

## **Hope Center Recovery Program PREA Resident Program Policy**

### **Policy: Compliance with Prison Rape Elimination Act (PREA)**

Hope Center Recovery Program will make every effort to comply with the Prison Rape Elimination Act of 2003. This policy applies to all residents, full time employees, parttime employees, interim employees, interns, students, volunteers and contractors doing business with Hope Center Recovery Program.

### **Procedure:**

1. Hope Center Recovery Program has zero tolerance toward all forms of sexual assault and sexual harassment (PREA standard 115.211). All new employees, volunteers, interns, and persons affiliated with the Hope Center Recovery Program and its residents on a regular or recurring basis will receive training regarding PREA standards, laws, and RKY policies related to Code of Ethics and Dual Relationships (PREA standard 115.231 and 115.232). Refresher training will occur on an annual basis. Training shall be tailored to be gender specific to the facility. Completion of training will be documented by employee signature attesting that they have received and understand the training material. Training will include the following:

- a. Hope Center Recovery Program has a zero-tolerance policy for sexual abuse and sexual harassment.
- b. Their responsibilities of 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 a residential setting.
- 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 a resident, 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.
- k. Failure to abide by PREA standards may result in personnel action up to and including termination and/or criminal prosecution.

2. All full and part-time medical and mental health care practitioners who work regularly in the Hope Center Recovery Program shall receive specialized training on the following (PREA standard 115.235):

- a. How to detect and assess signs of sexual abuse and sexual harassment.
- b. How to preserve physical evidence of sexual abuse.
- c. How to respond effectively and professionally to victims of sexual abuse and sexual harassment.
- d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

3. Hope Center Recovery Program shall appoint a PREA Coordinator, usually the facility head, and a backup coordinator. The PREA Coordinator is responsible for all reporting documentation including training of new staff. Employees, volunteers, interns and other affiliated persons completing training shall sign a document acknowledging that they understand the training they have received. All training documentation shall be maintained on site (PREA standard 115.211).

4. Prior to employment, all Hope Center Recovery Program employees will submit to a routine background check. The check shall be conducted using the Administrative Office of the Court (AOC) data if possible. Background checks will be used to screen for prior convictions for sex offenses. Criminal background check requests will be performed every 5 years. Prior to hiring, the Hope Center Recovery Program will also make reasonable attempt to determine if the candidate has been civilly or administratively adjudicated to have engaged in inappropriate sexual conduct as described in the PREA standard. Contact with prior institutional employers will be made if applicable. Applicants will also be asked about previous misconduct (PREA standard 115.217). Hope Center Recovery Program shall develop a staffing plan that provides for adequate levels of supervision to protect residents against sexual abuse. This plan shall be reviewed at least once per year and approved by DOC as part of DOC's semi-annual inspection of the center (PREA standard 115.213)

a. Upon admission to the Hope Center Recovery Program, residents will receive education including, but not limited to, the following:

b. Zero-tolerance policy regarding sexual abuse and sexual harassment.

c. How to report incidents or suspicions of sexual abuse or sexual harassment.

d. Expectations for appropriate behavior.

e. Residents' rights.

f. How to access support services, etc.

This material shall be presented to the resident in both verbal and written form with special consideration for those who have limited reading ability or who are hearing and/or vision impaired or with limited English proficiency (PREA standard 115.216). This education must occur within 3 days of admission and must be presented to the resident upon admission at each Hope Center Recovery Program placement. The resident must be given the opportunity to ask questions. Documentation of education must be maintained in the resident's file. Key information shall be posted so that it is visible and readily available to all residents (PREA standard 115.233).

5. Residents shall be provided facilities that enable them to shower, perform bodily functions and change clothing in a private area. Staff will conduct regular rounds and document them in accordance with DOC contract requirements. A staff member of the opposite gender shall announce his or her presence before entering a restroom area or resident's apartment. There shall be no cross-gender strip searches or visual body cavity searches conducted at Hope Center Recovery Program. Any cross-gender pat down searches will be conducted by DOC staff in accordance with established DOC policy CPP 9.8 and should be limited to searches necessary for officer safety. (PREA standard 115.215).

