



Youth Services Agency Penndel Residential Program

120 S. Bellevue Avenue
Penndel, PA. 19047
215-752-7050 (p)

PREA POLICY

Youth Services Agency (YSA) has zero tolerance for any form of sexual abuse of youth under YSA care. This policy establishes standards in the area of prevention, detection and response to such matters. This policy also addresses screening and room assignment procedures for youth who may be potential victims or perpetrators of sexual abuse. Each youth will be made aware of these rights during a review of the residents' rights at the time of admission. (115.311a)

PREA Coordinators- the YSA Nature Center Director & Senior Manager will serve as the coordinator to oversee development and implementation of agency efforts to comply with the PREA standards. (115.311b)

PREA Compliance Manager- the Program Director will serve as the PREA compliance manager for the YSA Penndel Residential program. This person will oversee the coordination of the PREA standards and will directly report to the PREA coordinator. (115.311c)

YSA does not contract with other entities for placement of our residents. (115.312 a, b)

Youth under YSA care cannot give consent to engage in behavior defined as sexual abuse under this policy, regardless of the youth's age.

It is the policy of YSA to ensure that any form of sexual activity between youth or between youth and staff/volunteers/contract employees, regardless of consensual status, is strictly prohibited. Such conduct is subject to administrative disciplinary sanctions and may result in criminal prosecution.

Upon admission to YSA Penndel Residential Program, the youth shall be provided with information regarding sexual abuse including prevention/intervention, self-protection, reporting, medical treatment, and mental health counseling. During orientation, the sexual abuse information shall be communicated, verbally and in writing, in a language clearly understood by the youth. At risk residents will be placed on the shift query so staff can be briefed at the start of the shift.

Any youth or person advocating on behalf of a youth may report an act or threat of sexual abuse to:

1. Any YSA supervisor or administrator
2. PA State Police
3. PA DHS, Office of Children, Youth & Families through HICSIS
4. Childline (1-800-932-0313)
5. YSA PREA Coordinator and/or PREA Manager

All reports of abuse should also be filed under the requirements established under the PA DHS 3800 regulations.

DEFINITIONS

- **Sexual Abuse** - Includes sexually abusive contact, sexually abusive penetration, indecent exposure, voyeurism, and sexual harassment, as defined below.
 - o Sexually Abusive Contact - Touching without penetration of the genitalia, anus, groin, breast, inner thigh, or buttocks, either directly or through clothing, of another person.
 - o Sexually Abusive Penetration - Contact between the penis and vagina or the penis and anus; contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another person by hand, finger, or other object.
 - o Indecent Exposure - The display by a person of his/her genitalia, buttocks, or breast in the presence of a youth.
 - o Voyeurism - an invasion of a youth's privacy by a person unrelated to official duties, such as peering at a youth who is showering or undressing in his or her room or requiring a youth to expose him or herself for reasons unrelated to official duties.
 - o Sexual Harassment-Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures or actions of a derogatory or offensive sexual nature by another individual.

Supervision and Monitoring

YSA shall make its best efforts to comply with a regular staffing plan. In calculating adequate staffing levels and determining the need for video monitoring the following factors shall be taken into consideration:

1. The Department of Human Services 3800 regulations mandate that 8:1 ratio be maintained during day/evening shifts. The ratio shifts to 16:1 during sleep hours when residents are secured in their rooms.
2. Generally accepted detention practices.
3. Any judicial findings of inadequacy.

4. Any inadequacy findings from Federal investigative agencies.
5. Any inadequacy findings from internal or external oversight bodies.
6. All components of the physical plant.
7. The composition of resident population.
8. The number and placement of supervisory staff.
9. Programs occurring on a particular shift.
10. Any applicable State or local laws, regulations or standards
11. The prevalence of substantiated and unsubstantiated incidents of sexual abuse.
12. Any other factor that could impact the safety and security of the building.(115.313a)

All deviations from the staffing plan shall be documented and justifications for deviations supplied. (115.313b)

The PREA Coordinator shall convene with YSA administration on an annual basis (or more) to review and document the effectiveness of the following factors in complying with PREA standards:

1. The staffing plan established in the above policy section.
2. The deployment of video monitoring systems and other monitoring technologies.
3. The resources available to ensure commitment to this staffing plan.(115.13c)

YSA administrators and supervisors are required to conduct and document unannounced rounds to identify and deter sexual abuse and sexual harassment. These rounds shall be conducted on all three working shifts. The rounds shall be documented in the binder located in the compliance office. (115.313d)

Any staff that alerts other staff members that these rounds are being conducted shall be subjected to YSA disciplinary action. (115.313d)

Annual Review

Whenever necessary, but no less frequently than once per year, for each facility YSA operates, in consultation with the PREA Coordinator required by 115.311, the agency shall assess, determine, and document whether adjustments are needed to:

1. The established staffing plan;
2. Prevailing staffing patterns;
3. The facility's deployment of video monitoring systems and other monitoring technologies; and
4. The allocation of agency or facility resources to commit to the staffing plan to ensure compliance with the staffing plan.

In addition, the Annual Review must include the completion of the Survey of Sexual Victimization, Locally or Privately-Operated Juvenile Facilities Summary Form (SSV-6 form), as well as discussions of documented Incident Reviews and associated Corrective Action Plans that occurred throughout the year.

The Annual Review shall be conducted by a team of YSA staff. The Annual Review Team shall consist of the following individuals:

1. YSA Clinical Director
2. YSA PREA Coordinator
3. YSA Operations Director
4. YSA Program Director

Searches

All resident searches must strictly adhere to YSA's Standard Operating Procedure 417C: Search & Seizure Operations. All cross-gender searches and cross-gender pat-down searches must be documented and justified. All strip searches and body cavity searches are prohibited at YSA facilities.

1. TYPES OF SEARCHES

A) GENERAL – *This is a general search that is conducted every time a client leaves and returns to the facility and/or has a visit. General searches will include pat searches. Procedures for pat searches will strictly follow the Quadrant Method as described and visually depicted in the PREA Resource Center training video "Guidance in Cross-Gender and Transgender Pat Searches". All designated staff conducting pat searches must have previously viewed and maintain understanding of the PREA Resource Center training video "Guidance in Cross-Gender and Transgender Pat Searches", except in exigent circumstances.*

B) SAFETY/CONTRABAND – *This is a thorough search conducted in response to safety and/or contraband suspicions and/or allegations. Only supervisors, case managers, or designated trained staff may conduct searches, except in exigent circumstances. Procedures for pat searches will strictly follow the Quadrant Method as described and visually depicted in the PREA Resource Center training video "Guidance in Cross-Gender and Transgender Pat Searches". All designated staff conducting pat searches must have previously viewed and maintain understanding of the PREA Resource Center training video "Guidance in Cross-Gender and Transgender Pat Searches", except in exigent circumstances. If a pat search yields further concerns/indications of concealed contraband that the*

resident refuses to disclose to staff, the resident may be asked to remove outer clothing except for undergarments. If exigent circumstances require deviation from the aforementioned policies, documentation addressing the following questions must be completed:

- a. Why could the search not be postponed?
- b. Why were no eligible staff of appropriate gender available?
- c. What steps were taken to obtain eligible staff?
- d. Why were these steps unsuccessful?
- e. Was contraband found?

