

<b>Administration</b>	<b>Policy Name:</b> PRISON RAPE ELIMINATION ACT (PREA): STAFF AND RESIDENT SEXUAL ABUSE AND SEXUAL HARASSMENT	<b>Policy Number:</b> 359.00
<b>Effective Date:</b> December 12, 2022		<b>Original Policy Date:</b> August 21,2013
<b>Review Date:</b> February 24,2020		<b>Revision Date:</b> November 9, 2022
<b>President and CEO Signature and Date:</b>		<b>Vice President Signature and Date if applicable:</b>
<p><b>I. PURPOSE</b></p> <p>Community Resources for Justice (CRJ) has adopted this policy to declare its zero-tolerance for all forms of sexual abuse and sexual harassment applicable to residents, employees, volunteers, visitors, and contractors. CRJ complies with all Prison Rape Eliminated Act (PREA) requirements including education, prevention, detection and immediate response to sexual abuse and sexual harassment incidents.</p> <p><b>II. SCOPE</b></p> <p>This policy applies to all employees, interns, co-op students, visitors, and contractors.</p> <p><b>III. POLICY</b></p> <p>Community Resources for Justice (CRJ) shall comply with the Prison Rape Elimination Act (PREA) of 2003. PREA mandates the elimination, reduction, and prevention of sexual assault and rape in prisons, jails, and community confinement facilities (half-way houses/reentry centers) housing adult male and female residents, such as CRJ.</p> <p>In compliance with PREA, CRJ has zero-tolerance for all forms of sexual abuse and sexual harassment applicable to residents, staff, volunteers, visitors, and contractors. CRJ complies with all PREA requirements including education, prevention, detection and immediate response to sexual abuse and sexual harassment incidents.</p> <p>All residents are prohibited from engaging in sexual contact with each other. All sexual contact between residents is deemed to be non-consensual and consent is not an affirmative defense, due to the custodial status of residents. CRJ strictly prohibits any sexual contact between staff and residents and expects staff to keep professional boundaries in all interactions with residents.</p> <p>Sexual contact between staff and residents is deemed to be non-consensual under all circumstances. Consent is not an affirmative defense to sexual contact between staff and resident, due to the custodial status of residents, and the unequal nature of the relationship.</p>		

Any allegations of sexual abuse or sexual harassment shall be fully investigated with the findings given to the victim and the alleged violator.

All residents and employees who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation by other residents or staff.

Swift corrective action will occur with residents, employees, volunteers, visitors, and contractors who violate PREA.

#### **IV. DEFINITIONS**

1. Community confinement facility – a community treatment center, half-way house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational Programs, or similar facility-approved Programs during nonresidential hours.
2. Contractor – a person who provides services on a recurring or episodic basis pursuant to a contractual agreement with the agency.
3. Gender non-conforming – a person whose appearance or manner does not conform to traditional societal gender expectations.
4. Intersex – a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as typical disorders of sex development.
5. PREA Coordinator – the staff responsible for the coordination and compliance monitoring of PREA at CRJ and its adult Social Justice Services (SJS) Programs. CRJ has designated the PREA Coordinator with responsibility for the development, implementation, and oversight of agency compliance with all PREA requirements. The PREA Coordinator meets with the Senior Director on a regular basis to review PREA compliance of all SJS Programs.
6. Qualified Agency Staff/Community Based Staff – an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and sexual harassment issues.
7. Rape Crisis Center – an entity that provides intervention and related assistance to victims of sexual assault.
8. Sexual Abuse –

- a. Sexual abuse of a resident by another resident.
  - i. Sexual abuse of a resident by another resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
    - (a.) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
    - (b.) Contact between the mouth and the penis, vulva, or anus.
    - (c.) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
    - (d.) Contact between the mouth and any body part where the resident has the intent to abuse, arouse, or gratify sexual desire.
    - (e.) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
    - (f.) Any attempt, threat, or request by resident to engage in in the activities described in paragraphs (a)-(e) of this section.
    - (g.) Any display of uncovered genitalia, buttocks, or breast in the presence of other residents or staff members.
  - b. Sexual abuse of a resident by a staff member, volunteer, visitor, or contractor.
    - i. Sexual abuse of a resident by a staff member, volunteer, visitor, or contractor, includes any of the following acts, with or without consent of the resident:
      - (a.) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
      - (b.) Contact between the mouth and the penis, vulva, or anus.
      - (c.) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
      - (d.) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, which is unrelated to official duties or where the staff member, volunteer, visitor, or contractor has the intent to abuse, arouse, or gratify sexual desire.
      - (e.) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, which is unrelated to official duties or where the staff member, volunteer, visitor, or contractor has the intent to abuse, arouse, or gratify sexual desire.
      - (f.) Any attempt, threat, or request by a staff member, volunteer, visitor, or contractor to engage in the activities described in paragraphs (a)-(e) of this section.
      - (g.) Any display by a staff member, volunteer, visitor, or contractor of his or her uncovered genitalia, buttocks, or breast in the presence of a resident, and
      - (h.) Voyeurism by a staff member, volunteer, visitor, or contractor.

9. Sexual Contact - sexual contact between residents is prohibited, deemed to be non-consensual since they are persons in custody and therefore, deemed to be sexual abuse.
10. Sexual Harassment –
  - a. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one resident directed toward another: and/or
  - b. Repeated verbal comments or gestures of a sexual nature to a resident by a staff member, volunteer, visitor, or contractor, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
11. Transgender – a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth.
12. Volunteer – an individual who donates time and effort on a recurring basis to enhance the activities and Programs of the agency.
13. Voyeurism – when a staff member, volunteer, visitor, or contractor invades the privacy of a resident by staff or reasons unrelated to official duties, such as peering at a resident who is showering or using a toilet to perform bodily functions; requiring a resident to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a resident’s naked body or of a resident performing bodily functions.

