

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: Terry Williams DATE: 01/08/2016
(Deputy Executive Director)

√ **Sexual Abuse Intervention (PREA)**

COF POLICY:

- City of Faith has a Zero Tolerance towards all forms of sexual abuse/misconduct. The agency's Prison Rape Elimination Act (PREA) Coordinator will oversee agency efforts to comply with PREA Standards. (§115.211A)
- City of Faith has developed and implemented in its facilities a comprehensive staff training program addressing the facility's sexual abuse / assault intervention and prevention program.
- All staff member shall receive sexual abuse training at orientation and annually thereafter.
- All residents shall receive as part of their orientation training on sexual abuse.
- Any allegations of sexual misconduct shall be reported to the DOC / BOP immediately.
- City of Faith has established a local intervention protocol that offers the resident immediate protection from the assailant.
- A medical examination and counseling by a clinical psychologist shall be given to the victim within 24 hours of the incident.

COF PROCEDURE:

PREA:

- The Executive Director shall appoint a staff member to serve as the Company's PREA Coordinator. This position shall also serve as the Compliance Manager for City of Faith. The PREA Coordinator shall have oversight of all activities to develop, implement and oversee the Company's efforts to comply with the PREA Standards in all facilities. (§115.211(B)) In addition, the Executive Director shall appoint a staff member to serve as the Company's PREA Investigator. This position shall oversee all investigations for the Company
- The PREA Compliance Manager will be someone with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards. Generally, the employee selected should hold an upper management position.(§115.211(B))
- City of Faith has developed and implements a staff training program entitled "Sexual Abuse / Assault Prevention & Intervention Program. This program includes instructions to staff on safeguarding the victim and steps to protect the confidentiality of the situation.
- Staff member receive training as part of their orientation program and annually thereafter.
- Residents are trained during their intake orientation process. The resident is training utilizing the "Sexual Abuse Misconduct Prevention and Intervention" program that is part of the intake packet.
- In the event of a sexual assault/abuse, the resident will be referred to UALR Medical Center, Little Rock Mental Health, and /or Healing Hearts and Spirits Rape Crisis Center.
- City of Faith does not contract out the confinement of residents.(§115.212)

STAFFING:

- City of Faith has developed and documented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect offenders against sexual abuse.
- When calculating adequate staffing levels and determining the need for video monitoring, each facility shall take into consideration the following: (§115.213(A))
 - (1) The physical layout of each facility;
 - (2) The composition of the resident population;
 - (3) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: Terry Williams DATE: 01/08/2016
(Deputy Executive Director)

(4) Any other relevant factors.

- In circumstances where the staffing plan is not complied with, the director or designee shall document and justify all deviations from the plan. This document shall be forwarded to the facility's PREA Compliance Manager for retention purposes. (§115.213(B))
- In addition to and along with other rounds as specified in institutional policy, each Facility shall ensure policy, post orders, job descriptions and practice require both intermediate-level or higher-level supervisors conduct and document unannounced rounds for the purpose of identifying and deterring staff sexual abuse and sexual harassment. These rounds shall occur during both night and day shifts. Each facility shall have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.
- Annual updates to the PREA staffing plan shall be submitted to the Deputy Executive Director and the PREA Coordinator. The staffing plan shall assess, determine and document whether adjustments are needed to the staffing plan, deployment of video monitoring systems or other monitoring technologies and the resources the facility has available to commit to ensure adherence to the staffing plan. (§115.213(A) and (C))
- When designing new facilities, planning substantial expansions or modifications to existing facilities or when updating a video monitoring system, the director shall consider how such expansions, modifications or updates would enhance the facility's ability to protect offenders from sexual abuse. (§115.218(A) and (B))

HIRING (§115.217):

- No Facility shall hire, detail or promote any applicant or employee who:
 - 1) Has engaged in sexual abuse in a community confinement facility, jail, lockup or prison;
 - 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 coercion, or if the victim did not consent or was unable to consent or refuse;
 - 3) Has been civilly or administratively adjudicated to have engaged in the above conduct.
- In order to comply with the Prison Rape Elimination Act, applicants for hire
- must allow the company to contact previous employers. A Waiver to Conduct Reference/Employment check shall be completed by all applicants prior to the effective date of hire.
- Applicants for hire, detail to special duty or direct promotion must truthfully
- answer all questions included on the PREA Requirements for Applicants and Employees Being Considered for Hire, Detail to Special Duty and/or Promotion This form shall be completed by the applicant/employee during the interview process or prior to the effective date of hire.
- The facility shall consider any incidents of sexual harassment in determining whether to hire, detail or directly promote anyone who may have contact with offenders.
- Before hiring, detailing or directly promoting any employee who may have contact with offenders each facility shall perform criminal background check. In addition, criminal

