



**Juvenile Justice Training Academy  
 Lesson Plan**

|  |  |
|--|--|
| Program:<br><b>Juvenile Probation   Supervision Officer Course</b>   | Citation Source:<br><b>TAC Chapter 344</b> |
| Required by:<br><input type="checkbox"/> Texas Statute <input checked="" type="checkbox"/> Texas Administrative Code <input type="checkbox"/> Professional Development |  |
| Training Title:<br><b>Purpose and Goals of the Prison Rape Elimination Act   PREA</b>  |  |
| Developed By:<br><b>Efrain Resendez, TJJD Curriculum Developer</b>   | Date:<br><b>October 1, 2015</b>            |
| Revised By:<br><b>Delisha McLain, TJJD Curriculum Developer</b>  | Date:<br><b>February 1, 2018</b>           |

**PARAMETERS**

|  |   |
|--|---|
| Course Duration:<br><b>1.5 Hours</b>       | Minimum/Maximum Number of Participants Recommended:<br><b>5 - 50</b>                                |
| Instructional Setting:<br><b>Classroom</b> | Target Audience:<br><b>Juvenile Probation   Supervision Officers completing mandatory training.</b> |

**COURSE DESCRIPTION**

This course will provide an overview of the federal laws and policies regarding the Prison Rape Elimination Act (PREA). It will also identify what juvenile justice professionals must do to remain in compliance regarding the standards.

**APPROVALS**

**Technical Authority**

Jerome Williams, Director, PREA Compliance Department      Date

**Training Authority**

Chris Ellison, Manager Juvenile Justice Training Academy      Date

**Training Authority**

Kristy Almager, Director Juvenile Justice Training Academy      Date

## PERFORMANCE OBJECTIVES

At the conclusion of this course, participants will be able to:

1. Explain the purpose of the Prison Rape Elimination Act.
2. Identify key concepts associated with PREA, including policies related to sexual abuse in the workplace.
3. Determine the role of juvenile justice professionals in reference to PREA standards.

## INSTRUCTOR MATERIALS

1. TJJD Approved Lesson Plan, February 1, 2018
2. Power Point Show, February 1, 2018
3. Copy of Participant Guide, February 1, 2018

## PARTICIPANT MATERIALS

1. Participant Guide, February 1, 2018

## REFERENCES

1. Bureau of Justice Statistics. Sexual Victimization in Juvenile Facilities Reported by Youth, 2012. <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=4656>. Accessed January 11, 2018.
2. PREA Resource Center. *Cross-Gender Pat Search*. <https://www.prearesourcecenter.org/node/1912>. Accessed December 28, 2017.
3. Ibid. *Third-Party Reporting Under the PREA Standards: A Fact Sheet for Corrections Officials*. <https://www.prearesourcecenter.org/sites/default/.../third-partyreportingfactsheet.pdf>. Accessed January 3, 2018.
4. Ibid. *Unit 3.2: Response and Reporting of Sexual Abuse and Sexual Harassment*. <https://www.prearesourcecenter.org/library/search?keys=first+responder&cat=All>. Accessed January 4, 2018.
5. Vimeo. *Female Scenario-SD*. <https://vimeo.com/183649630>. Accessed January 4, 2018.
6. YouTube. *Keeping Our Kids Safe*. <https://www.youtube.com/watch?v=bH1J4M7QnYg>. Accessed December 26, 2017.
7. Ibid. *What is Sexual Violence?* <https://www.youtube.com/watch?v=S4G2ZOAu1pE>. Accessed January 4, 2018.

## ACKNOWLEDGEMENTS

1. Singer, Kaci. Staff Attorney and Policies Supervisor. Texas Juvenile Justice Department. Subject Matter Expert.
2. Texas Juvenile Justice Department. Juvenile Justice Training Academy. Staff Development Course. *Prison Rape Elimination Act E-Course*. October 2015.

## EQUIPMENT AND SUPPLIES

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Projector         | <input checked="" type="checkbox"/> Screen                     |
| <input checked="" type="checkbox"/> Laptop computer   | <input type="checkbox"/> Post-it® Notes                        |
| <input checked="" type="checkbox"/> External speakers | <input checked="" type="checkbox"/> Laser Remote               |
| <input type="checkbox"/> Chart Pad(s):                | <input checked="" type="checkbox"/> Batteries for Laser Remote |
| <input type="checkbox"/> Easel Stand (s):             | <input type="checkbox"/> Other:                                |
| <input type="checkbox"/> Marker(s):                   |  |

## SCHEDULE

|   |       |
|---|-------|
| Introduction .....                                  | 10:00 |
| Section I: What is PREA? .....                      | 30:00 |
| Section II: Fostering a Sexually Safe Culture ..... | 20:00 |
| Section III: Putting it All Together .....          | 20:00 |
| Final Thoughts .....                                | 10:00 |

## LEGEND



### For Your Eyes Only

This is information for the Trainer only – it is facilitator guidance (i.e. Activity Instructions)



### Speaker Notes

This will indicate information to be shared with participants



### Action

This will direct facilitator when to do something (i.e. click to activate bullets, start media if necessary, chart participant responses)



### Activity

This will indicate activity (small or large; individual or collaborative) before continuing on with presentation

**Note:** Unless otherwise indicated in the lesson plan and based on class size, the trainer has the discretion to use a designated group activity as an individual activity. The trainer shall process the activity, whether as designated or individually in an effort to maximize the learning environment for the participants.