## **V. PROCEDURE**

### **A. Staff Responsibilities**

1. The PREA Coordinator is responsible for oversight of all PREA related activities.
2. The PREA Coordinator will:
  - a. Coordinate and develop procedures to identify, monitor, and track sexual misconduct incidents occurring in CRJ Programs
  - b. Maintain related statistics and complete the annual Bureau of Justice Services’ (BJS) Survey of Sexual Victimization (SSV)
  - c. Supervise the PREA activities, and
  - d. Conduct audits to ensure compliance with CRJ policy and PREA of 2003.
3. The Program Directors of the adult SJS Department shall serve as the PREA Program Liaison at the Program they supervise and are responsible for:
  - a. Reporting all PREA related incidents to the PREA Coordinator
  - b. Coordinating Program PREA-related activities
  - c. Ensuring compliance with training requirements
  - d. Monitoring the Program to prevent or reduce PREA violations
  - e. Coordinating activities with the PREA Coordinator
  - f. Tracking and reporting PREA statistics data to the PREA Coordinator, and

- g. Coordinating with the local rape crisis center, advocacy groups, and outside investigators as needed.

## B. Prevention

1. All staff and residents will be alert to signs of potential situations in which sexual misconduct might occur. Signs may include:
  - a. Staff:
    - Staff being overly friendly
    - Offering money, gifts, favors, etc.
    - Staff in facility during “off hours” and
    - Change in dress and/or behavior of staff
  - b. Resident:
    - Resident being overly friendly
    - Isolation from peers
    - Change in dress and behavior (including body language) of resident, especially around a specific staff, and
    - Security threat group activity (i.e., gangs, mafia affiliation, religious zealots, etc.).
2. Substantial Risk of Imminent Sexual Abuse – When the Program learns by any means of notice listed in this policy or by any other means that a resident is subject to a substantial risk of imminent sexual abuse, staff must take immediate action to protect the resident.
3. The Program will identify, assess, and manage residents with special needs, (including those who are potentially vulnerable and those who are potentially dangerous), to provide safe housing, adequate protection, and Programmatic resources to meet their needs.
4. Protection Against Abuse and Retaliation
  - a. The Program shall employ all available measures to protect vulnerable residents from abuse and retaliation or prevent abusers from having the opportunity to abuse by:
    - Removing alleged resident abusers from contact with victim.
    - Removing alleged staff abusers from contact with victims.
    - Consultation with the referral source.
    - Monitoring resident rooms, including by direct observation, if necessary.
    - Transferring potential victims/abusers to other facilities, if operationally possible.
    - Actively monitoring, for at least 90 days, the conduct and treatment of residents or staff who reported abuse or harassment, and, of residents who were reported to have suffered abuse to see if there are changes that may suggest possible retaliation by residents or staff.
    - Promptly remedying any signs of retaliation detected.
    - Monitoring any resident disciplinary reports, housing or Program changes, or negative performance reviews or reassignments of staff.
    - Continuing monitoring beyond 90 days if the initial monitoring indicates a continuing need.
    - Providing monitoring that includes periodic status checks for residents; and

- Protecting individuals who cooperate in investigations who express fear of retaliation.
  - b. The Program's obligation to protect against retaliation ends if any allegation is unfounded.
  - c. The PREA Coordinator will make recommendations to the VP of Justice Services on all new facilities or major renovations by CRJ. Recommendations will include line of sight, monitoring technology, including cameras, and staff deployment.
5. Staffing plan
- a. For each facility, the agency shall develop and document a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect residents against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, agencies shall take into consideration:
    - The physical layout of each facility.
    - The composition of the resident population.
    - The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
    - Any other relevant factors.
  - b. In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan.
  - c. Whenever necessary, but no less frequently than once a year, the facility shall assess, determine, and document whether adjustments are needed to:
    - The staffing plan established pursuant to paragraph (a) of this section.
    - Prevailing staffing patterns.
    - The facility's deployment of video monitoring systems and other monitoring technologies and
    - The resources the facility has available to commit to ensure adequate staffing levels.
6. Hiring and Promotion Decisions
- a. CRJ prohibits hiring or promoting anyone who may have contact with residents, and prohibits enlisting the services of any contractor who may have contact with residents, who
    - Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution.
    - 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 coercion, or if the victim did not consent or was unable to consent or refuse; or
    - Has been civilly or administratively adjudicated to have engaged in the activity described in the second bullet of this section.
  - b. CRJ considers 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 the residents.
  - c. CRJ requires that before any new employee, who may have contact with residents, is hired:

- A criminal background record check is conducted (see CRJ Background Check Policy), and
  - Best efforts are made 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 (consistent with a federal, state, and local law).
- d. In addition, CRJ requires that a criminal background record check be maintained in employees' personnel file for a minimum of five years.
- e. CRJ will check the backgrounds of all applicants and employees who have contact with residents directly, about previous misconduct described in paragraph a. of this section.
- f. CRJ also imposes upon employees a continuing affirmative duty to disclose any such misconduct.
- g. Unless prohibited, CRJ provides information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.
- C. Training for Staff
1. Training on staff and resident sexual misconduct, staff and resident boundary violations, and staff response shall be included in the SJS Basic two-week training which is part of the NEW Employee Orientation (NEO) for all new SJS Department employees. The training includes, but is not limited to:
    - a. CRJ's zero-tolerance for sexual abuse and sexual harassment.
    - b. Responsibilities under CRJ sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
    - c. Residents right to be free from sexual abuse and sexual harassment.
    - d. The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment.
    - e. The dynamics of sexual abuse and sexual harassment in confinement.
    - f. The common reactions of sexual abuse and sexual harassment victims.
    - g. How to detect and respond to signs of threatened and actual sexual abuse.
    - h. How to avoid inappropriate relationships with residents.
    - i. How to communicate effectively and professionally with residents, 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.
  2. Such training shall be tailored to both male and/or female residents (if applicable) at the employee's Program.
  3. The employee shall receive additional training if the employee is reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa.
  4. All current employees in the Social Justice Services Division and a select group of Administrative Offices employees shall be trained in the PREA standards (requirements), and CRJ shall provide these employees with refresher training every year to ensure that

these employees know CRJ's current sexual abuse and sexual harassment policies and procedures.

5. The PREA Coordinator and PREA Liaisons (Program Directors) will receive specialized training in investigations, to the extent that they participate in these matters.
  - a. Documentation of staff completing the required investigation training is maintained in the Program PREA files and HR.
6. CRJ documents that employees understand the PREA training they have received.