ALL STRIP SEARCHES AND BODY CAVITY SEARCHES ARE PROHIBITED AT YSA FACILITIES.

All searches must be conducted by two staff who are members of the same gender as the client being searched. Cross gender pat down searches are not permitted (115.315b). All searches must be conducted in a manner not degrading to the resident. Staff are strictly prohibited from conducting searches for the sole purpose of determining the resident's genital status. YSA has a zero tolerance for any form of sexual harassment and/or abuse. All searches will be conducted in a respectful manner that is supportive of client gender identity. Searches of lesbian, gay, and bisexual clients will be conducted by two staff who are members of the same biological gender as the client being searched. Searches of transgender and intersex residents will be determined on a case-by-case basis, as each transgender/intersex client will be asked which gender of staff members (two staff members must always be present during searches) they feel most comfortable conducting the search. (115.315a)

2. Each occurrence of a search and/or seizure will be based on its reasonableness. Factors of reasonableness are listed below:

- a) *Observations of staff*
- b) *Information provided by others*
- c) *Activities of the resident*
- d) *Information provided by the resident*
- e) *Experience of staff with the resident*
- f) *Prior history of the resident*
- g) *Need to verify compliance with the YSA's policies*

3. The intensity of the search should meet the gravity of the circumstances.
4. **General** searches are conducted upon client admissions into the facility.
5. **Safety/Contraband** searches are a primary form of searching residents while in placement with reasonable cause.
6. Staff informs client why we have reasonable suspicion for a search.
7. Before searching, staff allows client to submit any and all contraband of concern.
8. Staff questions the client regarding allegations of contraband or any related risks of concern safety, danger, etc.
9. All searches must be conducted by at least two staff of the same gender as the client. For searches of transgender and/or intersex clients, the individual client will be asked which gender of staff they feel most comfortable conducting the search.

10. The staff member physically conducting the search must be of supervisory or case manager status, except in exigent circumstances.
11. Only one client can be searched at a time.
12. All searches must be conducted with gloves.
13. A client to be searched for safety/contraband should be excluded from population and taken to a private area designated by supervisor staff, with staff assisting.
14. Staff asks client to remove outerwear (jackets, hats, socks, boots etc.) and submit to staff to be searched.
15. Any and all contraband seized must be labeled and placed in a secure area.
16. The search and its reasonableness will be documented. The document will include the type of search (general or safety/contraband), reason for the search, staff conducting or participating in the search, name of the resident, date, time, location, and results of the search. (****Reference report***)

All residents are to use the bathroom, shower, or change clothing with only staff of the same gender present in the room. In addition, residents may only change clothing in the designated hygiene areas. (115.315d)

Any staff member of an opposite gender that enters one of the living units are required to announce their presence in the area upon entry. (115.315d)

Staff is strictly prohibited from conducting searches for the sole purpose of determining the resident's genital status. Status should be determined through a resident interview or as part of the admission medical exam. (115.315e)

Staff shall be required to have annual training pertaining to YSA's search policy as outlined in YSA's PREA Policy Manual. This training will include training specific to searches of transgender and intersex residents. (115.315.f)

Residents with Disabilities and Limited English Proficiencies

YSA shall ensure that residents that are admitted with disabilities (physical or mental) will be instructed on the efforts of Youth Services Agency to prevent, detect and respond to sexual abuse and sexual harassment. Examples include Staff reading the YSA policy to vision impaired residents or showing a PREA educational video and handbook to the hearing impaired. YSA Title 1 tutors will also be made available to instruct any resident with learning disabilities. (115.316a) In addition, the United Way of Bucks County's Deaf-Hearing Communication Centre, Inc. is a 24/7 resource that can be utilized to ensure effective communication with residents who communicate using American Sign Language.

**United Way of Bucks County
Sign Language Interpreter Service
630 Fairview Road, Suite 100
Swarthmore, PA. 19081
610-604-0452 24 hours a day / 7 days a week**

YSA shall ensure that residents with limited English proficiencies are instructed on the YSA efforts to prevent, detect and respond to sexual abuse and sexual harassment by providing translated copies of YSA resident rights policies and handbooks which address YSA's PREA policy. Bi-lingual staff will also be provided, if available, on the shift. (115.316b) In addition, professional translation/interpreter services are available through the Latino Leadership Alliance of Bucks County to ensure efficient communication with residents with limited English proficiencies.

Latino Leadership Alliance of Bucks County
227-229 Mill Street Bristol, PA 19007
215-788-4452/215-781-8802
Fax: 215-788-4623 Email: latinobuss@aol.com

YSA will not use other residents for any type of assistance in explaining rights, policies, or PREA-related items to other residents. (115.316c)

Hiring and Promotions

YSA shall not hire or promote anyone, nor enlist the services of any contractor who may have contact with residents who meets any of the following criteria:

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or program.
2. 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.
3. Has been civilly or administratively adjudicated to have engaged in the aforementioned offenses.(115.317a)

YSA shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or enlist the services of any contractor who may have contact with residents. This is accomplished through background checks, reference checks, and criminal checks. (115.317b)

Any new hire is subjected to criminal background checks through the PA Clean Network as required under the Department of Human Services 3800 regulations and PA C.S Chapter 3490 Child Protective Service laws. They shall also be questioned during the hiring interview about any PREA related misconduct. (115.317c and f)

Any new hire is also required to have a PA CY-113 Child Abuse Clearance that would list any substantiated allegations of abuse. (115.317c)

All prior institutional employers will be contacted during reference checks. Any information pertaining to resignations due to allegations of sexual abuse or pending investigations will be obtained consistent with Federal, State and local laws. (115.317c)

Any new volunteer or contractor that has direct contact with residents will have a criminal check conducted through the PA Clean network. (115.317d)

All employees requiring criminal checks shall have new criminal checks conducted every five years on their anniversary of hire/contract date. (115.317e)

Annual employee reviews or any internal interviews for vacant position and/or promotions shall include the following questions to see if the staff being interviewed:

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or program.
2. 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.
3. Has been civilly or administratively adjudicated to have engaged in the aforementioned offenses.(115.317f and g)

