

I have been informed of and believe I understand each of the following specific items about the PRISON RAPE ELIMINATION ACT (PREA) of 2003 listed below:

for
Understanding Initial

1.		<p>That, federal law specific to incarcerated persons, the <u>Prison Rape Elimination Act (PREA) of 2003</u>, requires that the Department of Children's Services (DCS)/Private Provider Agency take steps to prevent staff-on-youth and youth-on-youth sexual contact of any type from occurring in or around a DCS Youth Development Center (YDC) or Private Provider Agency; and there is a ZERO-TOLERANCE policy <u>18.8 Zero-Tolerance Standards and Guidelines for Sexual Abuse Assault or Rape Incidents and PREA</u> in place that prohibits sexual contact of any type or kind whatsoever, in or around any DCS/Private Provider facility.</p>
2.		<p>That, state and federal law specific to incarcerated persons forbids sexual contact of any type or kind whatsoever by adult employee/volunteer or contractor, or with youth at any time anywhere in or outside of this YDC/Private Provider facility, including youth placed at DCS YDC's from an adult court disposition.</p>
3.		<p>That, any sexual contact between myself and another employee/volunteer/contractor <i>in or around any</i> YDC/Private Provider facility, if sufficiently supported by proof pursuant to DCS policies and procedures, may result in discipline up to and including termination.</p>
4.		<p>That, sexual misconduct between an adult employee/volunteer or contractor and a youth in a YDC/Private Provider Agency is forbidden and may result in discipline up to and including termination. Sexual misconduct can consist of conversations, gestures, or correspondence of a sexual nature to a youth. This includes demeaning references to gender or sexual preference, or sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures. Sexual misconduct also includes voyeurism which is an invasion of a youth's privacy by an adult by peering at a youth in private situations outside of those required by supervisory policies, requiring a youth to expose any part of the body for any purpose except for medical treatment or searches pursuant to DCS policies and procedures, and includes indecent exposure to the youth or allowing a youth to expose himself or herself to an adult present in the facility.</p>
5.		<p>That, I have a duty to report any sexual contact between (1) employee/volunteer or contractor or other adult and youth OR (2) youth and youth that I observe <i>or have reason to believe occurred</i> and must report it to _____ as required or allowed by law to investigate, and if I fail to do so and such is proven pursuant to policy, there could be disciplinary action up to and including termination and/or criminal action.</p>
6.		<p>That, if sufficiently supported by proof pursuant to DCS policies and procedures, any sexual contact between myself and a youth will result in termination from employment and probable criminal action including, but not limited to, those offenses set out below in Section (6), a) – f). A person can also be charged criminally with conspiracy, attempt, criminal responsibility for conduct of another; criminal responsibility for facilitation of felony; solicitation; accessory after the fact.</p>



