



# Iowa Department of Human Services

Terry E. Branstad  
Governor

Kim Reynolds  
Lt. Governor

Charles M. Palmer  
Director

May 27, 2016

## GENERAL LETTER NO. 3-C-2

ISSUED BY: Division of Mental Health and Disability Services

SUBJECT: Employees' Manual, Title 3, Chapter C, **STATE JUVENILE FACILITY**, Title page, revised; Contents (page 1), revised; pages 1 through 17, revised; and pages 18 through 21, new.

### Summary

Chapter 3-C is revised to:

- ◆ Remove all references to the closed State Juvenile Home in Toledo and all references to procedures and practices that were unique to that facility.
- ◆ Add information to address and be in compliance with Federal Law and guidelines related to the Prison Rape Elimination Act (PREA) of 2003.

### Effective Date

Upon receipt.

### Material Superseded

This material replaces the entire Chapter C from Employees' Manual, Title 3, which includes the following pages:

<u>Page</u>	<u>Date</u>
Title page	May 11, 2007
Contents (page 1)	May 11, 2007
1-17	May 11, 2007

### Additional Information

Refer questions about this general letter to your institution superintendent.

Revised May 27, 2016

Employees' Manual  
Title 3  
Chapter C

# STATE JUVENILE FACILITY



Iowa Department  
of Human Services

---

	<u>Page</u>
<b>Overview .....</b>	<b>1</b>
Legal Basis .....	2
<b>Policy on Admissions .....</b>	<b>3</b>
General Principles .....	3
Admission of Delinquent Youth .....	4
Adjudicated Delinquents Program.....	4
30-Day Delinquent Evaluation Program .....	5
Admission Authorization .....	6
Admission Receiving Process .....	7
Admission Assessment .....	8
Case Plan .....	9
Performance Improvement.....	9
Data Collection and Review .....	9
Reporting Requirements .....	10
Employee Training and Education.....	10
<b>Policy on the Prison Rape Elimination Act (PREA) .....</b>	<b>11</b>
Legal Basis .....	11
Definitions .....	11
<b>Policy on Incident Management for Sexual Abuse, Sexual Assault, and Harassment .....</b>	<b>16</b>
Sexual Abuse and Harassment Incident Management Principles.....	17
Personnel Practices .....	17
Employees, Promotions, and Hiring .....	18
Employee Training and Reporting.....	19
Student Training and Reporting .....	19
Victim Treatment.....	19
Reporting, Retaliation, and Investigatory Duties.....	20
Abuser Treatment and Prosecution .....	20
Data Collection, Review, and Notification.....	21
State Determination and Certification of Full Compliance .....	21

## **Overview**

| The purpose of the State Training School is to protect the public safety and to provide youth with opportunities to live and develop independent living skills in a safe, secure, and humane environment where the youth's rights are protected, with the end goal of assisting the youth to return to and live in the community.

| The State Training School at Eldora receives male youth who are court ordered as delinquents, detention guests, or delinquent transition students, or for an evaluation.

| This is best achieved when the training school works to develop competency-based trained staff who work cooperatively with the youth to develop an individual support plan based on an assessment of the youth's preferences, strengths to build on, and needed supports. The plan also assesses the diverse risk issues affecting the youth's quality of life and develops supports to minimize the impact risks have on the youth.

| The youth served by the training school usually have many medical needs that require the services of professional clinical staff that are committed to providing treatment services in the most integrated manner possible to maximize good health and well-being.

To assure that services comply with current professional standards and are maintained, it is essential that an ongoing process be in place to evaluate clinical judgment against practice standards along with the implementation of processes that continuously seek to improve the quality of the services provided.

| The training school shall establish, maintain, and adhere to written policies and procedures that comply with applicable federal and state law, policy, regulations, and ensure that policies and procedures reflect a commitment to quality through integrated teamwork. The facility's policies shall be subject to the review and approval of the Division Administrator.

## **Legal Basis**

Iowa Code section 218.1 provides that the director of the Department of Human Services has full authority to control, manage, direct and operate the Department's institutions and may assign this authority to the superintendent at the State Training School at Eldora.

Iowa Code section 218.13 requires the Department to conduct background checks of any person who is:

- ◆ Being considered for employment involving direct responsibility for a resident or with access to a resident when the resident is alone; or
- ◆ Requesting permission to reside on the grounds of the training school.

