. See Section 14: Health Care Services herein.

11 Data Collection, Storage and Review

**Section 115.386, et al., 115.387, et al., 115.388, et al.
And 115.389, et al.**

Post-Incident Review

Detention Administration shall conduct an incident review preferably within 30 days of the conclusion of every sexual abuse investigation (unless determined unfounded). The purpose of this review is to identify the cause of the sexual abuse incident and whether a change in policy, practice or operations would serve to reduce the likelihood of a re-occurrence. A review team assembled for this purpose shall prepare a report of its findings and recommendations. Detention Administration shall implement the recommendations or shall document its reasons for not doing so.

Data Collection, Storage and Review

Using a standardized instrument, Detention Administration shall collect data on every allegation of sexual abuse and aggregate same at least annually for the purpose of assessing and improving the Center's prevention, detection and response policies, practices and training. An annual report shall be prepared setting forth findings and corrective actions taken based upon the data and shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the Center's progress in addressing sexual abuse. The annual report shall be approved by the Court Administrator. All data collected shall be securely retained for at least 10 years. The annual report and the aggregated sexual abuse data shall be made available to the public, provided however, that personal identifiers and material that may present a threat to the safety and security of the Center shall be redacted from the report and data. The nature of any redacted information must be indicated.

**Related
Policy:**

Section 1: Cameras
Section 2: Supervision of Non-Staff Service Providers; Reporting Child Abuse/Neglect; Accommodations for Juveniles with Disabilities; Accommodations for Juveniles with Limited English; Prison Rape Elimination Act
Section 3: Selection, Retention and Promotion of Personnel; Selection, Training, Evaluation, Discipline and other Personnel Issues; Staff/Juvenile Relations; Reporting Child Abuse/Neglect; Background Investigation for Employment Candidates and Employees; Adequate and Continuous Staffing; Director Review
Section 5: PREA Training and Education
Section 6: Admission to Detention
Section 7: Juvenile Grievance Procedure
Section 8: Communication
Section 9: Rules, Sanctions and Separations
Section 11: Searches; Use of Safe Holding Room
Section 13: Showering, Personal Hygiene and Hair Care for Juveniles
Section 14: Medical Screenings

**Related
Resources:**