## IMPORTANT TRAINER INFORMATION

1. Prepare a **Parking Lot**. If a particular training course lends itself to potentially lengthy discussions that compromise training time, trainers are encouraged to prepare and use a Parking Lot in an effort to manage questions and time constraints efficiently. The Parking Lot is a piece of blank chart paper, titled **Parking Lot**. Paper is placed on a wall at the beginning of the training session, easily accessible to everyone. If the Parking Lot is used, place several pads of post-it® notes on participant tables for use during the training session and provide participants instructions on how a Parking Lot is used during training.

The Parking Lot's purpose is to track questions asked by participants and allows trainer to either research an appropriate answer or respond to the question at the applicable time during the lesson plan. Prior to ending the training session, the trainer will review questions posted on the Parking Lot to determine if all have been answered or if additional research is needed. Trainer will either ask participants to confirm all posted questions have been answered satisfactorily or will acknowledge to participants the need to seek additional clarification from a subject matter expert (SME), the curriculum developer (CD), or other approved resource. A follow-up email should be provided to participants in the training session.

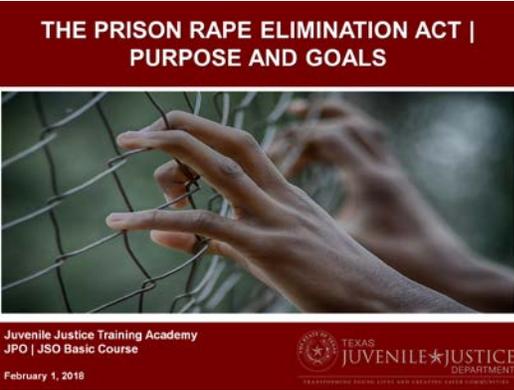
2. Cover all activities unless marked Optional.
3. Time noted for an activity represents the entire activity process: introducing the activity, performing the activity steps, and debriefing the activity. During assigned activities, participants should be informed they have a "few" minutes to complete an activity instead of a set number of minutes (example: 10 minutes). This allows the trainer to shorten or lengthen time as needed.
4. During question and answer sessions or activities:
  - a. Questions followed by the (*Elicit responses.*) statement – should be limited to 1 or 2 participant responses. These questions are used to gain audience acknowledgement and not meant to be a lengthy group discussion.
  - b. Questions followed by an italicized (suggested) response – are to be covered by the trainer or participants. If participant responses do not cover the complete italicized response, the trainer will provide participants with the remaining information. The responses provided are suggested best answers as approved by the Technical Authority. If participants suggest other responses, encourage them to explain their choices.

### Disclaimers:

The following curriculum is based on Chapter 37 of the Texas Administrative Code, developed by the Texas Juvenile Justice Department. Approved curriculum is signed by both a Technical and Training Authority. The certification exam is based on approved TJJD standardized curricula. TJJD is mindful some examples referenced in the lesson plan may not be applicable in particular counties.

Deviations regarding the material are discouraged; however, enhancements that explain local policy and procedure without breaching the fidelity of the information are supported. If a participant requires additional information beyond the scope of this curriculum, refer the participant to his (or her) immediate supervisor.

This training course on Prison Rape Elimination Act (PREA) meets the mandatory training requirements for Chapter 344, Texas Administrative Code. The course does not fulfill the training requirements for correctional staff as contained in the federal PREA Standards Sections 115.31, 115.131, 115.231 and 115.331 (28 CFR Part 115).



**Slide 1: Introduction**

Instructor's Corner:

PG:

Trainer Notes:



**INTRODUCTION**

*(Welcome participants to the course and discuss the agenda including information on breaks, lunch time, and other pertinent information. If using the "Parking Lot," prior to class, prepare a chart to use later as noted in the Important Trainer Information section of the LP. Place Post-it® notes on the tables or next to the Parking Lot chart for participant use.)*

*(The Texas Juvenile Justice Department is mindful some examples referenced in the lesson plan may not be applicable in certain counties. Deviations from this TJJD approved curriculum are discouraged; however, enhancements explaining local policy and procedure without breaching fidelity of the information are acceptable.)*

*(This training course on Prison Rape Elimination Act (PREA) meets the mandatory training requirements for Chapter 344, Texas Administrative Code. The course does not fulfill the training requirements for correctional staff as contained in the federal PREA Standards Sections 115.31, 115.131, 115.231 and 115.331 (28 CFR Part 115).*

Welcome to the course on the *Prison Rape Elimination Act or PREA*. PREA mandates zero tolerance for any form of sexual abuse involving juveniles on supervision. It creates a

sexually safe environment for not only juveniles, but staff members and outlines standards in regard to preventing, detecting, and responding to any sexual situation a juvenile may experience. It was created to keep juveniles safe, particularly when they are housed in a juvenile detention facility or in residential placement. Even if you do not work in this type of facility and supervise juveniles in the community, PREA rules extend to these juveniles as well. In any environment where juveniles are supervised, such as in a juvenile probation office, a counselor's office, or a juvenile probation common area, zero tolerance is the standard, which again creates a safe environment free from sexual abuse for all juveniles.

Today, we will talk about key concepts regarding PREA, including policy and procedure, reporting requirements, and your role as a juvenile justice professional.

**Q: What questions do you have about the topic today?** *(Answer questions, if any.)*

Let's take a moment and review the objectives for today's course.

**Objectives**

- Explain the purpose of the Prison Rape Elimination Act.
- Identify key concepts associated with PREA, including policies related to sexual abuse in the workplace.
- Determine the role of juvenile justice professionals in reference to PREA standards.