YSA policy requires the disclosure of any police contact or arrest in the most recent two-year period as required by PA DHS regulations. The employee must notify the YSA CEO or designee within 24 hours of any such contact or shall be subjected to the Court discipline policy. Material omissions regarding such misconduct or the provision of materially false information are grounds for termination. (115.317f)

YSA shall provide information on substantiated allegations of sexual abuse or sexual harassment to any inquiring institutional employer conducting a background check on any former employee unless prohibited by State or County law.(115.317h)

Technology and Facility Upgrades

YSA makes use of a video recording system monitoring common areas and prominent walkways around buildings. These cameras record monitored 24 hours a day/ 7 days a week and are monitored during sleeping hours. Any modifications, upgrades, expansion to the building or the system will include consideration the impact of such design, acquisition, expansion or modification will impact or enhance the ability to protect residents from sexual abuse. (115.318a and b)

Evidence Protocol and Forensic Medical Examinations

The Pennel Police Department and/or the State Police will be contacted to conduct all criminal investigations of alleged sexual abuse. The Pennel Police Department or PA State Police will follow all evidence protocol as required under the laws of the Commonwealth of Pennsylvania (115.321a and f). The protocol is adapted from or otherwise based on the most recent edition of the Department of Justice's Office on Violence Against Women publication, 'A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents', or similarly comprehensive and authoritative protocols developed after 2011. (115.321b)

Standard Operating Procedures 307 B will be followed for contacting police. Sexual assault is a medical emergency. The victim will immediately be advised not to take any actions that may compromise evidence, such as showering, changing clothes, going to the bathroom, eating, drinking, smoking, or brushing teeth. The examination will be performed as directed by the treating physician. Pending police referral, youth victims of sexual assault will be transported to Doylestown Hospital to receive examinations by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs), at no cost to the resident. SANEs and SAFEs are available on-call 24 hours a day. Adult residents will also be transported to Doylestown Hospital to receive examinations by a SANE, at no cost to the resident. YSA shall document all efforts to provide SANEs or SAFEs to victims. If a SANE is not available, a qualified medical practitioner will perform forensic medical examinations. Standard Operating Procedures 104 A for Emergency Medical Plan will be followed.

Doylestown Hospital

595 West State Street

Doylestown, PA 18901

Main Phone: 215-345-2280, Emergency Room: 215-345-2281

SAFE/SANE Phone: 215-345-2586

Any resident that is a victim of sexual abuse shall be offered services from a victim advocate from the Bucks County Children Advocacy Center, as well as advocate services through the YSA Clinical Director and Treatment Team who will provide advocate services throughout the investigation process. YSA shall document these efforts to make a victim advocate from a rape crisis center available to the victim. (115.321d and e)

Bucks County Children Advocacy Center

2370 York Rd, Jamison, PA 18929

(267) 927-0639

Referrals of Allegations for Investigations

Where sexual abuse or sexual harassment is alleged, YSA shall use administrative investigators who have received special training in sexual abuse investigations involving juvenile victims in confinement settings pursuant to 115.334. Allegations of sexual abuse or sexual harassment will be referred to DHS, via Childline and the HICIS

reporting system, and the Penndel Police Department or PA State Police for criminal investigation, unless the allegation does not involve potentially criminal behavior. YSA shall document all referrals of allegations of sexual abuse or sexual harassment for criminal investigation. YSA administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the alleged abuse and shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

The facility administrator, in consultation with the Penndel Police Department and PA State Police, shall take the following actions immediately upon receipt of the report. The immediate steps to protect the victim by ensuring that the alleged victim and alleged perpetrator are physically separated pending an investigation, which may include, but is not limited to:

Room transfer or administrative transfer to another facility or program.

Notification of the following people/agencies will occur:

The victim's parents or guardian of the report;
Placing agency (i.e. Juvenile Probation Department);
Department of Human Services and a Reportable incident shall be generated on the state HCSIS system.

Preserve evidence that may be pertinent to an investigation of the matter.

During normal business hours, the director or designee shall immediately provide for the youth's physical safety and ensure that the youth is promptly referred to health care staff. A report shall be made to the director or designee to confirm the separation of the victim from the alleged perpetrator.

During evening and night shifts, on-duty supervisor shall notify the director or designee, the supervisor shall immediately provide for the physical safety (e.g. separating the perpetrator from the victim) of the youth who reported being sexually abused. Resident shall be transported to a medical facility as directed by the on call medical staff.

Staff shall follow all recommendations of the PA State Police

The staff receiving the report shall advise the alleged victim not to shower or otherwise clean him/herself. If the abuse was oral, the victim shall

be advised to not drink or brush his/her teeth or take any action that could damage or destroy evidence.(115.322a,b,c)

Staff Training

YSA will provide PREA training to new employees and annual training every year after to all staff at the Penndel Residential Program. Training shall be tailored to both genders as YSA serves both male and female residents.(115.331,a,b,c)

Training shall include the following:

1. The YSA zero tolerance policy for sexual abuse and sexual harassment.
2. The person's responsibilities under the agency PREA policy.
3. Residents' rights to be free from sexual abuse and sexual harassment.
4. Residents' and employee's rights to be free from retaliation for reporting PREA related incidents.
5. The dynamics of sexual abuse and sexual harassment in confinement.
6. The common reactions to sexual abuse and sexual harassment victims.
7. How to detect and respond to signs of threatened and actual sexual abuse.
8. How to avoid inappropriate relationships with residents.
9. How to communicate effectively with residents including LGBTI.
10. The Pennsylvania mandated child protected service laws and mandated abuse reporting. (115.331a)
11. Residents with disabilities and limited English proficiencies.

Staff shall be required to attend or complete the following and document through signature that these trainings are completed:

1. National Institute of Corrections Video "Keeping Our Kids Safe."
2. National Institute of Corrections Video "Responding to Prison Rape."
3. PA Child Protective Service Laws and 3800 regulations.(115.331,a,b,c,d)
4. YSA PREA PowerPoint presentation

Between annual trainings, YSA shall provide employees who may have contact with residents with refresher information about current policies regarding sexual abuse and harassment. These refresher trainings may include specific relevant components of the YSA PREA Policy; subsequent trainings on addressing the needs of lesbian, gay, bisexual, transgender, and intersex residents; Quadrant Method pat search protocols (as outlined in the Search section of the YSA PREA Policy); and/or other training materials made available through the PREA Resource Center

Volunteer and Contractor Training

All volunteers or contractors that have direct contact with residents shall be required to have training on YSA's efforts to detect, prevent and respond to sexual abuse and sexual harassment. The level and type of training provided to volunteers and contractors is based on the services they provide and the level of contact they have with residents.

