


POLICY & PROCEDURES  NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION		POLICY & PROCEDURES NUMBER: 3C-4 - May be placed on the internet
		ACA/ACI/PBS RELATED STANDARDS: PREA Standards 115.311, 115.312, 115.315, 115.316, 115.321, 115.322, 115.331, 115.333, 115.341, 115.342, 115.351, 115.352, 115.353, 115.361, 115.362, 115.364, 115.367, 115.371, 115.372, 115.373, 115.376, 115.377, 115.378, 115.381, 115.382, 115.383, 115.386, 115.387, 115.388, 115.389
		RELATED REFERENCES:
DIVISION: North Dakota Youth Correctional Center - Institutional Operations	SECTION: Adult and Juvenile Rights	SUBJECT: Prison Rape Elimination Act of 2003 (PREA)

Effective Date: March 9, 2011


Revision/Review History

Revised: August 13, 2012
 Revised: May 20, 2014
 Revised: July 9, 2014
 Revised: July 25, 2014
 Revised: March 4, 2015
 Revised: February 25, 2016
 Revised: May 9, 2016
 Revised: October 5, 2016
 Revised: August 24, 2017
 Revised: July 18, 2018
 Revised: August 10, 2018
 Revised: September 23, 2019

Summary of Revision(s)

Changes by Maren Arbach, Casey Traynor and Molly Goebel 09/16/2019

1. Subject: Deleted the abbreviation of (PREA).
2. Added two Appendices: MOU (Memorandum of Understanding) with Dakota Children's Advocacy Center and Coordinated Response to PREA Incidents.
3. Added definitions of Abuse, Behavioral Health Practitioner, Exigent Circumstances, Prison Rape Elimination Act (PREA) Coordinator, Sexual Victimization and Abusiveness Risk Assessment, Sexually Transmitted Diseases (STD), Substantiated Allegation, Unfounded Allegation, Unsubstantiated Allegation, Voyeurism by a Staff Member, Contractor or Volunteer.
4. Deleted definitions of Contractor, ELITE, Law Enforcement Staff, Non-Consensual Sex Act.
5. Deleted all the abbreviations.
6. The rest of the policy has revisions in every section.

<p>POLICY & PROCEDURES NORTH DAKOTA YOUTH CORRECTIONAL CENTER</p>  <p>NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION</p>	<p>NUMBER: 3C-4</p> <hr/> <p>APPENDICES:</p> <ul style="list-style-type: none"> • Intake Juvenile PREA Education • Juvenile Handbook Receipt - Detention • Juvenile Handbook Receipt - Other • Sexual Victimization and Abusiveness Risk Assessment • Health Screening Questionnaire • Incident Report • Report of Suspected Child Abuse or Neglect - 960 • Referral • PREA Training • MOU with Dakota Children's Advocacy Center.pdf • Coordinated Response to PREA Incidents.pdf
--	---

1. **AUTHORITY:** The authority for this policy with procedures is found in chapters 12-46 and 54-23.3 of the North Dakota Century Code.
2. **APPLICABILITY:** This policy with procedures applies to all juveniles and employees at the North Dakota Youth Correctional Center.
3. **DEFINITIONS:**
 - A. **Abuse:** The improper use or treatment of a juvenile that directly or indirectly affects the juvenile negatively or any intentional act that causes physical, mental, or emotional injury.
 - B. **Behavioral Health Practitioner:** A person who, by education and experience, is professionally qualified to provide counseling interventions designed to facilitate individual achievement of human development goals and mediate mental, emotional, or behavioral disorders, and associated distresses which interfere with behavioral health and development.
 - C. **Director of Professional Standards:** A staff member designated by the Director of the Department of Corrections and Rehabilitation conducts and directs investigations that may involve violations of departmental rules, regulations, policies, or of law.
 - D. **Exigent Circumstances:** Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of the facility.