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: Terry Williams DATE: 01/08/2016
(Deputy Executive Director)

background checks shall be performed at least once every five years for current employees who may have contact with offenders. (§115.217(E))

- Prior to hiring any applicant who has worked in a correctional environment, the Human Resources Office shall contact each applicant's prior community confinement facility, jail, lockup and/or prison employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse using the Reference Check.
- Each employee has a personal responsibility to disclose to the Deputy Executive Director within 72 hours, any conduct for which he was accused, charged and/or convicted as listed The PREA Requirements for Applicants and Employees Being Considered for Hire, Detail to Special Duty and/or Promotion shall be utilized upon hire for this purpose.
- Omissions by applicants for hire or direct promotion regarding such conduct or providing false information about such conduct shall be grounds for disciplinary action up to and including dismissal.
- Unless prohibited by law, each facility shall provide information regarding substantiated allegations of sexual abuse or sexual harassment involving current or former employees upon receiving a request from a community confinement facility, jail, lockup or prison for whom such employee has applied to work.

- **CROSS-GENDER VIEWING AND SEARCHES (§115.215):**
- Cross-gender pat-down searches of female offenders are not permitted, absent exigent circumstances. §115.215(B)
- Cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) shall not be conducted except qualified medical personnel. §115.215(A)
- No search or physical exam may be conducted when the sole purpose of the search or physical exam is to determine the offender's genital status. §115.215(E)
- Upon entering a facility bedroom area, all cross-gender staff shall announce their presence. §115.215(D)
- All cross-gender strip searches and cross-gender visual body cavity searches shall be documented on an Unusual Occurrence Report. §115.215(C)
- City of Faith trains security 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. (UOR). (§115.215)

- **TRAINING:**
- All training on sexual abuse pursuant to the PREA Standards shall be developed and shall include the following:
 - A. Employee Training

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: Terry Williams DATE: 01/08/2016
(Deputy Executive Director)

- 1) All current staff and new hire employees shall fill out and sign the PREA Requirements for Applicants which will be maintained in the employee's personnel file. All staff shall receive instruction related to the prevention, detection, response, reporting and investigation of sexual abuse. (§115.231(D))
- 2) Training shall be tailored to the gender of the offenders at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male offenders to a facility that houses only female offenders, or vice versa. (§115.231(B))
- 3) The Company shall provide staff with refresher training annually to ensure that all employees are aware of the Company's current sexual abuse and sexual harassment policies and procedures. (§115.231(C))
- 4) All security staff shall be trained in how to conduct cross-gender pat-down searches, and searches of transgender and intersex offenders, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. (§115.215(F))
- 5) During orientation and annually thereafter, all staff shall be trained in the prevention, detection, response, reporting and investigation of sexual abuse. This training shall include: (§115.231(A) and 115.235(A))
 - a. The Company's zero-tolerance policy for sexual abuse and sexual harassment;
 - b. How to fulfill the employee's responsibilities pursuant to this Section and this regulation;
 - c. An offender's right to be free from sexual abuse and sexual harassment;
 - d. The right of offenders 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. 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 offenders;
 - i. How to communicate effectively and professionally with offenders, including LGBTI offenders; and
 - j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. (§115.231(A))

It is noted City of Faith does not offer Medical and Mental Health care on site. Mental Health services is provided by Little Rock Mental Health and Medical by University (UALR) Hospital.