Contractors who have regular contact with residents shall be required to complete the following training:

1. National Institute of Corrections Videos "Keeping Our Kids Safe" and "Responding to Prison Rape".
2. View the YSA PREA PowerPoint presentation "Addressing Sexual Violence Against Youth in Custody".
3. Sign the YSA acknowledgment sheet verifying that they were trained on their PREA responsibilities. (115.332,a,b,c)

Contractors who provide medical or mental health services shall be required to complete the specialized training curriculum for medical and mental health professionals as outlined on the PREA Resource Center.

YSA shall maintain documentation confirming that volunteers/contractors understand the training they have received. (115.332c)

Medical and Mental Health Staff Training

The YSA PennDel Residential Program does not have an on-site YSA Nurse. All clients participating in the program receive off-site medical and mental health services. Medical services are provided by a variety of doctors in the immediate area, but specifically the Levittown Family Medical Practice. Mental Health services are provided by a variety of mental health organizations in the community, but specifically PennDel Mental Health (115.335 a, b, c, d).

YSA 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;
4. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment. (115.335a)

YSA shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere. (115.335c). Medical and mental health care practitioners shall also receive the training

mandated for employees under 115.331 or for contractors and volunteers under 115.332, depending upon the practitioner's status at the agency. (115.335d)

Resident PREA Education

Every resident admitted to the YSA Penndel Residential Program shall receive the resident's rights and responsibility form and information guide. Each resident shall be briefed on the YSA zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. The resident and parental signature pages should be maintained in the residents file (115.333a, e).

Residents shall receive comprehensive age-appropriate education on their rights to be free from sexual abuse and sexual harassment, from retaliation for reporting such incidents, and on agency policies and procedures for responding to such incidents within 10 days of intake. This education includes PREA-related brochures available in both English and Spanish (which staff must read out loud to residents), as well as the "Speaking Up" video from the National Institute of Corrections that is available in both male/female and English/Spanish versions. YSA shall maintain documentation of resident participation in PREA education sessions.

Every resident shall be required to participate in monthly enrichment classes, which will provide comprehensive education on their rights to be free from sexual abuse and sexual harassment. Rosters of resident participation shall be submitted to the PREA Coordinator/Manager for documentation of participation. (115.333b, e)

All residents shall be provided information as requested on the PREA standards. Residents with disabilities and limited English proficiencies shall be referred to the Jim Thorpe School District Title 1 tutor for a more detailed explanation. (115.333f)

Investigations

Any and all allegations of sexual abuse and/or harassment will undergo an administrative investigation conducted by staff who have completed specialized training for investigating sexual abuse in confinement settings, in addition to the general training provided to all employees pursuant to 115.331. (115.334a) Specialized training shall include techniques for interviewing juvenile sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action on prosecution referral. (115.334b) Note that YSA staff do not have authority to conduct criminal investigations. YSA shall maintain documentation that agency administrative investigators have completed the required specialized training in conducting sexual abuse investigations. (115.334c) The Penndel Police Department and/or PA State Police, the entity responsible for investigating sexual abuse in juvenile confinement settings shall provide such training to its agents and investigators who conduct such investigations. (115.334d)

The specialized investigative team for the YSA Penndel Residential consists of the PREA Coordinator, the PREA Compliance Manager and the designated Supervisor.

The agency shall not terminate an investigation solely because the source of the allegation recants the allegations.

Immediate actions will be taken to separate the alleged victim from the alleged perpetrator to ensure safety, and these actions will be documented in a safety plan. Immediate actions will be taken to protect the scene of the incident to ensure that no evidence is destroyed; this includes the physical scene of the incident as well as the victim's body. The alleged victim and alleged abuser will be instructed to not take any actions that could destroy evidence, such as showering, changing clothes, brushing teeth, eating, drinking, smoking, urinating, or defecating. The administrative investigation will follow the agency's Standard Operating Procedures for Investigating Reportable Incidents, HCSIS Reportable & Recordable Incidents Guidelines, Reporting Suspected Child Abuse (Childline), and will follow the Emergency Action Plan Checklist. When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse and shall be documented in written reports that include a description of the physical and testimonial.

YSA will make every effort to offer the resident a victim advocate from the Bucks County Children's Advocacy Center, in person or by other means.

YSA and Pennel Residential Program staff do not conduct any internal criminal investigations for allegations of sexual abuse. All allegations are forwarded to Childline, PA DHS through their HCSIS mandatory reporting system, and to the Pennel Police Department and/or PA State Police. (115.334a, d)

Resident Screening

(See also the Department of Public Welfare Title 55 3800 regulations 3800.141 and 3800.142)

All residents shall be assessed during an intake screening for their risk of sexual victimization and risk of abusiveness. (115.341a)

The Department of Human Services requires the health and safety screening instrument be administered within 24 hours of admission to the Youth Center. (115.341b, c)

The assessment shall consider the following criteria to assess the risk to each resident:

1. If a resident has a mental or physical or developmental disability.
2. The age of the resident
3. The physical build of a resident.
4. Prior history of detention or placement.
5. History of violence

6. Prior history of sexual offenses
7. If a resident is LGBTI.
8. Prior victimization
9. Residents perception of vulnerability (115.341 d, e)
10. Is the client detained solely on civil immigration charges?

Each resident shall be reassessed every thirty days or due to a referral, request, incident, or additional information which would impact the resident's situation or status. (115.341 f, g)

Residents may not be disciplined for refusing to answer an inquiry or for not disclosing complete information on the health and safety form. (115.341 h)

Any information obtained from the screening shall be used to inform housing, bed, work, education, and program assignments (if applicable) (115.342a), and shall also be placed on the staff query and in the room communicator to ensure that all information is disseminated in proper fashion. The YSA Nurse shall also be notified so that the resident can receive proper medical care and guidance. (115.341i)

Resident Screening Information (see also Department of Human Services Title 55 3800 regulations 3800.142)

YSA shall use information from the PREA risk screening required by 115.341 to inform housing, bed, work, education, and program assignments with the goal of keeping all residents safe and free from sexual abuse. Each resident shall be classified individually for room assignment according to his/her age, gender, gender identity, delinquent charges, sexual orientation, level of risk, co-defendants, and program needs. Special consideration shall be made for residents that are mentally or emotionally disturbed, disabled, abused, or have other unusual conditions. (115.342)

Any information obtained through the health and safety assessment along with the medical health and safety assessment will result in the development of Health and Safety plan as required under the Department of Human Services Regulation 3800.142. This health and safety plan will be reviewed by the Treatment Team on a case-by-case basis. (115.342b)

When a youth is identified as being at risk for sexual abuse at his/her current room or room assignment, the screening staff shall request that the supervisor immediately move the youth to an alternate room.

