



Date: March 13, 2015

To: Karen Forrest, Division Director

Thru: Barb Murray, Deputy Director of Administration and Programs
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Subject: 2014 Prison Rape Elimination Act Annual Report

Introduction:

The Division of Juvenile Justice is committed to the safety of all juveniles under its care and to the standards of the Prison Rape Elimination Act (PREA). The Division of Juvenile Justice is working to come into full compliance with the PREA Standards for juvenile facilities released in 2012.

The division has zero tolerance for all forms of sexual abuse and sexual harassment of juveniles. The division is committed to the prevention and detection of this conduct and immediately responds to all allegations, pursues appropriate disciplinary action, and refers for investigation and prosecution all those who perpetrate criminal conduct.

PREA requires that the division collect and review data "...in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training." (PREA Standard 115.388 a). This review is intended to meet this standard and:

- Identify problem areas and corrective action taken on an ongoing basis for each facility and the agency as a whole;
- Compare the current year's data and corrective actions with those from prior years; and
- Assess the agency's progress in addressing sexual abuse. (standard 115.388 a and b)

2014 Prevention Measures

During calendar year 2014, the division made great strides towards PREA compliance, including:

- **Completion of a major revision of the statewide facility PREA policy** to comply with the expansive PREA Juvenile Standards released in 2012. This policy received minor revisions in March, 2015 to address issues raised during the first three PREA audits.

- **Development of a Risk Screening policy and Screening tool.** The division now conducts a screening of all juveniles entering DJJ facilities within 72 hours of admission
- **Development of a new staff training.** The new Moodle-based training replaces the existing PREA training. The new training meets the PREA juvenile standards and provides Alaska DJJ specific information to staff, teachers, and others who have contact with juveniles in our facilities.
- **Development of a juvenile education video and material.** The division developed and implemented an PREA education video for all juveniles entering a division detention or treatment facility.
- **Development of a new Reference Check Policy.**
- **Revisions to the Background Check policy, Incident Notification and Reporting policy, and Administrative Investigations Policy**

These new policies and practices were put into effect in late 2014 and early 2015 across the state. In February 2015, G4S Juvenile Services, Inc. conducted PREA compliance audits at Kenai Peninsula Youth Facility, Mat-Su Youth Facility, and Johnson Youth Center in Juneau. The auditors made recommendations on how the division should improve its PREA related policies and practices and we expect all three facilities will be found PREA compliant once the final auditor reports are received. PREA audits will be conducted at Fairbanks Youth Facility, Nome Youth Facility, and Ketchikan Youth Facility this summer. Audits of McLaughlin Youth Center (Anchorage) and Bethel Youth Facility will be conducted in the summer of 2016. The division is on track to be certified as fully PREA compliant by end of the first PREA reporting cycle in August 2016.

Sexual Violence Reporting

Since calendar year 2004, the Division has been participating in the annual Survey of Sexual Violence conducted by the US Census on behalf of the US Department of Justice. The summary of this reporting through calendar year 2013 (figure 1) shows the low number of sexual abuse and harassment incidents occurring in DJJ facilities- even prior to full implementation of PREA related policies and practices. Reporting to the Survey of Sexual Violence has not yet occurred for 2014.

The division has zero tolerance for sexual abuse and harassment and is actively working to eliminate these activities in our facilities. The sexual abuse and harassment definitions used for the Survey of Sexual Violence and the division's incident reporting mirror the definitions from the PREA juvenile standards. These definitions are included as an appendix to this report.

Figure 1. Survey of Sexual Violence- DJJ Summary of Reports

Calendar Year	Allegations of Youth Sexual Assault	Substantiated Youth Sexual Assault	Allegations of Youth Abusive Sexual Contact	Substantiated Youth Abusive Sexual Contact	Allegations of Youth Sexual Harassment	Substantiated Youth Sexual Harassment*	Allegations of Staff Sexual Misconduct	Substantiated Staff Sexual Misconduct	Allegations of Staff Sexual Harassment	Substantiated Staff Sexual Harassment
2004	1	0	0	0	*	*	0	0	0	0
2005	x	0	x	0	*	*	1	1	0	0
2006	x	0	x	0	*	*	0	0	0	0
2007	0	0	3	3	*	*	1	1	1	1
2008	0	0	5	0	*	*	2	2	0	0
2009	0	0	2	2	*	*	2	0	0	0
2010	0	0	3	1	*	*	4	0	0	0
2011	2	0	1	1	*	*	2	0	0	0
2012	0	0	2	1	*	*	1	0	1	0
2013	0	0	2	2	4	4	0	0	3	0
Total	3	0	18	10	4	4	13	4	5	1

* BJS first required reporting of Youth-on-Youth Sexual Harassment in 2013

x Unclear from previous reporting data

Calendar year 2014 PREA related incidents

As noted above, the division's PREA related efforts have been ongoing for several years, however major training, educational, and screening components went into effect in late 2014. As expected, the implementation of the juvenile educational video lead to a spike in allegations of PREA related incidents involving both other juveniles and staff. The facility staff, PREA compliance managers, and superintendents handled this increase in a professional manner, especially considering the sensitive nature of allegations against staff members.