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**Slide 2: Objectives**

Instructor's Corner: PG:

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Trainer Notes:

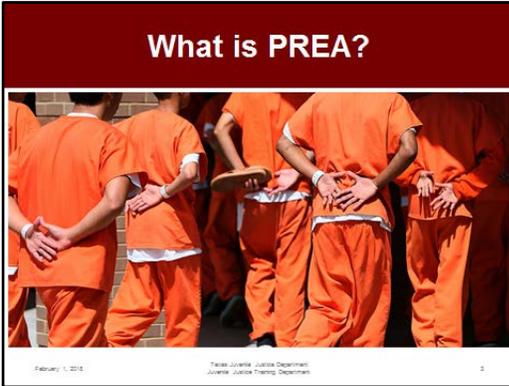


**OBJECTIVES**

*(Click for each objective to appear as it is read. Ask different participants to read each of the performance objectives.)*

At the end of this course, you should be able to:

1. Explain the purpose of the Prison Rape Elimination Act.
2. Identify key concepts associated with PREA, including policies related to sexual abuse in the workplace.
3. Determine the role of juvenile justice professionals in in reference to PREA standards.



### Slide 3: What is PREA?

Instructor's Corner:

PG:

#### Trainer Notes:



## WHAT IS PREA?

Before we can delve into specific PREA policies and how it relates to our work with juveniles, we must understand why PREA exists in the first place.

PREA was enacted on September 4, 2003 by former President George W. Bush, when he signed the Act into law. As part of the law, Congress charged the field of corrections with the task of training and educating staff members on the importance of the law and how to establish compliance with it. Additionally, a national commission was created as part of the law to develop standards and accountability measures in all correctional settings and provisions to collect national data.

PREA applies to all federal and state prisons, state juvenile facilities, jails, police lock-ups, private facilities, and community correctional settings such as residential, parole and halfway houses and supports the elimination, reduction, and prevention of sexual abuse, sexual assault, and sexual harassment within correctional system. PREA advocates prevention as a top priority and holds leaders accountable to uphold specific policies and standards. It also protects juveniles' eighth amendment rights against cruel or unusual punishment. Although a person is sent to a prison, or a lock-up facility, they should not

live in fear of being raped, assaulted, or victimized, whether by a peer or a staff member responsible for their supervision.

To further understand why this act was necessary, let's look at some statistics.



#### Slide 4: Know the Facts

Instructor's Corner:

PG:

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#### Trainer Notes:



### Know The Facts

Knowing pertinent statistics regarding sexual violence allows us to understand the seriousness of the past sexual epidemic in facilities and why PREA was signed into law. Let's take a few minutes to reflect on some national data.

*(Click for each statistic to appear as you talk about it.)*

- 81% | Sexual abuse reported in facilities was committed by staff members.
- 1: 10 | Number of juveniles who report being sexually abused in a facility.
- 92% | Juveniles who reported being sexually victimized, were victimized by female staff members.
- 70% | Number of juveniles who reported being sexually victimized more than once, while in a facility.

A few other concerning facts; adjudicated juveniles in state owned or operated facilities reported even higher rates of sexual victimization by staff members than those held in local or privately operated facilities. Further, juveniles who are sexually victimized or assaulted while in care are more likely to recidivate upon reentry.

**Q: What is most startling to you about these facts?** (*Elicit responses.*)

These facts are alarming. Juveniles in our care, regardless of what they have done, deserve respect and dignity, by peers and staff members. It is our responsibility to ensure safe environments for juveniles. Reducing these incidents of sexual violence can not only increase public health; with the decrease of hepatitis, tuberculosis, AIDS, and the spread of HIV but also decrease mental health expenditures; by lowering the possibility of post-traumatic stress disorder, depression, suicide, or homicides.

Let's talk more about the impact of sexual abuse.

**Impact of Sexual Abuse**



- Stress | Trauma
- Diminished public | legislative support
- Liability
- Hostile work environment
- Mistrust
- Violation of the law | lawsuits

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**Slide 5: Impact of Sexual Abuse**

Instructor's Corner:

PG:

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Trainer Notes:



**Impact of Sexual Abuse**

PREA was enacted because of an epidemic of sexual abuse in facilities, prisons, jails, or places where people are often the most vulnerable. As juvenile justice professionals, we are tasked with the care and protection of juveniles. Keeping them safe from harm, particularly from sexual assaults or harassment must be our top priority.

**Q: What words come to mind when you hear the term sexual abuse?** (*Elicit responses.*)

The term sexual abuse is a broad term and can actually mean several different things.



Let me show you a video which defines sexual violence. As you listen, pay attention to information that is new to you.

