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### Prison Rape Elimination Act (PREA) Summary of Responses from Juvenile Focus Group on Staff Sexual Misconduct and Youth on Youth Sexual Assault (Focus Group: Juvenile Justice Agencies - Addressing Rape of Youth in Correctional Custody, Overview of Current Efforts, Close out and Reactions (Delivery Strategies, Products))

Brenda V. Smith

American University Washington College of Law, [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu)

Andie Moss

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# PREA

**PRISON RAPE ELIMINATION ACT**

Prepared Under Cooperative Agreement No. 05S18GJI0  
By National Institute of Corrections & The Moss Group, Inc.

## Prison Rape Elimination Act (PREA)

Summary of Responses from Juvenile Focus Group on Staff Sexual  
Misconduct and Youth on Youth Sexual Assault

**November 10, 2005**

  
**National Institute of Corrections**  
NIC/Moss Group Cooperative Agreement #05S18GJI0

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*This summary of responses was developed by The Moss Group, Inc. under cooperative agreement with the National Institute of Corrections, U.S. Department of Justice. Points of view or opinions expressed in summary are those of the focus groups and do not necessarily represent the official position or policies of the National Institute of Corrections.*

**Summary of Responses from Juvenile Focus Group on Staff Sexual  
Misconduct and Youth on Youth Sexual Assault  
Radisson Hotel, Lexington, KY**

**Background:**

The Moss Group, Inc. and the American University (AU), Washington College of Law (WCL) have cooperative agreements with the National Institute of Corrections (NIC) to support the Institute's initiative designed to meet its congressional mandate under Section Five of the Prison Rape Elimination Act. This exploratory focus group was held in conjunction with a pilot presentation of the AU/WCL curriculum entitled "Addressing Staff Sexual Misconduct" which had been adapted to an audience of juvenile justice staff from the Kentucky Department of Juvenile Justice.

The objectives of the focus group included: (1) to gather data that will inform NIC in how to best develop a juvenile oriented curriculum on staff sexual misconduct; (2) to gather data that will guide NIC in identifying the major staff sexual misconduct related issues in juvenile corrections, including what stakeholders should be consulted, and what strategies should be utilized in naming the issues and building knowledge about the PREA; and (3) to gather information related to various aspects of youth on youth sexual assault.

**Methodology:**

The focus group was conducted in a roundtable format with a facilitator to guide the discussion utilizing a detailed protocol designed to elicit responses to prepared questions seeking information on both staff sexual misconduct and youth on youth sexual assault. This protocol is provided as "Attachment One" to this document. Every effort was made to remain faithful to the protocol while do suppressing interaction among the participants. Responses from the participants were recorded in verbatim detail by Dr. James Wells who also prepared the interrogatory protocol. This document represents a summary of their comments and responses to the various questions with only limited editing.

### **Participants/Respondents:**

- Launa Kowlacyk – National Institute of Corrections, Correctional Program Specialist
- Gwen Chun – President, American Correctional Association
- Amy Ast – Ohio Department of Youth Services, Deputy Superintendent, PREA Coordinator
- Tom Stickrath, - Director, Ohio Department of Youth Services
- Kevin Moore – Director Case Management, Indiana Department of Corrections
- Stephanie Bond – Superintendent, Davis Center, West Virginia Division of Juvenile Services
- Cindy Largent- Hill – Director, West Virginia Division of Juvenile Services
- Kathy Black Dennis – National Training Director, American Correctional Association
- Bridgett Skaggs- Brown – Commissioner, Kentucky Department of Juvenile Justice
- Joe Payne – Director of Placement Services, Kentucky Department of Juvenile Justice
- Mike Dossett – Deputy Commissioner and Director PREA Project, Kentucky Department of Juvenile Justice
- Libby Mills – Director of Training, Quality Assurances, and Special Projects, Kentucky Department of Juvenile Justice
- Caleb Asbridge – Superintendent Warren Regional Juvenile Detention Center, Kentucky Department of Juvenile Justice

### **Facilitation/Recording:**

- Andie Moss – The Moss Group, Inc.
- Dr. Gary Dennis – The Moss Group, Inc.
- Dr. James Wells – The Moss Group, Inc.
- Brenda Smith, Esq. – American University, Washington College of Law
- Jaime Yarussi – American University, Washington College of Law

**Question One: "What is your perspective on SSM and what are your thoughts about the issue of SSM in juvenile justice?"**

