

	POLICY & PROCEDURE MANUAL	<u>NUMBER:</u> 5.5
	CHAPTER: Oversight	<u>SUPERSEDES:</u>
	TITLE: Sexually Abusive Behavior Prevention and Intervention Program (PREA)	<u>EFFECTIVE:</u> 07/01/2021

I. POLICY

This policy is applicable to Abraxas Youth & Family Services (AYFS) facilities that fall within the scope of the Prison Rape Elimination Act of 2003 (PREA) and the National Standards to Prevent, Detect and Respond to Prison Rape. Youth facilities that are required by client contract to comply with the Department of Justice PREA Juvenile Facility Standards will follow the guidelines set forth in this policy.

The intent of this policy is to provide guidance for adherence to the following requirements:

- A. The National Standards to Prevent, Detect and Respond to Prison Rape (PREA Standards) are appropriately incorporated into policy;
- B. Employees, Contractors and Volunteers are informed of AYFS's zero tolerance policy regarding Sexually Abusive Behavior;
- C. Residents are informed of AYFS's zero tolerance policy regarding Sexually Abusive Behavior;
- D. Standard procedures are in place to detect and prevent Sexually Abusive Behavior at all AYFS Facilities;
- E. Victims of Sexually Abusive Behavior receive a prompt and effective response to their physical, psychological and security needs;
- F. Allegations of Sexually Abusive Behavior receive prompt intervention upon report; and,
- G. Perpetrators of Sexually Abusive Behavior are disciplined and, when appropriate, referred for prosecution in accordance with AYFS policy and Federal, State or Local laws.

II. DEFINITIONS

A. General Definitions (§115.5)¹

1. **Agency** means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that

¹ Numerical references are to the section of PREA (28 CFR Part 115).

confines inmates, detainees or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority. This includes AYFS.

2. **Community Confinement Facility** means a community treatment center, halfwayhouse, 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.
3. **Company** means Abraxas Alliance, Inc. or AYFS.
4. **Contractor** means a person who provides services on a recurring basis pursuant to a contractual agreement with the Agency.
5. **Employee** means a person employed by AYFS or any operational subsidiary; sometimes referred to as staff or staff member.
6. **Exigent Circumstances** mean any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of the Facility.
7. **Facility** means a place, institution, building (or part thereof), set of buildings, structure, or area that is used by an Agency for the confinement of individuals.
8. **Facility Director** means the principal official of a Facility.
9. **Gender Nonconforming** means a person whose appearance or manner does not conform to traditional societal gender expectations.
10. **Intersex** means 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 disorders of sex development.
11. **Juvenile** means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.
12. **Juvenile Facility** means a Facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.
13. **LGBTI** means a Resident who has identified him/herself as lesbian, gay, bisexual, Transgender or Intersex.

14. **Medical Practitioner** means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “**Qualified Medical Practitioner**” refers to such a professional who has also successfully completed training for treating Sexual Abuse victims.
15. **Mental Health Practitioner** means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “**Qualified Mental Health Practitioner**” refers to such a professional who has also successfully completed specialized training for treating Sexual Abuse victims.
16. **Resident** means any person confined or detained in a Juvenile Facility or in a Community Confinement Facility.
17. **Secure Juvenile Facility** means a Juvenile Facility in which the movements and activities of individual Residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A Facility that allows Residents access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a Secure Juvenile Facility.
18. **Security Staff (Direct Care Staff)** means Employees primarily responsible for the supervision and control of Residents in housing units, recreational areas, dining areas, and other program areas of the Facility.
19. **Transgender** means a person whose gender identity (e.g., internal sense of feeling male or female) is different from the person’s assigned sex at birth.
20. **Volunteer** means an individual, not an employee, who donates time and effort on a recurring basis to enhance the activities and programs of AYFS.

B. Definitions Related to Sexual Abuse (§115.6)

1. **Sexual Abuse 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:
- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - Contact between the mouth and the penis, vulva, or anus;
 - Penetration of the anal or genital opening of another person, however slight, by a hand or finger, object, or another instrument; and,
 - Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, excluding contact incidental to a physical altercation.

2. Sexual Abuse by an Employee, Contractor, or Volunteer includes:

- 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 Employee, 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, that is unrelated to official duties or where the Employee, Contractor, or Volunteer 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 that is unrelated to official duties or where the Employee, Contractor, or Volunteer has the intent to abuse, arouse, or gratify sexual desire;
- f. Any attempt, threat, or request by an Employee, Contractor, or Volunteer to engage in the activities described in paragraphs (a) – (e) of this section;
- g. Any display by an Employee, Contractor, or Volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a Resident, and,
- h. Voyeurism by an Employee, Contractor, or Volunteer.