*(Click to play video titled What is Sexual Violence? Length of video is 1 minute, 38 seconds.)*

**Q: What are your thoughts on the video?** (*Elicit responses.*)

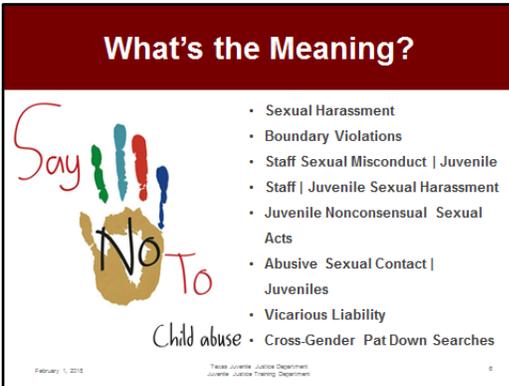
As you heard, sexual abuse can be defined in a myriad of ways, including any act of a sexual nature which is unwanted and the abuse of power by sexual means. Being sexually victimized often causes undue stress in a person and can lead to mental and physical health risks later in life. Departments or facilities where sexual violence occurs may also suffer detrimental consequences, including:

*(Click for each bullet point to appear as you talk about it.)*

- Stress | Trauma
- Diminished public | legislative support
- Liability
- Hostile work environment
- Mistrust among employees
- Lawsuits

**Q: What are some other ways sexual abuse can impact the workplace?** *(Elicit responses.)*

This is by no means an exhaustive list, but gives you an idea of the impact of sexual violence and why we must protect ourselves and juveniles from it. We will talk about specific ways to do that later, but first let's talk about other terms you will need to know.



## Slide 5: What's the Meaning?

Instructor's Corner:

PG:

 This slide appears with a picture. Click for bullet points and second picture to appear as mentioned in the LP.

## Trainer Notes:



### What's the Meaning?

As juvenile justice professionals, we must educate ourselves on words related to PREA and understand their meanings. Let's begin with sexual harassment.

#### Sexual Harassment

- Repeated and unwelcome sexual advances, such as flirting, inappropriate compliments, requests for sexual favors; or
- verbal comments including demeaning references to gender; or
- sexually suggestive or derogatory comments about body or clothing; or
- gestures of a sexual nature; or
- actions of a derogatory or offensive sexual nature by staff directed towards juveniles.

#### Boundary Violations

- Any behavior which does not maintain proper and respectful verbal and physical boundaries with juveniles, such as:
  - doing favors you would not want others to know about; or
  - disclosing inappropriate personal information.

- Voyeurism or seeking sexual stimulation from a juvenile via visual means, such as an invasion of a juveniles privacy for reasons unrelated to official duties and can include:
  - peering at a juvenile who is using a toilet in his or her cell to perform bodily functions; or
  - requiring a juvenile to expose his or her buttocks, genitals, or breasts; or
  - taking images of all or part of a juvenile’s naked body or of a juvenile performing bodily functions.

*(Click for zero tolerance picture to appear.)*

Two things to keep in mind when we talk about inappropriate relationships between employees and juveniles:

- Sexual contact between juveniles and staff members is **never consensual**, even if juveniles consent, initiate, or pursue the contact.
- Inherent differences in power and/or age between staff members and juveniles makes any consensual relationship **impossible**.

Remember, PREA mandates a **zero tolerance** policy regarding any sexual relationship or contact with all juveniles in our care. Keep these points in mind as we continue our discussion on terms related to PREA.

*(Click to continue bulleted list.)*

## **Staff Sexual Abuse | Juvenile**

- Any behavior or act of a sexual nature directed toward a juvenile by an employee, volunteer, contractor, official visitor, or other agency representative.
- Sexual relationships of a romantic nature between staff and juveniles to include:
  - Nonconsensual sexual acts, such as:
    - intentional touching of the genitalia, anus, groin, breast, inner thighs, or buttock with the intent to abuse, arouse, or gratify sexual desire; or
  - completed, attempted, threatened, or requested sexual acts; or
  - occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification.
- Verbal statements or comments of a sexual nature to juveniles by an employee, volunteer, contractor, official visitor, or other agency representative.
- Demeaning references to gender or derogatory comments about body or clothing.
- Profane or obscene language or gestures.

### **Staff | Juvenile Sexual Harassment**

- Includes all occurrences of sexually abusive verbal statements, or
  - demeaning references;
  - comments;
  - profanity;
  - obscene language; or
  - sexual gestures.

There is zero tolerance for any kind of sexual abuse by staff members, including any behavior or act of a sexual nature directed toward juveniles. Staff members should never do favors for juveniles, send or receive letters or notes to juveniles, nor hold

conversations with juveniles containing sexual overtones. Remember, you must always remain professional while in the workplace and do not place yourself or juveniles in any compromising situations.

**Q: What questions do you have about the terms we just talked about?** (*Answer questions, if any.*)

Let's continue our discussion with a few more terms.

### **Juvenile Nonconsensual Sexual Acts**

- Contact of any juvenile by another juvenile without his or her consent, or of a juvenile who is unable to consent or refuse; and
  - contact between the penis and vagina or the penis and the anus including penetration, however slight; or
  - contact between the mouth and penis, vagina, or anus.
- Penetration of the anal or genital opening of another juvenile by the hand, finger, or other objects.

Keep in mind, even if two juveniles consent to sexual acts with each other, this along with nonconsensual juvenile-on-juvenile sexual acts are prohibited.

### **Abusive Sexual Contact between Juveniles**

A juvenile who is coerced into sexual contact by another juvenile using threats of violence, either by non-penetrative touching directly or through the clothing. It includes:

- Intentional touching, either directly or through the clothing, of the genitalia, anus,

groin, breast, inner thigh, or buttocks of any person.

- Contact of any person without his or her consent, or of a person who is unable to consent or refuse; and
  - excludes incidents in which the intent of the sexual contact is to harm or debilitate rather than to sexually exploit.

Again, it's important to emphasize, all sexual acts between juveniles, whether consensual or nonconsensual are prohibited.

### **Vicarious Liability**

When a department, agency, or facility and its employees in total or in part, have knowledge of an illegal or harmful activity or procedure and make no visible effort to resolve the issue, they can be held explicitly liable financially, criminally, or both. In other words, if you are aware of an inappropriate sexual situation and do nothing to stop it, you can be held personally responsible.