- Just recently I went to a facility with male and females where staff had been facing some indictments about staff sexual misconduct, the incidents have had a huge impact on staff. We don't have much insight into talking with the staff regarding these issues. They have a lot of trauma. How do we approach the trauma and learn how it impacts the staff who were not directly involved in the incident?
- We had sexual abuse situation in our only female facility. One effect of the indictment was that staff felt victimized. Staff who trusted the perpetrator thought he was an excellent employee. Staff felt deceived. They questioned themselves as to why they did not see it coming. Someone should have seen it coming. We've done a lot of training in that facility since then. We do video streaming alone too; it was one of the first sites we put the video streaming in. It was a very visible. There were thirteen victims. The old investigation unit looked at these thirteen cases. I revisited the investigations. These were not real investigations. What confused me is why no one looked at the thirteen allegations and resulting investigations over time. The girls had been making allegations for years.
- I think part of the issue is the culture of agencies. We see people who connect emotionally with kids as being the most effective. Many kids get in trouble experimenting. Where there is no proper guidance at school or home, it exacerbates the situation. Kids want a connection to an adult. This lends itself to SSM. You can work with someone for years and never learn all about them. I'm concerned that the juvenile justice field attracts pedophiles. The pedophile knows how to ingratiate himself and find work in juvenile justice.
- We're putting kids in places where we can create a scenario for abuse. For example, we had a staff member who wanted to work third shift, and he had a homosexual youth in his unit. We never would have known about the SSM had not another kid got jealous and reported it. The important point I want to make is that this has an awesome impact on youth the rest of their life. It can't be measured. Where we don't take serious actions we destroy lives and do incredible damage. We need to do everything humanely possible to train staff in the sacred childcare duties core treatment and to not be abusive.
- We struggle with the pre-employment piece because we know we're a magnet for unwanted personnel. Our personnel administrator is trying to

find tests that weed out smart pedophiles. We'd be interested in any pre-employment pieces anyone may know about.

- In spite of the work of the National Institute of Corrections over the past thirteen years, it is still a problem or issue. After working 25 years in the adult system and one year in juvenile justice there is a lot of similarities. The adult PREA brochures and posters can be "tweaked" or modified or use with juveniles. There are a lot of similarities between adult and juvenile in how investigations should be conducted.
- With many staff it is their first exposure working in the juvenile justice field. We don't prepare them for the con games. We had a situation with a female staff member who was manipulated by young man. She didn't see it coming. How can we prepare them more? They need to know what the boundaries are.
- We had 45 supervisors attend this training this week. One of their suggestions was that we need a psychological screening tool for new hires. We have not done that in juvenile justice. Law enforcement has had a profile of pedophiles and sex offenders for years. This expertise could be utilized by juvenile justice to identify "red flags". We haven't given our staff the tools in helping them to identify whether there is something going on which is more than what it appears.
- No one wants to say we have rape in their facility. When we talk about sexual assault what we want to know is how to broaden the definition of sexual assault. Our horizons need to be broadened with all of the related sexual assault issues. We need to broaden our perspective and language. What good management practices and procedures can we adopt that will alleviate some of these issues?
- What else can agencies do to help staff? How do we address the staff left behind after a staff sexual misconduct case? How does that fit in how we educate/train staff? How do you prepare leadership as well and deal with the aftermath?
- We need to train other staff including education, food service, maintenance and recreation. We have had lots of staff not directly involved with staff sexual misconduct who couldn't deal with it.
- What's the impact on youth going to be like? What happens to the relationship between youth and staff? Staff sometimes tends to be very hands off after a staff sexual misconduct incident comes to light and is investigated and substantiated. They are afraid to interact and build

relationships with the youth. Some staff is very angry. The staff most traumatized are those who saw the red flags. There is a code of silence and camaraderie in juvenile justice. Guilt was present. The traumatized staff felt stuck between victim and coworker.

- The kids are not as surprised or hurt as much as our staff. The kids have come to expect it, either by the court system, or parents, or community (foster care), etc. The kids expect the worse. This is very unfortunate. As a result the kids think nothing is real. They think the "rights" afforded to them and set forth in their handbooks aren't real. They think school is not real.
- Youth are extra vulnerable. To illustrate, half of our girls are on psychedelic drugs.

**Question Two: "To what degree has the issue of staff sexual misconduct been 'named' in the juvenile justice system? What level of awareness does staff have? What are some strategies which could be utilized to raise awareness of the issue?"**

- Ten years ago this was not an issue. It was only reflected in staff gossip. For example, we had a 48-year-old female cook marry an 18-year-old resident a few weeks after he aged out and left. There was gossip about possible staff sexual misconduct while he was at the facility, but nothing more. This occurred about 5 years ago.
- We have to convince kids they are OK and abuse is not right. We need to tell them they are good persons through programs and other service. We wonder about how many girls have been abused. We need to establish relationship with respondents that they value.
- We need to name the issue with the residents. We need to create a rehabilitative environment that involves everyone. We need to create positive and professional relationships with the kids and avoid creating an environment that allows staff sexual misconduct to occur.
- A lot of kids don't see themselves as ever being worthy. We say to them, lets talk about healthy living and how you can survive. We have had kids tell us tell my mother says that engaging in sexual activity is OK and this is what I need to do to survive. Competing against mom is tough.
- This is who about safety. We need to frame it as a staff member being safe from false allegations. In the juvenile justice field we say we don't want to talk about it unless we can help it. We need to turn that around

and approach it better and talk about safety and healthy living. If we don't, the system will close ranks when it feels threatened.