If an alternative placement cannot be arranged due to lack of available beds, the facility administrator shall develop a written plan of action that provides a safe and secure environment for the victim and ensure that the plan is implemented

Transgender or intersex residents shall automatically have a health and safety plan developed upon admission to the YSA Penndel Residential Program. Room assignments shall be considered on a case-by-case basis that ensures the health and safety of the resident. The resident's personal preference for room assignments will be

considered when making housing decisions for transgender or intersex residents. Residents shall not be placed in rooms based on the sole status of sexual orientation. (115.342c and g).

Youth Services Agency prohibits considering lesbian, gay, bisexual, transgender or intersex identification or status as an indicator of likelihood of being sexually abusive.

Transgender or intersex residents shall be reassessed every thirty days to review any threats to safety. The residents own safety evaluation shall also be considered during the review. (115.342 d and e)

Transgender or intersex residents shall follow standard YSA operating procedures in regards to showering individually. Transgender or intersex residents will be offered the opportunity to shower individually without the presence of other residents in the bathhouse. The personal preference of each transgender or intersex resident to shower alone in the bathhouse or during group hygiene times will be documented. (115.342 f)

YSA does not utilize protective custody or segregated housing. (115.343a, b, c, d, e,)

Resident Reporting

All YSA Penndel Residential Program residents have several means available to report sexual abuse and sexual harassment as outlined in the resident information guide that is provided to each resident upon admission. (see below)

PREA Information

In 2003 the Prison Rape Elimination Act (PREA) was passed by the United States Congress and signed into law by President George W. Bush. PREA is aimed to eliminate sexual abuse and sexual harassment in confinement facilities through a “zero-tolerance” policy, as well as through research and information gathering. As a result, National Standards to Prevent, Detect, and Respond to Prison Rape (PREA Standards) were published in the Federal Register on June 20, 2012.

The YSA Penndel Residential Program has zero tolerance for any form of sexual abuse of youth under YSA care. This policy establishes standards in the area of prevention, detection, and response to such matters.

If you feel you have been sexually abused or harassed while at YSA’s Penndel Residential Program you should report this to any YSA staff member, your attorney, Juvenile Probation Officer, Children and Youth Case Worker, a school teacher or counselor, and your parent or guardian. Clients are also provided with information to contact Childline (to report sexual abuse) and/or to contact a counselor/advocate from the local rape crisis center (NOVA). If you would like to call Childline and/or the Victims Resource Center, tell the supervisor that you need to use the phone, and you will be allowed to privately use the phone. You will not be punished in any way for reporting abuse or harassment in good faith. However, there will be consequences for intentional false reports that are made in bad faith.

If you are a victim of sexual abuse, sexual harassment, retaliation from other residents or staff for reporting such actions, reporting and support services are available through the following organizations:

Network of Victim Assistance (NOVA)
2370 York Rd, Jamison, PA 18929
(215) 343-6543
1-800-675-6900 (24 hours a day)

Bucks County Children Advocacy Center
2370 York Rd, Jamison, PA 18929
(267) 927-0639

Residents detained solely for civil immigration purposes must be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security. (115.351b)

Staff shall accept reports made verbally, in writing (grievance forms), anonymously, and from third parties. Staff shall immediately document any verbal reports within 12 hours of receiving the verbal allegation. All reported allegations must be documented in a written incident report within 12 hours of receiving the allegation. This report shall then be given to the on duty supervisor. (115.351c)

Staff and residents can privately report sexual abuse by directly contacting the Clinical Director, the Operations Director, or the PREA Coordinator. All reports shall be handled with extreme confidentiality (115.351 d). In addition, both staff and residents are encouraged to call Childline (1-800-932-0313) to report any allegations of sexual abuse.

Resident Grievances and Administrative Remedies (see also Department of Public Welfare 3800.31)

The following information is contained on the YSA resident's rights and grievance form that is provided to both parents and residents:

Notification of Rights & Grievance Procedure: Resident or Parental/Legal Guardian Procedures:

All residents or parents/legal guardians have the right to voice grievances without discrimination or reprisal. The resident or parent/legal guardian may present to the primary supervisor, verbally or in writing, the nature of the grievance. The supervisor will respond with a decision regarding disposition of the grievance within three (3) working days. If dissatisfied the resident or parent/legal guardian may bring his/her written grievance to the Director of Operations, YSA Clinical Director, or PREA Coordinator within three (3) working days of the receipt of the first response. The YSA staff above will respond within five (5) working days of receipt of the grievance with a decision regarding the disposition of the grievance.

Availability of Grievance Forms:

Residents: Forms are available in each room and in the school. Completed forms are to be given to a Supervisor or dropped in the grievance box.

Parents/Legal Guardians: Forms are available through a supervisor. Completed forms may be placed in the lobby administration mailbox, mailed, or emailed to the Operations Director, Clinical Director, or PREA Coordinator.

Acknowledgement

A staff member has explained my rights and the grievance procedure to me. I have received a copy of these procedures.

Resident's Name (print)

Resident's Signature

Date

Staff Signature

Date

Parent/Guardian Signature

Re: PA Code, Title 55, DHS Chapter 3800.32 a-o, 3800.33 a-c Re: PA Code, Title 55, DHS Chapter 3800.31a-33c.

There is no time limit for a resident to submit any grievance for any situation including an allegation of sexual abuse. Staff shall never try and resolve a grievance informally with a resident. (115.352a, b,c) Any sexual abuse grievance shall not be received by or referred to any staff member involved or mentioned in the resident grievance.(115.352c) All grievances shall be resolved within 8 days as outlined above. Any extension of the outlined time frame will result in the resident receiving written notification of the extension and a date that final decision will be issued. Residents shall always receive a response to their grievance. (115.352d)

Parents or legal guardians of residents are allowed to file a grievance alleging sexual abuse, including appeals, on behalf of such resident, regardless of whether or not the resident agrees to having the grievance filed on their behalf. Other third parties are permitted to file grievances on behalf of the residents, regardless of whether or not the resident agrees to having the grievance filed on their behalf. The normal grievance procedure shall be followed upon receipt of the grievance. If the resident declines the grievance, this shall be documented and a resident signature obtained. (115.352e)

Emergency grievances shall be processed with 12 hours of receipt. Upon receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, it shall immediately be forwarded to the Clinical Director, Director of Operations, or PREA Coordinator at the YSA Pennel Residential Program. Corrective action will be processed and completed within 48 hours of any findings. An initial response shall be provided within 48 hours and a final decision made within five calendar days. The initial response and final decisions of YSA managers' conclusions and actions taken shall be documented. (115.352f)

No disciplinary action will be taken against any resident for any grievance followed regardless of the intent of the grievance. (115.352g)

Resident Access to Support Services and Legal Representation

YSA provides residents access to outside victim advocates for emotional support services related to sexual abuse by:

1. Giving residents (by providing, posting, or otherwise making accessible) mailing addresses and telephone numbers (including toll-free hotline numbers where available) of local, State, or national victim advocacy or rape crisis organizations.