#### D. Training for Volunteers and Contractors

1. All volunteers who have contact with residents and contractors with a contractual agreement to provide services on a recurring basis to residents shall be trained on their responsibilities under the agency's policies and procedures regarding sexual abuse/harassment prevention, detection, and response.
2. The level and type of training provided to volunteers and contractors is based on the services they provide and level of contact they have with residents.
3. All volunteers and contractors (as stipulated above in section 1) should have at least been informed of the agency's zero-tolerance of sexual abuse and sexual harassment and informed on how to report such incidents.
4. The Program shall maintain documentation confirming that volunteers and contractors understand the training they have received.

#### E. Resident Intake/Orientation and Education

1. Resident Intake/Orientation
  - a. As part of orientation for residents during intake, staff will communicate PREA information verbally and in writing, in a manner that is clearly understood by residents. Information will include, but not limited to:
    - Presentation of this policy
    - Resident Grievance process
    - CRJ's zero tolerance stance
    - Self-protection methods (see section C., 8., Prevention)
    - Prevention and intervention
    - Treatment and counseling
    - Reporting incidents
    - Protection against retaliation
    - Consequences of false allegations
  - b. Staff shall make every resident aware of PREA and the Program's zero tolerance prohibiting sexual contact, sexual abuse between residents or between residents and staff while at the Program.
  - c. Staff shall communicate to residents the definitions of sexual abuse and sexual harassment, and information on various reporting mechanisms for residents who believe they are a victim of or witness to this behavior.
  - d. Staff shall distribute to each resident a *Resident Handbook* which includes the above information in language easily understood by residents. Staff shall also orient the



- residents to the section of the Handbook which discusses disciplinary sanctions for residents who intentionally make false allegations.
- e. The Case Manager shall also address this information with the new residents as part of resident orientation.
  - f. Staff will document verification of resident orientation and education on PREA by completing the *PREA Intake Orientation* form. Staff will maintain the original signed acknowledgement form in the resident's case file.
  - g. The Program provides refresher information whenever a resident is transferred from or to a different facility.
  - h. The Program provides residents with PREA education in formats accessible to all residents, including those who have limited English proficiency (LEP), are deaf visually impaired, or otherwise disabled as well as residents who have limited reading skills.
  - i. The Program maintains documentation of resident participation in all education sessions.
  - j. In addition to providing such education, the Program ensures that key information is continuously and readily available and visible to residents through posters, resident handbooks, and brochures.
2. Residents with Disabilities and/or Limited English Proficiency
- a. Residents under this category include:
    - Limited English proficiency
    - Deaf
    - Visually impaired
    - Otherwise disabled
    - Limited in their reading skills
  - b. These residents are provided equal opportunities to participate in or benefit from all aspects of CRJ's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.
  - c. To ensure effective communications, all efforts will be made to bring interpreters or other skilled professionals into the Program as soon as staff discover any resident with a disability and/or limited English proficiency.
    - The use of resident interpreters, resident readers, or other types of resident assistants will not be used, except in limited circumstances, where an extended delay in obtaining an effective interpreter could compromise the investigation of the resident's allegations.
    - In these limited circumstances, documentation of such cases shall be maintained.
    - The Program shall also provide PREA information in large print, for those residents with a low vision disability.
3. Screening for Risk of Sexual Victimization and Abusiveness
- a. All residents arriving at the Program shall be assessed during an intake screening (and upon transfer to another facility) for their risk of being sexually abused by other residents or sexually abusive toward other residents, using the *PREA Possible Victim/Predator Screening and Scoring Checklist*.

- b. The Intake Release Coordinator and Case Managers are trained by the Program Director and/or designee on how to administer the Screening Assessment.
- c. Training includes review of assessment tool, video from PREA Resource Center, and shadowing trained staff for two weeks before they complete their first assessment.
- d. Intake screening shall ordinarily take place within 72 hours of arrival at the Program.
- e. Such assessment shall be conducted using an objective screening instrument.
- f. The intake screening shall consider at a minimum, the following criteria to assess residents for risk of sexual victimization:
  - Whether the resident has a mental, physical, or developmental disability.
  - The age of the resident.
  - The physical build of the resident.
  - Whether the resident has previously been incarcerated.
  - Whether the resident's criminal history is exclusively nonviolent.
  - Whether the resident has prior convictions for sex offenses against an adult or child.
  - Whether the resident is perceived to be (by staff or residents) gay, lesbian, bisexual, transgender, intersex, or gender nonconforming.
  - Whether the resident has previously experienced sexual victimization; and
  - The resident's own perception of vulnerability.
- g. In assessing residents for risk of being sexually abusive, the intake screening shall consider prior institutional violence or sexual abuse, as known to CRJ.
- h. Within a set period, not to exceed 30 days from the resident's arrival at the Program, staff will reassess the resident's risk of victimization or abusiveness based upon any additional, relevant information received by the Program since the intake screening.
  - A resident risk level shall also be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the resident's risk of sexual victimization or abusiveness.
  - Using the PREA Possible Victim/Predator Screening and Scoring Checklist, the Program Director, or designee, will conduct the 30-day reassessment of the resident's risk level of victimization or abusiveness.
- i. Residents may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked regarding:
  - Whether the resident has a mental, physical, or developmental disability.
  - Whether the resident is or perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming.
  - Whether the resident has previously experienced sexual victimization.
  - The resident's own perception of vulnerability.
- j. Program staff shall implement appropriate controls on the dissemination within the Program staff of responses to questions asked during the intake screening to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents.
  - This screening information is documented in case notes and can only be accessed by the Intake Release Coordinator, Case Manager, and the Program Director.

