PREA

Prison Rape Elimination Act Policy

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1. POLICY STATEMENT AND PURPOSE

Wolverine Human Services (WHS) maintains a **zerotolerance** stance toward all forms of sexual abuse, sexual harassment, and sexual misconduct involving youth in its custody. This policy establishes comprehensive procedures to **prevent, detect, report, investigate, and remediate** sexual abuse and sexual harassment in alignment with:

- **Federal PREA Standards for Juvenile Facilities** (28 CFR Part 115, Subpart D).
- **Michigan Department of Health and Human Services (MDHHS) Juvenile Justice Residential (JJR) Policy & Manual**, including JRM 560 "Sexual Abuse Prevention and Response."
- **Licensing Rules for Juvenile Facilities** (Mich. Admin. Code R 400.10101 et seq.).

The policy aims to safeguard the physical, emotional, and psychological wellbeing of youth, staff, contractors, and volunteers, while ensuring procedural justice and accountability.

2. SCOPE AND APPLICABILITY

This policy applies to all WHS operated or contracted Applies to *all* WHSoperated or contracted juvenile facilities, staff, interns, volunteers, contractors, vendors, and visitors. Compliance with this policy is an express term of employment or service contract.

3. AUTHORITY AND LEGAL REFERENCES

Federal

- Prison Rape Elimination Act, Public Law 10879; 42 U.S.C. § 15601 et seq.

- 28 C.F.R. Part 115, Subpart D — *National Standards to Prevent, Detect, and Respond to Prison Rape: Juvenile Facilities*

State of Michigan

- Child Caring Institutions Licensing Rules, Mich. Admin. Code R 400.4101–.4545
- MDHHS Juvenile Justice PREA Guidelines & Forms
- Mandatory Reporter Law, Child Protection Law, Mich. Comp. Laws § 722.623
- YouthtoStaff Ratio Directive (1:8 waking / 1:16 sleeping)

Contract

- State of Michigan contract MA 210000000340 (Section M PREA)

Other Guidance

- U.S. DOJ PREA Resource Center Implementation Guides

4. DEFINITIONS

For purposes of this policy, the definitions in 28 C.F.R. § 115.5 & § 115.6 apply, including:

Sexual Abuse
Includes resident-on-resident and staff-on-resident abuse:

- Contact between penis and vulva or anus, with or without penetration.
- Oral contact involving penis, vulva, or anus.
- Penetration of anal or genital openings by hand, finger, or object.
- Any touching of genitals, anus, groin, breast, inner thigh, or buttocks not required by official duties.
- Use of coercion, force, or grooming to engage in any sexual behavior.
- Staff sexual contact regardless of perceived resident consent.
- Indecent exposure, voyeurism, and sexual threats.

Sexual Harassment

- Repeated and unwelcome sexual advances, comments, gestures, or jokes.

- Derogatory gender-based or sexually suggestive remarks by residents or staff.

Sexual Misconduct (Michigan Definition)

- Any sexual behavior or communication between a youth and an adult in a position of authority, including proposals or exposure, with or without physical contact.

Voyeurism

- Observing a resident in a private situation (e.g., showering or toileting) without official reason.

Consent

- Youth cannot legally consent to sexual activity with staff, volunteers, or contractors. Any such contact is inherently abusive.

Retaliation

- Any adverse action, threat, or intimidation against someone who reports or cooperates in an investigation of sexual abuse or harassment.

PREVENTION OF RESIDENT SEXUAL ASSAULT

Residential juvenile justice staff must have zero tolerance for sexual abuse and sexual harassment of residents. Wolverine Human Services must ensure that preventive plans are in place and should allegations regarding sexual abuse or harassment be made, that staff are appropriately trained to take actions to rapidly restore safety, attend to and support the victim, and promptly begin the investigative process.

PURPOSE

To prevent incidents of sexual abuse and sexual harassment to the maximum extent practical and to take prompt, effective and compassionate action in the event that allegations of sexual abuse or harassment are made.

DEFINITIONS

Resident-on-resident sexually abusive penetration: Any sexual penetration by a resident of another resident without the latter's consent, or of a resident who is coerced into sexual contact by threats of violence, or of a resident who is unable to refuse. The sexual acts included are contact between the penis and the vagina or the anus; contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another person by a hand, finger, or other object.

