

MOHAVE COUNTY PROBATION DEPARTMENT DETENTION POLICY

CHAPTER:	Safety, Security and Control
TITLE:	Protection from Harm
DATE:	October 5, 2017 (Updated)
APPLICABILITY:	Detention Staff
AUTHORITY:	Arizona State Detention Standards, Section 111.A.9.1-22; A.R.S. §§ 8-201, 13-3623 (A)-(C), 13-3620; Elaine Maestas, Director of Juvenile Court Services
POLICY:	It is our policy to ensure that all juveniles held in a detention center are protected from harm. Detained juveniles have a constitutional right to personal safety.

MANDATORY REPORTING:

All detention personnel, volunteer, or contract personnel shall report immediately any knowledge, suspicion, or information regarding an incident of physical and sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency.

Any JDO who has reasonable grounds to believe or has knowledge of an act of abuse inflicted on a detainee *prior to the juvenile being detained or while being detained* has a duty to report such abuse to a supervisor, Detention Administrator and the medical provider. The shift supervisor shall immediately report such information to the Mohave County Sheriff's Office (753-2141) or Department of Child Safety (753-5056).

Failure to report incidents of suspected abuse shall be considered a violation of the JDO's responsibility and may subject the JDO to criminal proceedings, as prescribed by state law, as well as administrative action.

Non-action, including indifference to a juvenile's needs, which results in serious emotional or physical injury shall also constitute abuse.

Staff having knowledge of an incident will complete and submit an Incident Report. However, *detention staff may privately report incidents of physical, sexual abuse or sexual harassment of juveniles to the detention administrator if they believe it is in the best interest of the juvenile to do so. Staff may also privately report incidents to the Mohave County Sheriff's Office (753-2141) or Department of Child Safety (753-5056).*

JDOs will not conduct investigations regarding child abuse that occurred in a juvenile's home; however, a report will be made to the Department of Child Safety (DCS).

Detention personnel shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

Once a report is made, the Detention Administrator will contact the juvenile's probation officer to assess the risk and needs and ensure that additional measures, as appropriate, are taken to ensure the juvenile is safe from future abuse and/or harm.

The detention administrator shall promptly report the allegations of physical and sexual abuse, neglect or sexual harassment of a juvenile to the director of juvenile court services and to the alleged victim's parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians should not be notified.

The detention services administrator shall also report allegations of abuse to:

- The juvenile's Department of Child Safety (DCS) caseworker instead of the parents or legal guardians if the juvenile is in the care and custody of the DCS, and;
- The juvenile's attorney or other legal representative of record within 14 days of receiving the allegation.

Corrective Action will be taken against any detention personnel who retaliates against juveniles or detention personnel who report such an incident. Corrective Action will also be taken against any detention personnel who had knowledge of the incident or retaliation and failed to bring the matter to the attention of the detention administrator thereby contributing to an incident or retaliation.

The director of juvenile court services shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators, or outside investigating entity.

The director shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

Failure to report incidents of suspected abuse shall be considered a violation of detention personnel's responsibility in the care of juveniles and may subject the individual(s) to criminal or civil proceedings as prescribed by state law, as well as administrative action by the director of juvenile court services.

If the detention administrator or the director of juvenile court services receives a report from another institution alleging physical or sexual abuse occurring at their facility, the agency head shall ensure that the allegation is investigated in accordance with the state detention standards.

Upon receiving an allegation that a juvenile was physically or sexually abused while confined at another facility, the detention administrator or the director of juvenile court services shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency.

Notification shall occur as soon as possible, but no later than 72 hours after receiving the allegation. The director shall document that it has provided such notification.

Reports of third-party physical and sexual abuse and or sexual harassment upon a detained youth may be directed to the Director of Juvenile Court Services at 928-753-0741 for review and follow-up. This information is also located on Mohave County Superior Court's website <http://mohavecourts.com/>

The department policies on reporting and investigating allegations of physical and sexual abuse are stated in the PREA Brochure and are available to the public on Mohave County Superior Court website.

