



FLORIDA DEPARTMENT OF JUVENILE JUSTICE POLICY

Secretary /s/, Simone Marsteller

Date: 04/16/2019

Subject: Prison Rape Elimination Act (PREA) Standards Compliance

Section: FDJJ – 1919

Originating Office: Office of Program Accountability

Authority: Prison Rape Elimination Act of 2003 C.F.R. Section 115

Related References:

- United States Code Title 42 - The Public Health and Welfare Chapter 147
- Prison Rape Elimination Section 15601 - 15609
- Prison Rape Elimination Act of 2003 C.F.R. Section 115
- Florida Administrative Code Rule 63F-11
- Florida Administrative Code Rule 63G-2
- Florida Administrative Code Rule 63H
- Recruitment and Selection Policy FDJJ 1003
- Employee Training, FDJJ 1520
- Background Screening FDJJ 1800
- Sexual Harassment & Discrimination FDJJ 1003.22
- DMS Disciplinary Standards/Florida Administrative Code
- DJJ Employee Handbook

Purpose: To establish guidelines for employee and juvenile justice-involved youth relationships. This policy outlines DJJ's approach to preventing, detecting, and responding to sexual abuse and sexual harassment.

Offices/Persons Affected by the Policy: All offices within the Department of Juvenile Justice. All youth in detention and residential facilities, state-operated or contracted.

POLICY STATEMENT:

- Procedures contained herein are designed to comply with applicable state and federal laws and rules and are not meant to supersede or circumvent such laws or rules.
- DJJ has zero tolerance for any acts of sexual abuse, assault, misconduct or harassment. Sexual activity between staff and juveniles, volunteers or contract personnel and juveniles, and juvenile and juvenile is prohibited and subject to administrative and criminal disciplinary sanctions.

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- The Department employs a designated PREA Statewide Coordinator who is responsible for the development, implementation, and oversight of the agency's efforts to comply with the PREA standards. Each facility operated by the Department shall designate a PREA Facility Compliance Manager.
- All employees, contractors, juveniles, and volunteers are expected to have a clear understanding that the Department strictly prohibits any type of sexual relationship with an individual under Department supervision and considers such a relationship a serious breach of the standards of employee conduct, and these relationships will not be tolerated.
- Engaging in a romantic and/or sexual relationship may result in employment termination and/or termination of the contractual or volunteer status, or imposition of criminal charges.
- Program staff must take prudent measures to ensure the safety of both youth and staff.
- Youth and staff who report sexual abuse or sexual harassment, or who cooperate with sexual abuse or harassment investigations, are protected from retaliation by other youth or staff. The facility compliance manager is responsible for monitoring retaliation.
- Failure to comply with the requirements contained in this policy and procedures may result in disciplinary action up to and including dismissal. All terminations for violations of agency sexual abuse policy, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
- All new contracts, amended contracts, or contracts renewed after the effective date of this policy shall include the contracting entity's obligation to adopt and comply with the PREA standards outlined in this policy, procedures, and any subsequent administrative rule for any confinement services provided on behalf of the Department. Contracted providers will be subject to PREA audits, including contract monitoring, to ensure compliance.

PROCEDURES/MANUALS:

Procedures for this policy are accessible on the Department Policies internet page.