**Section 2602.30 Personnel**

a) Detention Staffing

Each detention facility must have sufficient personnel to provide adequate 24-hour supervision of youth seven days a week. A staffing plan or roster shall be maintained and reviewed daily by the superintendent or designee.

1) A superintendent, qualified by training and experience to supervise staff and youth, shall be appointed for each detention facility.

2) An assistant superintendent, qualified by training and experience to supervise staff and youth, shall be designated for a detention facility of 25 or more rated capacity.

3) A shift supervisor must be scheduled and available at all times and on duty during all waking hours and immediately available if not on duty during sleeping hours.

4) Direct care staff (detention officers) employed in sufficient numbers to ensure a ratio of 1:8 staff per youth during waking hours and 1:16 during sleeping hours. Staffing levels must anticipate the need for coverage for staff absence for leave and training.

5) Supervision shall be conducted by a person of the same gender (transgender youth shall be allowed to choose the gender of the staff). At least one male and one female staff member shall be on duty when males and females are in custody.

6) No detention facility shall have fewer than three persons on duty per shift. On the midnight shift, two persons may be on duty and one on call. (See Section 2602.140(a)(1).)

7) An agency shall employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities.

b) Staff Selection

A background screening shall be conducted which may include, among other factors, a criminal history check, Child Abuse and Neglect Tracking System, and Law Enforcement Agencies Data System. Staff selection criteria shall be based on education, training, and experience that demonstrate capacity to engage with youth and serve as a positive role model.

c) Background Checks

All personnel working in the detention center, including contractual staff and volunteers, must complete a background check prior to employment and at least once every five years throughout employment.

1) The background check shall include criminal background investigation, a check of the child abuse registry, and an inquiry of prior institutional employers for information on any substantiated reports of abuse, sexual abuse, or sexual harassment.

2) Employment shall be denied or terminated if criminal convictions for any offense other than a minor traffic or petty offense, a finding of child abuse or neglect, inclusion on the sex offender registry, a current order of protection, or active warrants pending criminal charges. Exceptions to these exclusions may be recommended by the superintendent and approved in writing by the Chief Judge of the Circuit Court. Exceptions to these exclusions include, but is not limited to, when the employee or potential employee will be participating in a specific program or has a unique skill set that would be difficult to replicate.

3) The detention center policy shall require staff to disclose any subsequent conviction and identify disciplinary consequences for failure to do so.

d) Hiring and Promotion Decisions – PREA

1) The agency shall not hire or promote anyone who may have contact with youth, and shall not enlist the services of any contractor who may have contact with youth, who has:

A) engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution (as defined in 42 USC 1997);

B) been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion or if the victim did not consent or was unable to consent or refuse; or

C) been civilly or administratively adjudicated to have engaged in the activity described in subsection (d)(1)(A).

2) The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with youth.

3) Before hiring new employees who may have contact with youth, the agency shall:

A) Perform a criminal background records check;

B) Consult any child abuse registry maintained by the State or locality in which the employee would work; and

C) Consistent with federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

4) The agency 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.

5) The agency shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with youth or have in place a system for otherwise capturing information for current employees.

6) The agency shall also ask all applicants and employees who may have contact with youth directly about previous misconduct described in subsection (d)(1) in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any misconduct.

7) Material omissions regarding misconduct, or the provision of materially false information, shall be grounds for termination.

8) Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom the employee has applied to work. (See Section 317 of PREA.)

e) PREA Training

1) The agency shall train all employees who may have contact with youth on:

A) Its zero-tolerance policy for sexual abuse and sexual harassment;

B) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures;

C) Youths' right to be free from sexual abuse and sexual harassment;

D) The right of youth and employees to be free from retaliation for reporting sexual abuse and sexual harassment;

E) The dynamics of sexual abuse and sexual harassment in juvenile facilities;

F) The common reactions of juvenile victims of sexual abuse and sexual harassment;

G) How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between youth;

H) How to avoid inappropriate relationships with youth;

I) How to communicate effectively and professionally with youth, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents;

J) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and

K) Relevant laws regarding the applicable age of consent (See Section 331 of PREA.).

2) Training shall be tailored to the unique needs and attributes of residents of juvenile facilities and to the gender of the youth at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male youth to a facility that houses only female youth, or vice versa.

3) The agency shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.

4) The agency shall document, through employee signature or electronic verification, that employees understand the training they have received. (See Section 331 of PREA.)

f) Casework

Professional staff shall possess appropriate qualifications as required by law. Social workers shall be qualified in accordance with the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

g) Certificate, Licenses, Registration

Duties that require possession of a current certificate, license or registration as evidence of special competence to perform those duties shall be licensed and certified by the Department of Financial and Professional Regulation.

h) Disciplinary and Grievance Procedures

Procedures regarding employee disciplinary matters and grievances shall be established and made known to all employees.

i) Volunteer and Contractor Training – PREA

1) The agency shall ensure that all volunteers and contractors who have contact with youth have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection and response policies and procedures.

2) The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with youth, but all volunteers and contractors who have contact with youth shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report incidents.

3) The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received. (See Section 332 of PREA.)