- I was encouraged to see that the PREA law hasn't put a "pecking order" on staff sexual misconduct. The act addresses all aspects. We think of male on female sexual assault being worse than same sex sexual assault. It's not. When we become more transparent with the community and other groups, it will be a good thing.
- We brought in stakeholders and invited them sit with us, watch the PREA video, and help us craft policy so we can all learn from each other and grow.
- We need to reach beyond the criminal justice arena. For example, child welfare people, school people, any groups that touch the lives of kids. We can't say that with adults. We need to take extensive measures with organizations that help our kids, for example, after school programs.
- We need a different strategy with kids. Doing this will also educate those external groups/stakeholders about the juvenile justice system.
- In mental health community I was trained in boundary issues. We need to know what boundaries can be crossed and not crossed, and link with training resources in other fields that can train you on what boundaries not to cross. For example, we gave a football to kids when they left our program...should we do that now?
- What does safety really mean? We need to weave it into the mission statement and reinforce the concept in training in all areas.

**Question Three: "What about the role of NIC in getting information about the PREA law out to the juvenile justice field and 'naming' it in a way people understand?"**

**[Note: Issues and recommendations related to the role and utility of NIC are reflected throughout the responses in this document.]**

- We have an obligation to make it known that this is the law of the land. All but one state has criminalized staff sexual misconduct in adult correctional settings. This is not true in juvenile corrections.
- Why isn't there a booth on PREA at OJJDP conferences and meetings? I don't think word is out there yet.



- I learned about PREA through a list serve but didn't know it pertained to juvenile justice until I attended an NIC training program.
- Another concern is that private sector contractors house the vast majority of our youth. Fewer than 10% of these private vendors know about PREA.
- We put our private contractors on notice about PREA. We asked them if they were aware of the law and its implications. We gave them a copy of the legislation. We told them they need to be prepared to submit outcomes on how they will comply. We told our private contractors they need to develop plans on how they intend to comply. We need to communicate to groups we place our kids that go beyond our system.

**Question Four: "What are some specific recommendations you have about staff training?"**

- What about the OJJDP conference? Do teleconference there or at ACA? Involve the Council of Juvenile Correctional Administrators in planning a videoconference. A videoconference would work with the juvenile justice field. The American Correctional Association has a juvenile forum.
- The biggest problem with the juvenile justice system is that they don't see themselves as corrections. We need to approach juvenile justice through a different door. Adult corrections has a thicker skin. We need to sell it as a measure of overall effectiveness in realizing your mission of providing a safe environment for both kids and staff.
- The Association of Family and Juvenile Court Judges might be a good group to work with. My point is that this will be a much wider group and we need to approach it differently from adults.
- Agenda's for conferences in the juvenile justice arena like those sponsored by OJJDP have always centered on treatment. We need to weave the information about PREA into the treatment context. We need to soften our approach and tie it to treatment and staff and youth safety issues.
- There is already a wealth of material available on PREA. It's not that hard to transfer what is currently adult corrections oriented material to juvenile justice. It can quickly become part of the juvenile justice vocabulary.
- It is the world of the private sector contractors/vendors that will be more difficult to get to. One mechanism is to go to the state agency that

licenses the facility and work through them to make PREA requirements a part of regulation and monitoring.

- The National Juvenile Detention Association (NJDA) would be another group to get involved with.
- The juvenile justice field needs an orientation video that would standardize the presentation of information about PREA. If the youth have to sit and watch it, you put the responsibility on the kid. This might work better than swamping them with forms they have to sign.
- A video could also provide the forum to discuss boundaries and public health issues. We should not use juveniles in the video who are still in the system. We could recruit youth that are aged out who were former victims or predators.
- We should be able to borrow a lot from states with strict child abuse laws. Also, it will be difficult, a lot of JJ will have mindset that this will make them look bad. Even if one child is victimized, that's too many. That will help them buy in.
- ACA juvenile standards are good. They are being implemented now.
- Perhaps OJJDP could make compliance with the PREA legislation a standard in order for agencies to get the federal funds.
- A broader thought in rolling it out to directors and associations is that we need to infuse it in all of the trainings we do and enforce this on these other organizations and get on their agenda.
- We need to target parents of kids in the system. Parents need this information. Will there be manipulation between parents and their children? Yes, but we can deal with that. You reach out to the parents, and you tell them the system is serious about this. We need something just for them. Parents need a packet of information given to them when their child first enters the system.
- If a child has special needs, the law is clear that the system needs to make special and appropriate efforts to explain the law to him/her and make sure they know that they have a right to report and will be protected if they do so.
- One of the neatest prevention things was done in half of our institutions. A team goes out and does vulnerability assessments looking at everything.

