

**Title: A 115.311 a Agency Strategies and Responses to Reduce and Prevent Sexual Abuse, and Harassment**

Agency PREA	<b>Next Review:</b> 12/21/2025
Procedures Rules/Regulations/Standards	<b>Last Review:</b> 12/21/2022

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**Purpose:** To ensure the sexual safety of facility(ies) inmates and staff through a comprehensive agency wide approach to prevention, detection and response to sexual abuse and sexual harassment in all facilities operated or contracted by the Ninth Judicial District Court (aka Agency).

**Policy: Agency shall employ policies, procedures and actions, which will assist in reducing and presenting sexual abuse and harassment.**

**PROCEDURES**

**I. GENERAL**

- A. Each Agency facility shall create a Standard Operating Procedure consistent with this policy.
- B. Strategies and Responses will include at a minimum:
  - 1. Staff and Staffing Ratios
  - 2. Unannounced PREA checks
  - 3. Limiting Cross Gender Viewing and Searches
  - 4. Staff/Volunteer/Contractor/Intern Training,
  - 5. Staff/Volunteer/Contractor/Intern Hiring Requirements, Backgrounds and Monitoring
  - 6. Youth Training
  - 7. Risk Assessments
  - 8. Reporting
  - 9. Criminal Investigation Procedures
  - 10. Forensic Medical Investigation
  - 11. Administrative Investigation Procedures
  - 12. Evidence Collection
  - 13. Protection and Monitoring of Retaliation
  - 14. Discipline and Intervention
  - 15. Data Collection and Publication

**II. DEFINITIONS per PREA Standard 115.6**

- A. Sexual abuse of a youth by a staff member includes any of the following acts, with or without consent of the youth (note: youth cannot consent):
  - 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 staff member, contractor, volunteer, or intern has the intent to abuse, arouse, or gratify sexual desire;
  - 4. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument;

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5. Any act of intentional contact, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, excluding contact incidental to a physical altercation;
  6. Any attempt, threat, or request by a staff member, contractor, volunteer, or intern to engage in activities described in a) through e) of this section;
  7. Any display by a staff member, contractor, volunteer, or intern of their uncovered genitalia, buttocks, or breast in the presence of a youth;
  8. Voyeurism by a staff member, contractor, volunteer, or intern.
- B. 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; or
  4. Any act of intentional contact, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, excluding contact incidental to a physical altercation.
- C. Sexual harassment includes:
1. Unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth to another youth; and
  2. Verbal comments or gestures of a sexual nature to a youth by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- D. Consensual sexual activity between youth is prohibited within a facility. Although this will not constitute sexual abuse, disciplinary actions may be taken.

**III. PROTECTION FROM RETALIATION**

- A. Douglas County shall ensure all staff (including contractors and volunteers) cooperate in sexual abuse or sexual harassment investigations and take immediate steps to ensure youth and staff who report sexual abuse or sexual harassment are free from retaliation.
- B. Monitoring for Retaliation
1. On or about 30, 60, and 90 days after an allegation, the Monitoring for Retaliation form (Attachment A), shall be completed to ensure no retaliation is occurring.
  2. The facility PREA Compliance Manager shall monitor all situations in which this applies and document any necessary actions taken if retaliation is occurring.
  3. This documentation shall be part of the investigative record.
- C. Retaliation
1. Shall be reported to the PREA Coordinator by the next business day; and
  2. Addressed on a case-by-case basis, including an investigation conducted by facility staff or PREA Investigator.

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- C. Disciplinary action, up to and including termination, may be taken if retaliation is determined to have occurred.
- E. The Agency's obligation to monitor retaliation shall terminate if the Agency determines the allegation is unfounded or if the youth being monitored is discharged from the facility.

**IV. DISCIPLINARY ACTION**

- 1. An employee may be disciplined for any cause listed in policy 2.02.100 of Douglas County District Attorney Codes and Personnel Regulations and in accordance with the Court Personnel Regulations section 7.0 Appeals and Hearings, by the appointing authority or supervisor by issuance of:
  - 1. Written Warning letter
  - 2. Written Reprimand
  - 3. No Contact
  - 4. Suspension
  - 5. Demotion
  - 6. Reduction in pay or
  - 7. Termination

**Related Documents**

[Agency Sanctions and Discipline](#)

[Agency Protection Against Retaliation](#)