4. Use of Screening Information

- a. The Program uses information from the *PREA Possible Victim/Predator Screening and Scoring Checklist* to inform housing, bed, work, education, and Program assignments with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive.
- b. The Program makes individualized determinations about how to ensure the safety of each resident. Any resident who reports any history of sexual abuse at intake, at time of re-assessments, or at a future time is provided with information available through the local rape crisis counselling services. Each reentry Program location has a MOU with the local rape crisis center, local hospital for SAFE and SANE (Medical Emergency – pertaining to sexual assault) services as well.
- c. The Program makes housing and Program assignments for transgender or intersex residents in the facility on a case-by-case basis considering whether a placement would ensure the resident’s health and safety, and whether the placement would present management or security problems.
- d. A transgender or intersex resident’s own view (if applicable) of their own safety shall be given thoughtful consideration.
- e. During initial intake, staff shall ask transgender or intersex residents what their opinions are about their own safety. In addition, prior to admission of transgender residents, staff will arrange a pre-admission consultation with the referring agency to discuss an overview of any safety concerns.
- f. Transgender and intersex residents shall be given the opportunity to shower separately from other residents.
- g. The placement of lesbian, gay, bisexual, transgender, or intersex residents in dedicated units, or wings solely based on such identification or status, (unless such placement is in a dedicated unit, or wing established in connection with a consent decree, legal settlement, or legal judgement for the purpose of protecting such residents) is prohibited.

5. Roommate and Room Assignments

- a. Supervisory staff shall be proactive in the prevention of sexual abuse and sexual harassment when making roommate and room selections for residents. CRJ does not place a victim with perpetrator. Staff will use the results of the *PREA Possible Victim/Predator Screening and Scoring Checklist* and will consider the following factors:
  - Compatibility of resident’s chronological age
  - Maturity
  - Gang affiliation
  - Level of sophistication
  - Functioning level
  - Size and strength
  - Disabilities
  - Infirmities
  - Behavioral history
  - Detaining or committing offenses.

- b. If a resident has a known history of being predator, as evidenced through detaining or committing offenses, reports from prior placements, or other credible information, that resident shall be placed in a single room, if space allows.
          - c. Staff shall take seriously a resident's request for a room change and discretely inquire whether the resident is feeling unsafe. If the resident answers yes, the staff member shall bring this to the attention of a Supervisor and Program Director for investigation. Room changes shall not be made unless to a single room without consulting the Director or the Intake Release Coordinator to ensure there is no conflict with PREA scoring or other concerns.
  6. Limits to Cross-Gender Viewing
    - a. Residents at the Program are able to shower, perform bodily functions, and change clothing without staff of the opposite gender viewing their buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine room checks.
    - b. Staff will announce their presence when entering a floor/area designated for opposite genders. All staff will knock and announce before entering resident's room or bathroom where residents are likely to be showering, performing bodily functions, or changing clothes.
  7. Staff Searches of Residents
    - a. CRJ authorizes only one types of body search, a pat frisk.
      - A pat frisk may be conducted randomly by staff on residents at any time.
      - The staff conducting this type of search shall be thorough yet must not offend the dignity of the resident being searched.
      - Pat frisk searches shall be conducted by gender, male staff to male resident and female staff to female resident.
    - b. Transgender or Intersex Residents
      - Staff are prohibited from searching or physically examining a transgender or intersex resident for the sole purpose of determining the resident's genital status.
      - When gender is unknown, it may be determined:
        - a. During conversations with the residents
        - b. By reviewing medical records or prior custody situation
        - c. If necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
      - The Program shall train all staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.
    - c. Strip searches and body cavity searches are prohibited.
- F. Resident Sexual Contact
1. Residents are prohibited from engaging in any sexual contact with each other.

- a. Any sexual contact between residents is deemed to be sexual abuse or a violation of Program rules. Sexual contact between residents shall subject them to appropriate discipline.
  - b. Residents who engaged in consensual sexual contact shall be disciplined using the facility discipline procedures and/or through the contracting agency.
  - c. Residents who engaged in non-consensual contact shall be investigated as a potential criminal act.
2. Sexual contact between staff and residents is also strictly forbidden and is governed by the PREA Law of 2003.
  3. Staff Reporting Allegations of resident Sexual Abuse or Sexual Harassment
    - a. Program staff who learn of alleged sexual abuse, sexual harassment, any sexual contact between residents, or retaliation for previously reported PREA incidents must immediately report the allegations to a supervisor.
    - b. The initial report to a supervisor may be verbal, but it must be followed up with a written incident report, authored by the staff involved in the incident, prior to the end of the shift.
    - c. The appropriate staff must file a report as required by facility procedures.
    - d. Failure of staff to report allegations of resident or staff sexual abuse or sexual harassment or sexual contact will result in disciplinary action, up to and including termination.
    - e. Staff, with knowledge of sexual abuse or sexual harassment, or sexual contact between residents, who wish to make a confidential report, may do so by contacting/calling CRJ's PREA Coordinator or a non-CRJ agency.
      - All such reports shall be kept strictly confidential.
      - Depending on the circumstances, the contracting agency, local law enforcement or PREA Coordinator shall be assigned to investigate the allegations.
- G. Staff sexual Contact
1. Staff are strictly prohibited from engaging in any type of sexual contact with residents.
  2. Any sexual contact between staff and residents is sexual abuse and is deemed to be non-consensual.
  3. Sexual abuse, sexual harassment, or sexual contact with residents shall subject staff to appropriate discipline, up to and including termination.
  4. Staff Reporting Allegations of Staff Sexual Abuse or Sexual Harassment
    - a. Staff who learn of alleged staff sexual abuse or sexual harassment must immediately report the allegations to a supervisor and file a report as required by Program procedures.
    - b. The initial report to a supervisor may be verbal, but it must be followed up with a written incident report, authored by the staff involved in the incident, prior to the end of the shift.
    - c. Staff with knowledge of sexual abuse or sexual harassment who wish to make a confidential report may do so by contacting/calling CRJ's PREA Coordinator or a non-CRJ agency.