### **Cross-gender pat down searches**

A cross-gender pat down search is performed by a staff member of the opposite sex. There are certain protocols regarding these types of searches.



Let me show you a short video on cross-gender and transgender pat down searches. As you watch the video, keep in mind anything you do not understand or have questions about.

*(Click to play video titled Guidance on Cross-Gender and Transgender Pat Searches. Length of*

*video is 1 minute 21 seconds.)*

**Q: What are your thoughts on the video?** *(Elicit responses.)*

Remember, cross-gender pat down searches of both female and male juveniles are prohibited unless there are either exigent circumstances, or if a medical professional performs the search. Departments and facilities may have slightly different protocols regarding these searches; always follow local policies and procedures regarding these searches.

**Q: What questions do you have about any of the terms we discussed?** *(Elicit responses.)*

Let's shift our focus now and talk about some ways every department or facility can promote a sexually safe culture using PREA standards as the guide.

**Fostering a Sexually Safe Culture**



- Safety | Security
- Classification assessments
- Investigations
- Programming
- Cross-gender supervision
- First responder training

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**Slide 7: Fostering a Sexually Safe Culture**

Instructor's Corner:

PG:

Trainer Notes:



## Fostering a Sexually Safe Culture

**Q: How do you think a sexually safe culture is created?** (*Elicit responses.*)

We all have a responsibility to do what we can to create an inclusive, safe environment for juveniles we work with. One way to do that is for juvenile probation departments and facilities to enforce PREA operational standards in critical areas, such as:

- Safety | Security
- Classification assessments
- Investigations
- Programming
- Cross-gender supervision | monitoring
- First responder training

The success of PREA implementation relies heavily on executive management teams and department or facility leadership to enforce the standards of PREA and to swiftly discipline anyone who is non-compliant. Remember:

- Sexual contact between juveniles and staff members is **never consensual**, even if juveniles consent, initiate, or pursue the contact.
- Inherent differences in power and/or age between staff members and juveniles makes any consensual relationship **impossible**.

If an employee or volunteer commits an inappropriate sexual act, they must be reported and an investigation initiated. We will talk about reporting practices in a few minutes, but first let's discuss some things you can do to foster a sexually safe culture.



## Slide: Your Role

Instructor's Corner:

PG:

 This slide appears with a group of pictures. Click for second picture to appear and for each bullet in the list, as mentioned in the LP.

## Trainer Notes:



### Your Role

Whether you are a juvenile probation officer, juvenile supervision officer, or community activities officer, you are on the front line when working with juveniles; therefore you have a critical role in the compliance of PREA. Here are a few tips you can use to promote a sexually safe culture.

*(Inform participants not all of the following tips are listed in the participant guide. Click for each bullet to appear on the slide as you talk about it.)*

- Adhere to the zero tolerance policy, in part by establishing professional boundaries with juveniles and staff members.
- Maintain respectful communication. Speak to everyone courteously and respectfully.
- Accept reports from juveniles without judgment and take them seriously. You should always convey respect and compassion.
- Take note of vulnerabilities in your department or facility. If there are some areas where inappropriate activity can take place, report it.

- Hold not only yourself, but fellow coworkers accountable. If you see something inappropriate, you must report it.
- Cooperate with any investigation regarding sexual violence or misconduct. Failing to do so may result in legal action.
- Appropriately address and correct juveniles and staff members when they are using inappropriate sexual terms or gestures.
- Avoid discussions, innuendos, body language, and sexual gesturing.
- Avoid comments about your or your coworkers' private life, personal relationships, or personal attributes, particularly in front of other juveniles.
- Carry yourself with pride and professionalism, avoid wearing suggestive clothing and instead follow guidelines with respect to dress code.

Always be mindful, any employee who engages in sexual intercourse or sexual contact with a juvenile in custody has committed a crime, specifically Improper Sexual Activity with Person in Custody, a 2<sup>nd</sup> degree felony in the Texas Penal Code. That person may have to answer in civil or criminal court and may have to register as a sex offender. Public scrutiny, loss of career, and financial hardships are other repercussions which could result.

Creating a sexually safe culture also includes you reporting any suspicious activity you suspect or see. But what does inappropriate activity look like? How will you know if a staff member is acting inappropriately? What about juveniles? How will you know if they are vulnerable to being victimized? (*Rhetorical questions.*) Let's talk about some red flags you can look for.



## Slide 9: Red Flags

Instructor's Corner:

PG:

 This slide appears with a picture. Click for video to play when prompted in the LP.

### Trainer Notes:



## RED FLAGS

### Staff Red Flags

You may find it hard to believe anyone would behave inappropriately with juveniles in care. The fact is, it happens more than we think. All of us have many things to deal with daily, like family, friends, work, and other expectations. These obligations may become overwhelming for some, causing them to make some poor decisions. We must be aware of signs to look for with other staff members, so that even if they are pushing boundaries and making disastrous choices, we can do what we can to protect juveniles in care.

Some personal factors which may lead someone to make poor decisions with respect to juveniles include:

- Personal relationship difficulties
- Death of a loved one
- Personal values versus professional expectations
- Emotional or physical fatigue
- Substance abuse
- Coworker conflict

- Financial difficulties

Remember, if you or one of your coworkers is experiencing any of these things, they may be at risk for poor decision making. Talk with your coworker; recommend they get some help with their stress levels by perhaps accessing the Employee Assistance Program, typically available to most employees. If you are not comfortable talking with your coworker, take your concerns to your supervisor. Again, it is better to take precautions early rather than dealing with consequences later.

