

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 09/29/16 Update

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

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**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. A Juvenile Detention Supervisor (JDS)/Designee will be immediately notified of the allegations received by personnel, contract employees, volunteers, and youths that have occurred in Detention. The Detention Division Director (DDD)/Designee will be immediately notified by the JDS/Designee. The DDD shall report the allegation to the Director of Juvenile Court Services and shall ensure the notification procedure has been followed and an investigation is conducted.

Reports shall be made immediately to the Department of Child Safety (DCS) and law enforcement by phone and followed up with a written Incident Report (IR) and written DCS reporting form within twenty-four (24) hours.

1. The receiver of the information is responsible to make the report (by phone and in writing) immediately after notifying the JDS/Designee of the allegations.
  2. If injuries are observed on the youth, contact the Health Unit to respond and assess the injury.
    - a. Submit a Sick Call Slip to the nurse responding.
  3. The JDS/Designee will assess the situation, secure the scene and ensure that the Health Unit, law enforcement and DCS personnel have been notified as appropriate.
- B. 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.
    1. 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.

- C. 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.
- D. 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.
- E. 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. FAILURE TO REPORT

- A. 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.
- B. 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.

### IV. 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. Once the call is complete:
    - a. Route a copy of the report to the Probation Officer (PO) and notify by email.
    - b. Route a copy of the report to the Health Unit.
    - c. Place the original of the form in the youth's Detention file.
    - d. Document in the Pass-On.
- D. If the allegation of abuse occurred while in Detention, the DDD/Designee shall report the allegation to the parent(s) or legal guardian(s) of the alleged victim. The facility will not notify the parent(s) or legal guardian(s) if the facility has official documentation showing that they should not be notified for reasons such as parental rights have been terminated or the parent(s) or legal guardian(s) is the alleged offender, or when notifying the parent(s) or legal guardian(s) would place the alleged victim in specific identifiable danger.
- E. The DDD/Designee shall ensure all incidents of abuse (physical/sexual) are reviewed at the conclusion of the investigation to assess and improve prevention and response.
- F. Any records associated with claims of sexual assault, abuse and neglect, including IRs, investigative reports, youth information, medical reports, and case disposition shall be maintained in a confidential manner and retained in accordance with Arizona State Record Retention Policy.