The purpose of the background check is to determine whether the person has been convicted of a crime or has a founded child abuse or dependent adult abuse record. If so, the Department is required to determine if the conviction or founded abuse warrants prohibition of the person from employment or residing on grounds.

Iowa Code Chapter 233A and 441 Iowa Administrative Code Chapter 103 outlines the authority and responsibilities of the State Training School at Eldora.

Except as otherwise provided, the procedure for the commitment of youth to the State Training School shall be the same as provided in Iowa Code Chapter 232.

Iowa Code sections 232.67 through 232.77, Iowa Code Chapter 235A, and 441 Iowa Administrative Code Chapter 175 define child abuse and require reporting, investigation, and actions to be taken to protect children from abuse.

Iowa Code Chapter 235B and 441 Iowa Administrative Code Chapter 176 defines dependent adult abuse and requires reporting, investigation, and actions to be taken to protect dependent adults from abuse.

Iowa Code section 709.1 defines sexual abuse.

Civil Rights of Institutionalized Person Act (CRIPA) at 42 USC §§1997j requires the United States Attorney General to investigate conditions of egregious or flagrant deprivation of rights of persons residing in public institutions.

Public Law 106-402, the Developmental Disabilities Assistance & Bill of Rights Act of 2000: (DD Act), codified at 42 USC 15001, provides that programs, projects, and activities for persons with developmental disabilities shall be carried out in a manner consistent with supporting the rights of the persons served.

## **Policy on Admissions**

It is the policy of the Department that admission to the State Training School shall be for juvenile delinquents in order to protect the public safety, to provide a safe, secure, and humane environment, and to provide a program which focuses upon appropriate developmental skills, treatment, placements, and rehabilitation.

All admissions must be screened to assure that:

- ◆ An order transferring the legal and physical custody of a youth to the facility has been ordered by the court, and
- ◆ The court has transmitted the order, its finding, and a summary of information concerning the youth to the facility.

All youth shall undergo thorough screening and assessment at admission. Youth are assigned to specific cottage programs, educational and vocational programs, and special services to meet their individual needs. Youth shall receive complete orientation of procedures, rules, expectations, programs, and services at the State Training School.

## **General Principles**

State Training School written policies and procedures shall assure that:

- ◆ Admission of the youth has been determined as legal.
- ◆ The youth's rights are protected throughout the admission process.
- ◆ Parent notification and involvement in admission occurs as appropriate and in accordance with the court order.

The youth is informed that the training school's goal is to protect the public safety, to provide a safe, secure and humane environment, and to return the youth to the least restrictive setting and that the discharge process begins with admission. Employees, especially those involved in the admission process, understand this goal.

### **Admission of Delinquent Youth**

The following types of admissions to the State Training School at Eldora may occur for youth who have been adjudicated as having committed a delinquent act:

- ◆ Adjudicated delinquent:
  - An Iowa resident who is court-ordered as a delinquent.
  - An out-of-state resident placed under the Interstate Compact on Juveniles who is court-ordered as a delinquent.
- ◆ 30-day delinquent evaluation: a youth is court-ordered for an evaluation to be conducted by staff at Eldora.
- ◆ Detention guest: a youth is court ordered as a delinquent for the purposes of temporary detention.
- ◆ Delinquent transition student: a youth is court ordered as a delinquent for the purposes of daytime programming only.

### **Adjudicated Delinquents Program**

State Training School written policies and procedures shall assure that:

- ◆ Juvenile delinquents to be admitted at Eldora shall meet one of the following conditions:
  - The youth is at least 12 years of age and the court finds that:
    - The placement is in the best interests of the youth or is necessary for the protection of the public; and
    - The youth has committed an act that is a forcible felony, as defined in Iowa Code section 702.11, or a felony violation of Iowa Code section 124.401 or Iowa Code Chapter 707; OR
  - The court finds that any three of the following conditions exist:
    - The youth is at least 15 years of age and the court finds the placement to be in the best interests of the youth or necessary to the protection of the public.