6. When designing or upgrading new facilities or expanding existing facilities Hope Center Recovery Program will consider the effect of the building design or modification on the center's ability to protect residents from sexual abuse. This consideration should also be made when installing or upgrading video monitoring technology (PREA standard

115.218).

7. Residents who have been victims of sexual abuse shall be offered referrals for emergency medical and mental health evaluations and as deemed appropriate, any necessary treatment related to the sexual abuse, including timely and comprehensive information about lawful pregnancy-related medical services and be referred for testing for sexually transmitted infections if requested. Medical and mental health services shall be available on an ongoing basis (PREA standard 115.221, 115.282, and 115.283). Residents shall also be informed of how to make a complaint and/or grievance related to sexual harassment or abuse. There shall be no time limits imposed for making grievances and/or complaints (PREA standard 115.252).

8. Residents shall be assessed for risk of sexual abuse victimization and/or predatory behaviors within 72 hours of admission using a validated risk assessment tool. Residents may also be re-assessed within 30 days based on any relevant additional information (PREA standard 115.241). Information obtained from the risk assessment shall be used to determine appropriate housing and/or bed placement or appropriateness for the program. Access to information obtained during assessment shall be limited to staff necessary to make program and housing placement decisions (PREA standard 115.242).

9. PREA related allegations will be reported to the Kentucky Department of Corrections as well as law enforcement personnel if the allegation involves force, coercion, or threats. Report to DOC should occur within 24 hours of an allegation. Each facility shall provide allegations and dispositions of sexual offenses on a monthly report. All case records associated with claims of sexual offenses, including incident reports, investigation reports, resident information, case disposition, medical and counseling evaluation findings and recommendations for aftercare or counseling shall be retained in accordance with the records retention schedule (PREA standard 115.287 and 115.289). This data shall be reviewed on an ongoing basis in an effort to identify problem areas and take corrective action. Yearly reports shall be made public (PREA standard 115.288).

10. Residents shall be provided multiple internal ways to privately report sexual abuse incidents. Residents shall also have at least one way to report incidents to an outside agency. A resident or third party may report a sexual offense verbally or in writing. Reports may be made anonymously (PREA standard 115.251). Information about how to make a third party report must be distributed publicly (PREA standard 115.254). If at any time it is learned that a resident is subject to a substantial risk of imminent sexual assault, immediate action shall be taken to protect the resident (PREA standard 115.262). Staff members shall immediately report to their supervisor all knowledge, suspicions or information of an incident of a sexual offense within a Kentucky or other correctional facility. They shall report any retaliation against someone who has reported such an incident. They shall also report any knowledge of staff who neglect to report the above incidents. Staff members may also make reports to the PREA hotline (PREA standard 115.261). Upon receiving the report, the staff on duty shall ensure the separation of the alleged victim and perpetrator and, if possible, secure and protect any crime scene to keep potential evidence in place for examination and investigation. If the crime scene cannot be secured, the crime scene shall be photographed or videotaped (PREA standard 115.264). The alleged victim shall be offered victim advocate services (PREA standard 115.253). If requested the advocate service shall be contacted and given the appropriate information. Notifications for the purpose of an investigation shall be immediately made to the designated facility investigator. In addition, all allegations of sexual

assaults that involve potentially criminal behavior shall be referred for criminal investigation to the Kentucky State Police. Within 72 hours of receiving an allegation that a resident was sexually abused while confined at another facility, the Hope Center Recovery Program Director shall notify the Head of the facility where the alleged incident occurred. The notification shall be documented. All allegations received from other facilities shall be investigated (PREA standard 115.263). All information in a report or investigation of a sexual offense shall be kept confidential except to the extent necessary to report to an appropriate supervisor, adequately investigate the incident, provide treatment, or make security or management decisions. An individual interviewed in the course of resolving the complaint shall be cautioned to treat the information as confidential. Breach of this confidentiality shall be grounds for disciplinary action.