ALLEGATIONS OF INTERNAL ABUSE:

All allegations of physical or sexual abuse perpetrated by detention personnel, first responders, and medical and mental health practitioners **shall** be referred to the Mohave County Sheriff's Office for investigation of criminal misconduct. However, all allegations **must first** be substantiated by a medical examination.

Detention Personnel shall inform juveniles, prior to giving them access to outside victim advocates, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

The director of juvenile court services shall request that the investigative agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.

The investigative agency (MCSO) shall:

- Use protocol that is developmentally appropriate for juveniles that shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011, and;
- Ensure that an administrative investigation is completed for all allegations of sexual abuse and sexual harassment.

Investigations into allegations of physical and sexual abuse and sexual harassment shall be done promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

The director shall cooperate with outside investigators and shall remain informed about the progress of the investigation. No information shall be shared with outside agencies during the ongoing investigation. At the conclusion of the investigation, the results will be shared with the Court Administrator and the Presiding Juvenile Court Judge.

All juveniles who experience sexual abuse shall have access to forensic medical examinations whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate. Examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. Detention administrator or designee shall document its efforts to provide SAFEs or SANEs.

WAYS IN WHICH JUVENILES MAY REPORT ABUSE:

Juveniles who want to *privately* report instances of *physical and sexual abuse, sexual harassment, retaliation by other juveniles or detention personnel for reporting abuse or sexual harassment, or staff neglect or violation of responsibilities that may have contributed to such incidents* may ask to speak with their attorney, a spiritual counselor a therapist or a family member. They may also ask for a grievance, speak with a detention supervisor, their probation officer or the detention administrator. They may place a written report in a locked box clearly labeled and designated for this purpose. These boxes can only be accessed by a supervisor or the detention administrator.

DEPARTMENT RESPONSE TO VICTIMIZATION:

Once detention personnel learn that a juvenile is subject to a substantial risk of imminent abuse, they shall take immediate action to protect the juvenile. The juvenile should be immediately placed on Heightened Observation (HO) watch.

The director of juvenile court services shall make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the director of juvenile court services or designee shall make available a qualified staff member from a community-based organization or a qualified agency staff member.

Departments shall document efforts to secure services from rape crisis centers. If requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

For the purposes of this standard, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

Support services in the way of victim advocacy, crisis counseling and therapy will be coordinated by the department's treatment coordinator. Providers will be selected from the list of AOC contracted providers, local RHBA providers and local licensed providers who have current MOUs. MOUs are kept on file in the Juvenile Treatment Unit.

Juveniles will also have access to the **Teen Hotline 602-248-8336** or Statewide in Arizona **800-248-8336 (TEEN)**

FOREIGN NATIONALS:

Detainees who are foreign nationals and who are victims of *physical and sexual abuse, sexual harassment, retaliation by other juveniles or detention personnel for reporting abuse or sexual harassment, or staff neglect or violation of responsibilities that may have contributed to such incidents* shall be permitted to contact consular officials of their country of origin.

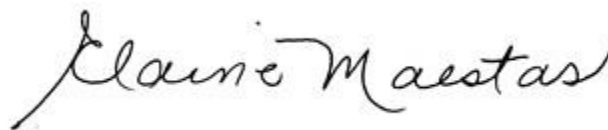
Phone and Fax Numbers for Foreign Embassies and Consulates in the U.S. are located at:

<https://www.oregon.gov/dpsst/RT/docs/ConsularNotificationAccess/subpages/notification6.html#phone>

Foreign nationals from Mexico may contact consular officials at:

Phoenix, AZ (602) 242-7398; fax (602) 242-2957

The department shall make sure reasonable communication occurs between juveniles and these organizations and agencies in as confidential a manner as possible.



Approved: _____

Elaine Maestas, Director of Juvenile Court Services