- The youth has committed an act which is a crime against a person and which would be an aggravated misdemeanor or a felony if an adult committed the act.
- The youth has previously been found to have committed a delinquent act.
- The youth has previously been placed in a treatment facility outside the youth's home or in a supervised community treatment program through a delinquency adjudication.
- ◆ Out-of-state admissions shall be in accordance with Iowa Code section 232.171, Interstate Compact on Juveniles, and procedures are followed.
- ◆ Approval for the out-of-state admission shall be obtained from the deputy director for field operations.
- ◆ No youth who is adjudicated a child in need of assistance shall be admitted to the State Training School, except for diagnosis and evaluation when a current petition is on file that alleges the youth to have committed a delinquent act.

### **30-Day Delinquent Evaluation Program**

| State Training School written policies and procedures shall assure that:

- ◆ Admission is made only when an evaluation has been court ordered for a youth who is at least 12 years of age.
- ◆ A delinquency petition is on file.
- ◆ The length of stay ordered by the court is no longer than 30 days.
- ◆ Admissions are based on a first-come, first-served basis within the dedicated beds for evaluation purposes, and deviations are mutually agreed upon by the chief juvenile court officer and the superintendent of the facility.
- ◆ The 30-day court ordered evaluation shall include:
  - A summary of the youth's background and history
  - Psychological assessment and findings
  - Psychiatric evaluation, as appropriate
  - Academic testing
  - Substance abuse assessment



- Sex offender assessment, as appropriate
- Medical assessment
- A behavior summary report that covers the evaluation period when the youth attends school, receives counseling, and participates in programming, recreational and living unit activities
- A recommendation regarding treatment and placement

### **Admission Authorization**

State Training School written policies and procedures authorizing admission shall assure that:

- ◆ A youth shall meet all the admission criteria before receiving admission, support, and treatment services.
- ◆ Admissions shall be accepted only from Iowa juvenile courts for Iowa residents or out-of-state residents under the Interstate Compact on Juveniles.
- ◆ At the time of admission:
  - There shall be a copy of a court order that awards temporary custody and guardianship to the director of the Department of Human Services for purposes of placement at the facility and complies with Iowa Code Chapter 232 and a copy of relevant petitions, and
  - The youth's expected length of stay shall be identified.
- ◆ All court orders shall be followed, including any specific instructions.
- ◆ Admissions shall be made in accordance with the bed allocation for each judicial district that is established annually by the Population Guidelines Committee in accordance with the population guidelines established under 1990 Iowa Acts, chapter 1239, section 21. Deviations are mutually agreed upon by the chief juvenile court officer and the superintendent of the facility.
- ◆ To the extent possible, admission shall be scheduled between 8 a.m. and 4 p.m., Monday through Friday.
- ◆ The facility shall authorize reasonable visitation and communication with the youth by parents and family, unless prohibited by the court order that visitation and communication would not be in the youth's best interest.

### **Admission Receiving Process**

State Training School written policies and procedures authorizing admission shall assure that:

- ◆ A person is designated to manage the intake process and procedures for admitting youth and to coordinate admissions in advance with juvenile court officers and Department caseworkers.
- ◆ The youth is assigned a bed and assigned to specific programs and services to meet the needs of the youth.
- ◆ Immediately upon admission, a thorough and complete search of the youth and the youth's possessions is completed.
- ◆ Personal property is inventoried and is stored or otherwise disposed of. All personal property in the possession of the newly admitted youth shall be inventoried. The youth shall be given a hard copy of the inventory that includes all property returned to the youth's home or held until the youth's release.
- ◆ The youth is fingerprinted, and the records are forwarded within ten days to the Department of Public Safety and to the Federal Bureau of Investigation. **Exceptions:** The following youth shall not be fingerprinted:
  - Youth admitted to the 30-day delinquent evaluation program;
  - Youth admitted as out-of-state residents under the Interstate Compact on Juveniles (unless ordered by the court).
- ◆ As necessary, the facility shall provide:
  - A shower and hair care
  - Clean, laundered, properly fitted clothing
  - Personal hygiene articles
- ◆ A medical, dental, and mental health screening shall be completed.
- ◆ Housing shall be assigned and a brief tour of the housing unit shall be completed.

- ◆ Basic personal data (names, addresses, telephone numbers, etc.) shall be recorded for use on mail and visiting lists.
- ◆ Assistance is provided to youth, as appropriate, in notifying their families of their admission and procedures for mail and visiting are provided.
- ◆ At the time of admission, a verbal orientation about the facility and program offered shall be provided and facility rules, regulations, and procedures to be followed shall be explained.
  - The youth shall receive written material, including information about the treatment program, facility policies and procedures, and individual rights. Each youth shall sign a form indicating that the youth has read and understands the material.
  - When English is not the primary language, arrangements shall be made to interpret this information for the youth.
- ◆ Every effort shall be made to reassure the youth and dispel any fears the youth may have in being admitted to the facility.
- ◆ The staff member completing the intake summary shall introduce the youth to cottage staff as available.