Resident-on-resident sexually abusive contact: Non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks without

penetration by a resident of another resident, without the latter's consent, or of a resident who is coerced into sexual contact by threats of violence, or of a resident who is unable to refuse.

Resident-on-resident sexual harassment: Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, or gestures or actions of a derogatory or offensive sexual nature by one resident directed toward another.

Staff-on-resident sexually abusive contact: Includes non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks by a staff member or a resident that is unrelated to official duties.

Staff-on-resident sexually abusive penetration: Sexual penetration by a staff member of a resident, including contact between the penis and vagina or anus; contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another person by a hand, finger, or other object.
Staff-on-resident indecent exposure: The display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of a resident.

Staff-on-resident voyeurism: An invasion of a resident's privacy by staff for reasons unrelated to official duties or when otherwise not necessary for safety and security reasons

Staff-on-resident sexual harassment: Repeated verbal comments or gestures of a sexual nature to a resident by a staff member. Such statements include demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or profane or obscene language or gestures.

Staff sexual misconduct: Includes any behavior or act of a sexual nature directed toward a juvenile or youthful offender by an employee, volunteer, contractor, official visitor, or other facility representative. Sexual relationships of a romantic nature between staff and youth are included in this definition.

Sexual Exploitation: Includes allowing, permitting, or encouraging a child to engage in prostitution, or allowing, permitting, encouraging, or engaging in the photographing, filming, or depicting of a child engaged in a listed sexual act as defined in MCL 750.145c

Age of legal consent in Michigan:
While no statute specifically establishes an age at which a minor may legally consent to sexual activity, there can be criminal penalties for consensual sexual activity with a minor under 16 years of age. *See* MCL § 750.520b. There also can be criminal penalties for consensual sexual activity with a minor under 18 years old when certain circumstances exist. For example, it is considered "third degree criminal sexual conduct" for a teacher or school administrator to sexually penetrate a student under 18 years old, irrespective of consent. MCL § 750.520d.

First Responder:
Includes any/all facility personnel to whom an incident or report of alleged sexual abuse, or any

other form of abuse/neglect of youth is reported. This includes staff's own observation or suspicion, direct report (verbal or written) from youth or third parties of abuse or neglect in accordance with Mandated Reporting laws and facility policies.

RESPONSIBLE STAFF
Facility Director, Program Manager/Supervisor, and PREA Compliance Manager

5. ZERO TOLERANCE & DUTY TO PROTECT

WHS prohibits **all** sexual activity between staff and residents, and between residents when it involves coercion, force, or inability to consent. Any violation shall result in prompt disciplinary action and, where warranted, criminal prosecution. Every employee shares an affirmative duty to protect residents from sexual abuse or harassment and to report immediately any knowledge, suspicion, or information regarding an incident. WHS strictly prohibits all forms of sexual abuse, sexual harassment, and retaliation.

6. GOVERNANCE, ROLES, AND STAFFING

6.1 ORGANIZATIONAL STRUCTURE

ROLE	MINIMUM QUALIFICATIONS	PRIMARY RESPONSIBILITIES
PREA Coordinator	5 yrs juvenilejustice leadership; DOJ PREA Coordinator certification	Agencywide compliance; policy oversight; liaison to DOJ & MDHHS

PREA Compliance Manager (PCM)	Supervisor; 40hr PREA Management course	Facilitylevel compliance; incident reviews; training & data
Qualified PREA Investigator	NIC specialized investigator certification	Conduct administrative investigations; ensure evidence protocol

6.2 STAFFING AND SUPERVISION

Waking Hours: minimum ratio 1:3

Sleeping Hours: minimum ratio 1:6

Unannounced Supervisory Rounds: At least once per shift per housing unit; documented on appropriate shift rounds paperwork.

6.3 BACKGROUND CHECKS

- CPS Central Registry, iChat, NCIC, and National Sex Offender Registry clearances prior to hire and annually thereafter.
- Any substantiated sexual misconduct history is an automatic disqualifier.

7. PREVENTION & ENVIRONMENTAL SAFETY

7.1 Camera Footage Assessment

- Camera footage and blind spot assessments are completed on a quarterly basis

2. Language Access Services and Clients with Disabilities

- PREA policy is provided in a language that the client can understand and speak fluently. Interpretation Services are available via a third party if necessary.

