



PREA Corrective Action Plan 2014

Arizona
Department
Of Juvenile
Corrections

ANNUAL REPORT

PREA ANNUAL DATA AND COMPLIANCE REPORT

PREA STANDARD § 115.388 DATA REVIEW FOR CORRECTIVE ACTION

The Prison Rape Elimination Act (PREA) was established to address sexual abuse and sexual harassment of persons confined to correctional facilities. Standard §115.388, Data Review for Correction Action of PREA requires that all public and private institutions that house adult or juvenile offenders review data collected on an annual basis in order to assess and enhance the effectiveness of its sexual abuse prevention, detection, response policies/procedures, education and training, while identifying problem areas and taking corrective action on an ongoing basis.

The Arizona Department of Juvenile Corrections (ADJC) has improved its ability to identify risks and capture potential PREA violations by providing several methods of reporting sexual abuse and sexual harassment, safeguarding against retaliation for reporting, investigating every reported allegation, offering assistance to victims, and affording education and training to both youth and staff. These actions have created an environment where youth feel safe enough to report incidents which they may not have previously reported. It is reasonable to consider that successful implementation of the PREA Standards has resulted in a greater number of investigations (allegations) and an increase in substantiated cases. While this may be viewed negatively, it can also be viewed as a positive indicator that potential barriers to reporting and investigating have been addressed and the expectations for a “*safer environment*” have been established.

2013 - 2014 COMPARISON OF PREA ALLEGATIONS

This report includes a comparison of calendar years 2013 and 2014 data on sexual abuse and sexual harassment allegations and provides an assessment of the Department’s progress in preventing sexual abuse and sexual harassment of juvenile offenders.

<u>REPORTING CRITERIA</u>	<u>2013</u>	<u>2014</u>
Number of youth held in the facility on December 31 st	346	315
Number of youth admitted during the target year	353	341
Number of <i>alleged</i> non-consensual youth-on-youth sexual acts reported	4	1
Number of <i>substantiated</i> non-consensual youth-on-youth sexual acts	0	0
Number of <i>alleged</i> youth-on-youth abusive sexual contacts reported	3	10
Number of <i>substantiated</i> youth-on-youth abusive sexual contacts	0	2
Number of <i>alleged</i> youth-on-youth sexual harassment reported	N/A	9
Number of <i>substantiated</i> youth-on-youth sexual harassment	N/A	5
Number of <i>alleged</i> staff-on-youth sexual misconduct reported	5	7
Number of <i>substantiated</i> staff-on-youth sexual misconduct	0	1
Number of <i>alleged</i> staff-on-youth sexual harassment reported	1	0
Number of <i>substantiated</i> staff-on-youth sexual harassment	1	0

2013 - 2014 COMPARATIVE ANALYSIS

While the Department has seen an increase in reported PREA allegations from 2013 to 2014, the agency is confident that this is directly attributed to the Department's efforts in ensuring that juveniles, staff, volunteers, mentors, interns, and contractors are educated in the agency's Zero Tolerance policy, as well as the several methods of reporting allegations. ADJC is committed to ensuring a continued compliance with PREA Standards as well as the health and safety of the juveniles in our care. A comparative analysis of 2013 and 2014 data indicates the following:

- There was a decrease in the number of reported allegations of non-consensual youth-on-youth sexual acts. In 2013, there were four (4) reported allegations compared to one (1) reported allegation in 2014, which was found to be *unsubstantiated*.
- There was an increase in the number of reported allegations of youth-on-youth abusive sexual contacts. In 2013, there were three (3) reported allegations versus ten (10) reported allegations in 2014. Of the ten (10) reported allegations, two (2) were *substantiated*, seven (7) were *unsubstantiated*, and one (1) was *unfounded*. ADJC counts all allegations that meet the definition, regardless of whether or not any sexual intent or motivation is identified.
- There was an increase in the number of reported allegations of youth-on-youth sexual harassment. While staff responded to all reported allegations of this type of harassment, this reporting category was added during calendar year 2013; therefore, 2014 is the first year ADJC is reporting. Of the nine (9) reported allegations made in 2014, five (5) were *substantiated* and four (4) were *unsubstantiated*. ADJC records all allegations and substantiates all cases that meet the definition, including cases involving verbal comments, gestures, or actions of a derogatory or offensive sexual nature.
- There was an increase in the number of reported allegations of staff-on-youth sexual misconduct. In 2013, there were five (5) reported allegations versus seven (7) reported allegations in 2014. Of the seven (7) reported allegations, one (1) was *substantiated*, two (2) were *unsubstantiated*, and four (4) were *unfounded*. The *substantiated* report of sexual misconduct involved a male Youth Corrections Officer who admittedly engaged in three (3) or four (4) face to face, chest to chest, embracing hugs with an incarcerated female minor. He was terminated and arrested by ADJC and convicted of Unlawful Sexual Conduct within a Correctional Facility.
- There was a decrease in the number of reported allegations of staff-on-youth sexual harassment. In 2013, there was one (1) reported allegation compared to zero (0) reported allegations in 2014.