### **Admission Assessment**

| State Training School written policies and procedures shall assure that:

- ◆ The youth shall be screened and assessed within 10 working days of admission. This assessment provides the basis for development of the youth's care plan. Assessment shall include information related to the youth's:
  - Education
  - Acute and chronic health
  - Mental health, including psychiatric reporting as appropriate
  - Behavior
  - Substance abuse issues
  - Social history
  - Physical assessment and immunization history
  - Psychological evaluation, including intellectual assessment

- The referring agency's case plan
- Correspondence regarding the youth
- Legal documents
- ◆ The assessment includes written and verbal information from referral sources, observable behavior at intake, and the initial interview with the youth and the family, school contacts, physical examinations, and other relevant material.

### **Case Plan**

State Training School written policies and procedures shall assure that an Individual Case Plan (ICP) shall be developed that addresses needs and outlines the services to be provided based on the assessment.

### **Performance Improvement**

State Training School written policies and procedures shall assure that quality assurance practices are in place to:

- ◆ Monitor the admission process to identify actual or potential systemic issues, needing corrective action; and
- ◆ Monitor the implementation and completion of corrective action plans.

### **Data Collection and Review**

State Training School written policies and procedures shall assure:

- ◆ Data about youth shall be collected and recorded on form 470-4458, *Juvenile Facility Individual Admission Information*.
- ◆ Data gathered from data analysis shall be used consistently for identifying and addressing individual or systemic issues to improve the admission process.
- ◆ The State Training School shall review data from all admissions to assure that:
  - Problems are timely and adequately detected and appropriate corrective actions are implemented; and
  - When possible, root causes are identified that lead to corrective action.

### **Reporting Requirements**

State Training School written policies and procedures shall assure that:

- ◆ The data collected shall be available for analysis by each data element collected.
- ◆ The deputy director's office shall be provided with a monthly summary of delinquents by program and admissions received.

### **Employee Training and Education**

State Training School written policies and procedures shall assure that:

- ◆ All newly hired employees who will be responsible for processing admissions and court orders shall receive competency-based training on the following topics:
  - State laws governing the commitment and admission of youth to the training school.
  - State Training School policy on admitting youth and treatment philosophy.
- ◆ All employees responsible for processing admissions shall receive annual competency-based training. Annual training sessions may be an abbreviated version of the original training.
- ◆ All employee training shall be regularly documented in the training record for each employee in a manner that permits the information to be available individually and in aggregate form.
- ◆ Training curriculum shall be updated regularly to reflect changes in laws, policies, and procedures.

## **Policy on the Prison Rape Elimination Act (PREA)**

It is the policy of the Department that individuals at the State Training School are served in an environment that prevents sexual abuse, sexual assault, and harassment and that all allegations are investigated to maintain a culture of zero-tolerance towards these types of actions and behaviors. Federal law, the Prison Rape Elimination Act (PREA), has been enacted to recognize the prevention, detection, and response to sexual abuse, sexual assault, and harassment in a juvenile correctional setting.

### **Legal Basis**

Prison Rape Elimination Act, juvenile facility standards 28 C.F.R. Part 115.

### **Definitions**

**"Age appropriate"** means a way of communicating, explaining, interviewing, or providing services to a student that is suitable for the student's age and level of emotional and cognitive development.

**"Allegation"** means an oral, written, or electronic statement that sexual abuse allegedly has occurred or might occur that is provided to a staff member or outside agency.

**"Audit"** is a thorough investigatory review of information, including written records and interviews with staff and students, to determine whether and the extent to which an agency and facility's policies, practices, and protocols comply with the PREA standards.

**"Child"** means any person under the age of 18 years.

**"Child abuse"** (As defined in Iowa Code section 232.68(2))

**"Contractor"** means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

**"Credibility assessment"** means an investigator's process of conducting interviews and weighing evidence to determine the truthfulness of victim, witness, and suspect statements.