- All such reports will be kept strictly confidential.
  - Depending on the circumstances, the contracting agency, local law enforcement, or PREA Coordinator shall be assigned to investigate the allegations.
- d. Failure of staff to report allegations of staff sexual abuse or sexual harassment shall result in disciplinary action, up to and including termination and/or criminal charges.
5. Resident Reporting Allegations of Staff or Resident sexual Abuse or Sexual Harassment Violations
- a. The Program has standardized reporting forms available for residents to complete. Residents can submit confidential reports of sexual abuse or sexual harassment violations by completing the reporting form, putting it in an envelope and placing the envelope at the front desk or designated locked box.
- b. When residents make a disclosure to staff, the staff shall not harass, make fun of, belittle, or condescend to the resident. Every allegation must be taken seriously. Staff shall not disclose this information to any unnecessary party.
6. Separating Residents
- a. If there appears to be evidence of sexual abuse between residents, the appropriate staff shall separate the residents so there is no possibility of further unmonitored contact between the residents until an investigation is completed.
- In an incident of sexual misconduct that does not appear to be criminal, staff shall consider whether to separate the residents or take other steps for their safety, to prevent intimidation or retaliation.
- b. Staff may move residents to another location within the Program or relocate to another program with approval from the referral source. The Sr. Director of Reentry Operations, Sr. Director of Clinical Operations, Contract Oversight Manager, or designee shall assist the Program Director with this decision.
- c. Staff should also consider whether there are any resident witnesses who should be relocated to ensure their safety and protect them from intimidation or retaliation.
7. Separating Staff and Residents
- a. If there appears to be evidence of sexual abuse or sexual harassment between staff and resident, supervising staff shall take steps to separate them so there is no possibility of further unmonitored contact between them until an investigation is completed.
- b. The appropriate supervisory staff shall determine if the staff member should be placed on administrative leave pending the results of an investigation.
- c. The appropriate supervisory staff may move residents or the involved staff to other CRJ Programs for safety and to prevent intimidation or retaliation. The Director of Reentry Operations, Contract Oversight Manager or designee shall assist the Program Director with this decision if necessary.
- d. In an incident of sexual misconduct that does not appear to be criminal, the appropriate staff shall consider whether to separate the staff and resident or take other steps for safety and to prevent intimidation or retaliation.

- e. The appropriate staff shall also consider whether there are any staff or resident witnesses who should be relocated to ensure their safety and protect them from intimidation or retaliation.
  8. Sexual contact with Family Members of Current Residents
    - a. CRJ staff are strictly prohibited from engaging in any sexual contact with family members of current CRJ residents.
    - b. Staff who engage in sexual contact with family members of current CRJ residents shall be deemed to have engaged in sexual misconduct and will be subject to discipline, up to and including termination.
  9. Sexual Contact with Former Residents and their Families
    - a. CRJ staff are prohibited from engaging in any sexual contact with former CRJ residents or their family members for a period of three years from CRJ Program completion/discharge.
    - b. Staff who engage in sexual contact with former residents or their family members during this period may be subject to discipline, up to and including termination.
- H. Coordinated Response to Alleged Incidents of Sexual Abuse by First Responder Staff
  1. The Program will provide a coordinated response to all allegations of sexual abuse, including interventions by first responder staff, medical facility staff, mental health practitioners, local law enforcement, investigators, and Program staff. This policy and procedure serve as a written plan for providing coordinated actions taken in response to an incident of sexual abuse.
    - a. All staff are trained on the First Responder Plan and a copy is kept at the offices of all staff and the front desk. This plan is reviewed annually or as needed.
    - b. The Rainbow Plan (7 bright color-coded chart) which has been developed to serve as a quick reference for staff in this situation is kept at the offices of all staff and the front desk.
  2. Upon learning that a resident was sexually abused, the first staff member to respond to the scene must:
    - a. Separate the alleged victim and alleged abuser (to protect the victim and prevent further violence).
    - b. Not leave the alleged victim alone.
    - c. Ensure no one else enters the area to preserve and protect the alleged crime scene.
    - d. Check victim for immediate medical attention and call 911 if warranted.
    - e. Contact the Person-in-Charge (Program Director or Designee) to request assistance (including notifying the referral source).
    - f. If the abuse occurred within a period that would still allow for the collection of physical evidence (up to 96 hours), request that the alleged victim not take any action that could destroy physical evidence, including washing or showering, drinking, or eating (unless medically indicated), brushing teeth, changing clothes, or toileting.
      - If toileting needs to take place, the resident should be instructed not to wipe.
  3. In the event of an allegation of sexual abuse within the last 96 hours, including but not limited to those involving penetration, staff will have resident transported to a local hospital, with the victim's permission, equipped to evaluate and treat sexual abuse/rape

- victims, where he/she may receive a forensic medical exam by medical personnel not employed by the Program.
- a. Staff will not allow the resident to wash, shower, toilet, change clothes, brush teeth, eat or drink (unless medically indicated) before examination, as evidence may be destroyed.
  - b. The medical personnel will use an evidence collection kit for the collection of forensic evidence with the resident's consent and without financial cost when evidentiary or medically appropriate.
  - c. Program staff are prohibited from providing forensic medical examinations to any victim of sexual abuse.
4. Where possible, examinations performed at the community medical facility are performed by Sexual Assault Forensic Examiners (SAFE) and Sexual Assault Nurse Examiners (SANE) nurses.
    - a. If SAFEs or SANEs cannot be made available, the examination will be performed by other qualified medical practitioners.
  5. If the victim refuses medical attention following a sexual misconduct incident or allegations, staff will document the refusal on the *PREA Victim Refusal Form*.
  6. Staff will have the resident transported to the medical facility, ensuring that the resident feels safe with the Program staff chosen to accompany him or her.
  7. Staff shall record the medical facility contact information and details of physical injury in a written Incident Report before the end of the shift.
  8. If a disclosure is made of a sexual assault within the last 96 hours after the incident, staff shall follow the reporting steps and refer the resident to counseling services.
    - a. Law enforcement or an ambulance will transport the victim to a community medical facility for evidence collection.
  9. If requested by the victim, a victim advocate, qualified Program staff member, or qualified staff from a community-based agency shall accompany and support the victim through the forensic medical examination process and investigatory reviews and shall provide emotional support, crisis intervention, information, and referrals.
  10. The Program Director, or designee, will contact the local rape crisis center (or other similar local agency) to provide follow up support and services to the resident.
  11. The Program Director, or designee, in consultation with the mental health provider in local hospitals, shall determine if the resident requires one-to-one observation. Safe and Sane will conduct assessment and make appropriate referrals.
  12. The Program Director, or designee, shall take steps to preserve any physical evidence of the alleged sexual abuse.
    - a. The Program Director should prevent anyone from entering the area, altering the area, or removing anything from the area, until investigators arrive and document any evidence.
  13. Staff who receive an initial report of sexual abuse must separate the victim from the alleged assailant to protect the victim and prevent further violence, and, are required to promptly intervene on the victim's behalf to ensure the victim receives prompt medical and psychological assistance, as appropriate to his or her needs and the circumstances of the alleged offense.