B. Volunteer, Intern and Contractor Training (§115.232)

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

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: Terry Williams DATE: 01/08/2016
(Deputy Executive Director)

- 1) All volunteers, interns and contractors must fill out and sign the PREA Requirements for stating that they understand that any violation shall result in termination and may include the filing of criminal charges as warranted. The form shall be maintained in a file under the direct responsibility of Human Resource Company.
 - 2) The level and type of training provided to volunteers, interns and contractors shall be based on the services they provide and level of contact they have with offenders, but all volunteers who have contact with offenders shall be notified of the Company's zero tolerance policy regarding sexual abuse and sexual harassment and informed of the procedures to follow to report such incidents.
 - 3) The Company shall maintain documentation confirming the training the volunteers, interns and contractors received.
- C. Offender Training (§115.33)**
- 1) Offender orientation for all new incoming offenders shall include verbal and written training information regarding sexual assault and sexual misconduct. This information shall address the following:
 - Prevention;
 - Self-protection;
 - Multiple channels of reporting sexual assault and sexual misconduct;
 - Protection from retaliation;
 - Treatment and counseling;
 - City of Faith's zero tolerance for sexual assault and sexual misconduct.
 - 2) Offenders shall receive information concerning sexual abuse during offender orientation. In addition, each offender shall receive one hour of annual training regarding sexual abuse and reporting.
- D. Offenders with Disabilities and Offenders who are Limited English Proficient**
- City of Faith shall take appropriate steps to ensure that offenders with disabilities (including, for example, offenders who are deaf or hard of hearing, those who are blind or have low vision, those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the Company's efforts to prevent, detect and respond to sexual abuse and sexual harassment.
- 1) The Company shall take reasonable steps to ensure meaningful access to all aspects of the Company's efforts to prevent, detect and respond to sexual abuse and sexual harassment to offenders who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: Terry Williams DATE: 01/08/2016
(Deputy Executive Director)

(§115.216(B))

2) Offender interpreters may be used to explain the policies and procedures for reporting; however, the Company shall not rely on offender interpreters, offender readers or other types of offender assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties (§115.264) or the investigation of the offender's allegations. (§115.216(C))

YOUTHFUL OFFENDERS :

City of Faith does not house Youthful Offenders, therefore any standard concerning youthful offenders is non-applicable.

SCREENING FOR RISK OF VICTIMIZATION AND ABUSIVENESS (§115.241):

All new incoming offenders shall be screened at intake for a history of predator sexual behavior, sexual abuse and the likelihood/potential of sexual abuse/victimization. Initial intake screening shall occur ordinarily within 72 hours of intake, and requires that the facility reassess the offender's risk of victimization or abusiveness within a set time period, not to exceed 30 days from the offender's arrival at the facility, based upon any additional, relevant information received by the facility subsequent to the intake screening.

A. The facility staff shall interview and evaluate all incoming offenders for High Risk Sexual Predator (HRSP) and/or High Risk Sexual Victim (HRSV) tendencies utilizing the results of the PREA Screening Checklist and Instructions for Utilizing the PREA Screening Checklist, available offender records and mental health screening. The completed Checklist shall be filed in the offender's Master Record. Offenders shall not be disciplined for refusing to answer or for not disclosing complete information in response to questions asked in the PREA Screening Checklist.

1) Any offender who answers "Yes" to Item 1. in Section III of the PREA Screening Checklist shall be considered to be a known predator. An offender who answers "Yes" to two or more items other than Item 1. of the Checklist shall be considered a potential predator.

2) Any offender who answers "Yes" to Item 1. in Section II of the PREA Screening Checklist shall be considered a confirmed victim of sexual assault. An offender who answers "Yes" to three or more items other than Item 1. of the Checklist shall be considered a potential victim.

B. Offenders who are identified as sex offenders will not be allowed residence at City of Faith due to the facilities proximity to a school, daycare and head start program. This requirement

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: *Terry Williams*
(Deputy Executive Director)

DATE: 01/08/2016

is covered by State Law.

MEDICAL AND MENTAL HEALTH SCREENINGS/HISTORY OF SEXUAL ABUSE (§115.81):

- A. If the PREA screening indicates that an offender has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, or that an offender perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the offender is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. (§115.281(A)&(B))
- B. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be limited to treatment staff (and others as necessary) in order to develop treatment plans and security and management decisions, including housing, bed, work, education and program assignments, or as otherwise required by Federal, State or local law. (§115.281(D))
- C. Medical and mental health practitioners shall obtain informed consent from offenders before reporting information regarding prior sexual victimization that did not occur in an institutional setting, unless the offender is under the age of 18. (§115.281(E))

USE OF SCREENING INFORMATION UPON INITIAL INTAKE:

- A. Decisions concerning housing assignments for HRSP and HRSV offenders shall be the responsibility of the Case Manager and shall be based on the Checklist, record review, prior facility behavior and current behavior. If mental health intervention is indicated, a referral shall be made by the Case Manager to a mental health professional. Offenders may not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked pursuant to Sections (d)(1), (d)(7), (d)(8) or (d)(9) of §115.241 & 115.242.
- B. In deciding whether to assign a transgender or intersex offender to a facility for male or female offenders, and in making other housing and programming assignments, City of Faith will base its determination on transgender and intersex residents based on the correctional authority's gender information at the time the resident is assigned to City of Faith. The facility shall consider on a case-by-case basis whether a placement would ensure the offender's health and safety, and whether the placement would present management or security problems. Questions regarding identification of a transgender or intersex offender's genital status shall be based on the referring correctional Company's determination. If a determination needs to be made at the company level, a physical examination in a private setting by a health care provider is necessary. (§115.215(E) and 115.242(C))
- C. Staff shall note the results of the Checklist in the Offender Case File. Consideration concerning housing, shall be determined by the Case Manager based on initial screening information for those offenders confirmed/deemed HRSP and/or HRSV.
- D. Once an offender is confirmed/deemed as HRSP and/or HRSV at any time during incarceration, the offender shall be evaluated by the Case Manager for appropriate housing and programs and the offender shall be referred to a mental health professional. The mental health

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: Terry Williams DATE: 01/08/2016
(Deputy Executive Director)

professional shall meet with the offender upon receipt of the referral and then every six months thereafter to offer services, encourage programming and monitor movement for a period of not less than one year.

E. Placement and programming assignments for transgender or intersex offenders shall be reassessed at least twice each year by staff to review any threats to safety experienced by the offender.

Note: It is prohibited to place a lesbian, gay, bisexual, transgender, intersex and gender nonconforming offender (LGBTI) in a dedicated unit or facility solely on the basis of LGBTI identification unless such placement is pursuant to a legal requirement for the purpose of protecting such an offender. Transgender and intersex offenders must be given the opportunity to shower separately from other offenders.

F. The City of Faith shall ensure offenders has access to the services of a licensed mental health professional that has a scope of practice, training and/or experience in trauma counseling.

G. Mental health services for HRSP offenders shall focus on alleviating the offender's propensity for predatory or aggressive sexual behavior.

H. Mental health services for HRSV offenders shall focus on issues related to treatment for and prevention of victimization.

I. The Case Manager or any staff member thereafter who identifies an offender as an HRSP and/or HRSV shall insure that this information is entered into the offender's Case File, Annual Assessment, and Master Record for monitoring purposes.

J. At least quarterly, directors shall ensure supervisors and staff are provided with information identifying which offenders within those housing locations are designated as HRSP and HRSV in order to achieve the effective management of these offender populations. Additionally, this information shall be provided each time a HRSP or HRSV offender's housing location is changed.

K. Offenders at high risk for sexual victimization shall not be placed in segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If the facility restricts access to programs, privileges, education or work opportunities, the facility shall document this information. (§115.43)

L. Any offender who is recognized as displaying predatory behavior or the potential for victimization shall be referred to the director or designee for appropriate evaluation utilizing the Checklist and if indicated, a referral shall be made to a mental health professional for intervention.

J. After an offender who has been identified as a potential HRSP and/or a potential HRSV has demonstrated successful adjustment to incarceration without any evident predatory or victim behaviors for no less than one year, the Case Manager may change the HRSP and/or HRSV code. However, if the offender's discharge date occurs prior to the Annual Assessment, a screening shall be completed prior to discharge.

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: Terry Williams DATE: 01/08/2016
(Deputy Executive Director)

REPORTING:

- A. An allegation of sexual abuse shall be reported to the Company's PREA Coordinator immediately following the initial notification to the director. Such allegations shall be treated with discretion and confidentiality.
- B. All allegations of sexual assault or sexual misconduct may be reported to any staff member. The staff member who receives such reports whether verbally or in writing, shall immediately notify their supervisor who shall ensure that an Unusual Occurrence Report (UOR) is completed. Policy and procedures shall include specific methods for staff to also privately report sexual assault or sexual misconduct of offenders to any staff member. All PREA related UOR's shall be forwarded immediately up the chain of command. The appropriate supervisor shall immediately contact the facility investigative section. Staff shall also report any claims of retaliation against offenders and staff for reporting abuse, as well as any staff neglect or violation of responsibility that may have contributed to an incident or retaliation. (§115.261(A), 115.251(C) and (D) and 115.267 (A) & (E))
- C. An offender may also use the Administrative Remedy Procedure (ARP) as a means to report an alleged sexual assault or sexual misconduct. There is no time limit imposed regarding when an offender may submit a grievance regarding an allegation of sexual abuse. The Company shall not require an offender to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. Nothing in this section shall restrict the unit's ability to defend against an offender's lawsuit on the ground that the applicable statute of limitations has expired. (§115.252)
- D. In every case where the alleged aggressor is a staff member, there shall be no contact between the alleged aggressor and the alleged offender/victim without the approval of the Executive Director.
- E. The staff member receiving the report and/or the appropriate supervisor shall advise the victim not to shower or otherwise hygienically clean or if the assault was oral, not to eat, drink, or brush the teeth or otherwise take any action that could damage or destroy physical evidence pending completion of the gathering of that evidence and/or the initial investigation.
- F. If the alleged assault has occurred within the previous 72 hours and evidence is obtainable or other circumstances dictate, arrangements shall immediately be made to have the alleged victim escorted under appropriate security provisions to the local Hospital for assessment. Testing for pregnancy, sexually transmitted diseases (HIV, gonorrhea, hepatitis etc.) and other diseases as determined by the attending physician and counseling shall be made available to the alleged victim when appropriate.
- G. The Company shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost to the victim, when evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: Terry Williams DATE: 01/08/2016
(Deputy Executive Director)

Company shall document its efforts to provide SAFEs and SANEs. (§115.221(C))

H. The assigned investigator shall immediately notify the Victim Advocate (but no later than the next business day), that an alleged sexual abuse has occurred. (§115.221(D))

1) The Victim Advocate shall consult with the assigned investigator and offer assistance to the alleged victim as is appropriate.

2) As requested by the victim and with the alleged victim's consent, the Victim Advocate may participate in supporting victims throughout the forensic medical examination process (ensuring compliance in confidentiality laws) and investigatory interviews and shall provide emotional support, crisis intervention, information and referrals. (§115.221(E))

3) The Victim Advocate may not obstruct or interfere with the course of the investigation in any manner.

4) All conversations between the Victim Advocate and the alleged victim shall remain confidential except when:

- a. Disclosure of the confidential information is necessary to protect the victim or another (staff or offender) from potential harm; or
- b. The identity of an otherwise unknown alleged sexual predator is revealed.

I. City of Faith does not house youthful offender. (§115.221(B))

J. The PREA Coordinator will be the recipient of all third party reports of sexual abuse/assault (§115.254)

K. First Responders Responsibility (§115.264)

1. Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to:

- (a) Separate the alleged victim and abuser;
- (b) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- (e) If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.
- (f) Complete and follow the "Procedures for a PREA Incident" Form and Guidelines
- (g) City of Faith has developed the "Procedures for a PREA Incident" Form and Guidelines in order for staff to know their responsibility concerning a PREA incident (§115.265)

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: Terry Williams DATE: 01/08/2016
(Deputy Executive Director)

L. Reporting to Residents.(§115.273)

1. City of Faith will inform residents of the outcome of investigations with the result being one of three outcomes: substantiated, unsubstantiated, or unfounded.
2. City of Faith will request relevant information from the local police departments and any other investigating agency in order to inform the resident of the investigation outcome.
3. Residents will be notified when a staff member that was alleged to have committed sexual abuse against the resident (unless the allegation is unfounded):
 - a. is no longer posted in the resident's facility
 - b. is no longer employed with the agency
 - c. the agency learns the staff member has been indicted on a charge related to sexual abuse within the facility
 - d. the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility
4. Residents will be notified when a resident that was alleged to have committed sexual abuse against the resident:
 - a. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility
 - b. The agency learns the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
5. Notification or attempted notification will be documented.
6. City of Faith's obligation to report under this standard shall terminate if the resident is released from custody.

REPORTING TO OTHER CONFINEMENT FACILITIES (§115.263):

Upon receiving an allegation that an offender was sexually abused while confined at another facility, the director or designee of the facility that received the allegation shall notify in writing the warden/director of the facility or designee where the alleged abuse occurred. Notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation and documentation shall be placed in the offender's Master Record.