7.		That, if there is sexual contact between me and any youth or DCS custody youth I could be charged with a criminal offense including but not limited to the following based upon the evidence:
7.a		RAPE – TCA 39-13-503. Class B felony OR AGGRAVATED RAPE Class A Felony; <i>sexual penetration by force</i> with other elements; use of a weapon or a device serving as a weapon OR bodily injury occurs; OR one or more people participate by force but not necessarily with a weapon; or the victim is PHYSICALLY HELPLESS. Sentence range from 7.2 years to life.
7.b		STATUTORY RAPE – TCA Section 39-13-506 – Sexual penetration of a victim by defendant or defendant by the victim of any youth <i>less than 18 years of age</i> by a defendant at least 4 years older; also, mitigated and aggravated statutory rape elements are based on age gap. Carries .9 yrs to 12 yrs in the range depending on whether it's a Class E or Class D felony.
7.c		SEXUAL CONTACT WITH INMATE - TCA Section 39-16-408 - Class E Felony carrying a sentence of .9 to 6 years in the range. Elements: Engaging in sexual contact or sexual penetration of an inmate by a correctional officer, police officer, etc., on or off the grounds, consensual or not. Definition of "inmate" includes <u>Youth Development Center and group home youth of any age</u> ; "Correctional officers" includes a person working in that capacity as a private contractor or employee of a private contractor.
7.d		SEXUAL BATTERY/AGGRAVATED SEXUAL BATTERY – TCA Sections 39-13-504 and 505 Unlawful sexual contact with a victim by defendant or defendant by a victim along with FORCE OR COERCION; WITHOUT CONSENT OR the victim is PHYSICALLY HELPLESS. "Coercion" means that the perpetrator accomplishes this by threat of kidnapping, extortion, force or violence to be performed immediately or in the future. Even if there is supposedly consent, the very fact that youth are locked up in a facility with authority/disciplinary figures that could extort cooperation may constitute "coercion." Sexual Battery is Class E felony and carries .9 to 6 yrs in the range. Aggravated sexual battery is a Class B felony carrying 7.2 yrs to 30 yrs in the range.
7.e		SEXUAL BATTERY BY AN AUTHORITY FIGURE TCA Section 39-13-527 Sexual Contact with Child victims who are, for this purpose, mentally defective or incapacitated or PHYSICALLY HELPLESS AND the defendant is in a position of trust or had supervisory or disciplinary power over the victim by virtue of the victim's legal ...status and used that position to accomplish the act; OR THE DEFENDANT AT THE TIME OF THE OFFENSE HAD PARENTAL OR CUSTODIAL AUTHORITY OVER THE VICTIM AND USED THAT AUTHORITY TO ACCOMPLISH THE ACT and which Class C felony carries 2.7 yrs to 15 yrs in the range.
7.f		Any person required to report known or suspected child sexual abuse/assault and/or rape <u>who knowingly and willfully fails to do so</u> , or <u>who knowingly and willfully prevents another person from doing so</u> , commits a Class A misdemeanor. Carries up to eleven (11) months and twenty-nine (29) jail days and fine up to \$2,500.00. TCA Section 37-1-615.



I understand that pursuant to TCA Sec. 39-13-501 the definitions used in this law are:

8.			<p>Sexual Contact is defined as intentional touching of the victim's, the defendant's, or any other person's intimate parts, or the intentional touching of the CLOTHING COVERING the immediate area of the victim's, the defendant's, or any other person's intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification.</p>
9.			<p>Sexual penetration is defined as sexual intercourse, oral contact, anal contact, or any other intrusion, however slight, of any part of a person's body or via object into bodily openings of a victim or a defendant. Ejaculation is not required.</p>
10.			<p>I have been provided with the DCS policy <u>18.8 Zero-Tolerance Standards and Guidelines for Sexual Abuse Assault or Rape Incidents and PREA</u> regarding the <i>Prison Rape Elimination Act (PREA) of 2003</i> on the ZERO-TOLERANCE standards in this facility as set out in this document. The contents were explained to me and I understand them. I was provided this policy ON THIS DATE :</p>
11.			<p>I understand that I will receive training regarding the <u>Prison Rape Elimination Act (PREA)</u> and information on the ZERO-TOLERANCE standards in this facility as set out in this document and that training will be provided to me in <u>pre-service</u> and annual <u>in-service</u> training.</p>

Signature:

Date:

Title:

Name of Facility:



Check the "Forms" Webpage for the current version and disregard previous versions. This form may not be altered without prior approval.

Distribution: *Employee/Volunteer/Contractor Files; Copy: Employee/Volunteer/Contractor*



INSTRUCTIONS FOR USE OF FORM

1. All DCS employees/volunteers/contractors and Private Provider Agency employees/volunteers/contractors will sign this form to acknowledge notification of the ***Prison Rape Elimination Act (PREA) of 2003*** Federal Law.
2. The employee/volunteer/contractor must read each section thoroughly and check the check box indicating they have read each item pertaining to ***PREA***. They must also place their initials in the field next to each check box.
3. This form must be signed and dated by each employee/volunteer/contractor.
4. The original signed copy of this form will be placed in the applicable files maintained for each employee/volunteer/contractor. A copy of the signed form will be given to the employee/volunteer/contractor.