14. Psychological trauma may occur to individuals of sexual abuse or sexual harassment. Mental health staff must be made available to support and assist those in need.
15. CRJ will ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations unless the allegation does not involve potential criminal behavior.
  - a. CRJ will document all such referrals
  - b. CRJ's policy on these issues will be made publicly available through request from CRJ's PREA Coordinator.

I. Services Provided/Treatment for Victim

1. CRJ ensures that an administrative (internal) or criminal investigation is completed for all allegations of sexual abuse or sexual harassment. Sexual abuse allegations are referred for investigation to local law enforcement to document criminal investigations unless the allegation does not involve potentially criminal behavior. All such referrals are documented.
2. Staff provide available services to residents who allege that they are victims of sexual misconduct and ensure that residents who allege that they are victims have access to the following services:
  - a. Medical examination, documentation, and treatment of injuries, including testing for HIV and other sexually transmitted diseases.
  - b. Mental health crisis intervention and treatment; and
  - c. Social, family, and peer support.
3. Victim services for residents will include crisis intervention and trauma-specific treatment provided by mental health and/or medical professionals.
4. Staff will also attempt to make available to the victim, a victim advocate from a rape crisis center, either in person, virtually, or by other means.
5. Victim services will be made available to all Program residents, who were victims of sexual abuse or harassment by Program staff, contract employees, volunteers, or other residents while in the Program or in other community Programs.
6. Resident Access to Outside Confidential Support Services.
  - a. The Program will provide residents with access to outside victim advocates for emotional support services related to sexual abuse by providing residents mailing address and telephone numbers, including toll-free hotline numbers where available, of local, state, and national victim advocacy or rape crisis organizations, and by enabling reasonable communication between residents and these organizations, in as confidential a manner as possible.
  - b. The Program will inform residents, prior to giving them access. Of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.
  - c. The Program will maintain or attempt to enter memoranda of understanding (MOUs) or other agreements with community service providers that are able to provide residents with confidential emotional support services related to sexual abuse.
    - The Program will maintain copies of agreements, or documentation showing attempts to enter into such agreements.

7. Access to Emergency Medical and Mental Health Services
    - a. Resident victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgement.
    - b. At the time a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim pursuant to the Program's protection duties and shall immediately notify the appropriate medical and mental health practitioners.
    - c. Resident victims of sexual abuse while in community confinement shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
    - d. Each Social Justice Services (SJS) Program has a memorandum of understanding (MOU) with a local hospital to provide emergency medical or mental health services.
    - e. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
  8. Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers
    - a. The Program shall offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any criminal justice setting.
    - b. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
    - c. The Program shall provide such victims with medical and mental health services consistent with the community level of care.
    - d. In CRJ Programs that house female offenders, resident victims of sexually abusive vaginal penetration while in the Program, shall be offered pregnancy tests.
      - If pregnancy results from sexual abuse, such victims shall receive timely and comprehensive information about timely access to all lawful pregnancy related medical services.
    - e. Resident victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
- J. Methods of Resident Reporting
1. The Program shall provide multiple internal ways for residents to privately report to agency staff any sexual abuse, or sexual harassment, retaliation by other residents or staff for reporting sexual abuse, or harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
  2. The Program also shall inform residents of at least one way to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency and that is able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials, allowing the resident to remain anonymous upon request.

3. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document and respond to any reports.
  4. The Program shall provide a method for staff to privately report sexual abuse and sexual harassment of residents.
  5. Third Party Reporting
    - a. The Program shall allow for third parties to report sexual abuse or sexual harassment for any resident and will distribute information explaining how to report sexual abuse and sexual harassment on behalf of a resident.
      - The *PREA Third Party Reporting Form* is available for individuals to report sexual abuse or sexual harassment on behalf of a resident.
      - Copies of the form can be found at the Program and on CRJ's website, under the PREA section.
    - b. All reports of sexual abuse and sexual harassment received from third parties shall be responded to according to CRJ policy by CRJ staff.
    - c. Any staff receiving a third-party report of sexual abuse or sexual harassment shall forward such report to their immediate supervisor who will in turn forward that report to the Program Director and PREA Coordinator who will follow the proper PREA reporting guidelines.
    - d. Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse and sexual harassment, and shall also be permitted to file such requests on behalf of residents.
    - e. If a third-party file such a request on behalf of a resident, CRJ may require as a condition of processing the request, that the alleged victim agree to have the request filed on his or her behalf and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
    - f. If the resident declines to have the request processed on his or her behalf, CRJ shall document the resident's decision.
  6. Reporting to Other Confinement Facilities
    - a. Upon receiving an allegation that a resident was sexually abused or sexually harassed while confined at another facility, the Program Director that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse or harassment occurred.
    - b. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
    - c. The Program shall document that it has provided such notification.
    - d. The agency head or Program director that receives such notification shall ensure that the allegation is investigated in accordance with these standards (however, this is outside of CRJ's control).
- K. Exhaustion of Administrative remedies
1. The Program ensures a formal administrative process to address resident grievances regarding sexual abuse and sexual harassment. The Program prohibits an informal