2. Giving residents (by providing, posting, or otherwise making accessible) mailing addresses and telephone numbers where available) of immigrant service agencies for persons detained solely for civil immigration purposes.
3. Enabling reasonable communication between residents and these organizations, in as confidential a manner as possible. (115.353a)

Residents have unlimited access to a private phone in the facility from which they can call the Network of Victim Assistance and/or Childline. The Network of Victim Assistance provides advocacy and support services for YSA clients as defined through our Memorandum of Understanding.

Residents detained solely for civil immigration purposes must be provided with information on how to contact immigrant service agencies, relevant consular officials, and relevant officials of the Department of Homeland Security.

Youth Services Agency will inform residents, prior to giving them access to outside support services, the extent to which such communications will be monitored.

Youth Services Agency informs residents, prior to giving them access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant Federal, State, or local law.

YSA shall provide residents with reasonable and confidential access to their parents or other legal guardians and to their attorneys or other legal representation, as outlined in the YSA Standard Operating Procedure 413B: CHILDS RIGHTS. (115.353d)

Third Party Reporting

Third party reports of sexual abuse and sexual harassment can be made as outlined in the YSA grievance policy and parental rights form. Reports can also be submitted via email or telephone to the PREA Coordinator, Operations Director, or their designee. (115.354a)

Agency and Staff Reporting Duties

All YSA Staff are required to immediately report any knowledge, suspicion or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of YSA. This includes third party and anonymous reports. Reports are not contingent on persons, location, intent, neglect, performance or any contributing factors to the incident. (115.361a). Staff may report information regarding sexual abuse or harassment to the Operations Director or the PREA Coordinator. Staff may also privately call Childline.

YSA requires all staff to report immediately and according to agency policy any retaliation against residents or staff who report such an incident. YSA requires all staff

to report immediately and according to agency policy any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

All incidents fall under the mandated abuse reporting requirements and confidentiality as outlined in the Pennsylvania Title 55 Child Protective Service laws. (115.361 b, c, d, e) Apart from reporting to the designated supervisors or officials and designated State or local service agencies, YSA staff are 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.

Medical and mental health practitioners (including YSA staff as well as contractors) shall be required to report sexual abuse to designated supervisors and officials pursuant to 115.361a, as well as to the designated State or local services agency where required by mandatory reporting laws. Such practitioners shall be required to inform residents at the initiation of services of their duty to report and the limitations of confidentiality. (115.361d)

Upon receiving any allegation of sexual abuse, the facility head or his or her designee shall promptly report the allegation to the appropriate agency office and to the alleged victim's parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians should not be notified. If the alleged victim is under the guardianship of the child welfare system, the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians. If a juvenile court retains jurisdiction over the alleged victim, the facility head or designee shall also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation. (115.361e)

Resident Protection Duties

When a youth is identified as being at risk for sexual abuse at his/her current room or room assignment, the screening staff shall request that the supervisor immediately move the youth to an alternate room.(115.362a)

If an alternative placement cannot be arranged due to lack of available beds, the facility administrator shall develop a written plan of action that provides a safe and secure environment for the victim and ensure the plan is implemented.(115.362a)

All recommendations and discharge recommendations shall be implemented and followed by YSA staff.

Reporting to Other Facilities

The YSA PennDel Residential Program upon receiving an allegation that a resident was sexually abused while confined at another facility, shall notify the PREA Coordinator and YSA Clinical Director. The CY-47 shall be filled out where applicable and filed with the Office of Children and Youth. The appropriate office of the agency/facility where sexual abuse is alleged to have occurred shall be contacted and notified of the incident. Notification will occur within 24 hours. An incident report shall be written and filed that contains documented details of the notification.(115.363 a,b,c)

Any report filed by another Agency to the YSA Penndel Residential Program shall be investigated the same as any other incident that pertains to the PREA policy and procedures. (115.363 d)

Counselor First Responder Duties

Upon learning of alleged resident sexual abuse, the first responder shall take immediate steps to protect the victim by ensuring that the alleged victim and alleged perpetrator are physically separated pending an investigation, which may include, but is not limited to:

Room transfer or other placement within the facility; or administrative transfer to another facility or program.

The first responder shall immediately report the allegations to the supervisor and document the incident.

Notify medical staff for instructions regarding examination of the resident.

Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.

If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. (115.364 a ,b)

If the first staff responder is not a security staff member, that responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and shall be required to notify security staff.

The facility administrator, in consultation with the appropriate law enforcement agency, will make the following notifications:

1. The victim's parents or guardian of the report;
2. Placing agency (i.e. Juvenile Probation Department)
3. Department of Human Services and a Reportable Incident should be generated on the state HCSIS system
4. PA State Police

Coordinated Response

YSA has a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership. (115.365a)

YSA PENNDEL RESIDENTIAL PROGRAM COORDINATED RESPONSE TO SEXUAL ABUSE INCIDENTS

1. Upon learning of alleged resident sexual abuse, the first responder shall take immediate steps to protect the victim by ensuring that the alleged victim and alleged perpetrator are physically separated pending an investigation, which may include, but is not limited to:

Room transfer or other placement within the facility; or administrative transfer to another facility or program.

2. The first responder shall immediately report the allegations to the supervisor and document the incident.

3. The supervisor shall immediately notify YSA Penndel Residential Program Administrative Investigation Team, whose members have completed specialized training. The Investigation Team will begin an administrative investigation of the allegations. This process will be documented in an Investigation Report.

4. Medical and mental health staff will be notified for instructions regarding the physical and emotional state of the resident.

5. Upon learning of the alleged resident sexual abuse, immediate actions must be taken to preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.

6. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

7. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. (115.64 a,b)

8. If the first staff responder is not a security staff member, that responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and shall be required to notify security staff.

9. The Administrative Investigative Team, in consultation with the resident's case manager and appropriate law enforcement agency, will make the following notifications:

1. The victim's parents or guardian of the report;
2. Placing agency (i.e. Juvenile Probation Department)
3. Department of Human Services and a Reportable Incident should be generated on the state HCSIS system
4. PA State Police

10. The victim will be provided access to outside victim advocates from the Victims Resource Center for emotional support services related to sexual abuse.

11. Pending police referral, the victim will be transported to St. Mary Medical Center or Doylestown Hospital for an examination performed by a Sexual Assault Nurse Examiner (SANE) and/or a Sexual Assault Forensic Examiner (SAFE). If a SANE or SAFE is not available, a qualified medical practitioner will perform the examination.