Of course, we can't control other people and even if we suggest options for someone, they may still make costly decisions regarding juveniles. Here's what staff members may do which could indicate they have crossed the line.

*(Inform participants not all behaviors are listed in the participant guide. Click for each bullet to appear as you talk about it.)*

- Over-identifying with juveniles or showing favoritism.
- Horse playing with juveniles.
- Granting juveniles special requests or "favors."
- Spending time at work during "off hours."
- Sharing food or snacks with juveniles.
- Talking with juveniles sexual in nature.
- Physical contact with juveniles.
- Spending time with juveniles in isolated areas.
- Providing small trinkets for a particular juvenile, like candy, gum, or lip gloss.



Let me show you a video about a young girl in a juvenile facility and how inappropriate behavior began with one of her teachers.

*(Click to play video titled Female Scenario. Length of video is 1 minute 13 seconds.)*

As you can see, these acts are small and may seem innocent, but undue attention with one juvenile should always cause concern. It also can cause problems for the juvenile because they can then become bullied by their peers simply because they are receiving special treatment.

**Q: What questions do you have about staff members and possible red flags?** *(Answer questions, if any.)*

### **Juvenile Red Flags**

While there are no universal signs of abuse or exploitation, a sudden change in mannerisms or body language from a juvenile may be a cry for help. Oftentimes, we may be the only positive support a juvenile has. When working with juveniles on supervision, you will naturally build a rapport with them and a sudden change should be investigated. Some things to be aware of include:

*(Inform participants not all signs are listed in the participant guide.)*

- Withdrawal | isolation
- Depression | hopelessness
- Lashing out
- Nightmares

- Suicidal thoughts | feelings
- Increased anxiety | fear
- Paranoia
- Self-Abuse

Again, every juvenile is different and you will need to ask questions in order to discover the root of the problem. If a juvenile is being sexually victimized, it is your duty to report it and seek help for him or her.

**Q: What questions do you have about juvenile red flags?** *(Answer questions, if any.)*

Let's talk about reporting procedures now.



## Slide 10: Reporting

Instructor's Corner:

PG:

Trainer Notes:



## REPORTING

Being silent is not an option when creating a sexually safe culture. Reporting any incident you believe to be inappropriate is the first step in keeping juveniles and staff members safe from harm. Even if an allegation turns out false, it's better to report something than to risk a juvenile being victimized. Remember, failing to report an inappropriate situation could potentially lead to disciplinary action, and civil or criminal liability. In any investigation, you will likely be asked the following questions:

- Did you know what was happening?
- Did you see it coming?
- Were there red flags?
- Did you follow agency policy and procedure regarding reporting protocols?
- Were you current with your PREA training?

Anyone who reports sexual violence or misconduct has the right against retaliation. It's critical to remember that, especially if you are afraid to jeopardize your job or someone else's. When reporting any incident of sexual violence or misconduct, you must follow your local policy and procedural protocols.

When reporting, there can either be sexual abuse between two juveniles or between a staff member and a juvenile.

### **Juvenile | Juvenile**

- Sexual abuse
- Sexual harassment
- Indecent exposure

### **Staff | Juvenile**

- Sexual abuse
- Sexual harassment

When reporting an incident, there can either be a:

- First responder
- Third-party responder

### **First Responder**

If you receive a report or have knowledge of an incident first or witness an event occurring, you must report the incident immediately to your local law enforcement agency and TJJD, if the alleged incident occurred in a juvenile justice facility or program under the jurisdiction of a juvenile board. Every department may have different procedures regarding reporting, it's imperative you know exactly what you must do if you have to report an incident. All departments will also have a local PREA consultant available to you if you have questions. Remember, because each department may have different timelines in place for reporting; you must have knowledge of these timeframes to avoid non-compliance.

If you become aware of an incident after it allegedly occurred, there are a few things you must do, including:

- Be sure to report the incident to the appropriate authorities, including local law enforcement, Child Protective Services, and \ or TJJD as applicable.
- Record the date and time the alleged incident occurred and the date and time the report was made, along with your clear and concise notes. Avoid personal opinions.
- Remember you are not an investigator. It is not your responsibility to interview parties to determine if the incident actually happened, that is for the appropriate authorities to determine.
- Always remain professional. If a juvenile reports an incident to you, they have trust you will not belittle or disrespect them.

**Q: What questions do you have about first responders?** (*Elicit responses.*)

### **Third-Party Responder**

A third-party responder is someone who reports an incident of sexual abuse but is neither the victim nor the abuser. This person was either told about an incident by the victim or witnessed the incident themselves. This could include juveniles, staff members, family members, attorneys, contract employees, volunteers, or service providers. A third-party responder can report in the same way a first responder would, and should follow the same local policies and procedures a first responder would when making a report.

*(Inform participants not all tips are listed in the participant guide.)*

Some things to consider regarding third-party responders.