**“Critical incident”** means an occurrence or event, natural or human-caused, which requires an immediate response to protect life, facility safety, or property.

**“Cultural competence”** is the ability to work and communicate effectively with people of diverse racial, ethnic, religious, and social groups based on an awareness and understanding of differences in thoughts, communications, actions, customs, beliefs, and values.

**“Department”** means the Iowa Department of Human Services (DHS).

**“Division Administrator”** means the Administrator of the Division of Mental Health and Disability Services.

**“Direct care staff”** are staff responsible for the direct supervision of students in housing units, recreational areas, dining areas, and other program areas of the facility.

**“Employee”** is a person who works directly for the agency or facility or a person who provides direct services to students in a facility on a recurring basis according to a contractual agreement with the agency (e.g., contracted medical and mental health providers or contracted food service providers).

**“Exigent circumstances”** means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility while maintaining the safety of staff and students.

**“Facility”** means the State Training School in Eldora.

**“Facility head”** means the Superintendent appointed by DHS.

**“Gender identity”** means a person’s internal, deeply felt sense of being male or female, regardless of the person’s sex at birth.

**“Gender nonconforming”** means a person whose gender identity or expression does not conform to gender stereotypes generally associated with the person’s birth sex.

**“Intersex”** means a condition usually present at birth that involves reproductive, genetic, or sexual anatomy that does not seem to fit the typical definitions of female or male.

**“Medical personnel”** means a health professional who, by virtue of education, credentials, and experience, is permitted by state law to evaluate and care for patients within the scope of the professional’s licensure.

**“Mental health personnel”** means a mental health professional who, by virtue of education, credentials, and experience, is permitted by state law to evaluate and care for patients within the scope of the professional’s licensure.

**“Need to know”** means a criterion for limiting access of certain sensitive information to individuals who require the information to make decisions or take action with regard to a student’s safety or treatment or to the investigative process.

**“Pat-down search”** means a superficial running of the hands over the body of a student by a staff member to determine whether the student possesses contraband.

**“Preponderance”** means the standard is met if the proposition is more likely to be true than not true. The standard is satisfied if there is greater than 50 percent chance that the allegation is true.

**“PREA Coordinator”** means a senior-level full-time position that reports directly to the Division Administrator. The PREA Coordinator’s responsibilities include developing, implementing, and overseeing the agency’s plan to comply with the PREA standards. The PREA Coordinator is also responsible for ensuring the completion of the assessment checklists in this body of standards.

**“PREA Manager”** means a management-level full-time position that reports directly to the facility superintendent. The PREA Manager’s responsibilities include developing, implementing, and overseeing the facility’s plan to comply with the PREA standards. The PREA Manager is also responsible for ensuring the completion of the assessment checklists in this body of standards.

**“Secure juvenile facility”** means a juvenile facility in which the movements and activities of individual students may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows students’ access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.



**"Superintendent"** means the chief authority of the State Training School appointed and operated by the Department.

**"Supervision/direct care staff"** means employees primarily responsible for the supervision and control of patients, detainees or students in housing units, recreational areas, dining areas, and other program areas of the facility.

**"Sexual abuse,"** as defined in Iowa Code Chapter 709, includes:

- ◆ Sexual abuse of a student by another student; and
- ◆ Sexual abuse of a student by a staff member, contractor, or volunteer.

**"Sexual abuse of a student by another student"** 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:

- ◆ Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- ◆ Contact between the mouth and the penis, vulva, or anus;
- ◆ Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- ◆ 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.

**"Sexual abuse of a student by a staff member, contractor, or volunteer"** includes any of the following acts, with or without consent, of the student:

- ◆ Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- ◆ Contact between the mouth and the penis, vulva, or anus;
- ◆ 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;
- ◆ Penetration of the anal or genital opening, 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;

- ◆ Any other intentional contact, 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;
- ◆ Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above;
- ◆ Any display by a staff member, contractor, or volunteer of their uncovered genitalia, buttocks, or breast in the presence of a student, and;
- ◆ Voyeurism by a staff member, contractor, or volunteer.

**“Sexual harassment”** 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 student directed toward another; and
- ◆ Repeated verbal comments or gestures of a sexual nature to a detainee 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.

**“Student”** means any person confined or detained at the State Training School while in the custody of the Department.

**“Substantiated allegation”** means an allegation that was investigated and determined to have occurred. (Also may be referred to as founded.)

