

# ATLANTIC YOUTH CENTER STANDARD OPERATING PROCEDURE

CHAPTER            Physical Care;    PROCEDURE NO. 5.14

SUBJECT            POLICY: PRISON RAPE ELIMINATION ACT

ADDENDUM:        NJ Juvenile Justice Commission PREA POLICY:  
PART 7. DATA COLLECTION AND REVIEWS  
(Includes PREA Incident Reviews)

JANUARY 2016

## Section 20.            Sexual abuse incident reviews

(a) A sexual abuse incident review shall be conducted at the conclusion of every sexual abuse investigation, except where the investigation has concluded that the allegation is unfounded.

(b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.

(c) The review shall be undertaken by a team appointed by the Executive Director comprised of upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners, and which shall:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;

2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; LGBTQI identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;

3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;

4. Assess the adequacy of staffing levels in that area during different shifts;

5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and

6. Prepare a report of its finding including, but not limited to, determinations made pursuant to this subsection (c), and any recommendations for improvement and submit such report to the Superintendent and to the facility's PREA Compliance Manager.

(d) The Executive Director or designee shall document the Commission's response to the report required by (c)6, above, including the extent to which and why the report's recommendations have or have not been implemented.

Section 21. Data Collection

(a) The Director of Operations in consultation with the Commission's Chief of Information Technology shall implement a data collection protocol under which:

1. Accurate and uniform data is collected and recorded for every allegation of sexual abuse at Commission facilities, and at any non-Commission institutions holding juveniles under contract or other arrangement with the Commission, using a standardized instrument and set of definitions;
2. Incident-based sexual abuse data is aggregated at least annually;
3. Incident-based data collected includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice; and
4. Data is collected, maintained and reviewed as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

Section 22. Data review for corrective action

(a) At least annually the Director of Operations or designee shall review data collected and aggregated pursuant to Section 21, in order to assess and improve the effectiveness of Commission policies and procedures with respect to:

1. Sexual abuse prevention;
2. Detection of and response to incidents of sexual abuse; and
3. Training as required by this Policy.

(b) On the basis of such reviews, the Director of Operations shall make such recommendations to the Executive Director as are reasonable and necessary with respect to:

1. Operational areas or issues requiring remedial action; and
2. Recommendations for amendments to this Policy, other policies, internal management procedures or rules.

(c) An annual report summarizing findings and recommended corrective actions for each Commission facility, as well as for the Commission as a whole, shall be prepared and submitted to the Executive Director, for his or her approval.

1. The report shall include a comparison of the current year's data and corrective actions with those from prior years, and shall provide an assessment of the agency's progress in addressing sexual abuse.

2. As approved by the Executive Director, the report shall be posted on the Commission's website. Such posting shall include information on how hard copies may be secured by members of the public.

3. Specific material shall be redacted from a report when publication of the material would either:

- i. Present a clear and specific threat to the safety of a juvenile, staff or to the safe and orderly operation of a facility; or
  - ii. Violate the confidentiality provisions of Section 4, above
4. Any redaction must indicate the nature of the material being redacted.

Section 23. Data storage, publication, and destruction

(a) Data collected pursuant to Section 21 shall at all times be kept confidential, in accordance with the provisions of Section 4, above.

(b) Aggregated sexual abuse data will be available to the public at least annually on the Commission's website, provided that no data shall be posted that would either:

- i. Present a clear and specific threat to the safety of a juvenile, staff or to the safe and orderly operation of a facility; or
- ii. Violate the confidentiality provisions of Section 4, above

(c) Data collected under the provisions of Section 21 shall be maintained, stored and disposed of in accordance with records retention schedules prepared in accordance with the provisions of N.J.A.C. 15:3-2, Records Retention.