- Able to submit a report without disclosing their name or the name of the victim or abuser.
- Departments and facilities must educate all parties about this option, through pamphlets in reception areas, a website, or other programs.
- Departments and facilities must respond to third-party reports in the same way as a first responder report.
- Victims do not have to cooperate in an investigation and should be told:
  - Free from retaliation
  - Will be kept safe if in a residential facility
- PREA Coordinator's should be sure to review local polices and make sure they address the following:
  - Protocols to allow for third-party reporting
  - Ensure staff members are trained on receiving third-party reports
  - Educate juveniles this option is available to them
  - Share this information with all parties in contact with juveniles

**Q: What questions do you have about third-party responders?** (*Elicit responses.*)

## **Where to report**

Now that we have talked about the type of responders who will be making a report, let's talk about where you will submit these reports. The Texas Administrative Code mandates certain requirements regarding reporting, which you will learn more about in the *Preventing, Identifying, and Reporting Abuse, Neglect, and Exploitation* course. For now, I will provide you an overview of where to report certain reports.

For sexual abuse which occurs in a juvenile justice facility or program under the jurisdiction of a juvenile board, you must report to local law enforcement immediately, no later than one hour and to TJJD immediately, but no later than four hours after the incident occurred. There are a number of ways to report to TJJD, including:

- 1.877.786.7263; or
- [abuseneglect@tjtd.texas.gov](mailto:abuseneglect@tjtd.texas.gov)

Each department may have slightly different requirements regarding submitting sexually related incidents, in addition to what is required by TJJD. A person completing a report may be a third responder; for example, a supervisor may complete and submit forms for juvenile supervision officers, however the first person to become aware of the incident, in this case the JSO, must submit a written statement as an attachment or addendum to the report submitted. You must refer to your department's policies and procedures regarding reporting.

For allegations occurring in the home, a school not considered a JJAEP, or other setting, a report must be submitted to the Texas Department of Family and Protective Services (TDFPS) and local law enforcement, if applicable. TDFPS, also known as Child Protective Services (CPS), has several ways to submit a report, including:

- 1.800.252.5400; or
- [txabusehotline.org](http://txabusehotline.org)

Typically, when reporting to CPS, representatives will provide guidance as to whether you should also report the alleged incident to local law enforcement. For your protection, when in doubt, always report an incident of alleged sexual abuse and remember to follow your local policies and procedures when doing so.

**Q: What questions do you have about submitting reports?** (*Answer questions, if any.*)

Let's do an activity now putting your knowledge of PREA into practice.

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Trainer Notes:



## For Your Eyes Only – Activity: Tying it Together

1. In groups of 2-4 if possible, have participants read a scenario assigned and answer the related questions.
2. Inform groups to select a spokesperson, who will share a few of the groups' answers when everyone has finished.
3. Review the answers in the large group.

Activity Point: The point of this activity is to provide participants with a review of the PREA standards and how they apply to their job duties.



## Activity: Tying it Together

**Time: 20 Minutes**

In your participant guides, turn to the activity titled *Tying it Together*. Working in groups, read the assigned scenario and then answer the questions. Elect a spokesperson in your group, who will share a few of your answers. We will discuss the scenarios and answers when everyone is finished.

## Debrief

## Scenario 1 | JSO Springer and Juvenile Paul

JSO Springer has worked as a juvenile justice professional for the past 12 years. She is highly respected by her peers, supervisors, and juveniles and has not had any disciplinary issues during her tenure. Over the past few months, JSO Springer has been spending a lot of time talking with 17-year-old Paul, while she is on duty. During her shift, she often pulls Paul to the side of the housing unit to have private conversations. These conversations typically last 15-20 minutes and occur 4-5 times throughout JSO Springer's shift.

Over time, JSO Springer and Paul begin to sit further away from the large group and eventually, their backs are turned toward the group when they have their private conversations. They often lean in towards each other when they are talk and it has become obvious to everyone there is a relationship between the two.

Last evening, JSO Springer entered the housing unit Paul was assigned to. Paul was in the cleaning closet retrieving cleaning supplies. The housing unit leader did not see JSO Springer enter the cleaning closet with Paul and close the door behind her. JSO Springer kissed Paul and allowed him to digitally penetrate her vagina. The two were in the closet for about 2 minutes. JSO Springer emerged from the closet and left the housing unit.

During a routine search of the housing unit, pictures of JSO Springer were found in Paul's possession. A sheet of paper with her home phone number, cell phone, home address, email address, and birthdate were also found. Paul was immediately questioned and admitted he and JSO Springer were involved in a sexual relationship.

Video footage was reviewed and corroborated the sexual abuse of JSO Springer.

## DEBRIEF

*(Have the spokesperson in each group read each question and provide the answer.)*

**Q: Did the environment reflect zero tolerance against sexual victimization of juveniles and/or staff?**

*A: No, an inappropriate relationship was able to develop between JSO Springer and Paul, with no one reporting anything suspicious.*

**Q: Were there any “red flags” the staff should have seen? If yes, identify them.**

*A: Yes, red flags included:*

- *JSO Springer singled Paul out to spend one-on-one time with him.*
- *Time JSO Springer and Paul spent together progressively got longer.*
- *JSO Springer and Paul became more secretive and cautious during their time together, often sitting with their backs to the group and staff members.*
- *The housing unit began to suspect a relationship between the two.*

**Q: Why would juveniles and staff be reluctant to report the situation?**

*A: Some possible reasons include:*

- *It may have been easier for juveniles on the housing unit if JSO Springer was focused on Paul.*
- *Juveniles may have been afraid of retaliation.*
- *JSO Springer has a long work history with the department and staff members may not have wanted to contribute to her getting in trouble.*
- *Staff may not want to be labeled as a snitch.*