It's like a security audit, but more. They look at every nook and cranny for design issues. We found out most of the things recommended were not that expensive to fix. We had over 200 recommendations within one facility. We first sent victim services in and surveyed youth and staff about where assaults occur. After that we sent our teams in. We got a lot of good information. We got better response than we anticipated. For example, we found out staff had keys they didn't need. We told the staff removing certain keys from them was protection for them.

- Our staff had no idea prior to an NIC training program that PREA was about more than just staff sexual misconduct. One way to get a hook with juvenile administrators is to highlight the fact that there are more complaints of staff sexual misconduct in juvenile justice. It may be a reporting issue related to the higher degree of scrutiny juvenile facilities are under from advocacy groups.
- Zero allegations are a red flag. Allegations are more prevalent in juvenile justice.

**Question Five: "What are some of the issues related to more effective investigation of allegations of staff sexual misconduct?"**

- We need to interview both youth and staff. We need to train investigators in how to not only secure a crime scene and preserve evidence, but also to raise their skill in interviewing and understanding the dynamics.
- We have staff and youth who move a lot. We need to do a better job with sharing information with other agencies.
- We need certified people in basic juvenile justice forensic interviewing.
- That would a good piece to do the video on. We have a lot of Mayberry type agencies with jails which still house juveniles. Andy and Barney can never go to a conference. The relative isolation of such small agencies makes them a good target audience for a video.
- Lack of power kids have is a cultural piece.
- There are big sophistication and cognitive developmental differences between adults and juveniles which impact how investigations should be conducted.
- By training staff in basic investigative techniques and giving them the tools they can be held accountable.

**Question Six: “What are some of the issues surrounding potential long-term psychological/emotional damage to youth who become victims of staff sexual abuse? What are some investigative strategies that could be used to lessen this trauma?”**

- We have a victim support person in each institution. They get trained on issues. They also connect with psychological services. They learn to isolate the victim, put staff on administrative leave.
- If a staff member is involved in an allegation, we remove the staff member unless the youth requests to be moved instead. We also have a psychologist assigned to each detention unit.
- Information about the alleged or substantiated incidents of staff sexual misconduct move with the youth throughout the system so that the system can respond as needed.
- If there is an allegation of staff sexual misconduct, mental health, medical, and child protective services get involved. The victim is examined and a rape kit is utilized. Other staff will follow up with the mental health team and facility psychologist. Any relevant information will be placed on the youth’s treatment plan and psychologist will continue to work with the youth.
- In the past when we send kids to community hospital, the kid didn’t want the rape kit. The hospital didn’t understand. We delivered letters to the hospitals explaining PREA. The hospitals are getting more cooperative.
- We partnered with a rape crisis center and they trained our community counsel and mental health people on indicators and signs. The training also had components on legal, how to talk to the kids, and what the treatment involves.
- There are many juvenile justice systems and agencies that are relatively sophisticated with regard to treatment issues. Standard protocols often do not exist or are not enforced. We need to communicate these to other agencies. We may need to put together a basic informational/training piece for as many as 50% of the agencies.

**Question Seven: “What is your perspective and your concerns about youth on youth sexual assault?”**

- In our system we have been focusing on staff sexual misconduct, but it won't take our staff much to move to that arena.
- There will be a perception amongst our staff that youth on youth sexual assault is more frequent, especially if you count what is seen as "consensual sex."
- I am more confused talking about youth on youth sexual assault than staff sexual misconduct because there is not as much stigma associated with it. Youth on youth sexual assault is assumed to be a more part of the business.
- Juvenile sex offenders are so designated because they were either committed on a sex offense they committed in the community or after they were incarcerated. However, only a small percentage come in for other things and become labeled as sex offenders due to a sex offense while in the institution.
- When we talk about youth on youth sexual assault, how staff perceives the importance of youth on youth sexual assault is a culture issue. If a predominant value of the culture of staff is "don't ask, don't tell" there can be a problem. Culture is very important with youth on youth issues. If you took a poll of juvenile staff and asked: "Is youth on youth sexual assault a criminal or an administrative offense?" I bet some would respond it's not criminal. It's the culture that wouldn't categorize it as criminal.
- What we don't tolerate with males, we are more apt to tolerate with females, because of culture. We let them sit close, hold hands, and engage in other intimate actions. To prohibit this level of interaction will be a big cultural shift for our staff. Our staff does not recognize that youth on youth sexual assault could occur with between two girls.
- In our current girls program we don't acknowledge that girls will be more relational than boys and that there is a need to understand the realities of the population.
- There are clear differences in the two populations and principles are cultural.
- Resources around gender differences are really important. Research with "Girls Circle" will be published soon.
- Amongst our staff there is the knowledge that potential sexual activities could still go on between girls.