Protection from Retaliation

YSA Penndel Residential Program shall protect all residents and staff who report sexual abuse or sexual harassment or cooperate with investigations pertaining to sexual abuse and sexual harassment from retaliation by other staff or residents. (115.367 a)

YSA administrators including the Operations Director, Director of Clinical Services, and PREA Coordinator shall conduct such monitoring in order to ensure this protection. (115.367 b)

Measures to protect staff and residents include, but are not limited to, the following:

1. Room transfers of residents - both victims and alleged abusers.
2. Removal of staff from contact with victim (DHS 3800 regs.)
3. Provide emotional support services through YSA Clinical Services Department and/or the Victims Resource Center. (115.367 b)
4. Monitoring for any changes by staff or residents that suggest possible retaliation. (115.367 c)

YSA Penndel Residential Program shall conduct this monitoring period for 90 days following a report of sexual abuse or sexual harassment. Monitoring will be conducted by periodic resident status checks, reviews of disciplinary reports, room changes or negative performance. Resident points sheets and behavioral logs will also be reviewed. If such indicators are found, the monitoring shall be extended for another 90 day period. (115.367 d and e)

If at anytime other individuals express a fear of retaliation by another resident or staff member, the preceding policy shall apply. If any other individual who cooperates with an investigation expresses a fear of retaliation, YSA shall take appropriate measures to protect that individual against retaliation. (115.367e)

Criminal Investigations and Administrative Reviews

Any report (direct, indirect, third party, anonymous) received involving sexual abuse and sexual harassment shall be reviewed by the Clinical Director, PREA Coordinator, and/or Operations Director to determine if an incident meets the minimum criteria under the guidelines established by Prison Rape Elimination Act. The incident shall be reviewed promptly, thoroughly and objectively. Where sexual abuse is alleged, YSA shall use administrative investigators who have received special training in sexual abuse investigations involving juvenile victims pursuant to 115.334. (115.371b) If the minimum criteria are met, the matter shall be turned over to the Penndel Police Department/PA State Police and DHS via Childline and the HICISIS reporting system. (115.371a) YSA

administrative investigators shall preserve and secure direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data. YSA administrative investigators shall place the alleged victim, alleged perpetrator, and any witnesses in separate safe areas where they cannot be manipulated and await the Pennel Police or PA State Police. (115.371c) When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. (115.371e) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution by the Pennel Police Department/PA State Police.

The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff. No resident who alleges sexual abuse shall be subjected to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the allegation (115.371 f)

The departure of an alleged abuser or victim from employment or custody is not basis for terminating the investigation or influencing the outcome.(115.371k) The investigation will not be terminated solely because the source of the allegation recants the allegation. (115.371d) When outside agencies investigate sexual abuse, YSA shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation. (115.371m)

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse and shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. (115.371g)

Upon completion of the investigation by the outside parties (DHS and State Police), the entire incident shall be reviewed by YSA Incident Review Team within 30 days. This incident review shall determine whether staff actions or inactions contributed to the incident. This review shall be documented with incident assessments, including descriptions of physical evidence, testimony and corrective actions. These reviews shall be maintained for as long as the alleged abuser is incarcerated or employed plus five years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention. (115.371f,j,l)

The YSA Pennel Residential Program shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.(115.372a)

Reporting to Residents

Following an administrative and/or criminal investigation into a resident's allegation of sexual abuse suffered in an agency facility, YSA shall inform the resident verbally or in writing of the administrative investigation outcome and whether the criminal investigation has been determined to be substantiated, unsubstantiated, or unfounded. (115.373a) All notifications or attempted notifications of investigative outcomes reported to residents shall be documented. (115.373e) The resident and parent/guardian shall

also be provided with regular updates and status reports pertaining to the investigation. (115.373a and b) If an outside entity conducts a sexual abuse investigation, YSA will request the relevant information from the investigative entity in order to inform the resident as to the outcome of the investigation. (115.373b)

Following a resident's allegation that a staff member has committed sexual abuse against a resident, The YSA Penn del Residential Program shall advise the resident and parent whenever:

1. The staff member is no longer posted within the resident's living unit.
2. The staff member is no longer employed at the facility.
3. The staff member is indicated on a charge or related charge of sexual abuse.
4. The staff member is convicted on a charge or related charge of sexual abuse.(115.373c)

Following a resident's allegation that they were abused by another resident the alleged victim shall be informed whenever:

1. The alleged abuser is charged related to sexual abuse.
2. The alleged abuser is adjudicated on a charge related to sexual abuse.(115.373 d)

Any notification to victim, parent or guardian shall be documented in writing and placed in the resident's folder. (115.373 e)

Disciplinary Sanctions for Staff

The YSA Penn del Residential Program has zero tolerance for any staff member that violates agency policy as it pertains to sexual abuse or sexual harassment. Staff shall be subjected to disciplinary action up to and including termination for violating agency sexual abuse or sexual harassment policies. Any staff engaging or that have engaged in sexual abuse will be terminated. Disciplinary action for violations of agency policy (other than sexual abuse) shall be commensurate with the nature and circumstances of the act committed as outlined in the YSA Policy Manual. Sanctions shall be imposed based on incident level, discipline history, and past precedent of sanctions implemented by YSA of similar occurrences.(115.376 a, b, c)

All terminations for violations of the YSA sexual abuse or sexual harassment policy, or staff resignations who would have been subjected to termination shall be reported to the PA State Police and PA DHS for investigation. If it is determined that the activity was criminal, charges shall be filed and the Department of Human Services shall be notified. (115.376 d)

Corrective Actions for Contractors and Volunteers

The YSA Penn del Residential Program has zero tolerance for any contractor who engages in sexual abuse or sexual harassment. Any contractor that engages in such activity shall be banned from access to the program and site. The matter shall also be

reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. (115.377 a and b.)

Resident Sanctions

The YSA Penndel Residential Program prohibits all sexual activities between residents, and deems such activity to constitute sexual abuse only if it is determined that the activity is coerced. (115.378g) The YSA Penndel Residential Program has zero tolerance for any resident that violates these policies on sexual abuse or sexual harassment. Residents are subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse. Residents are subject to disciplinary sanctions only pursuant to a formal disciplinary process following a criminal finding of guilt for resident-on-resident sexual abuse. Resident disciplinary sanctions include the following:

1. Disciplinary sanctions as outlined in Resident Rights Guide. These sanctions shall be commensurate with the nature and circumstances of the incident. Sanctions will take into consideration the nature and circumstances of the incident, resident history, mental health or disabilities, and precedent of sanctions imposed under similar circumstances.(115.378 a,b,c)
2. Counseling, therapy, or other interventions designed to address and correct the underlying reasons or motivations for abuse, or other interventions as ordered by the Juvenile Court, will be offered. (115.378 d) The agency shall consider whether to require the offending resident to participate in such interventions as a condition of access to any rewards-based behavior management system or other behavior-based incentives. The offending resident's access to general programming or education is not conditional on participation in such interventions.
3. Criminal charges as filed by the Penndel Police Department/PA State Police.