2013 CORRECTIVE ACTIONS

In an effort to ensure PREA compliance, ADJC has implemented the following corrective actions:

- As required by PREA Standards for Juvenile Facilities § 115.331(b), in January 2013, ADJC appointed an upper-level, agency-wide ADJC PREA Coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in its facility. The original PREA Coordinator was the ADJC Legal Systems Bureau Administrator. In March 2015, the appointment changed to the ADJC Quality Assurance and Staff Development Bureau Administrator.

- ADJC began conducting on-site reviews of practices and processes related to PREA to assess compliance, track compliance, and to move toward compliance with the new rules.
- ADJC worked to modify or enhance current systems, processes, and policies to comply with PREA Standards and prepare for the PREA Audit.
- Bureau Administrators were assigned to conduct a review of processes and practices within their departments that may need revisions based on PREA Standards. A workgroup was then created to make changes to appropriate policies and practices.
- Increased the number of PREA trainers to facilitate PREA youth education groups. Nine (9) additional trainers were certified.
- In partnership with the Arizona Department of Administration (ADOA), in June 2013 ADJC created 12 PREA posters to display at ADJC/Adobe Mountain School. The posters were created as part of an ongoing campaign against sexual abuse and sexual violence. The posters contain photos of both male and female youth and include powerful messages in word and picture to communicate with our youth and engage them in critical thinking. The slogan, “No Body Deserves to be a Victim of Sexual Violence” is displayed on each poster. This project also helps to reinforce our efforts to provide the required education and treatment services to the children referred to us by the courts. The posters raise awareness among youth and staff and provide youth with visual reminders that ADJC has a zero-tolerance standard for sexual abuse and sexual harassment and that all youth have the right to be free from sexual abuse, sexual harassment, and retaliation. These posters are viewed as a national model and ADJC granted the National PREA Resource Center permission to share these posters as models for the field. They are available on the National PREA Resource Center for download and use.

2014 CORRECTIVE ACTIONS

In an effort to ensure PREA compliance, ADJC has implemented the following corrective actions:

- Appointed an ADJC PREA Compliance Manager with sufficient time and authority to coordinate the facility’s efforts to comply with the PREA Standards. Although not specifically required by PREA Standards for Juvenile Facilities § 115.331(c), because ADJC operates only one facility, ADJC created the dedicated position to ensure ongoing compliance and monitoring of all PREA Standards.
- Installed a dedicated telephone for youth reporting. One way for youth to report allegations of sexual abuse and sexual harassment is access the confidential Department of Child Safety hotline. ADJC telephone was installed on January 27, 2014. The phone is located in the Health Unit to allow youth to use the telephone in private and remain anonymous.
- Sent five (5) ADJC auditors/inspectors to the United States Department of Justice (DOJ) training for Juvenile Facility Auditor certification in February 2014, to ensure that ADJC fully understood what was required for the Audit.

- To highlight PREA Posters, an ADJC PREA Video was created to demonstrate how ADJC (1) uses the posters to expand awareness of PREA at ADJC/Adobe Mountain School (AMS) and (2) uses the posters as a tool for discussing ADJC's zero-tolerance standard for sexual abuse and sexual harassment with youth in group settings.
- Conducted an Internal PREA Self-Audit in June 2014.
- Created a PREA Brochure to be provided to youth upon commitment to ADJC custody. The PREA brochure/leaflet is designed to help educate youth on how to identify abuse; to provide guidelines on how to stay safe; to inform on how to report abuse; and to provide guidance on what to do if abused.
- Finalized a comprehensive agency PREA Policy and revised 23 other agency policies to ensure strict compliance with PREA Standards.
- Completed mandated in-service training for every agency employee that included a two (2) hour PREA instruction. Trainings were conducted by Staff Development Trainers, the PREA Coordinator and/or the PREA Compliance Manager.
- In addition to mandatory PREA education groups that occur within ten (10) days of a youth's arrival to AMS, facility-wide training was completed to include: youth reporting methods, access to outside services, investigation protocol, right to be free from retaliation, and PREA education material.
- The Inspections Bureau developed an inspection plan to continue monitoring compliance with PREA Standards as prescribed by agency policy. Inspections will be completed periodically by the certified PREA Auditors working for the agency.
- A camera assessment was completed by the Inspections Bureau and support staff to determine the need of additional cameras. The assessment was submitted to agency's Assistant Director for review.

ADJC is committed to creating a safe environment and protecting youth against sexual victimization. ADJC has zero tolerance for sexual contact of any kind with juveniles, including sexual conduct, assault, contact and/or harassment, by youth, staff, contractors, volunteers or others.