- E. Gender Non-Conforming: A person whose appearance or manner does not conform to traditional societal gender expectations.
- F. Intersex: A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
- G. Prison Rape Elimination Act of 2003 (PREA): Federal law that prohibits and seeks to eliminate sexual assaults and sexual misconduct in correctional institutions and community corrections settings.
- H. Prison Rape Elimination Act (PREA) Compliance Manager: The designated facility staff at each facility with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.
- I. Prison Rape Elimination Act (PREA) Coordinator: A senior-level position that reports directly to the agency head. The PREA coordinator's responsibilities include developing, implementing, and overseeing the agency's plan to comply with the Prison Rape Elimination Act standards. The PREA Coordinator is also responsible for ensuring the completion of the assessment checklists in compliance with Prison Rape Elimination Act standards.
- J. Sexual Abuse of an Adult in custody, Detainee, or Juvenile by another Adult in custody, Detainee, or Juvenile: 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: which may include: persuasion, inducement, enticement or forcible compulsion, subjecting to sexual contact another person who is incapable of giving consent by reason of custodial status; subjecting another person to sexual contact who is incapable of consenting by reason of being physically helpless, physically restrained or mentally incapacitated; prostituting or otherwise sexually exploiting another person includes: 1. Contact between the penis and vulva or the penis and 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; and 4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- K. Sexual Abuse of an Adult in custody, Detainee, or Juvenile by a Staff Member, Contractor, or Volunteer: Includes any of the following acts, with or without consent of the inmate, detainee or juvenile: 1. Contact between the penis and vulva or the penis and 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, or volunteer 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, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire; 5. Any other intentional touching, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire; 6. Any attempt, threat

or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs 1-5. of this section; 7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an adult in custody, detainee, or juvenile and voyeurism by a staff member, contractor, or volunteer.

- L. Sexual Contact: Shall include the intentional touching either directly or through clothing of the genitalia, anus, groin, breast, inner thighs, or buttocks of any person with the intent to abuse, humiliate, harass, degrade, arouse or gratify the sexual desire of any person.
- M. Sexual Harassment (for PREA use only): Includes: Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one, adult in custody, detainee or resident directed toward another; or, repeated verbal comments or gestures of a sexual nature to an adult in custody, detainee, or resident 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.
- N. Sexual Victimization and Abusiveness Risk Assessment: An assessment tool used to screen juveniles for their risk of sexual victimization or sexual abusiveness and to use the information to inform housing, bed, work, education and program assignments.
- O. Sexually Transmitted Disease (STD): Any of various diseases, including chancroid, chlamydia, gonorrhea, and syphilis, that are usually contracted through sexual intercourse or other intimate sexual contact.
- P. Specialized Housing for Juveniles: Specific supervision and housing assigned to a juvenile who has been determined to be potentially sexually assaultive or sexually aggressive or specific supervision and housing for juveniles who may be at risk for sexual victimization.
- Q. Substantiated Allegation: Allegation that was investigated and determined to have occurred.
- R. Transgender: A person whose gender identity (internal sense of feeling male or female) is different from the person's assigned sex at birth.
- S. Unfounded Allegation: Allegation that was investigated and determined not to have occurred.
- T. Unsubstantiated Allegation: Allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether the event occurred.
- U. Volunteer: An individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.
- V. Voyeurism by a Staff Member, Contractor, or Volunteer: An invasion of privacy of an adult in custody, detainee, juvenile or resident by staff for reasons unrelated to official duties, such as peering at an adult in custody or juvenile

who is using a toilet in his or her cell to perform bodily functions; requiring an adult in custody or juvenile to expose their buttocks, genitals, or breasts; or taking images of all or part of an resident's naked body or of an adult in custody or juvenile performing bodily functions.

4. **POLICY:** The North Dakota Youth Correctional Center is committed to a zero-tolerance standard for sexual abuse and sexual harassment. The purpose of these procedures is to describe how the Prison Rape Elimination Act shall be implemented within the North Dakota Youth Correctional Center. **(PREA Standard 115.311)**
5. **PROCEDURES:** These procedures provide uniform guidelines and procedures to reduce the risk of sexual abuse and sexual harassment within the North Dakota Youth Correctional Center.

A. General Standards:

1. The North Dakota Youth Correctional Center aggressively responds to, investigates, and supports the prosecution of sexual abuse and sexual harassment in secure care, both internally and externally, in partnership with law enforcement and the courts.
2. The North Dakota Youth Correctional Center shall provide continual education of staff and juveniles to increase awareness of safe reporting mechanisms and available services to victims; thereby, creating facility cultures that discourages sexual abuse and sexual harassment.
3. Through assessment, room assignment, and improvements to facility architecture, where feasible, the North Dakota Youth Correctional Center identifies opportunities to separate and carefully monitor both sexually aggressive and vulnerable juveniles to reduce the incidence of sexual abuse and sexual harassment.
4. The North Dakota Youth Correctional Center establishes data collection systems to accurately track incidents of sexual abuse and sexual harassment and annually incorporate findings into improving operations and services toward a sustainable zero-tolerance standard. **(PREA Standard 115.387)**
5. The North Dakota Youth Correctional Center may not place juveniles in housing units where there may be sight, sound, or physical contact with any adult inmates.
6. The North Dakota Youth Correctional Center shall maintain staff ratios of a minimum of 1:8 during resident waking hours and 1:16 during resident sleeping hours, except during limited and exigent circumstances, which shall be fully documented