- **Non-Discrimination**
  Wolverine Human Services will not deny or limit services to any individual solely on the basis of a disability.

- **Service Provision Condition**
  Services may be provided to clients with disabilities **only** when there are appropriately qualified personnel available to deliver care at the client's required level.
- If qualified personnel are available, Wolverine will proceed to provide or arrange services, making reasonable accommodations as needed.
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- If qualified personnel are **not** immediately available:
- Wolverine will place the client on a priority waitlist and endeavor to recruit, train, or assign qualified staff as quickly as possible.
- In the interim, Wolverine will coordinate referrals to other agencies or providers capable of meeting the client's needs and will maintain regular communication with the client or family regarding staffing progress.

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7.4 Client Searches

- Clients are searched upon entering the facility and prior to exiting the facility
- **Crossgender strip and bodycavity searches are prohibited.**

8. SCREENING, CLASSIFICATION &HOUSING

8.1 PREA INTAKE SCREENING

- PREA Risk Screening (MDHHS 5606) is completed with each client within the first 72 hours of intake and again within 30 days of admission
- Protective custody limited to less than 24 hours, subject to case review and supervisory approval
- Placement decisions for LGBTIQ+ youth are individualized and prioritize safety.

9. TRAINING AND EDUCATION

9.1 Employees

- Every employee attends an 8-hour instructor-led orientation at their time of hire
- A 4-hour in-person refresher training is required annually, in addition to a 4-hour online training.

9.2 Volunteers/Contractors

- Each contractor or volunteer must attend a 2-hour PREA Briefing prior to working with the clients.

9.3 Youth

- Verbal and written education within 10 hours of admission and comprehensive PREA class within 10 days

9.4 Specialized Investigator Training

Michigan's PREA policy for juvenile justice residential facilities implements the federal PREA Standards at 28 CFR §115.334 through the MDHHS Juvenile Justice Residential Manual (JRM 170).

- Wolverine Human Services will provide the designated PREA Investigator with the required training pursuant to 28 CFR §115.334(b), the specialized investigator training **must** include all of the following elements:
- **Interviewing youth** who are alleged victims of sexual abuse
- **Proper use of Miranda and Garrity warnings**
- **Sexual abuse evidence collection** in a confinement setting
- **Criteria and evidence** required to substantiate a case for administrative action or prosecution referral

9.4(a) Documentation and Retention

Facilities must **retain certificates** of completion in each investigator's personnel file as proof that the training requirements of §115.334 have been met

9.4(b) Specialized Training for Medical and Mental Health Care

- 24-hour medical and mental health services will be provided to each client as deemed necessary by a licensed medical practitioner.

10. REPORTING, GRIEVANCES &THIRD-PARTY ACCESS

10.1 Reporting Options

- There are drop boxes located throughout the agency as well as on the wall in each unit to report any form of sexual abuse. Anonymous reporting is an option. Reporting concerns to staff as well as the onsite PREA Coordinator.

10.2 Receipt of Complaint

- All grievances are acknowledged within 24-48 hours and each complaint requiring investigation will be resolved within 45 days

10.3 Confidential Advocacy

- Confidential victim advocacy is available through Child Advocacy Centers throughout the county

10.4 Third Party Reporting

- Wolverine Human Services will notify Child Protective Services immediately following the knowledge of any suspected or actual abuse.

11. RESPONSIVE PLANNING & FIRST RESPONDER ACTIONS

11.1 Staff and Reporting Agency

- Staff are required to notify law enforcement and Child Protective Services upon knowledge of the incident

11.2 Agency Protection Duties

- Wolverine Human Services staff will protect the client according to confinement standards by the state of Michigan.

11.3 Reporting to other Confinement Facilities

- Wolverine Human Services will disclose information to outside-confinement facilities as directed by court order.

11.4 Sexual Abuse Incident Response Plan

- A written SAIRP is completed, outlining coordinated responses from all parties involved.
- First-responder duties include separation of parties, preservation of evidence, and immediate medical referral

12. INVESTIGATIONS, EVIDENCE & MOUs

12.1 Administrative Investigations

- Administrative investigations follow Standard Operating Procedures required by the state of Michigan DHHS

12.2 Criminal Investigations

- Criminal Investigations will be conducted by Tuscola County Sheriff's Office, evidence will be handled per SANE guidelines.

