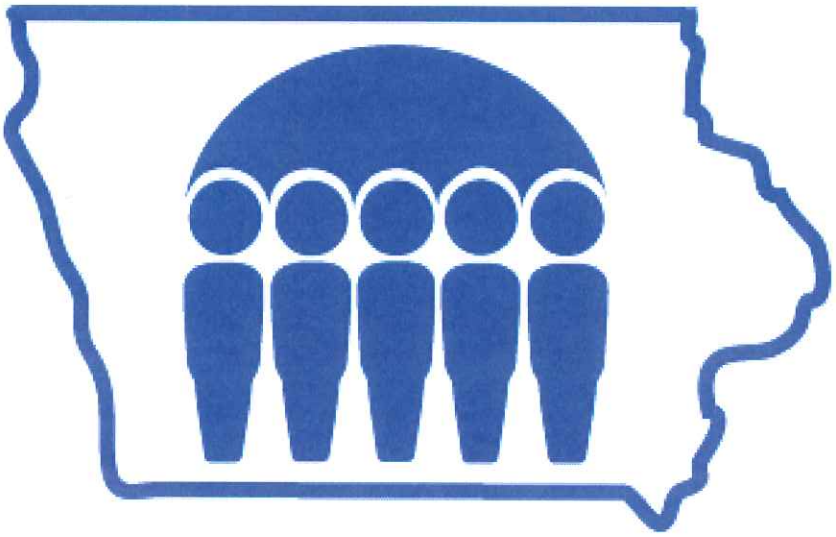
Iowa Department of Human Services



2016 Annual Prison Rape Elimination Act Report

July 2016

Iowa Department of Human Services
2016 Annual Prison Rape Elimination Act Report

This report reflects the efforts, commitment, and changes made as the Department of Human Services (DHS) continues toward compliance with the Prison Rape Elimination Act (PREA) Juvenile Standards. The DHS is committed to keeping the youth we serve at the State Training School safe and free from harm and has zero tolerance for sexual abuse and sexual harassment.

This report covers incidents that occurred from January 1, 2015 through December 31, 2015.

Staffing

Protecting residents from sexual abuse and harassment and compliance with the PREA Standards is a priority for DHS and staff at the State Training School in Eldora. DHS has assigned a State PREA Coordinator responsible for overseeing the agency's PREA efforts. The State Training School has assigned a PREA Compliance Manager responsible for PREA compliance at the facility.

Policy and procedures have been developed to support compliance with PREA standards and protect youth from sexual harassment and abuse.

Training

All staff employed at the State Training School have participated in annual training to prevent, detect, intervene and respond to incidents of sexual abuse or sexual harassment. Selected staff have also completed specialized training on conducting investigations.

Every student participates in lessons providing information and instruction on recognizing sexual harassment and sexual abuse, how to protect themselves and how to report any incidents. Staff and students understand that the State Training School has a zero tolerance policy for sexual harassment, sexual abuse, or sexual contact of any nature.

Policies

Department of Human Services and State Training School policies address zero tolerance, training requirements, and facility response and investigation requirements for reports of sexual harassment and abuse. Polices are reviewed annually and revised as needed.

Support Services

The State Training School has agreements with the Hansen Family Hospital in Iowa Falls, Iowa for treatment of youth. This facility employs personnel that are trained in SAFE/SANE forensic examinations. The State Training School also maintains an agreement with Crisis Intervention Services. This agency maintains a toll-free hotline for reporting incidents of sexual abuse. All students have access to this hotline. Criminal investigations are referred to the Eldora Police Department.

Audits

The State Training School conducts internal audits with the assistance of trained auditors employed by the Iowa Department of Corrections.

Pursuant to PREA Standard 115.401, the State Training School concluded an audit with a qualified auditor in July, 2016.

2015 Sexual Incident Investigations & Reviews

Data Review for Corrective Action and Publication

In compliance with PREA Standard 115.388, the facility PREA Compliance Manager has reviewed data collected and aggregated pursuant to PREA Standard 115.387 and incident specific data to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training including:

- identifying problem areas;
- taking corrective action on an ongoing basis; and
- preparing an annual report of findings and corrective actions

Also, in compliance with PREA Standard 115.389, DHS will make all State Training School aggregate sexual abuse data readily available to the public at least annually by publishing data in a report and linking it the Department's website.

General Definitions as defined by PREA Standard 115.5

Substantiated allegation - means an allegation that was investigated and determined to have occurred.

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.

Youth on youth sexual abuse is defined by PREA Standard 115.6 and includes the following:

Nonconsensual Sexual Acts:

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and

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

Abusive Sexual Contact:

Sexual contact of a person without his or her consent, or of a person who is unable to consent or refuse; **and**

1. Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
2. EXCLUDE incidents in which the contact was incidental to a physical altercation.

Youth on Youth Sexual Harassment:

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another.

State Training School--Eldora
Reported Incidents: January 1, 2015 to December 31, 2015
Student on Student Allegations

	Reported and Investigated
Nonconsensual Sexual Acts	0
Abusive Sexual Contact	0
Sexual Harassment	7
Total Allegations	7

Data Assessment

After a review of investigation data and corrective actions taken by the State Training School, the Mental Health and Disability Services Administrator and facility Superintendent will continue to monitor the State Training School's progress in preventing and reducing sexual violence at the facility. The State Training School

continues to implement PREA requirements and keep making changes that are necessary through on-going review.

Staff on youth sexual abuse is defined by PREA Standard 115.6 and includes the following:

Staff Sexual Misconduct:

Any behavior or act of a sexual nature directed toward a youth by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors.)

Sexual relationships of a romantic nature between staff and youths are included in this definition. Consensual or nonconsensual sexual acts include:

1. Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; **or**
2. Completed, attempted, threatened, or requested sexual acts; **or**
3. Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Staff Sexual Harassment

Repeated verbal statements, comments or gestures of a sexual nature to a youth by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors.) Include:

1. Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; **or**
2. Repeated profane or obscene language or gestures.

State Training School--Eldora
Reported Incidents: January 1, 2015 to December 31, 2015
Staff-on-Youth Allegations

	Reported and Investigated
Staff Sexual Misconduct	0
Staff Sexual Harassment	6
Total Allegations	6

Data Assessment

After a review of investigation data and corrective actions taken by the State Training School, the Mental Health and Disability Services Administrator and facility Superintendent will continue to monitor the State Training School's progress in

preventing and reducing sexual violence at the facility. The State Training School continues to implement PREA requirements and keep making changes that are necessary through on-going review.

Richard Shults, Administrator
Mental Health and Disability Services
Department of Human Services

8/12/2016
Date