(e) Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities shall have in place a policy governing the conduct of such investigations.

TRAINING AND EDUCATION

§ 115.331 Employee training.

(a) The agency shall train all employees who may have contact with residents on:

(1) Its zero-tolerance policy for sexual abuse and sexual harassment;

(2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;

(3) Residents’ right to be free from sexual abuse and sexual harassment;

(4) The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment;

(5) The dynamics of sexual abuse and sexual harassment in juvenile facilities;

(6) The common reactions of juvenile victims of sexual abuse and sexual harassment;

(7) How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents;

(8) How to avoid inappropriate relationships with residents;

(9) How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender non-conforming residents; and

(10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;

(11) Relevant laws regarding the applicable age of consent.

(b) The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with residents, but all volunteers and contractors who have contact with residents shall be notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

(c) The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received.

§ 115.332 Volunteer and contractor training.

(a) The agency shall ensure that all volunteers and contractors who have contact with residents have been trained on their responsibilities under the agency’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

(b) The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with residents, but all volunteers and contractors who have contact with residents shall be notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

(c) The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received.

§ 115.333 Resident education.

(a) During the intake process, residents shall receive information explaining, in an age appropriate fashion, the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

(b) Within 10 days of intake, the agency shall provide comprehensive age-appropriate education to residents that houses only male residents, or vice versa.
either in person or through video re-
garding their rights to be free from
sexual abuse and sexual harassment
and to be free from retaliation for re-
porting such incidents, and regarding
agency policies and procedures for re-
sponding to such incidents.
(c) Current residents who have not
received such education shall be edu-
cated within one year of the effective
date of the PREA standards, and shall
receive education upon transfer to a
different facility to the extent that the
policies and procedures of the resi-
dent’s new facility differ from those of
the previous facility.
(d) The agency shall provide resident
education in formats accessible to all
residents, including those who are lim-
ited English proficient, deaf, visually
impaired, or otherwise disabled, as well
as to residents who have limited read-
ing skills.
(e) The agency shall maintain docu-
mentation of resident participation in
these education sessions.
(f) In addition to providing such edu-
cation, the agency shall ensure that
key information is continuously and
readily available or visible to residents
through posters, resident handbooks,
or other written formats.

§ 115.334 Specialized training: Inves-
tigations.

(a) In addition to the general train-
ing provided to all employees pursuant
to § 115.331, the agency shall ensure
that, to the extent the agency itself
conducts sexual abuse investigations,
itself conducts sexual abuse investigations,
its investigators have received training
in conducting such investigations in
confinement settings.
(b) Specialized training shall include
methods for interviewing juvenile
sexual abuse victims, proper use of Mir-
anda and Garrity warnings, sexual
abuse evidence collection in confine-
ment settings, and the criteria and evi-
dence required to substantiate a case
for administrative action or prosecu-
tion referral.
(c) The agency shall maintain docu-
mentation that agency investigators
have completed the required special-
ized training in conducting sexual
abuse investigations.
(d) Any State entity or Department
of Justice component that investigates
sexual abuse in juvenile confinement
settings shall provide such training to
its agents and investigators who con-
duct such investigations.

§ 115.335 Specialized training: Medical
and mental health care.

(a) The agency shall ensure that all
full- and part-time medical and mental
health care practitioners who work
regularly in its facilities have been
trained in:
(1) How to detect and assess signs of
sexual abuse and sexual harassment;
(2) How to preserve physical evidence
of sexual abuse;
(3) How to respond effectively and
professionally to juvenile victims of
sexual abuse and sexual harassment;
and
(4) How and to whom to report alle-
gations or suspicions of sexual abuse
and sexual harassment.
(b) If medical staff employed by the
agency conduct forensic examinations,
such medical staff shall receive the ap-
propriate training to conduct such ex-
aminations.
(c) The agency shall maintain docu-
mentation that medical and mental
health practitioners have received the
training referenced in this standard ei-
ther from the agency or elsewhere.
(d) Medical and mental health care
practitioners shall also receive the
training mandated for employees under
§ 115.331 or for contractors and volun-
teers under § 115.332, depending upon
the practitioner’s status at the agency.

SCREENING FOR RISK OF SEXUAL
VICTIMIZATION AND ABUSIVENESS

§ 115.341 Obtaining information from
residents.

(a) Within 72 hours of the resident’s
arrival at the facility and periodically
throughout a resident’s confinement,
the agency shall obtain and use infor-
mation about each resident’s personal
history and behavior to reduce the risk
of sexual abuse by or upon a resident.
(b) Such assessments shall be con-
ducted using an objective screening in-
strument.
(c) At a minimum, the agency shall
attempt to ascertain information about:
(1) Prior sexual victimization or abu-
siveness;