12.3 Evidentiary Standard for Administrative Investigations

- WHS is prohibited from imposing any standard higher than a **preponderance of the evidence** when determining whether an allegation is substantiated.

13. SANCTIONS AND CORRECTIVE ACTION (115.376)

CATEGORY	SANCTION RANGE

Staff- Sexual Abuse	Presumptive termination; lawenforcement referral
Staff-Sexual Harassment	Disciplinary action up to termination
Contractor/Volunteer	Immediate removal; contract remedial action
Youth Perpetrator	Graduated discipline, isolation possible as penalty

14. MEDICAL & BEHAVIORAL HEALTH CARE

14.1 SANE/SANE-P Exam

- Forensic medical exams will be completed within 24 hours at the local hospital (Covenant Medical, Caro, Hurley Hospital)

14.2 Emergency Contraception

- Emergency contraception, STI prophylaxis, pregnancy testing, and traumainformed counseling provided free of charge

14.3 Medical Follow-up

- Medical follow-up services will be scheduled within 30 days or as recommended by the medical professional.

15. RETALIATION MONITORING & PROTECTIVE MEASURES

15.1 Retaliation Tracking

- PREA Coordinator will track and monitor each case for retaliation for at least 90 days and observations will be documented.

15.2 Protective Housing

- Protective housing, work reassignment, or separation orders implemented as needed.

16. DATA COLLECTION, REVIEW & PUBLICATION

16.1 Data Collection

- Each investigation is conducted by the PREA Coordinator and documented on for WHS-2025-1

16.2 Data Review Team

- After data is collected, each case will be reviewed by the following individuals:
  - Director
  - PREA Coordinator
  - Lead Supervisor
  - Investigators (cps, law enforcement)
  - Medical professional

16.3 Data Storage, Publication, and Destruction

- **Secure Retention**
  WHS will ensure that all data collected under (incident-based and aggregate sexual abuse data) are **securely retained**, with access limited to authorized staff.

- **Annual Publication of Aggregated Data**
  At least once each year, WHS will make **all aggregated sexual abuse data** from facilities it operates and from private facilities under contract **readily available** to the public via its website or, if no website exists, by other public means.

- **Anonymization Prior to Release**
  Before any aggregated data are published, WHS will **remove all personal identifiers** to protect the confidentiality of residents, staff, and any third parties.

- **Minimum Retention Period**
  Sexual abuse data collected pursuant to must be kept for **at least 10 years** from the date of initial collection, unless a longer period is required by federal, state, or local law. After that period, WHS will **securely destroy** both electronic and physical records in a manner that prevents reconstruction.

17. CONTRACT OVERSWIGHT & COMMUNITY PARTNERS

17.1 Contract Oversight

- Any agency/company that contracts with WHS in any capacity agrees to comply with the PREA policy as stated and required by Federal Law and State of Michigan.
  - WHS has a responsibility to monitor the contractor's compliance with PREA standards, including background checks and Sexual Abuse History

17.2 Community Partners

- All community partners, including staff, volunteers, and contractors, have a duty to report any information known to them about sexual abuse, sexual solicitation, or sexual coercion
- There is a ZERO TOLERANCE policy for sexual abuse and harassment, including maintaining proper boundaries and professional conduct

17.3 Reporting Protocol

- Any suspected or known abuse must be reported immediately by contacts Child Protective Service reporting line at 855-444-3911 or by completing an online complaint through the Michigan Online Reporting System

17.4 Termination of Contracts

- WHS reserves the right to terminate any contract with any agency upon learning of any form of abuse. WHS reserves the right to terminate any contract during the process of investigation.

18. AUDIT & CONTINUOUS IMPROVEMENT

18.1 Audit Timeframe

- WHS will have a PREA audit completed every three (3) years by a DOJ-certified auditor

18.2 Corrective Action Plans

- All Corrective Action Plans (CAP) will be completed and returned to the auditor within 180 days of receiving the audit report.
- PREA dashboard metrics will be reviewed by the executive leadership team monthly.