3. Sexual Harassment includes:

- 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
- b. Repeated verbal comments or gestures of a sexual nature to a Resident by an Employee, Contractor, or Volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
Note: "Repeated," in the context of this provision, means more than one incident. The seriousness of the conduct will be taken into account in determining the appropriate commensurate response by the facility and serious misconduct along these lines, even if committed once, will still be addressed.

4. Voyeurism by an Employee, Contractor, or Volunteer means an invasion of privacy of a Resident by staff for reasons unrelated to official duties, such as peering at a Resident who is using a toilet in his or her cell 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.

- Note: Sexual acts or contact between Residents and an Employee, Contractor or Volunteer even when no objections are raised by either party, are always forbidden and illegal. Accordingly, except in cases where the Employee, Contractor or Volunteer is clearly the victim of Resident Sexually Abusive Behavior, sexual behavior between an Employee, Contractor or Volunteer and Residents is always the Employee's, Contractor's or Volunteer's responsibility.

C. Additional Definitions

1. **Willing Sexual Activity:** Physical contact between two or more Residents of the same or oppositesex for the purpose of sexual arousal or gratification where all involved Residents independently express or imply consent. Such contact includes the following: active or passive contact or fondling of genitals, hands, mouth, buttocks, anus, or breast.
 - Note: Sexual Activity between two or more Residents is prohibited.
2. **Sexually Abusive Behavior:** The term used to describe Sexual Abuse and Sexual Harassment is defined in this section.

III. PROCEDURE

A. Policy Statements

1. Zero Tolerance (§115.311)

- a. Each Facility is required to have a current policy mandating zero tolerance towards all forms of Sexual Abuse and Sexual Harassment and outlining AYFS's approach to preventing, detecting, and responding to such conduct.
- b. Due to client contract requirements, some Facilities may be required to follow specific client PREA policy. If for some reason, client policy is less restrictive than Section 28 C.F.R. Part 115 of the National PREA Standards, the PREA Standards will prevail and a site-specific supplemental policy will be developed.

2. Policies to Ensure Referrals of Allegations for Investigations (§115.322)

- a. Each Facility will ensure that all allegations of Sexual Abuse or Sexual Harassment are referred for investigation to a law enforcement Agency with legal authority to conduct criminal investigations unless the allegation does not involve potentially criminal behavior. Facilities will document all referrals.
- b. AYFS will publish the corporate investigations policy on its website.

3. Preservation of Ability to Protect Individuals from Contact with Abusers (§115.366)

- a. In every case where the alleged abuser is an Employee, Contractor or Volunteer there will be no contact between the alleged abuser and the alleged victim pending the outcome of an investigation. Separation orders (e.g., safety plans) requiring "no contact" will be documented by facility management via email or memorandum within 24 hours of the reported allegation. The email or memorandum will be printed and maintained as part of the related investigation file.
- b. AYFS will not enter into or renew any collective bargaining agreement or other agreement that limits a Facility's ability to remove alleged Employee sexual abusers from contact with any Resident pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

4. Coordinated Response (§115.365)

- a. Each Facility will develop a written Facility plan to coordinate the actions taken in response to incidents of Sexual Abuse.
- b. The plan will coordinate actions of staff first responders, Medical and Mental Health Practitioners, investigators, and Facility leadership.
- c. The local PREA Compliance Manager will be a required participant and the Corporate PREA Coordinator may be consulted as part of this coordinated response.

5. Contracting with Other Entities/Individuals (§115.312)

- a. AYFS will adhere to all contracts with other entities for the confinement of Residents that require its obligation to adopt and comply with the PREA standards.
- b. Contractors providing services who have contact with Residents will be obligated to comply with applicable PREA standards and will be monitored to ensure compliance with these PREA standards.

B. AYFS PREA Personnel**1. PREA Coordinator (§115.311)**

AYFS will designate a PREA Coordinator at the corporate level with sufficient time and authority to develop, implement, and oversee the Company's efforts to comply with the PREA standards in all of its required Facilities.

PREA Coordinator duties include:

- a. PREA oversight for all AYFS Facilities who are required to comply with PREA;
- b. Developing the corporate PREA policy to comply with standard requirements;
- c. Developing a PREA audit tool;
- d. Work with Facilities if an incident occurs;
- e. Compile annual reports on findings and corrective actions for the Company; and,
- f. Develop and implement best practices in training, identification, treatment and reporting.

2. PREA Compliance Manager (§115.311)

A local PREA Compliance Manager will be designated for each AYFS Facility. The designated individual will have sufficient time and authority to coordinate the Facility's efforts to comply with the PREA standards.

PREA Compliance Manager duties include:

- a. Gathering of Facility statistics and reports on incidents of Sexual Activity and Sexual Abuse;
- b. Assist with development/revision of any site-specific PREA policies;
- c. Assist with PREA training initiatives;
- d. Assist with PREA Facility assessments;
- e. Be a member of the PREA Unannounced Rounds Team and verify that unannounced rounds are being completed as required;
- f. Track investigations and verify all documents are in the investigation file when completed;
- g. Prepare an annual report on findings and corrective actions for the Facility; and,
- h. Monitoring for retaliation in accordance with Section L2 of this policy.
 - Note: This may be a collateral duty position, depending on the Facility.