- It is challenging for staff to accept the premise that there can be no consensual sex among youth. Staff just doesn't recognize that. How do you deal with "normal" adolescent sexual experimentation?
- Our approach becomes different with PREA. Before, if caught, and they said it was consensual, we accepted that. Now we don't treat "consensual" sex any differently. We do rape kits, send them out to hospitals and investigate the circumstances no matter whether it is said to be consensual or not. Changing the staff culture is difficult. They don't want to talk about sex with kids.
- Youth do experiment. Reality is we need to realize what the characteristics of the kids are. We don't want to re-traumatize youth.
- Kids in general today have higher sexual orientation than in the past, so kids who enter our system today, have a heightened sexual awareness. Sexual activity is going to happen.
- For all of juvenile corrections, kids are more open about sex. How do we deal with that? What do you do with kids who identify themselves as bisexual, homosexual or transgender?
- We have to explain to kids why we are taking the stance that no sex can be consensual. We tell them these are the rules here we have to have because things could get out of hand. We need to take these precautions. Kids will begin to test it. We need to provide orientation to kids about the rules and the rationale for them.
- With respect to prevention, we need to send clear message about safety.

**Question Eight: "With respect to staff education, what is your experience with issues related to youth on youth sexual assault?"**

- We communicate what is normal vs. criminal adolescent behavior and get staff to react to that.
- You have to connect to staff with an open and frank conversation about human sexuality. We have found this difficult for new youth workers. They squirm in their seats when this is discussed.
- There is a street culture that says it is ok for weaker kids to perform sex as payment for whatever. I see that a lot in our settings. It's not about relationships, it about power.

- We do a good job with training staff who work with juvenile sex offender about their issues but not our general population staff.
- Some of the best training you can have as a juvenile justice professional is on working with a sex offender population. You can't give those three seconds alone with another youth.
- But then there are issues with separating training. There should be two levels - a basic training for line staff and a more advanced training program for counseling and therapeutic staff. One video should be developed for line staff and then don't go further.
- The life experience of line staff seems to be more limited than staff with more advanced counseling degrees.
- It may be more valuable to do more advanced training with staff that has been there for a while. New staff may not understand why you are teaching them about human sexuality.
- However, keep in mind it's the line staff that come into contact more with the youth.
- How do you reach non-state operated facilities that don't necessarily have to buy into what the state is doing? We need to get line staff and supervisors to understand that this is more than just about PREA. It goes to the issues around multiple reporting mechanisms, grievance procedures and sound investigative protocols covering all allegations including non-sexual physical abuse. It's about good correctional practice. How do we disseminate this information to the non-state run facilities? The implementation of PREA forces us to look at ourselves and ask how are we doing business? That is the beauty of PREA.
- From a best practices point of view, as things change with how agencies respond to PREA, we need to keep track of the information so we can use it to benefit other agencies and prevent them from "reinventing the wheel." We need to share information.
- We need a universal mindset about prevention. We need to make sure that any level of tolerance for staff sexual misconduct and youth on youth sexual assault is not a baseline cultural value.

**Question Nine: "How do your systems document youth on youth sexual assault and staff sexual misconduct allegations/incidents?"**

- We report allegations to local state child protective services. The allegations then go up the organizational chain, from staff, to supervisor, to manager, to central office, to local investigator or state police.
- We had miscoded data and have learned from that how to more clearly define what we count and not count as cases of youth on youth sexual assault and staff sexual misconduct.
- Definitions are a challenge. We have to remind ourselves to use these data internally and not just report it to other authorities.
- It's our perception that an agency may not think it's worth keeping accurate records relative to these issues. There has to be incentive to get a system to do better.
- In juvenile justice, people are more resilient. We have roots in the social worker movement. We have a predisposition toward treatment. We have a sense in the juvenile justice field that we don't want to open the door to issues if it will reflect poorly because we are not doing things well. We must understand and accept that anything that reflects that we are not keeping kids safe should be reported honestly.
- My experience is that sex between youth can't be criminalized.
- We need to educate child protective agencies because they will read our reports and say it looks consensual. We still need to investigate further.
- As we get more aggressive with training, the numbers will go up. We need to prepare for that. We have to build trust. It will take a lot of courage to do this.