- grievance process or other attempt to resolve with staff, an alleged incident of sexual abuse or sexual harassment.
2. The Program shall not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse or sexual harassment.
  3. A resident who alleges sexual abuse or sexual harassment may submit a grievance without submitting it to a staff member who is the subject of the complaint. If a Program Director is the subject of the complaint, the resident may submit the grievance to the Program Director's supervisor.
  4. Such grievance will not be referred to a staff member who is the subject of the complaint.
  5. CRJ shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
  6. Computation of the 90-day time period shall not include time consumed by the resident in preparing any administrative appeal.
  7. CRJ may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. CRJ shall notify the resident in writing of any such extension and provide a date by which a decision will be made.
  8. At any levels of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, the resident may consider the absence of a response to be a denial at that level.
  9. Emergency Grievances
    - a. The Program shall provide procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse or sexual harassment.
    - b. After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse or sexual harassment, the Program shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse or sexual harassment) to a level of review at which immediate corrective action may be taken. An initial response will be made within 48 hours, and a final agency decision will be made within 5 calendar days. The initial response and final decision shall document the sexual abuse or sexual harassment and the action taken in response to the emergency grievance.
  10. Unsubstantiated Grievances
    - a. The Program may discipline a resident for filing a grievance related to alleged sexual abuse only where the Program demonstrates that the resident filed the grievance in bad faith.
- L. Staff and Agency Reporting Duties
1. Reporting Duties
    - a. Any staff must immediately report to the Program Director or designee, any knowledge, suspicion, or information regarding:
      - An incident of sexual abuse or sexual harassment that occurred in a facility whether or not is part of the agency.
      - Retaliation against residents or staff who reported an incident of sexual abuse or sexual harassment.

- Any staff neglect or violation of responsibilities that may have contributed to such an incident or retaliation.
- b. All reports of sexual abuse and sexual harassment that are received from third parties must be received and responded to according to policy by all staff within required PREA timeframes.
- c. As soon as practical, Program staff must report all allegations of sexual abuse or sexual harassment, including third party and anonymous reports, to the appropriate local authorities and contracting agencies for further investigation.
  - When a resident states that they have been sexually abused or sexually harassed, staff must request that the resident not take any action that could destroy physical evidence, including washing, drinking, or eating, unless medically indicated. If toileting needs to take place, the resident should be instructed not to wipe.
  - Call 911 to obtain transportation for the resident to a local hospital which is PREA compliant.
  - The Program Director/supervisory designee must contact the local Rape Crisis Center or similar local agency to arrange for a sexual assault advocate to go to the hospital where the resident is being transported.
- d. All allegations of sexual abuse and sexual harassment must be reported to the PREA Coordinator.
  - Allegations of sexual harassment between residents will be reported for investigation by the Program Director.
  - Allegations of sexual harassment of residents by staff will be reported for investigation by the Program Director.
- e. Upon receiving an allegation that a resident was sexually abused while residing at the Program, the staff receiving this information must immediately notify the Program Director or designee, the SJS Director of Reentry Operations or the Contract Oversight Manager and the Vice President of Justice Services.
  - The Program Director, or designee, must then
    - a. Institute the Incident Report process.
    - b. Call the local authorities to begin a criminal investigation.
    - c. Call the appropriate contracting agency.
    - d. Notify CRJ Human Resources if a staff person is involved.
- f. The Program Director will notify the PREA Coordinator as soon as possible, but not longer than the end of business day of the same day the report of the allegation was received.
  - The Program Director will document such report and notification in the facility log.
  - The PREA Coordinator, receiving this information, must immediately document such report and notification in the PREA *Incident Tracking Chart* (data log).
- g. If the allegations of sexual abuse are reported to staff after the alleged victim has been transported to a medical facility, staff must:

- Notify the receiving medical facility of the allegation of sexual abuse and the victim's potential need for medical or social services unless the victim has requested otherwise.
  - Complete an Incident Report in accordance with Program procedures.
    - a. A copy of all Incident Reports regarding sexual abuse and sexual harassment will be sent to the PREA Coordinator
  - h. If the allegation is made after a resident has left the facility, or right before they are leaving, the Program Director will interview all parties involved (and available) and document the situation.
    - If a crime is determined to have been committed, the Program Director will notify the local law enforcement agency and the contracting agency and await further guidance.
2. Additional Notifications
    - a. Contracting agencies
      - When probable cause exists to believe an incident of sexual abuse has occurred, notify the local law enforcement agency to report it and then notify all contracting agencies for further guidance.
  3. The applicable staff (Program Directors, the PREA Coordinator or designee) will keep a record of the details of the notifications, including:
    - a. All persons notified.
    - b. Date and time of notification
    - c. Date and time notice of allegation was received.
    - d. Any details of the allegation
    - e. Date and time of notification of PREA Coordinator.
  4. Confidentiality

Apart from reporting to designated supervisors or agency officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.
- M. Investigations
1. Local Authorities for Investigations
    - a. In allegations of sexual abuse, the Program Director shall notify the local law enforcement agency as soon as possible and any contracting agency.
    - b. The Program Director must ensure that all protocols are followed for crime scene preservation in order for local authorities to conduct a proper investigation of all allegations of sexual abuse.
    - c. The Program Director or designee shall make all witnesses, the scene, and any evidence immediately available to law enforcement investigators.
    - d. In allegations of sexual abuse between residents or between residents and staff, the matter may be prosecuted if local authorities determine the allegation is substantiated and choose to refer the case for prosecution.
  2. Qualifications of Investigating Agency

- CRJ has established a relationship with the local police department through a letter of agreement to assist with a potential criminal investigation in compliance with 115.271 of PREA.
- a. The Program shall request that the investigating agency abide by all PREA requirements/standards.
  - b. Documentation shall be maintained if this request is unsuccessful.
3. In all other allegations of sexual harassment (boundary violations), the Program director, will contact the contracting agency and a determination will be made whether the allegation will be investigated by the contracting agency or should be investigated internally.
- a. In internal investigations, after the matter has been investigated by the Program Director and written investigation report received by the PREA Coordinator, the determination will be made if the matter will be forwarded to the appropriate authorities for criminal prosecution.
4. When an allegation of sexual harassment includes the Program Director, the Internal Investigation shall be conducted by the PREA Coordinator.
- a. In all other allegations (excluding the Program Director), the Internal Investigation shall be conducted by the Program Director.
5. Any resident cooperating in a sexual abuse or sexual harassment investigation shall be protected by CRJ from retaliation by other residents or staff.
6. Staff must cooperate fully with the local authorities and any administrative investigators in all facets of any criminal and/or administrative (internal) investigations.
- a. Administrative investigations shall include an effort to determine whether staff actions or failure to act contributed to the abuse; and
  - b. Document in written reports a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
  - c. Evidentiary standard for administrative investigations
    - CRJ shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
7. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff.
8. Incident Report
- a. Program staff must complete an Incident Report in accordance with Program procedures for any sexual abuse or sexual harassment incident including any allegations.
  - b. Reports should include:
    - Description of physical evidence.
    - Testimonial evidence.
    - Credibility assessments and the reasoning behind them.
    - Investigative facts and findings
    - Documentary evidence, if any, should be attached.

