

SECTION B: Admission and Release IMPLEMENTED: 11/17/05
CHAPTER: B-100 Pre-Admissions
NUMBER: B-102 Reporting of Non-Accidental Injury/Neglect of Youth 06/03/24 Update

RELATED STANDARDS: PCJCC 7.7.1., A.R.S. 13-3620, 8-201, 13-3623, PREA, A-307, D-703

POLICY: ZERO Tolerance of Sexual Assault, Sexual Abuse, Sexual Harassment

Pima County Juvenile Court Center (PCJCC) personnel, contract employees and volunteers have a mandatory duty to report when they reasonably believe a youth has been a victim of physical/sexual abuse – a reportable offense or neglect that appears to be inflicted upon the youth by other than accidental means pursuant to A.R.S. 13-3620.

DEFINITIONS:

Abuse: The infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage and is caused by the acts or omissions of an individual having care, custody, and control of a child. Further definition of abuse is detailed in A.R.S. 8-201.

Molestation of a child: A.R.S. 13-1410: A person commits molestation of a child by intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with the female breast, with a child who is under fifteen (15) years of age.

Neglect: The inability or unwillingness of a parent, guardian, or custodian of a child to provide that child with supervision, food, clothing, shelter, or medical care or when unwillingness causes substantial risk of harm to the child's health or welfare, as detailed in A.R.S. 8-201.

Sexual abuse: A.R.S. 13-1404: A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is 15 or more years of age without consent of that person or with any person who is under 15 years of age if the sexual contact involves only the female breast.

Additionally, a youth in the custody of a correctional facility may not give consent.

Sexual assault: A.R.S. 13-1406: A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person. A youth in the custody of a correctional facility may not give consent.

Sexual conduct with a minor: A.R.S. 13-1405: A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen (18) years of age.

The Federal Prison Rape Elimination Act (PREA) will be complied with and is described in detail in Policy & Procedure A-307 Prison Rape Elimination Act (PREA) Policy.

PROCEDURE:

Mandatory reporting is directed by A.R.S. 13-3620. Detention personnel, contract employees and volunteers are required to immediately report to Detention Administration, any act towards a youth by **any** person that may be constituted as physical/sexual abuse or neglect.

I. INFORMING YOUTH ABOUT REPORTING GUIDELINES FOR INAPPROPRIATE CONDUCT

In Intake, prior to detainment, the youth will be provided with information that assists them with how to report physical/sexual abuse and/or neglect.

- A. During the Intake process, the Intake Juvenile Detention Officer (JDO) will provide a one-on-one orientation with the youth providing information on how and who to report incidents of physical/sexual abuse and neglect. This orientation should also include information about how to request medical and mental health services.
- B. Detained youth will be given a Pima County Juvenile Detention Center (PCJDC) Youth Handbook which will outline reporting guidelines in cases where youth may have experienced physical/sexual abuse and neglect by **any** person.
- C. Detained youth will be provided with programming information on a regular basis that will educate them on abuse prevention, self-protection, intervention, personnel mandatory reporting guidelines and medical and mental health services available to them, in a sensitive manner and age-appropriate level.

II. REPORTING PHYSICAL/SEXUAL ABUSE OR NEGLECT

- A. Any detention personnel, contract employees, and volunteers who receive information regarding an allegation of physical/sexual abuse or neglect occurring in detention will immediately report it to the Juvenile Detention Supervisor/Designee on duty. Who will:
 1. Immediately notify the Detention Director/Designee.
 2. Ensure that the receiver of the information reports the information to the Department of Child Safety (DCS) and law enforcement by phone and follows up with an Incident Report (IR) and written DCS reporting form.
 3. If injuries are observed on the youth, contact the Health Services Unit to respond and assess the injury and submit a sick call to the responding nurse.
- B. Once the Detention Director (DD)/Designee has been notified of an allegation of physical/sexual abuse or neglect occurring in detention they will:
 1. Immediately notify the Director of Juvenile Court Services.
 2. Ensure the reporting procedure has been followed
 3. Ensure that an investigation is conducted promptly, thoroughly, and objectively for all allegations including third party and anonymous reports
 4. The alleged victim's parents or legal guardians will be notified. If the youth is under guardianship of the Department of Child Safety (DCS) the youth's caseworker will be notified instead of parent/guardian.
 5. The alleged attorney or legal representation will be notified of the allegation within fourteen (14) days of receiving the allegation.
- C. A sexual abuse report is **NOT** required if the conduct involves only youths who are 15 years of age or older and the other party is under nineteen (19) years of age or attending high school and is no more than 24 months older than the victim and the

conduct is consensual. This only applies to information received by youth of activities occurring outside of Detention.