**Question Ten: "What's different about investigating youth on youth sexual assault versus staff sexual misconduct?"**

- The perception is that they are different but, in reality, they are the same. Perception is that staff sexual misconduct is criminal, and youth on youth sexual assault isn't. The investigative techniques are similar, but we don't dedicate as much time and resources to investigating youth on youth sexual assault.
- Staff sexual misconduct is always wrong, anyplace, anywhere. Kids having sex is not right, but it is not viewed the same way. We're walking a fine line explaining why our environment is so different. Whether or not it is ok may be a function of where you live.



- Youth on youth sex is considered to be “not right” or proper but is just overlooked as a natural artifact in a school setting. Kids “having sex” in a juvenile correctional setting is often viewed in the same light.
- We need to explain to kids the nature of the correctional environment as it relates to safety and security issues so we can justify why sex is not permissible. We need to explain to kids you can’t do that here without consequences. We need to explain to them why they are here, and why we don’t allow such behavior.
- Our kids come in with history of being perpetrators. There’s a danger in assuming anything has ever been consensual for them.
- If it is determined that the sexual activity is indeed consensual we still discipline those kids. We’re really concerned about kids saying it was consensual. In past we’d leave it at that. But not anymore. We send everyone out with premise it was not consensual.
- This becomes a tricky issue for the staff and treatment teams to monitor.

**Question Eleven: “What are some ways we can assess cultural issues and what strategies might be employed initiate a cultural value change?”**

- Staff to youth ratio is a significant factor. If the ratio is high, you will have more incidents.
- We need to tell staff this is the right thing to do. It’s good correctional policy. It increases the safety levels for both staff and kids. All of this wraps up to having a good culture. Setting the culture or changing it, has to come from the leader.
- I think I’m convinced that the only way to be effective with juvenile justice agencies is to play to their values about being good role models. Juvenile justice practioners sees themselves as being better than those in the adult system. There’s a perception that juvenile justice agencies will report it the same or even less than adult corrections. This was not the case reflected in the first BJS administrative records review. The way to get at juvenile justice practioners is to play to their values of being a good treatment agency. Tie it to the strength of the system.
- You see more incidents of staff sexual misconduct in those facilities that have staff that think they are family.

- Does size of agency make difference in reporting? Is a smaller agency more of a family? No, it still depends on the leadership. I see differences in the directors of facilities. Some have much more control. Some directors have a way of manipulating staff and residents.
- Even if leadership gets removed, staff can keep their attitudes. Sometime the attitudes and values are so ingrained, you have to get rid of everyone in the facility and start over.
- We have treatment staff that sees kids as needing help and security staff who wants to punish the kids. There's a clash.
- Teachers cannot be overlooked because our youth are required to spend so much required time in school. They need to be included in thinking about anything you want to do. Sometimes educators come into our setting clueless and can be easily manipulated.
- We are seeing animosity between the different groups of staff particularly between treatment and security.

**Question Twelve: "What strategies can inform us about staff sexual misconduct and youth on youth sexual assault in a community setting?"**

- The opportunity to discover that there is not any less staff sexual misconduct in the community. By the time you find out, it's too late.
- In our system, there is no court ordered aftercare. We have no mandate to validate our concerns. It's an area not monitored.
- With respect to defining youth on youth sexual assault in community setting, where's the line if a released youth perpetrates against a dependent youth in the community but still under supervision?
- We have indeterminate sentencing. They're ours no matter where they are. The boundary issues for staff in community are different. How do you maintain those professional boundaries? Some staff more social work oriented, some are more probation or law enforcement oriented.
- It's important to have communication flow between institution and released youth.

**Question Thirteen: “Is there a ‘right’ place to start getting the information out to all of the segments of juvenile justice field?”**

- In the juvenile justice field you can't get the word out to everyone all at once, you need to rely on individual states to tell you how to do it within that state. There are so many differences. We need to identify stakeholders within each state.

**ATTACHMENT ONE**  
**AGENDA AND INTERROGATORY PROTOCOL**

*National Institute of Corrections*

*The Moss Group, Inc.*

*Focus Group: Juvenile Justice Agencies*

**Addressing Rape of Youth in Correctional Custody**

*Thursday November 10, 2005*

**Lexington, KY**

<b>START</b>	<b>END</b>	<b>SUBJECT</b>	<b>INSTRUCTOR(S)</b>
8:30 am	9:00 am	Coffee and Registration	
9:00 am	9:45 am	<b>Introductions</b> Objectives Big Picture Players	Andie Moss Dr. Gary Dennis
9:45 am	10:15 am	<b>Overview of Current Efforts</b> Moss Group NIC/WCL Project NIC	Andie Moss Brenda Smith
10:15 am	10:30 am	<b>Break</b>	
10:30 am	12:00 pm	<b>Focus Group #1</b> <b>Staff Sexual Misconduct with Youth</b> Perspectives Recommendations	Andie Moss Dr. James Wells
12:00 pm	1:00 pm	<b>Lunch</b>	
1:00 pm	2:30 pm	<b>Focus Group #2</b> <b>Youth on Youth Rape</b> Perspectives The Issue Recommendations	Andie Moss Dr. James Wells
2:30 pm	2:45 pm	<b>Break</b>	
2:45 pm	3:30 pm	<b>Close out and Reactions</b> Delivery Strategies Products	Andie Moss Brenda Smith