**“Transgender”** means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned gender at birth.

**“Unfounded allegation”** means an allegation that was investigated and determined not to have occurred.

**“Unsubstantiated allegation”** means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

**“Victim advocate”** means an individual, who may or may not be affiliated with the facility, who provides a victim with a range of services during the forensic exam and investigatory process. These services may include:

- ◆ Emotional support,
- ◆ Crisis intervention,
- ◆ Information and referrals, and
- ◆ Advocacy to ensure that the victim’s interests are represented, their wishes respected, and their rights upheld.

**“Visual body cavity search”** means a visual inspection of a body cavity, defined as the mouth or rectal cavity, for the purpose of discovering whether contraband is concealed in it.

**“Volunteer”** means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

**“Voyeurism by a staff member, contractor, or volunteer”** means an invasion of privacy of a student by staff for reasons unrelated to official duties, such as:

- ◆ Peering at a student who is using a toilet in the student’s cell to perform bodily functions;
- ◆ Requiring a student to expose the student’s buttocks, genitals, or breasts; or
- ◆ Taking images of all or part of a student’s naked body or of a student performing bodily functions.

### **Policy on Incident Management for Sexual Abuse, Sexual Assault, and Harassment**

It is the policy of the Department to provide services in a safe and humane environment where abuse shall not be tolerated. Individuals shall be free from abuse and protected from abuse. The State Training School promotes Zero Tolerance of sexual abuse and sexual harassment of any kind.

- ◆ Where abuse or harassment is alleged, the allegation shall be thoroughly investigated. If the allegation is confirmed, corrective action shall be taken to prevent the abuse from reoccurring.
- ◆ The Division Administrator shall designate an upper-level central office, facility PREA coordinator with sufficient time and authority to develop, implement, and ensure consistent compliance with PREA standards. In addition, at the facility level a PREA manager shall be designated and assigned to the State Training School to ensure on-sight oversight of PREA compliance.

- ◆ Any new contract or renewal contract the Department enters into for the confinement of its students in facilities operated by private agencies or other entities shall include the entity's obligation to adopt and comply with the PREA standards. The contract shall also include a monitoring provision to ensure that the contractor is in compliance.

### **Sexual Abuse and Harassment Incident Management Principles**

The principles include:

- ◆ Abuse shall not be tolerated.
- ◆ There are consequences for persons who commit abuse.
- ◆ It is the policy of the Iowa Department of Human Services to provide equal treatment and provision of services to all students without regard to race, color, national origin, sex, sexual orientation, gender identity, religion, age or disability.
- ◆ Individuals shall be provided treatment in a safe and humane environment, free from abuse, harassment or harm, and where such behaviors shall not be tolerated.
- ◆ A safe environment provides the basis to accomplish the State Training School's mission of providing quality treatment and rehabilitation services that will enable individuals to fully achieve their maximum potential in a manner consistent with protecting everyone's safety while still maintaining an individuals' dignity.

### **Personnel Practices**

State Training School written policies shall ensure:

- ◆ The safety of all individuals served is considered by providing the following:
  - Adequate staff to student ratios,
  - Unannounced supervisory rounds, and
  - Video monitoring where appropriate.
- ◆ The dignity and safety of all individuals served by providing same gender strip, visual body cavity, and pat down searches where appropriate in an effort to protect students against sexual abuse and harassment except in exigent circumstances. Exigent circumstances should be documented and preserved for review.

- ◆ The safety and dignity of all individuals served. Individuals will be encouraged to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their genitalia or buttocks. Video monitoring should be adjusted where appropriate in an effort to protect individuals against sexual abuse or harassment except in exigent circumstances which shall be documented.

### **Employees, Promotions, and Hiring**

State Training School written policies shall ensure that:

- ◆ The safety of the individuals served is protected and a safe environment where the individual is safe from abuse or neglect is provided. Background checks shall be conducted before a volunteer, contractor, or a contractor's employees performing work on the campus of the facility is:
  - Offered employment,
  - Authorized to volunteer on a regular basis, or
  - Authorized to provide contract services.

All record checks shall be completed as outlined in the ***Registry and Record Check Manual for DHS*** issued by the Department's Office of Human Resources.