Allegations of PREA Incidents between juveniles

In calendar year 2014, a total of 5 allegations of sexual harassments between youth were reported at Kenai Peninsula Youth Facility, Mat-Su Youth Facility, and McLaughlin Youth Center. Of the allegations, 4 were found to be substantiated, 1 found unsubstantiated. In 2014, the division received 2 allegations of abusive sexual contact between juveniles, one each at Mat-Su Youth Facility and McLaughlin Youth Center. One of these allegations was found to be substantiated, the other unsubstantiated.

In all cases, staff and supervisors responded appropriately to the allegations. Actions included:

- Immediate and ongoing separation of alleged victim and perpetrator
- Comprehensive administrative reviews
- Documentation and notification under the PREA policy and statewide facility Notification and Reporting Policy
- Appropriate disciplinary measures
- Additional juvenile education about the Division's zero tolerance policy for sexual harassment and abuse
- Periodic follow-up monitoring by the local PREA Compliance Manager

Allegations of PREA Incidents between Juveniles and Staff

In calendar year 2014, the division received 4 allegations of sexual harassment of juveniles, and 1 allegation of sexual misconduct between staff and a juvenile. All of these allegations occurred at the division's largest facility, McLaughlin Youth Center in Anchorage. After either criminal investigations by law enforcement or administrative investigations, all of these incidents were found to be unsubstantiated or unfounded.

In all cases, staff and supervisors responded appropriately to the allegations. Actions included:

- Immediate separation of alleged victim and perpetrator
- Comprehensive criminal and/or administrative investigations
- Documentation and notification under the PREA policy and statewide facility Notification and Reporting Policy
- Immediate protection of youth from retaliation
- Periodic follow-up monitoring by the local PREA Compliance Manager
- Temporary / Permanent Reassignment of staff to another duty post
- Additional staff training and guidance on maintaining appropriate boundaries with youth

Recommended Corrective Actions:

Given the recent implementation of so many PREA related policies and procedures, trainings, and the continuing low number of PREA related incidents, no extensive corrective actions are recommended or necessary at this time. As the budget allows, upgrades to facility audio and video monitoring technology will aid in incident prevention, investigation, and review.

APPENDIX: Sexual Abuse Definitions

Abusive Sexual Contact (by juveniles): Non-penetrative contact of any person without his/her consent, or of a person who is unable to consent or refuse. This includes one or more of the following behaviors:

- (1) intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks;
- (2) sexual contact does not include unintentional contact or kicking, grabbing, or punching genitals when the intent is to harm or debilitate rather than sexually exploit.

Sexual Assault/Nonconsensual Sexual Act (between juveniles): An incident in which one or more of the following acts occurs WITHOUT consent between the parties involved:

- (1) contact between the penis and the vagina or the penis and the anus involving penetration, however slight. It does not include kicking, grabbing, or punching genitals when the intent is to harm rather than sexually exploit;
- (2) contact between the mouth and the penis, vagina, or anus;
- (3) penetration of the vagina or anus of another person by hand, finger, or other object.

Sexual Harassment (by staff or between juveniles): Repeated unwelcome sexual advances, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, sexually offensive language, comments or gestures or any physical conduct that is of a sexual nature or sexually suggestive when:

- (1) influencing, promising, or threatening a juvenile's safety, custody, or security level (including recommendations for court actions), privacy, housing, privileges, work detail or program status in exchange for sexual favors;
- (2) submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual;
- (3) such conduct has the purpose or effect an intimidating, hostile, or offensive environment for a juvenile or others by engaging in or permitting, sexually offensive behavior or language that is directed at or observed by a juvenile or others; and/or
- (4) Creating or encouraging an atmosphere of intimidation, hostility or offensiveness as perceived by any individual who observes the sexually offensive behavior or language.

Staff sexual misconduct (includes one or more of the following behaviors):

- a) Consensual or non-consensual sexual acts, including verbal or written communication, involving a juvenile and staff.
- b) Any behavior of a sexual nature, that involves touching, directed toward a juvenile by staff.
- c) Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire. It does not include kicking, grabbing, or punching genitals when the intent is to harm or debilitate rather than to sexually exploit.
- d) All completed, attempted, threatened, or requested sexual acts between staff and the juvenile.
- e) Incidents of indecent exposure, voyeurism, or invasion of privacy for sexual gratification.