## QUESTIONS FOR FOCUS GROUPS

### Focus Group 1. Staff Sexual Misconduct with Youth [approximately 90 minutes]

**SCRIPT:** As we mentioned earlier, the objectives of this exploratory focus group are two-fold: 1) gather data that will inform us in how to best develop a juvenile oriented curriculum on staff sexual misconduct (SSM); and 2) gather data that will guide us in identifying the major SSM related issues in juvenile corrections, including what stakeholders should be consulted, and what strategies should be utilized in naming the issues and building knowledge about the PREA.

This first focus group this morning will focus on staff sexual misconduct related issues. The second focus group this afternoon will focus on youth on youth sexual assault related issues.

Let's start with an open-ended, very general question...

- 1) **Question One** [12 minutes] – What's your **perspective** on PREA juvenile related staff sexual misconduct issues? (note to facilitator: it is assumed there will be some overlap with responses):
- 2) **Question Two** [15 minutes] – What strategies can you recommend to us that you think would be useful in guiding us in “**naming the issue.**” That is, how can you assist us in identifying what the major staff sexual misconduct related issues are in juvenile corrections? Please include in your response, if applicable, who you think the major stakeholders might be.
- 3) **Question Three** [63 minutes] – This last question has several parts. What recommendations can you give us that you think would be useful in informing us and others (via education and training) about the following issues or themes as they pertain to SSM:
  - a. ...Staff education and training; designing a curriculum? [9 minutes]
    - i. Examples of other possible prompts or probes to be used when appropriate:
      - How to adequately prepare/train staff in how to prevent, report, treat and investigate SSM?
      - How to ensure your staff are familiar with the PREA?
      - How to document SSM incidence/prevalence, etc.?
      - How to train staff on SSM policy and procedure?

#### **b. ...Prevention? [9 minutes]**

Examples of other possible prompts or probes to be used when appropriate:

- How to define SSM prevention?
- How does facility design, construction affect SSM prevention capability?
- How does crowding, as well as adequate beds, housing for placement and separation, affect SSM prevention capability?
- What are the relevant SSM related security and safety issues?
- How can protocols and classification of victims assist us?
- How can protocols in screening staff applicant assist us?
- How can technology be useful?
- How can policy and procedure influence SSM prevention?

c. ...Investigation/Prosecution/Sanctions? [9 minutes]

Examples of other possible prompts or probes to be used when appropriate:

- How can policy/procedure/protocols guide SSM investigations?
- How train investigators in effective SSM investigative techniques (e.g., gather and preserve evidence, etc.)?
- How to establish links between police, courts, and prosecutors?
- How to educate prosecutors, police, and judges?
- How to change the organizational/institutional culture about SSM?

d. ...Victim issues? [9 minutes]

Examples of other possible prompts or probes to be used when appropriate:

- How can we deliver timely, comprehensive and sensitive interventions to SSM?
- How can we provide advocacy and support to victims of SSM?
- How can we provide adequate treatment for the physical and psychological effects of SSM?
- How can we assist in family reunification?

e. ...Juvenile Offender issues? [9 minutes]

Examples of other possible prompts or probes to be used when appropriate:

- How should we conduct orientation on SSM?
- How can we encourage reporting of SSM?
- How can we train juvenile offenders in how not to become a victim of SSM?
- What are the transition, community supervision, and reentry related issues pertinent to SSM?
- What special populations are prone to SSM?

f. ...Leadership, Management and Operations? [9 minutes]

Examples of other possible prompts or probes to be used when appropriate:

- How can we change system and institutional culture about SSM?
- How can we develop a zero-tolerance policy on SSM?
- How can we impact department and facility policy and procedures about SSM?
- How can we create an emotionally safe environment for open discussion of SSM?

g. ...Definitions, Laws and Legislation? [9 minutes]

Examples of other possible prompts or probes to be used when appropriate:

- How do we define SSM (i.e., include sexual misconduct, sexual harassment, over-familiarity, retaliation, etc.)
- What are the liability related issues?
- How do laws address inappropriate relationships?

## **Focus Group 1. Youth on Youth Rape [approximately 90 minutes]**

**SCRIPT:** As we mentioned earlier, the objectives of this second exploratory focus group are to gather data that will guide us in identifying the major SSM related issues in juvenile corrections, including what stakeholders should be consulted, and what strategies should be utilized in naming the issues and building knowledge about the PREA.

This second focus group this afternoon will focus on youth on youth sexual assault related issues.