- D. A sexual abuse report is required if the sexual conduct is with the youth's parent, sibling, stepparent, adoptive parent, legal guardian, foster parent, grandparent or other relative, regardless of the age of the participants.

Reports shall contain:

1. Names and addresses of the youth, and the youth's parents or the person(s) having custody of the youth, if known.
 2. The youth's age and the nature and extent of the youth's abuse, physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.
 3. Date and time of the abuse and alleged perpetrator's name, if known.
 4. Any other information that the person believes might be helpful in establishing the cause of the abuse, physical injury, or neglect.
- E. A person who furnishes a report, information or records required under this section, or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information or records required under this section, is immune from any civil or criminal liability by reason of that action unless the person acted with malice or unless the person has been charged with or is suspected of abusing or neglecting the child or children in question.
- F. Youth reporting abuse or neglect will be kept safe and separate from the alleged aggressor. The scene will be secured according to Policy & Procedure D-703 Law Enforcement Notification if the allegation is of a sexual nature. Pursuant to PREA 115.363 (c), the victim will be requested not to take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. The victim and/or reporter of abuse/neglect will be protected from retribution by the perpetrator when an allegation is made while in secure care. The victim of abuse or neglect will have access to medical and mental health services, and outside victim advocates in the case of sexual abuse.

III. REPORTING TO OTHER CONFINEMENT FACILITIES

- A. At any time, a staff member has knowledge of or is suspicious of any physical abuse, sexual abuse or sexual harassment that occurred in any secure facility, including residential facility, the staff member will:
1. Immediately report it to the shift JDS or Unit 1.
- B. The shift JDS or Unit 1 will:
1. Contact law enforcement if sexual abuse is alleged.
 2. Immediately notify the DD or Designee.
 3. Contact Health Services Professionals.
- C. The DD or Designee will:

1. Notify the head of the facility or appropriate office of the other facility where the alleged sexual harassment or abuse occurred.
2. Provide the notification as soon as possible, but no later than seventy-two (72) hours after receiving the allegation.
3. Document the notification was provided.
4. If alleged sexual abuse notify the Director of Juvenile Court Services.

IV. FAILURE TO REPORT

- A. Failure to report incidents of suspected abuse is a violation of detention personnel's responsibility to the well-being of the youth in detention and may subject the individual to criminal or civil proceedings as prescribed by state law, as well as administrative action by the Director of Detention Services.
- B. Pursuant to A.R.S. 13-3620, Chapter O, a violation of this reporting policy is a Class 1 Misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a Class 6 Felony.
- C. Pursuant to A.R.S. 13-3620, Chapter P, Item 4, "Reportable Offense" means:
 1. Any offense listed in A.R.S. chapters 14 and 35.1 of this title or section 13-3506.01 (Furnishing harmful items to youths; internet activity).
 2. Surreptitious photographing, videotaping, filming, or digitally recording of a minor pursuant to A.R.S. 13-3019.
 3. Child prostitution pursuant to A.R.S. 13-321.
 4. Incest pursuant to section A.R.S. 13-3608.
 5. Unlawful mutilation pursuant to section A.R.S. 13-1214.

V. REPORTING FORM

- A. The DCS Child Abuse Hotline Report will be used by JDOs reporting abuse as observed in the course of their official duties.
- B. Complete the form and use the appropriate symbols and draw the injuries observed.
- C. The report will be called into the DCS Child Abuse Hotline at 1-888-767-2445. Be sure to document at the top of the form the date and time called in, along with the DCS Specialist's name of who was taking the report and the case number, if available.
 1. Route a copy of the report to the Probation Officer (PO) and notify by email.
 2. Route a copy of the report to the Health Unit.
 3. Place the original of the form in the youth's Detention file.
 4. Document in the Pass-On.
- D. The DD/Designee shall ensure all incidents of abuse (physical/sexual) are reviewed at the conclusion of the investigation to assess and improve prevention and response.
- E. Any records associated with claims of sexual assault, abuse and neglect, including IRs, investigative reports, youth information, medical reports, and case disposition shall be

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maintained in a confidential manner and retained in accordance with Arizona State Record Retention Policy.