9. When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.
10. The departure of the alleged abuser or victim from the employment or control of the CRJ shall not provide a basis for terminating an investigation.
11. At the completion of an investigation, the PREA Coordinator shall be notified, along with the victim, the Program Director, and the Vice President of Justice Services of the outcome.
  - a. At the conclusion of the investigation, whether it is substantiated, unsubstantiated, or unfounded, the Program Director or Assistant Program Director, or designee shall notify the resident of the outcome of the investigation in writing through the Resident Notification Form. The Program Director or designee shall complete a PREA Retaliation Form to ensure the resident who made a PREA allegation is free from retaliation.
12. After an investigation, if it is determined that a staff or resident has intentionally made false allegations, the appropriate sanctions will be imposed.
13. Victims also have the right to refuse an investigation of an alleged sexual abuse incident. Staff will ensure that this right is documented that the resident has completed the PREA Victim Refusal Form.
14. Records Retention
  - a. If the alleged abuser is a resident under the custody of a contracting agency, all written reports of the investigation must be retained while the abuser is under custody plus an additional five years.
  - b. If the alleged abuser is a staff member, all written reports of the investigation must be retained while the staff member remains employed plus an additional five years.

#### N. Discipline

1. Disciplinary Sanctions for Staff
  - a. Staff shall be subject to disciplinary sanctions up to and including termination for violating CRJ PREA, sexual abuse or sexual harassment policies.
    - Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
  - b. Disciplinary sanctions for violations of CRJ policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
  - c. All terminations for violations of CRJ sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, (unless the activity was clearly not criminal), and to any relevant licensing bodies.
2. Corrective Action for Contractors and Volunteers
  - a. Any contractor or volunteer who engages in sexual abuse or sexual harassment shall be prohibited from entry to any CRJ Program and shall be reported to law enforcement agencies, (unless the activity was clearly not criminal), and to relevant licensing bodies.



- b. The facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with residents, in the case of any other violation of CRJ sexual abuse or sexual harassment policies by a contractor or volunteer.
  3. Disciplinary Sanctions for Residents
    - a. Residents shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse or sexual harassment or following a criminal finding of guilt for resident-on-resident sexual abuse or sexual harassment.
    - b. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories.
    - c. The disciplinary process shall consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
    - d. The Program may offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse and shall consider whether to require the offending resident to participate in such interventions as a condition of continued access to Programming or other benefits.
    - e. The Program may discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
    - f. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
    - g. The Program prohibits all consensual sexual activity between residents and will discipline residents for such activity. However, according to PREA, CRJ may not deem such activity to constitute sexual abuse if it determines that the activity was not coerced.
- O. Sexual Abuse Incident Reviews
  1. The facility shall conduct a sexual abuse or sexual harassment incident review at the conclusion of every sexual abuse/harassment investigation, including where the allegation has not been substantiated.
  2. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
  3. The review team shall include upper-level management officials, with input from line supervisors, investigators, local law enforcement and medical or mental health practitioners.
  4. The review team shall:
    - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse
    - b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility

- c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse
  - d. Assess the adequacy of staffing levels in that area during different shifts
  - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff and current camera systems, and
  - f. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to sections a.-e.(above) and any recommendations for improvement, and submit such report to the Vice President for Justice Services, Director of Reentry Operations or Contract Oversight Manager, the Program Director and the PREA Coordinator.
5. The facility shall implement the recommendations for improvement or shall document its reason for non-compliance.

P. Data Collection

1. CRJ shall collect accurate, uniform data for every allegation of sexual abuse and sexual harassment at all facilities under its direct control using a standardized instrument and set of definitions.
2. CRJ shall aggregate the incident-based sexual abuse data at least annually.
3. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
4. CRJ shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
5. Upon request, CRJ shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

Q. Data Review for Corrective Action

1. CRJ shall review data collected and aggregated pursuant to Section Q. in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:
  - a. Identifying problem areas
  - b. Taking corrective action on an ongoing basis, and
  - c. Preparing an annual report of its findings and corrective actions for each Program, and for CRJ as a whole.
2. Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the CRJ's progress in addressing sexual abuse.
3. CRJ's report shall be approved by CRJ's President/CEO and made readily available to the public through its website.
4. CRJ may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a Program but must indicate the nature of the material redacted.

R. Data Storage, Publication, and Destruction

1. CRJ shall ensure that data collected pursuant to section Q. are securely retained.
2. CRJ shall make all aggregated sexual abuse data, from Programs under its direct control, readily available to the public at least annually through its website.
3. Before making aggregated sexual data abuse data publicly available, CRJ shall remove all personal identifiers.
4. CRJ shall maintain sexual abuse data collected pursuant to section Q. for at least 10 years after the date of the initial collection unless Federal, State, or Local law requires otherwise.

S. Program Tracking and Reporting of Sexual Abuse and Sexual Harassment

1. The Program Director will be responsible for compiling the number of reports of sexual abuse and sexual harassment at a minimum of once a month.
  - a. Any forms submitted to the front desk in an envelope or any staff who finds forms shall follow the staff reporting requirements described earlier in this policy.
2. The Program has an obligation to report incidents of sexual abuse and sexual harassment under PREA. It will be the responsibility of CRJ's Quality and Compliance (QC) Department to maintain a computerized database to number and track all reports of sexual misconduct.
3. CRJ's QC Department may periodically use the database to analyze trends with respect to sexual misconduct and boundary violations, may initiate an investigation of locations where there is a pattern of sexual misconduct and boundary violations.
4. CRJ, under the direction of the PREA Coordinator, will comply with the PREA reporting requirements.

**VI. REFERENCES**

*PREA Law of 2003*

**VII. Keywords**

PREA

Sexual abuse

Sexual Harassment