- ◆ They will not hire or promote anyone who may have contact with students, and not enlist the services of any contractor who may have contact with students, who has a substantiated charge of sexual abuse in any other setting.
- ◆ Employee background checks will be completed every five years after the initial record check.
- ◆ All employees, contractors, and volunteers have a responsibility to assure individual safety and protection from harm and shall report all incidents of sexual abuse and harassment immediately.

### **Employee Training and Reporting**

State Training School written policies shall ensure that in order to carry out these responsibilities effectively, employees, contractors, and volunteers shall be adequately trained to recognize sexual abuse and harassment and how to respond, preserve evidence, and report suspected sexual abuse or harassment in an efficient manner. Training materials will be offered in dual languages when appropriate.

### **Student Training and Reporting**

State Training School written policies shall ensure that:

- ◆ In order to carry out these responsibilities effectively, students and individuals served shall be adequately trained to recognize sexual abuse and harassment and how to respond, preserve evidence, and report suspected sexual abuse or harassment in an efficient manner. Training materials will be offered in dual languages when appropriate both orally and in writing.
- ◆ Students will be trained in multiple methods of reporting which shall include, but are not limited to verbally, in writing, anonymously, and by third party.

### **Victim Treatment**

State Training School written policies shall ensure that:

- ◆ Victims of abuse are provided with the appropriate information needed to help with victim aftercare. Such information may include, but will not be limited to, therapists and counselors, hotlines, and advocacy or crisis organizations.
- ◆ Victims will be treated with the maximum amount of confidentiality required per state and federal laws.
- ◆ Victims will be offered medical treatment, tests, and evaluations as appropriate based on the type of allegation.
- ◆ Victims will be separated from their alleged abusers until the conclusion of the investigation at which time the need for further separation will be evaluated based on the outcome of the investigation.

### **Reporting, Retaliation, and Investigatory Duties**

State Training School written policies shall ensure that:

- ◆ Allegations of sexual abuse and harassment will be forwarded to local law enforcement and other regulatory agencies such as the Department of Inspections and Appeals immediately, as appropriate. The facility will fully cooperate with subsequent investigations.
- ◆ Regardless of whether local law enforcement or regulatory agencies are investigating alleged sexual abuse or harassment at the facility the facility will also immediately initiate its own investigation which shall be completed in a timely manner.
- ◆ Reporters of suspected abuse will be protected from retaliation of any kind and monitored for evidence of retaliation at a minimum of 90 days.
- ◆ Multiple protection measures are considered to protect alleged victims from alleged abusers such as housing and staffing changes where appropriate.

### **Abuser Treatment and Prosecution**

State Training School written policies shall ensure that:

- ◆ Alleged abusers shall be separated from alleged victims until the completion of the abuse investigation at which time the need for further separation will be evaluated based on the outcome of the investigation.
- ◆ Perpetrators of abuse served on campus are provided with the appropriate information needed to help with prevention and aftercare. Such information may include, but will not be limited to, evaluations, access to therapists and counselors, hotlines, and advocacy organizations.
- ◆ There are consequences for persons who commit sexual abuse or harassment including, but not limited to, prosecution under applicable state and federal laws or discipline up to termination of employment.

### **Data Collection, Review, and Notification**

State Training School written policies shall ensure that:

- ◆ Incidents directly involving the care and treatment of an individual shall be identified and tracked for the purpose of:
  - Scrutiny and investigation,
  - Prevention of future harm, and
  - Assuring the maximum safety and protection of the individuals served.
- ◆ As appropriate and allowed by state and federal laws the individuals involved in an allegation or sexual abuse or harassment will be notified of the findings and such notification will be documented.
- ◆ All information is kept confidential as required per applicable state and federal laws and only those with a "need to know" will have access to relevant individual information and records and subsequent investigatory findings.
- ◆ A "review team" will be established that will convene within 30 days of the conclusion of a sexual abuse or harassment investigation to review established quality assurance measures and request and implement recommended changes as needed. Such meetings will be documented and the records retained.
- ◆ The facility will collect, report, and securely retain all applicable data related to allegations of sexual abuse and harassment, including investigatory findings.

### **State Determination and Certification of Full Compliance**

State agency shall ensure that:

- ◆ In determining pursuant to 42 U.S.C. 15607(c)(2) whether the state is in full compliance with the PREA standards, the Governor shall consider the results of the most recent agency audit.
- ◆ The director of the Department of Human Services shall notify the Governor of the most recent PREA audit results.