

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT
DIRECTIVE

No.: 1459

Issued: 08/18/2021

Post until: 09/18/2021

**SUBJECT: ADMINISTRATIVE SERVICES – PRISON RAPE
ELIMINATION ACT (PREA) HIRING AND PROMOTION
DECISIONS**

This Directive sets forth policy regarding the federal Prison Rape Elimination Act (PREA) of 2003, in accordance with the County's and the Probation Department's (Department) existing policies and processes to prevent, detect, and respond to incidents of sexual abuse, sexual assault, and/or sexual harassment of youth housed in its juvenile facilities (juvenile halls, camps and Dorothy Kirby Center). The Department has zero tolerance for anyone engaged in any form of sexual abuse, sexual assault, and/or sexual harassment of youth.

This Directive also reinforces compliance with the applicable PREA standards as it relates to hiring and promotions, specifically as it relates to prior sexual misconduct. Existing policies and/or Memorandum of Understanding provisions regarding hiring and promotions remain in effect and are only impacted in as much as they must comply with the statute as described below.

Legal Basis: PREA is a federal law established to prevent, detect, and respond to sexual abuse and sexual harassment in correctional systems. PREA applies to all federal and state prisons, jails, police lockups, community confinement, and juvenile facilities¹.

Hiring and Promotion Decisions²

- a. The Department shall not hire or promote anyone to a position where they may have contact with youth, and shall not enlist the services of any contractor who may have contact with youth, who:
 1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997³).
 2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or

¹ United States Department of Justice Office of Justice Programs:

<https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/PREA-Juvenile-Facility-Standards.pdf>

² Prison Rape Elimination Act (PREA) Juvenile Facility Standards (2012) § 115.317

³ United States House of Representatives Office of the Law Revision Counsel:

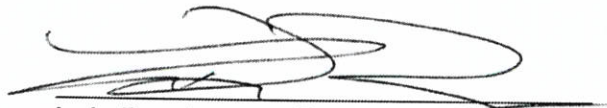
[https://uscode.house.gov/view.xhtml?req=\(title:42%20section:1997%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title42-section1997\)&f=treesort&edition=prelim&num=0&jumpTo=true](https://uscode.house.gov/view.xhtml?req=(title:42%20section:1997%20edition:prelim)%20OR%20(granuleid:USC-prelim-title42-section1997)&f=treesort&edition=prelim&num=0&jumpTo=true)

- coercion, or if the victim did not consent or was unable to consent or refuse;
or
- 3. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.
- b. The Department shall consider any incidents of sexual harassment in determining whether to hire or promote any candidate, or to enlist the services of any contractor, who may have contact with youth.
- c. Before hiring new employees, who may have contact with youth, the Department shall:
 - 1. Perform a criminal background records check in compliance with Department and County standards.
 - 2. Consult any child abuse registry maintained by the state or locality in which the employee currently and/or previously resided.
 - 3. Consistent with federal, state, and local law, make its best effort to contact all prior employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse, sexual assault, or sexual harassment.
 - i. During the background check process, the Department shall ensure that *Authorizations and/or Requests for Release of Information* forms and the *PREA Questionnaire for Previous Employers* form (Attachment A) are provided to all of an applicant's previous employers. The completed responses shall be included in the background investigation packet.
- d. The Department shall also perform a criminal background records check, and consult applicable child abuse registries, before enlisting the services of any contractor who may have contact with youth.
- e. The Department shall adhere to the current Department policies regarding Arrest Notifications in accordance with PREA § 115.317(e).
- f. Within employment application and promotional processes, the Department shall ask all new applicants and employees seeking promotions about previous misconduct described in paragraph (a) of this section. The Department shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
- g. Omissions regarding such misconduct, or the provision of false information, shall be grounds for termination and/or disqualification.
- h. The Department shall provide information on substantiated allegations of sexual abuse, sexual assault, and/or sexual harassment involving a former employee upon receiving a request from an employer for whom such employee has applied to work.
 - 1. All requests shall be received and processed by the Human Resources Division (HRD).

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2. HRD shall ensure that a properly completed Authorization and/or Request for Release of Information form is submitted prior to the delivery of such information.
3. HRD shall request necessary information from the Department's Performance Management Unit and/or Internal Affairs Bureau.
4. Completed requests shall be provided to the requesting employer.

If you have questions regarding this Directive, please contact Human Resources at (562) 940-2554.


Luis Dominguez, Deputy Director
Compliance and Strategic Planning
Robert Smythe, Administrative Deputy
Administrative Services



ADOLFO GONZALES
Chief Probation Officer

**COUNTY OF LOS ANGELES
PROBATION DEPARTMENT**

BACKGROUND INVESTIGATIONS UNIT
9150 Imperial Highway
Downey, CA 90242



PREA QUESTIONNAIRE FOR PREVIOUS EMPLOYERS

Pursuant to the Prison Rape Elimination Act 28 C.F.R. Part 115 (PREA) before hiring any employee who may have contact with any individual or detainee, Los Angeles County Department of Probation must contact all prior employers and request specific PREA related employment information.

We have been informed that _____ (hereafter referred to as Candidate) has been employed by your agency and your agency may have PREA related information. Accordingly, we request that you please respond to the following questionnaire and provide any relevant information regarding any PREA involved allegations.

SECTION I. CANDIDATE INFORMATION (TO BE COMPLETED BY CANDIDATE)		
FULL NAME:	DATE OF BIRTH:	ALIASES/MAIDEN NAME:
PREVIOUS EMPLOYER:	ADDRESS:	
POSITION HELD:		

SECTION II. CANDIDATE HISTORY (TO BE COMPLETED BY AGENCY)	
POSITION HELD BY CANDIDATE:	
Please identify all allegations of sexual abuse/sexual assault/sexual harassment against the candidate while employed with your agency. For each substantiated allegation, please provide the date of incident, nature of the allegation and the findings (including any disciplinary actions taken). ☐ None (Check if no allegations)	
DATE OF INCIDENT(s):	
NATURE OF ALLEGATIONS:	
FINDINGS:	

<u>Comments:</u>

SECTION II COMPLETED BY:

NAME (PRINT): _____ TITLE: _____

SIGNATURE: _____ DATE: _____

PROB 1702 (revised 6/21)