B. Orientation, Assessment and Housing:

1. During the orientation process, staff shall provide all juveniles information with the cottage handbook covering prevention and intervention of sexual abuse, and sexual harassment, self-protection,

how to report sexual abuse or sexual harassment, and treatment and counseling options. **(PREA Standards 115.333, 115.351)**

2. Staff shall provide information to the juveniles in a written form and in a language they understand. If a juvenile does not understand English, staff shall provide a translation into the juvenile's native language.
 3. Staff shall provide all juveniles with a sexual safety pamphlet, cottage handbook, Statement of Juvenile Rights, and Juvenile Handbook Receipt. The staff shall read and explain the materials to the juveniles. Staff shall provide extra assistance to juveniles who are limited in English proficiency, deaf, visually impaired, have limited reading ability, or are otherwise disabled are assisted. The juveniles sign receipts stating they understand this information. These forms are placed in their file. **(PREA Standard 115.316)**
 4. Juveniles at North Dakota Youth Correctional Center cannot be used as a translator or interpreter for another juvenile for communications regarding a PREA allegations, except in limited circumstances where extended delay in obtaining an interpreter could compromise safety. **(PREA Standard 115.316)**
 5. Throughout the juvenile's stay at North Dakota Youth Correctional Center: **(PREA Standard 115.315)**
 - a. Staff shall allow juveniles to shower, perform bodily functions, and change clothing without observance from staff of the opposite gender, except in exigent circumstances or when such viewing is incidental to routine checks.
 - b. Staff may only view juveniles on camera in areas where they may shower, perform bodily functions, and change clothes in exigent circumstances.
 - c. Staff verbally shall announce staff's presence prior to entering the area of the opposite gender when juveniles are showering, performing bodily functions, or changing clothing.
 - d. The North Dakota Youth Correctional Center may not search or physically examine transgender or intersex juveniles for the sole purpose of determining their genital status.
- C. Staff shall screen juveniles within 24 hours of arrival for potentially sexually aggressive or assaultive behavior. **(PREA Standard 115.341)**
1. The referring agency shall provide information pertaining to sexually aggressive or victim behavior on the Referral form including alerts, background behavior, and current charges. Staff shall complete the Health Screening Questionnaire for All Newly Admitted Juveniles form.
 2. Staff may place newly admitted juveniles on specialized housing status. The Juvenile Services Program Director shall review the Sexual Victimization and Abusiveness Risk Assessment completed at intake or,

if the Juvenile Services Program Director did not complete the intake, shall assess the need for continued specialized housing throughout the juvenile's stay at NDYCC. The Juvenile Services Program Director shall document the decision on the Sexual Victimization and Abusiveness Risk Assessment and place the original in the master file. Staff shall assign juveniles who demonstrate potentially sexually aggressive or assaultive behavior or who are at risk for sexual victimization in single rooms and take measures to ensure those juveniles shower alone, dress and undress alone, and go to the bathroom alone. Decisions on placement are not based on sexual orientation or gender identity. **(PREA Standards 115.342)**

a. Vulnerable juveniles.

1.) Upon admission, staff shall complete the Sexual Victimization and Abusiveness Risk Assessment form specifically to determine juveniles' vulnerability to sexual abuse and sexual harassment as indicated by the following risk factors:

- a.) Age
- b.) Physical stature
- c.) Developmental disabilities
- d.) Mental Illness
- e.) Sex offender status
- f.) First-time offender status, (detention or assessment)
- g.) History of victimization
- h.) Sexual orientation/gender identity

b. Sexually aggressive juveniles:

1.) Upon admission, staff shall evaluate juveniles to determine if there are indications that they are prone to victimize other juveniles, especially with regard to sexual behavior, including the following:

- a.) History of sexually aggressive behavior
- b.) History of violence, especially if related to a sex offense with same gender victim
- c.) History of uncontrollable anger
- d.) Anti-social attitudes indicative of sexually aggressive behavior

- e.) Number of victims
 - f.) Duration of sexual abusive behavior
 - g.) Demonstrated empathy for others or remorse for inappropriate behaviors
 - h.) Willingness to change behavior
- c. Mental health services offered to victims and perpetrators of sexual abuse:
- 1.) If juveniles indicate they have been a victim or perpetrator of sexual abuse upon review of the Sexual Victimization and Abusiveness Risk Assessment, the Director of Assessment shall offer them mental health services and make the appropriate referral when services are desired by the juveniles.
 - 2.) Staff shall schedule a meeting with the Mental Health professional within 14 days. **(PREA Standard 115.381)**
 - 3.) If a juvenile on Detention status is discharged before meeting with a Mental Health professional, staff shall make a referral to the juvenile court.
- D. If the North Dakota Youth Correctional Center learns that a juvenile is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the juvenile. Staff shall use one-on-one supervision to protect vulnerable juveniles, if necessary. **(PREA Standard 115.362)**
- E. Staff Training:
- 1. The North Dakota Youth Correctional Center shall train employees on how to recognize the signs of sexual abuse and sexual harassment and understand staff responsibility in the detection, prevention, investigation, and reporting of sexual abuse and sexual harassment during new employee orientation and annual training. Training topics shall include: **(PREA Standard 115.331)**
 - a. Zero tolerance policy for sexual abuse and sexual harassment
 - b. How to fulfill staff responsibilities under the department of corrections and rehabilitation sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
 - c. Juveniles' rights to be free from sexual abuse and sexual harassment;
 - d. Rights of juveniles and staff to be free from retaliation for reporting sexual abuse and sexual harassment;

- e. Dynamics of sexual abuse and sexual harassment in juvenile facilities;
 - f. Common reactions of juvenile victims of sexual abuse and sexual harassment;
 - g. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between juveniles;
 - h. How to avoid inappropriate relationships;
 - i. How to communicate effectively and professionally with juveniles, including lesbian, gay, bisexual, transgender, intersex, or gender non-conforming juveniles;
 - j. How to comply with relevant laws related to mandatory reporting of sexual abuse; and
 - k. Relevant laws regarding the applicable age of consent.
2. Each member of staff is required to sign a receipt stating that they understand Prison Rape Elimination Act laws and guidelines following mandatory training.

F. Volunteer and Contractor Training

- 1. The North Dakota Youth Correctional Center shall train all volunteers and contractors who have contact with juveniles on their responsibilities. **(PREA Standard 115.332 (a))** The volunteers and contractors must sign the PREA training document prior to contact with juveniles.
- 2. All volunteers and contractors who have contact with juveniles shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. The North Dakota Youth Correctional Center shall determine the level and type of additional training required for volunteers and contractors based on the services they provide and level of contact they have with juveniles. **(PREA Standard 115.332 (b))**

G. Confidentiality: **(PREA Standard 115.351)**

- 1. The North Dakota Youth Correctional Center shall notify juveniles upon intake to the facility that staff may contact law enforcement when juveniles report to staff they have been or have knowledge another juvenile has been the victim of sexual abuse or sexual harassment.
- 2. The North Dakota Youth Correctional Center administration and law enforcement may investigate all information provided by juveniles to staff. Information provided in confidential communications to staff shall be shared only in accordance with state statute, ethical standards, and department policy.

3. The North Dakota Youth Correction Center shall implement appropriate controls to limit the use of information related to sexual abuse or sexual harassment that occurred in an institutional setting only to inform security and management decisions, including treatment plans, housing, bed, work, education, and program assignments, or to perform functions required by federal, state, or local law.
4. The North Dakota Youth Correctional Center may not deny a juvenile victim access to treatment resources because the juvenile does not fully disclose details to North Dakota Youth Correctional Center staff or law enforcement.

H. Investigation and Response: **(PREA Standard 115.351)**

1. The North Dakota Youth Correctional Center shall conduct and document an investigation whenever sexual abuse or sexual contact has been alleged, has been threatened, or has occurred.

- a. The North Dakota Youth Correctional Center shall communicate to juveniles that they may report incidents of sexual abuse and sexual harassment to staff or a third party.