**Q: What are the possible ramifications JSO Springer and Paul will suffer from?**

*A: Ramifications for JSO Springer:*

- *JSO Springer will not only lose her job, she will be charged with a 2<sup>nd</sup> degree felony. If convicted, she will be sentenced to jail time, with probation likely not an option.*
- *She will most likely have to register as a sex offender.*
- *Employment opportunities will be limited, leading to financial hardships.*
- *Personal and professional relationships will suffer, possibly leading to depression and abandonment.*

*Ramification for: Paul:*

- *Paul may require an evaluation to determine if he needs additional counseling as a sexual abuse victim.*
- *Paul may regress in his treatment goals because of the embarrassment of getting caught.*
- *Paul may suffer from bullying because JSO Springer was respected and may feel unsafe around his peers.*

This all could have likely been avoided if someone would have reported this behavior when it first began. Remember, we have a duty to protect juveniles in care and even if an esteemed colleague is exhibiting behavior such as JSO Springer, it must be reported.

**Scenario 2 | Juvenile Karen**

Karen, a fifteen-year-old, is currently on probation and lives with her mother. Her father has been out of her life since she was two years old and she and her mother have a volatile relationship. At about age twelve, Karen began associating with local gang

members in the neighborhood. She particularly related to one of the older gang leaders, who took Karen under her wing.

Karen began skipping school and stealing small items from gas stations and grocery stores. She was arrested a few times, taken to juvenile detention, but was always released to her mother's care. Eventually she was placed on probation for a theft charge. Over time, Karen moved up the ranks in the gang and began to get involved in more serious crimes, like being a look-out during drug deals, burglaries, robberies, and assaults on rival gang members.

Karen was arrested again and was placed on intensive supervision. She was warned that if she appeared in court again, she would be looking at residential placement. Karen was expected to continue her education and was placed at the Juvenile Justice Alternative Education Program or JJAEP, due to her being expelled from school. When she enrolled at the school, no one informed officials Karen belonged to a gang and rival gang members happened to be enrolled at the school as well.

Within a few days of attending the JJAEP, several of the rival gang members cornered Karen in the gym restroom and forced her to perform fellatio on some boys at the school. The supervising community activities officer, unbeknownst to her was being distracted by other students, who happened to be members of the rival gang. Karen was threatened with physical harm if she ever told anyone what happened. Karen continued to be sexually abused, with one of the boys forcing her to have intercourse. Karen finally told her JPO what was being done to her.

## DEBRIEF

*(Have participants read each question and provide their answers.)*

**Q: Did this environment reflect a zero tolerance policy against sexual victimization of juveniles and staff members?**

*A: No, the environment did not reflect a zero tolerance policy against sexual victimization because:*

- *The JPO and Karen did not report her gang membership to the JJAEP, which ultimately created an unsafe and hostile environment for her.*
- *The community activities officer was alone with juveniles in the gym and was not able to monitor the restrooms adequately. She was unaware of the rival gang relationship and did not ask for assistance when there were a group of juveniles in the gym.*
- *The overall environment, particularly the gym, was not safe or secure from sexual victimization since Karen was assaulted several more times before she reported it.*

**Q: Were there any “red flags” the staff should have been aware of? If yes, identify them.**

*A: Yes. Although the community activities officer was performing her duties to the best of her ability, she should have made sure she had adequate supervision when a group was in the gym, particularly around the restroom area.*

**Q: What are the possible ramifications the school and Karen will suffer from because of this incident?**

*A: Ramifications for the school:*

- *The community activities officer may lose her job for failure to protect Karen; however the school may be liable because it did not ensure safe ratios for staff and juveniles.*
- *The school may suffer from scrutiny from district officials, parents, and the public because of the lack of protection for juveniles.*
- *Embarrassment for the district and a possible lack of funding could be possible.*

*Ramifications for Karen:*

- *Karen will require extensive treatment to cope with the trauma of what happened to her.*
- *Her rehabilitation may take much longer.*
- *Karen may develop trust issues and constant feelings of fear.*

There may also be ramifications for the JPO assigned to Karen's case as well. A JPO must report any pertinent information to school officials and other parties connected to juveniles. Although juveniles and their family should be responsible for relaying important information, we must report the information as well.

**Q: What questions do you have about either of these scenarios?** (*Answer questions, if any.*)

We have come to the end of the course today. Let me leave you with some final thoughts.

**Final Thoughts**

- PREA advocates a ZERO tolerance against any form of sexual abuse or harassment.
- Be aware of your local policies, procedures, and your responsibilities.
- Remain professional with everyone at all times.



February 1, 2018  
Texas Juvenile Justice Department  
Juvenile Justice Training Academy

**Slide 11: Final Thoughts**

Instructor's Corner:

PG:

**Trainer Notes:**



**Final Thoughts**

Today we learned the definition of PREA, the purpose of it, red flags to look for in the workplace, and reporting requirements. Remember, PREA applies to all federal and state prisons, state juvenile facilities, jails, police lock-ups, private facilities, and community correctional settings such as residential, parole and halfway houses and supports the elimination, reduction, and prevention of sexual abuse, sexual assault, and sexual harassment within correctional system.

In your role as a juvenile justice professional, always consider the following:

- PREA advocates a zero tolerance policy against any form of sexual abuse or harassment.
- Always be aware of your local policies, procedures, and your responsibilities.
- Remain professional at all times, with juveniles and fellow staff members.

Keeping these key principles in mind will assure your compliance with the PREA standards. Thank you for your participation in *The Prison Rape Elimination Act | An Overview* course today.