INVESTIGATIONS (§115.271):

When sexual abuse is alleged, the company shall use investigators who have received special training in investigating incidents of sexual assault and sexual misconduct. This training may include, but not be limited to: sexual abuse investigations; crime scene management; elimination of contamination; evidence collection protocol and crisis intervention. (§115.234(A)) In addition, the local authorities will be notified in order to assist with the investigation and secure evidence.

City of Faith imposes no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. (§115.272)

- A. Investigation of recent sexual assault or sexual misconduct occurring within 72 hours: If the alleged sexual assault or sexual misconduct is reported or discovered within 72 hours of the incident, the following steps shall be taken by the director or designee. (§115.221(A) and 115.264) To the extent City of Faith does not investigate the incident of

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: Terry Williams DATE: 01/08/2016
(Deputy Executive Director)

sexual abuse, it will request the investigating agency follow the requirements of 115.221 sections A through E. (§115.221(F))

1) The director shall be notified and an investigation shall be initiated as directed. Based upon the initial inquiry and/or evidence that the allegation represents possible criminal activity, the director or designee shall notify local law enforcement and the facility investigative section.

2) If the alleged aggressor is known to be an offender, he shall be transferred to a more secure environment and placed in segregation pending investigation.

3) At the initiation of the investigation, alleged victim(s) and alleged aggressor(s) shall be immediately separated.

Note: The director, designee or unit PREA Compliance Manager shall coordinate with the assigned investigator in making decisions regarding the housing and management of the alleged offender/victim(s), the alleged offender/ aggressor(s) and any alleged offender/witness(es) so as not to inadvertently interfere with the criminal investigation.

4) Secure the alleged crime scene if feasible and if forensic evidence is likely to exist.

5) A log shall be maintained to record the name of each person entering the crime scene, the time of entry and time of departure.

6) The only persons allowed to enter a secured crime scene are the assigned investigator(s), medical staff and/or the director as needed.

7) The crime scene shall remain secured until released by the authorities.

8) Investigators shall: gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.

9) In accordance with La. R.S.15:621, all biological evidence collected in cases involving homicide and rape shall be held in secure custody indefinitely or turned over to the Sheriff's Office that is handling the criminal investigation. In either case, the biological evidence shall not be destroyed and shall be stored appropriately. This does not preclude removing parts containing biological evidence from large items of evidence and retaining only the parts containing the biological evidence.

Note: All PREA Compliance Managers or investigators shall notify the Correctional Authority's PREA Investigator via e-mail before any sexual assault kits involving staff DNA are submitted to the Louisiana State Police Crime Lab for investigative purposes.

10) The alleged victim shall be promptly escorted under appropriate security provisions to a medical facility for assessment.

11) In preparation for transporting the alleged victim to the hospital emergency room, the victim shall be instructed to undress over a clean sheet in order to collect any potential forensic evidence that may fall from his person. The sheet, along with the victim's clothing, shall be collected as evidence and placed in a paper bag with an appropriate chain of evidence form attached. Appropriate substitute

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: Terry Williams DATE: 01/08/2016
(Deputy Executive Director)

clothing shall be provided to the victim.

12) When the alleged victim is an offender and is released from the emergency room, the alleged offender/victim shall be segregated from the alleged aggressor and screened by a mental health professional and appropriate referrals are made.

13) Separate interviews of the alleged victim and the alleged aggressor shall be conducted.

14) No facility shall require an offender who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

15) 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 detainee or staff.

16) Alleged aggressors who are offenders shall be transferred to a more secure facility and held in segregation pending investigation and shall remain there until the investigation is complete, unless other circumstances require the transfer of the alleged offender aggressor.

B. Investigations of sexual abuse occurring more than 72 hours after the incident: The following steps shall be taken by the director or designee.

1) Alleged victim(s) and alleged aggressor(s) shall be immediately separated and assigned to an appropriate housing unit.

2) Medical and mental health screening shall be offered to all victims.

3) A determination shall be made based upon the amount of time that has passed since the alleged incident occurred and the possibility of evidence still existing, as to whether the alleged aggressor, if known to be an offender, should be placed in a segregated area to preserve forensic evidence.