11. Allegations of sexual abuse and sexual harassment shall be promptly, thoroughly and objectively investigated. Sexual abuse investigations alleging force, coercion, or possible criminal behavior shall be conducted by specially trained investigators from the Kentucky Department of Corrections, Kentucky State Police, or other law enforcement agency (PREA standard 115.222). Hope Center Recovery Program staff shall also receive specialized training in conducting investigations. This training will be provided by DOC (PREA standard 115.234). Investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Administrative investigations that result in a substantiated case of sexual abuse shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged perpetrator or victim from the employment or control of the facility or department shall not provide a basis for terminating an investigation (PREA standard 115.271). Alleged victims shall be informed when a report has been found to be substantiated, unsubstantiated, or unfounded, the alleged perpetrator is no longer housed at this facility, the alleged perpetrator is no longer employed by or affiliated with this facility, and/or the alleged perpetrator has been indicted or convicted. Duty to inform the alleged victim ends when the victim leaves the Hope Center Recovery Program (PREA standard 115.273). An offender may be discharged for reporting a false allegation of sexual abuse or sexual harassment only where the facility can demonstrate the false allegation was knowingly made in bad faith. A report made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute a false report or lying even if an investigation does not establish evidence sufficient to substantiate the allegation (PREA standard 115.278).

12. Residents and staff who report sexual abuse or harassment shall be protected from retaliation. These residents and staff will be monitored for at least 90 days following a report. A member of the facility management staff will be designated to monitor the situation. Changes in housing assignment or work schedules may be necessary. Obligation to monitor can be terminated if it is determined that an allegation of retaliation is unfounded (PREA standard 115.267).

13. Within 30 days of the conclusion of an investigation, a review will be conducted by Hope Center Recovery Program PREA team. The purpose of the review is to determine whether there is a need to revise policy and/or procedures, adjust staffing levels, address behavioral norms within the facility, review and correct physical plant issues, employ monitoring technology, etc... The review team will prepare a written report of recommendations and submit this to the agency head and PREA compliance manager (PREA

standard 115.286).

4/12/2018 5

14. Staff shall be subject to disciplinary sanctions up to and including termination for violating Hope Center Recovery Program, DOC or parent agency sexual harassment or sexual abuse policies. Criminal acts committed by staff, contractors, or volunteers shall be reported to law enforcement. Other violations of code of ethics or dual relationship policies shall be reported to any relevant licensing or certification boards (PREA standard 115.276 and 115.277).

15. Each Hope Center Recovery Program will establish a relationship with the local Kentucky Association of Sexual Assault Programs service provider to ensure clients have access to support services, including victim advocate services. If requested by the victim, the advocate shall be allowed to accompany the victim through the forensic medical examination process and investigative interviews (PREA standard 115.221).

16. There will be an independent PREA audit conducted once every three years as required by Kentucky Department of Corrections (PREA standards 115.293 and 115.401). Audits shall be conducted by a qualified auditor (PREA standard 115.402). The auditor shall provide a final report containing all findings of compliance and non-compliance with standards. The auditor's report shall be made public (PREA standard 115.403). Any finding of "Does Not Meet Standard" will trigger a 180 day corrective action period. The auditor will work with the Hope Center Recovery Program to develop a corrective action plan. After 180 days the auditor will re-evaluate and make a final determination regarding compliance. The Hope Center Recovery Program may also request a subsequent audit once it believes compliance has been met (PREA standard 115.404). The Hope Center Recovery Program may also appeal an audit finding to the Department of Justice within 90 days of the auditor's final determination. If DOJ determines good cause for re-evaluation, the Hope Center Recovery Program may commission a re-audit at the center's expense. Findings of the re-audit shall be considered final (PREA standard 115.405).