- b. If there is an allegation that a juvenile was sexually abused or harassed while in custody at another facility, the head of the North Dakota Youth Correctional Center shall notify the appropriate contact at the facility the sexual abuse is alleged to have occurred within 72 hours. The head of the North Dakota Youth Correctional Center shall notify the appropriate investigative agency and submit a Risk Management Incident Report form 50508. **(PREA Standard 115.351, 115.363)**

- c. The North Dakota Youth Correctional Center staff shall investigate any reports of sexual abuse and sexual harassment following juveniles' allegations. The North Dakota Youth Correctional Center does not terminate an investigation solely because the source of the allegation recants the allegation. Following the investigation, staff inform the juvenile whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. Every effort to protect juveniles who report abuse is made.

2. Response:

- a. First Response by Staff **(PREA Standard 115.364)**

The first staff member to respond to an incident of sexual abuse shall:

- 1.) Ensure separation of the alleged victim and abuser.
- 2.) Notify the Director of the North Dakota Youth Correctional Center and the PREA Compliance Manager.

- 3.) Take necessary steps to preserve the crime scene, if applicable, until evidence can be collected.
 - 4.) If the abuse occurred within the past 120 hours, ensure that the alleged victim and abuser do not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating.
- b. The Director of the North Dakota Youth Correctional Center may notify law enforcement at any point before an incident is substantiated.
 - c. The Director of the North Dakota Youth Correctional Center or designee shall notify law enforcement (North Dakota Highway Patrol) when incidents meet the evidentiary standard of a preponderance of the evidence and the incident qualifies as a crime under North Dakota Century Code.
 - d. Staff shall assist law enforcement when victims of sexual abuse and sexual harassment are referred for collection of physical evidence, physical examination, treatment, testing for sexually transmitted diseases, and counseling. This assistance includes providing transportation and security.
 - e. Staff shall complete an Incident Report by the end of the shift.
 - f. Staff shall inform the parent and or legal guardian [of?], and the cottage Program Director shall notify the juvenile's lawyer, if applicable.
 - g. Staff shall complete the [Risk Management Online Incident Reporting form](#) within 24 hours of notification of the incident.
 - h. Staff complete a [Report of Suspected Child Abuse or Neglect-960 form](#), if directed by the Director of the North Dakota Youth Correctional Center.
 - i. Following any Prison Rape Elimination Act incident, the PREA Coordinator shall lead an incident review and generate an After Action Report, unless the allegation is determined to be unfounded. **(PREA Standard 115.386)**
3. Incidents involving staff
 - a. If a juvenile makes a report about a staff member's conduct, another staff member shall inform the juvenile if any of the following occur: the staff member who is the subject of the report is no longer posted in the juvenile's unit, no longer working at the facility, indicted on a charge related to the abuse, or convicted on the charge. **(PREA Standard 115.373)**

- b. The Director of the North Dakota Youth Correctional Center notifies the Director of Professional Standards if the alleged misconduct involves staff, visitors, volunteers and contractors. **(PREA Standards 115.322, 115.377)**
4. Retaliation
 - a. The North Dakota Youth Correctional Center shall take steps after a juvenile reports an incident to protect the reporting juvenile or staff from retaliation by other juveniles or staff. **(PREA Standard 115.367)**
 - b. Staff may not refer juveniles who allege sexual abuse to the staff member who is the subject of the complaint.
 - c. When juveniles file grievances that involve sexual abuse or sexual harassment by a staff member, staff may not refer juveniles to the staff member who is the subject of the grievance.
 - d. Staff shall report immediately any retaliation against juveniles or staff who reported an incident of sexual abuse or sexual harassment and any staff neglect or violation of responsibilities that may have contributed to an incident of retaliation.
 - e. The PREA Compliance Manager shall conduct retaliation monitoring checks for at least 90 days following the report.
- I. Staff, volunteers and contract personnel may not have sexual contact, sexual act, or sexual behavior with juveniles, even if consensual. Staff, volunteers, and contract personnel are subject to administrative and criminal disciplinary action. Refer to Directive, Sexual Harassment-Hostile Work Environment-Work Place Threats and Violence. **(PREA Standards 115.376, 115.377)**
- J. Anonymous and Third-Party Reporting
 1. Every cottage must have a locked PREA box that cannot be opened by staff. Juveniles shall have access to this box every day in a location that is not viewed by staff. Staff shall check the box daily to see if there is documentation inside the box. If there is documentation inside, staff shall notify the PREA Compliance Manager or Prison Rape Elimination Act investigators immediately. The notified party shall take the locked box to a contracted independent advocacy center, where the advocacy center shall unlock the box and begin the advocacy process.
 2. Juveniles may utilize a third-party reporting system. Juveniles may report to other juveniles, staff members, family members, and attorneys. Juveniles may report anonymously using outside advocates to assist in filing requests for administrative remedies relating to allegations of sexual abuse. The outside advocates may file such requests on behalf of the juvenile.
 3. Staff may also utilize the PREA box for anonymous third-party reporting.