Let's start with an open-ended, very general question...

- 4) **Question One** [12 minutes] – What's your **perspective** on PREA youth on youth rape (including any type of sexual assault) related issues? (note to facilitator: it is assumed there will be some overlap with responses):
- 5) **Question Two** [15 minutes] – What strategies can you recommend to us that you think would be useful in guiding us in “**naming the issue.**” That is, how can you assist us in identifying what the major youth on youth rape related issues are in juvenile corrections? Please include in your response, if applicable, who you think the major stakeholders might be.
- 6) **Question Three** [63 minutes] – This last question has several parts. What recommendations can you give us that you think would be useful in informing us and others (via education and training) about the following issues or themes as they pertain to youth on youth rape:
  - a. ...Staff education and training; designing a curriculum? [7 minutes]
    - i. Examples of other possible prompts or probes to be used when appropriate:
      - How to adequately prepare/train staff in how to prevent, report, treat and investigate youth on youth rape?
      - How to ensure your staff are familiar with the PREA?
      - How to document youth on youth rape incidence/prevalence, etc.?
      - How to train staff on youth on youth rape related policy and procedure?
    - b. ...Prevention? [7 minutes]

Examples of other possible prompts or probes to be used when appropriate:

- How to define youth on youth rape prevention?

- How does facility design, construction affect youth on youth rape prevention capability?
- How does crowding, as well as adequate beds, housing for placement and separation, affect youth on youth rape prevention capability?
- What are the relevant youth on youth rape related security and safety issues?
- How can protocols and classification of victims and perpetrators assist us?
- How can technology be useful?
- How can policy and procedure influence youth on youth rape prevention?

c. ...Investigation/Prosecution/Sanctions? [7 minutes]

Examples of other possible prompts or probes to be used when appropriate:

- How can policy/procedure/protocols guide youth on youth rape investigations?
- How can we train investigators in effective youth on youth rape investigative techniques (e.g., gather and preserve evidence, etc.)?
- How to establish links between police, courts, and prosecutors?
- How to educate prosecutors, police, and judges?
- How to change the organizational/institutional culture about youth on youth rape?
- How do we develop a range of sanctions to “tighten the reins” on potential perpetrators when they begin to exhibit high risk behavior patterns?

d. ...Victim issues? [7 minutes]

Examples of other possible prompts or probes to be used when appropriate:

- How can we deliver timely, comprehensive and sensitive interventions to youth on youth rape?
- How can we provide advocacy and support to victims of youth on youth rape?
- How can we provide adequate treatment for the physical and psychological effects of youth on youth rape?
- How can we assist in family reunification?

e. ...Juvenile Offender issues? [7 minutes]

Examples of other possible prompts or probes to be used when appropriate:

- How should we conduct orientation on youth on youth rape?
- How can we encourage reporting of youth on youth rape?
- How can we train juvenile offenders in how not to become a victim of youth on youth rape?
- What are the transition, community supervision, and reentry related issues pertinent to youth on youth rape?
- What special populations are prone to youth on youth rape?
- How can we take use history of youth data (e.g., abuse, trauma)?

f. ...Leadership, Management and Operations? [7 minutes]

Examples of other possible prompts or probes to be used when appropriate:



- How can we change system and institutional culture about youth on youth rape?
- How can we create an emotionally safe environment for open discussion of youth on youth rape?
- How can we develop a zero-tolerance policy on youth on youth rape?
- How can we impact department and facility policy and procedures about youth on youth rape?

g. ...Safe Communities? [7 minutes]

Examples of other possible prompts or probes to be used when appropriate:

- How can we collaborate between corrections officials, probation officials, treatment providers, victim services personnel, law enforcement officials, prosecutors, judges, social services personnel, state and local and policy makers?
- How can we better moderate facility populations without threatening public safety?
- How can we utilize risk assessment to improve community safety?
- How can we develop public policies supportive of offender specific containment practices?
- How can we determine when right to privacy is outweighed by duty to warn community?

h. ...Public Policy, Education and Awareness? [7 minutes]

Examples of other possible prompts or probes to be used when appropriate:

- How can we improve awareness?
- How can we adopt a philosophy that values community and victim safety, interagency and interdisciplinary collaboration, consistent public policies, and quality control (i.e., monitoring, evaluation, etc.)?
- How can we protect public safety?
- How can we educate the public and policy makers?

i. ...Definitions, Laws and Legislation? [7 minutes]

Examples of other possible prompts or probes to be used when appropriate:

- How do we define youth on youth rape (i.e., include sexual harassment, intimidation, coercion, etc.)
- What are the liability related issues?
- How do laws address inappropriate relationships?
- How can we help shape legislative mandates, executive orders, and agency policies and protocols that advance the safety of staff, offenders, and the public?