4) A determination shall be made based upon the amount of time that has passed since the alleged incident and other factors, whether there is a possibility of evidence still existing at the crime scene. If it is determined that evidence may still exist, the alleged crime scene shall be secured and any potential evidence shall remain in place for the investigation. If the alleged crime scene cannot be secured, it shall be photographed and/or videotaped and proper evidence protocols followed.

5) Investigators shall: gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator.

6) All PREA investigations shall result in a formal report utilizing the Procedures for a PREA Incident Form.

All PREA investigation case reports shall be reviewed and approved by the Executive Director. Upon facility review and approval, all PREA investigation case reports shall be forwarded to the appropriate Correction Authority's PREA Investigator for final review,

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: Terry Williams DATE: 01/08/2016
(Deputy Executive Director)

approval/disapproval and disposition.

All investigation case reports shall be concluded, reviewed and forwarded to the appropriate Correction Authority within 30 days of receiving the initial allegation. In the event an extension of the 30-day time period is needed, a request shall be submitted to the appropriate Correction Authority's Director of Investigations who shall approve or deny the request.

7) Investigations concerning allegations of employees shall be conducted by the Company's PREA Investigator. Following an investigation regarding an offender's allegation of sexual abuse, the facility shall inform the offender if the allegation was determined to be substantiated, unsubstantiated or unfounded. (§115.273(A))

DATA COLLECTION AND PROSECUTION:

A. Data Collection

- 1) A PREA Allegation file, will be used to track all allegations of sexual abuse defined by this policy.
- 2) Allegations shall be input into the File by authorized staff who shall track the investigations of all allegations of sexual assault and sexual misconduct.
- 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 Company of Justice's Bureau of Justice Statistics. (§115.287)

B. Prosecution

- 1) Substantiated allegations shall be forwarded to the local District Attorney for a decision regarding prosecution. (§115.271(h)) Administrative disciplinary action should be initiated on the aggressor (offender or staff). The unit PREA Investigator shall work with the District Attorney's Office to ensure appropriate criminal prosecution of substantiated cases of sexual assault. (§115.222(B))
- 2) The PREA Allegation File shall be updated by authorized staff to reflect the District Attorney's actions concerning PREA cases.

SEXUAL ABUSE INCIDENT REVIEWS (§115.286):

The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including substantiated cases, as well as unsubstantiated cases, unless the allegation has been determined to be unfounded. The review shall ordinarily occur within 30 days of the conclusion of the investigation. The review team shall include upper management officials, (Executive Director, Deputy Executive Director and PREA Compliance Manager, etc.) with input from line supervisors, investigators and medical or mental health practitioners. The review team shall prepare a Sexual Abuse Incident Review and shall send a copy of the report to the appropriate Correctional Authority and the Company's PREA Coordinator. The completed Sexual Abuse Incident Review shall be maintained in the investigative file of the incident and a copy shall be sent to the director.

City of Faith

Residential Re-Entry Centers

POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: Terry Williams DATE: 01/08/2016
(Deputy Executive Director)

DISCIPLINARY ACTION:

- A. The Company has adopted a zero tolerance policy toward victimization and sexual abuse within our facilities through the PREA Program. It is imperative that all Company personnel take appropriate actions to properly document and investigate allegations of sexual assault, sexual misconduct, sexual harassment and sexual coercion. Full investigations, appropriate reporting and compliance to the standards program are crucial to the success of the program and will be treated as a top priority by administrators and investigators. (§115.222(A))
- B. Staff that violate this regulation may receive disciplinary action, up to and including termination. Appropriate steps shall be taken to ensure fairness and due process.
- C. City of Faith does not have an outside agency that is responsible for collective bargaining on the agency's behalf, which would limit the agency's response concerning disciplinary actions concerning staff members. (§115.266)

Disciplinary Sanctions for Staff §115.276):

1. Staff are subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
2. Termination is the presumptive disciplinary sanction for staff who has engaged in sexual abuse.
3. Disciplinary sanctions for violations of policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are 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.
4. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

Corrective Action for Contractors and Volunteers (§115.277):

1. Any contractor or volunteer who engages in sexual abuse is prohibited from contact with offenders and is reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
2. The facility takes appropriate remedial measures, and considers whether to prohibit further contact with offenders, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

Disciplinary Sanctions for Offenders (§115.278)

1. Offenders are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the offender engaged in offender-on-offender sexual abuse or following a criminal finding of guilt for offender-on-offender sexual abuse.
2. Sanctions are commensurate with the nature and circumstances of the abuse committed the offender's disciplinary history and the sanctions imposed for comparable offenses by other offenders with similar histories.
3. The disciplinary process considers whether an offender's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, are imposed.

