

Juvenile Court Policy 900

Approved by : Tori Peterson, Administrator Date: 11/21/2024 [4/15/2019, 3/1/2019, 1/22/15,8/29/2014]

SEXUAL ABUSE AND HARASSMENT (ZERO TOLERANCE) POLICY

POLICY: Spokane County Juvenile Court Services has zero tolerance towards all forms of offender sexual abuse, assault, and sexual harassment. This policy, through compliance with the Prison Rape Elimination Act (PREA) of 2003, provides uniform guidelines and procedures to reduce the risk of sexual abuse and sexual harassment within the Juvenile Court and Detention Facility.

Information concerning the identity of a victim reporting sexual abuse, and the facts of the report itself, will be limited to those who have a need to know in order to make decisions concerning the youth's welfare and for law enforcement purposes.

DEFINITIONS:

Juveniles: A person in the legal and physical custody of the Juvenile Detention Facility.

PREA: Prison Rape Elimination Act of 2003.

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

Sexual Harassment: Includes (1) Repeated and unwelcome sexual advances, request for sexual favors; or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender directed to another; and (2) Repeated verbal comments or gestures of a sexual nature to an offender 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.

REQUIREMENTS:

Prohibited Behavior and Sanctions:

1. All employees, volunteers and independent contractors are expected to have a clear understanding that the Juvenile Court strictly prohibits any type of sexual relationship with an individual under court supervision. This is a serious breach of the standards of employee conduct and will not be tolerated. A finding of a personal and/or sexual relationship **shall result** in employment termination and or termination of the contractual or volunteer status.
2. Any contractor or volunteer who is accused of sexual abuse is restricted from contact with any resident and reported to law enforcement, unless the activity was clearly not criminal, and to relevant licensing bodies. Remedial measures up

to, and, including termination may be taken if any other violation of agency sexual abuse or sexual harassment policy occurs.

3. Youth to youth sexual activity, sexual assault, rape, sexual conduct and sexual contact as defined in this policy are prohibited.
4. It is the policy of the Juvenile Court Services to ensure that sexual activity between staff and juveniles, volunteers or contracted personnel and juveniles, and between juveniles regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions.

Training:

1. All staff are trained to recognize the signs of sexual abuse and sexual harassment and understand their responsibility in the prevention, detection, response, and reporting of alleged sexual abuse and sexual harassment. Trained staff will help prevent sexual abuse by acting in the following manner during the performance of their duties:
 - Knowing and enforcing rules regarding sexual behavior.
 - Maintaining professionalism at all times, including maintaining a sexual harassment free workplace; and
 - Treating any allegation of sexual abuse or sexual harassment seriously by following appropriate reporting procedures.
2. Information shall be provided to juveniles about sexual abuse/assault including prevention and intervention, reporting abuse and assault, medical treatment and mental health counseling.
3. Any employee who is a witness or has knowledge of any sexual activity, assault and/or rape shall report it to the Juvenile Detention Manager or Juvenile Court Administrator. An employee who knowingly fails to report sexual activity, assault and/or rape of a youth shall be subject to disciplinary action.
4. Retaliation against any youth or employee who reports or assists in the investigation of alleged sexual abuse is strictly prohibited and is grounds for disciplinary action up to and including termination of employment.
5. Violations of this policy may result in administrative disciplinary sanctions and/or criminal prosecution.

Reporting:

1. All staff are required to report to the Juvenile Court Administrator immediately if you know or know of someone else who has:
 - a. engaged in any sexual abuse within a prison, jail, lockup, community confinement facility, juvenile facility or other institution as defined in 42 U.S.C. 1997. (PREA 115.317)
 - b. been convicted of engaging or attempted to engage or civilly or administratively adjudicated to have engaged, 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. (PREA 115.317)

2. Violations of agency sexual abuse or sexual harassment policies by employees, contractor, volunteer, or resignations by staff who would have been terminated if not for their resignation, will be reported to appropriate law enforcement agencies unless the activity was clearly not criminal, and to any other relevant licensing bodies.