Residents are subject to disciplinary sanctions for contact with Staff if upon investigation it is determined that the staff member did not consent to such contact. (115.378 e) No resident will be subjected to disciplinary sanctions for filing any report or incident. A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident even if that report is unsubstantiated by PA DHS and/or the PA State Police. (115.378 f). Sexual contact between residents is strictly prohibited but only constitutes sexual abuse if the sexual act is deemed to be coerced. (115.378 g)

Medical and Mental Health Care

Any resident who indicates during the health and safety assessment that they have been a victim of prior sexual assault or sexual harassment while previously at the YSA Penndel Residential Program, any other institution, or in the community, shall be offered a follow up meeting with the Network of Victim Assistance within 14 days of admittance to the YSA Program. (115.381 a and c)

Any resident who indicates during the health and safety assessment that they have been a perpetrator of prior sexual assault or sexual harassment while previously at the YSA Penn del Residential Program, any other institution, or in the community, shall be offered a follow up meeting with YSA clinical staff and medical support services within 14 days of admittance to the Youth Center. (115.381 b)

Any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to YSA staff and medical support services. Information will only be provided to other YSA staff that would impact such areas as room assignments, resident health and safety plans, program assignments and security decisions. (115.381 c)

Medical and mental health practitioners do not need to obtain informed consent from residents (regardless of resident's age) before reporting information about prior sexual victimization that did not occur in an institutional setting. Informed consent is not required for residents 18 years of age or older due to the court ordered nature of YSA Penn del Residential Program residents. YSA is required by law to treat all residents as minors due to the agency's mandated reporter duties as defined in the PA Child Protective Service Laws. (115.381 d)

Resident Access to Emergency Medical and Mental Health Services

Resident victims of sexual abuse while at the YSA Penn del Residential Program shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. (115.382c)

Victims of sexual abuse shall receive immediate medical treatment and crisis services as determined by YSA Clinical Director and medical providers. YSA confidentiality protocols shall also be followed to protect the resident. (115.382 a, b, c)

All treatment services are provided to the victim without cost to victim, parent or guardian. (115.382 d)

Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers

Medical and mental health evaluations shall be offered to residents who have been victimized by sexual abuse. The evaluation and treatment will include the implementation of treatment plans and referrals for follow up care regardless of placement or return to the community. All services shall be consistent with care received if the resident was in the community. (115.383 a, b c)

The YSA Penn del Residential Program is for male clients only. The regulation for providing a pregnancy test is not applicable. (115.383 d and e)

Any resident who is a victim of sexual abuse at the YSA Penn del Residential Program shall be offered STD testing through the Bucks County Department of Health. (115.383 f)

All treatment services are provided to the victim without cost to victim, parent or guardian. (115.383 g)

All resident-on-resident abusers shall be subjected to a mental health exam within 60 days of YSA learning of such abuse history and offer treatment when mental health practitioners deem appropriate. (115.383)

Incident Reviews

The YSA PennDel Residential Program shall conduct a sexual abuse incident review at the conclusion of every sexual abuse administrative and/or criminal investigation regardless of outcome within 30 days of receiving the report, founded or unfounded, by PA DHS and the State Police. (115.386 a, b)

The incident shall be reviewed by a team of YSA staff. The review team shall consist of the following individuals:

1. YSA Clinical Director
2. YSA PREA Coordinator
3. YSA Operations Director

The review team shall convene and review the following within 30 days of the conclusion of the administrative and/or criminal investigation:

1. Consider whether the investigation or allegation indicates a need to change YSA PREA policy or practice to better prevent, detect or respond to sexual abuse.
2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
4. Assess the adequacy of staffing levels in that area during different shifts.
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The Incident Review team shall then prepare a report of its findings, including but not necessarily limited to determinations made pursuant to the above-listed 5 considerations, and any recommendations for improvement and submit such report to the Operations Director and PREA Compliance Manager. (115.386 d) This report must be completed on the PREA Incident Review Documentation form and must also include the Department of Justice's Survey of Sexual Victimization (form SSV-IJ).

The YSA Review Team shall incorporate all recommendations of the report within a 60 day period or shall document reasons for not having the recommendations completed in this time frame, all findings shall be reported to the YSA Management Council that oversees all aspects of the program and facility. The YSA Management Council shall implement the recommendations for improvement from the Review Team or document its reasons for not doing so. (115.386e)

Data Collection

YSA shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice and will be compiled into monthly and annual reports. (115.387a,c)

YSA shall aggregate the incident-based sexual abuse data at least annually, using the most recent version of the Department of Justice Survey of Sexual Victimization Locally or Privately-Operated Juvenile Facilities Summary Form (form SSV-6). (115.387b)

The YSA PennDel Residential Program shall collect information related to the purposes outlined at the beginning of this policy; specifically to gather data that will help YSA reduce the risk that sexual abuse and/or sexual harassment would occur within the PennDel Residential Program. YSA shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. (115.387d)

YSA shall document that there is accountability for those who perpetrate sexual abuse by tracking:

1. The forwarding of reports related to sexual abuse including the disposition of each case;
2. The status of investigations conducted by the PA DHS and PennDel Police Department/PA State Police concerning suspected incidents of sexual abuse;
3. Referrals of sexual abuse cases for prosecution, including the status and outcome of such efforts within the judicial system;
4. Document that victims of sexual abuse receive appropriate follow-up care as required under this policy. (115.387 d)

Upon request, YSA shall provide such data to the Department of Justice from the previous year no later than June 30 of the current calendar year. (115.387 f)

Data Review for Corrective Action

Compiled information collected which relates to the prevalence of sexual abuse including the circumstances that contribute to this kind of behavior, shall be used to:

- a. Identify problem areas;
- b. Take corrective action on an ongoing basis;
- c. Preparing an annual report of its findings and corrective actions.
- d. Including an assessment of the agency's progress in addressing sexual abuse by comparing the current year's data and corrective actions with those from prior years.

- e. Ensuring the agency's report shall be approved by the agency head and made readily available to the public through its website; and
- f. Redacting specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, and indicating the nature of the material redacted. (115.388 a, b, c, d)

Data Storage, Publication, and Destruction

All data collected will be securely retained. All sexual abuse complied data for the program (not individual client case files) shall made available to the public at least annually on its website and on request. All personal identifiers shall be removed as defined by the PA Juvenile Act and Department of Human Services Child Protective Service as it pertains to confidentiality. All data collected shall be maintained no less than 10 years from the initial date of collection. (115.389 a, b, c, d)