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: Terry Williams DATE: 01/08/2016
(Deputy Executive Director)

1. If the facility offers therapy, counseling or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility considers whether to require the offending offender to participate in such interventions as a condition of access to programming or other benefits.
2. The Department may discipline an offender for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
3. 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 does not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

DATA PUBLICATION (§115.289):

The Company's PREA Coordinator shall make an annual report regarding all sexual abuse data. The report shall consist of numbers only and shall not include personal identifiers.

PROTECTION AGAINST RETALIATION (§115.267):

1. CITY OF FAITH's policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and the PREA Coordinator is charged with monitoring retaliation. (a)
2. CITY OF FAITH shall employ multiple protection measures, such as housing transfers for inmate victim or abusers, incompatible listings, Classification Alerts, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. (b)
3. For at least 90 days following a report of sexual abuse, the PREA Coordinator shall monitor the conduct and treatment of inmates and staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. The PREA Coordinator will monitor inmate disciplinary reports, housing/program changes, and negative evaluations or counseling forms for the staff. The PREA Coordinator shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. (c)
4. In the case of inmates, such monitoring shall also include periodic custody level checks. (d)
5. If any other individual who cooperates with an investigation expresses a fear of retaliation, CITY OF FAITH shall take appropriate measures to protect that individual from retaliation. (e)
6. CITY OF FAITH's obligation to monitor shall terminate if the CITY OF FAITH determines that the allegation is unfounded. (f)
7. The PREA Coordinator will document the monitoring in writing.

MEDICAL & MENTAL HEALTH SERVICES (§115.282, §115.283)

- (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 judgment.
- (B) If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant to § 115.262 and shall immediately notify the appropriate medical and mental health

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: Terry Williams DATE: 01/08/2016
(Deputy Executive Director)

practitioners.

(C) Resident victims of sexual abuse while incarcerated 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) 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.

Ongoing Medical & Mental Health Care for Sexual Abuse Victims and Abusers (§115.283)

(A) City of Faith shall offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in our facility.

(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) City of Faith shall provide such victims with medical and mental health services consistent with the community level of care.

(D) Resident victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.

(E) If pregnancy results from conduct specified in paragraph (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

(F) Resident victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

(G) 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.

(H) The facility shall attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

DATA COLLECTION AND REVIEW

Sexual abuse incident reviews. (§115.286)

(a) The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.

(b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.

(c) The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.

(d) The review team shall:

(1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;

(2) 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;

(3) Examine the area in the facility where the incident allegedly occurred to assess

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: *Terry Williams* DATE: 01/08/2016
(Deputy Executive Director)

- whether physical barriers in the area may enable abuse;
- (4) Assess the adequacy of staffing levels in that area during different shifts;
 - (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - (6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement, and submit such report to the facility head and PREA compliance manager.
- (e) The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

Data collection. (§115.287)

- (a) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
- (b) The agency shall aggregate the incident-based sexual abuse data at least annually.
- (c) 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.
- (d) The agency shall maintain, review, and collect data as needed from all available incident-based documents including reports, investigation files, and sexual abuse incident reviews.
- (e) The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its residents.
- (f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

Data review for corrective action. (§115.288)

- (a) The agency shall review data collected and aggregated pursuant to § 115.287 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:
 - (1) Identifying problem areas;
 - (2) Taking corrective action on an ongoing basis; and
 - (3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
- (b) 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 agency's progress in addressing sexual abuse.
- (c) The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.
- (d) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

Data storage, publication, and destruction. (§115.289)

- (a) City of Faith shall ensure that data collected pursuant to § 115.287 are securely retained.
- (b) All aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its websites.
- (c) Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.

City of Faith

Residential Re-Entry Centers POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE ANNUAL REVIEW AND APPROVAL BY: *Terry Williams* DATE: 01/08/2016
(Deputy Executive Director)

(d) The agency shall maintain sexual abuse data collected pursuant to § 115.287 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.