4. There is no time limit when a juvenile may submit a grievance regarding an allegation of sexual abuse. Juveniles are not required to use an informal grievance process or to otherwise attempt to resolve with staff an alleged incident of sexual abuse. **(PREA Standard 115.352)**
5. Emergency grievances alleging substantial risk of imminent sexual abuse are responded to within 48 hours. A final decision must be made within five days. **(PREA Standard 115.352)**
6. A decision on the merits of any grievance alleging sexual abuse is made within 90 days of the filing of the grievance. **(PREA Standard 115.352)**

K. Victim Services:

1. The North Dakota Youth Correctional Center shall implement protocol for immediate and on-going victim services in response to allegations of sexual abuse to ensure comprehensive and immediate response to the needs of an alleged victim. **(PREA Standard 115.383)**
 - a. The North Dakota Youth Correctional Center shall offer victims of sexual abuse access to medical, mental health, and treatment services, without financial cost to the victim and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. **(PREA Standards 115.381, 115.382, 115.383)**
2. The North Dakota Youth Correctional Center shall provide juveniles with access to outside victim advocates for emotional support services related to sexual abuse or sexual harassment. **(PREA Standard 115.353)**
3. The North Dakota Youth Correctional Center shall offer female juveniles who are victims of sexual abuse a pregnancy test. The North Dakota Youth Correctional Center shall offer all juveniles who are victims of sexual abuse testing for sexually transmitted diseases.
4. If pregnancy results from sexual abuse while incarcerated, the North Dakota Youth Correctional Center shall coordinate the victims' receipt of timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services.
5. The North Dakota Youth Correctional shall attempt to conduct a mental health evaluation of all known juvenile-on-juvenile victims and abusers within 60 days of learning of such abuse history and shall offer treatment when deemed appropriate by behavioral health practitioners.
6. Following a juvenile's allegation that the juvenile has been sexually abused by another resident within the North Dakota Youth Correctional Center, the facility PREA Compliance Manager shall notify that juvenile and document the notification if the North Dakota Youth Correctional Center learns that the alleged abuser has been indicted or adjudicated on a charge related to the sexual abuse within the facility.

L. Data Collection and Compliance: **(PREA Standards 115.387 and 115.388)**

1. The North Dakota Youth Correctional Center may collect information related to the purposes outlined under section E of this policy to help reduce the risk of sexual abuse and sexual harassment occurring with the North Dakota Youth Correctional Center.
2. The North Dakota Youth Correctional Center shall retain all written reports pertaining to the administrative or criminal investigation of alleged sexual abuse or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.
3. The North Dakota Youth Correctional Center shall identify the specific data that must be collected to comply with the reporting requirements of the Prison Rape Elimination Act Commission Standards for the Prevention, Response, and monitoring of Sexual Abuse in Juvenile Facilities.
4. The North Dakota Youth Correctional Center shall make the aggregated sexual abuse data readily available to the public on the Department of Corrections and Rehabilitation's website.
5. The North Dakota Youth Correctional Center shall compile the data into annual reports and maintain them for at least ten years. **(PREA Standards 115.387 and 115.388)** The purpose of these reports is to:
 - a. Establish a baseline of data documenting the prevalence of incidents involving injurious sexual conduct, as gleaned from all available sources.
 - b. Provide information concerning where efforts are needed for the improvement of facility operations to reduce sexual abuse and sexual harassment.
 - c. Document that there is accountability for those who perpetrate sexual abuse and sexual harassment.

M. Audit Requirements:

1. The Department of Corrections and Rehabilitation shall comply with all audit requirements from the Department of Justice.
6. **SIGNATURE:** This policy with procedures become effective when signed by the Director of the Department of Corrections and Rehabilitation.

This copy has been approved by the Director with the original signature on file.