C. Facility Staff and Physical Plant**1. Supervision and Monitoring (§115.313)**

- a. Each Facility will develop and document a staffing plan that provides adequate levels of staffing and where applicable, video monitoring, to protect Residents against Sexual Abuse.
- b. Each Facility will maintain staff ratios of a minimum of 1:8 during Resident waking hours and 1:16 during Resident sleeping hours, except during limited and discrete Exigent Circumstances, which will be fully documented. Only Security Staff (Direct Care Staff) will be included in these ratios.
- c. In circumstances where the staffing plan is not complied with, Facilities will document and justify all deviations from the plan.
- d. Facilities will assess, determine and document no less frequently than once each year, whether adjustments are needed to:
 - The staffing plan;
 - The Facility's deployment of video monitoring systems and other monitoring technologies; and
 - The resources the Facility has available to commit to ensure adherence to the staffing plan.
 - Prevailing staffing patterns.
- e. The staffing plan, to include all deviations and the *Annual PREA Facility Assessment* (see Attachment A), will be completed and submitted to the local PREA Compliance Manager and Corporate PREA Coordinator annually.
- f. AYFS's Corporate PREA Coordinator will review all Facility assessments and take appropriate action necessary to protect Residents from Sexual Abuse at its Facilities. All findings and corrective actions taken will be documented by the Corporate PREA Coordinator.
- g. Each Facility will implement a policy and practice requiring Facility management staff and supervisors to conduct and document unannounced rounds within their respective areas to identify and deter Employee Sexual Abuse and Sexual Harassment. Such policy and practice will be implemented for all shifts.
- h. Employees are prohibited from alerting other Employees that these supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the Facility.

2. Hiring, Promotion, and Annual Performance Evaluations (§115.317)

- a. AYFS Facilities are prohibited from hiring or promoting anyone (who may have contact with Residents) who has engaged in, been convicted of, or been civilly or administratively adjudicated for engaging in Sexual Abuse in confinement settings or in the community.
- b. Facilities will consider any incidents of Sexual Harassment in determining whether to hire or promote anyone who may have contact with Residents.
- c. Each Facility will conduct criminal background checks, conduct a check of the state's child abuse registry, and make its best efforts to contact prior institutional employers to

obtain information on substantiated allegations of Sexual Abuse or any resignation during a pending investigation of an allegation of Sexual Abuse, prior to hiring new Employees. Background checks will be repeated for all Employees at least every five years.

- d. AYFS will ask all applicants and Employees who may have contact with Residents directly about previous Sexual Abuse misconduct as part of its hiring and promotional processes, and during the annual performance evaluation process for current Employees. For promotions, the facility will use the ***PREA Disclosure and Authorization – Promotion*** form (see Attachment B) to obtain this information from the employee. For annual performance evaluations, the facility will use the ***PREA Disclosure and Authorization – Annual Performance Evaluation*** form (see Attachment C) to obtain this information from the employee. AYFS Facilities will also impose upon Employees a continuing affirmative duty to disclose any such conduct.
- e. Material omissions regarding such misconduct, or the provision of materially false information, will be grounds for termination.
- f. Unless prohibited by law, AYFS will provide information on substantiated allegations of Sexual Abuse or Sexual Harassment involving a former Employee upon receiving a request from an institutional employer for whom such Employee has applied to work.
- g. See Section G for Volunteer requirements and Section H for Contractor requirements.

3. Facility Upgrades and Technology (§115.318)

Facilities will consider the effect any (new or upgrade) design, acquisition, expansion or modification of physical plant or monitoring technology might have on the Facility's ability to protect Residents from Sexual Abuse.

D. Screenings

1. Screening for Risk of Victimization and Abusiveness (§115.341)

- a. All Residents will be assessed during intake and reassessed periodically (at a minimum quarterly from the date of the initial intake PREA risk screening) throughout a resident's confinement to review any threats to safety experienced during confinement. Facilities will obtain and use information about each Resident's personal history and behavior to reduce the risk of Sexual Abuse by or upon a Resident. This initial screening will take place within 72 hours of arrival at the Facility utilizing an objective screening instrument. Unless mandated by client contract, Facilities will use the ***Screening for the Risk of Victimization and Sexually Aggressive Behavior*** assessment tool (see Attachment D) to conduct the initial risk screening assessments and the ***Vulnerable to Victimization Reassessment*** tool (see Attachment E) for periodic reassessments.
- b. If resident scores vulnerable to victimization (VV), a 30-day reassessment is also required.
- c. At a minimum, such assessments will attempt to ascertain information about:
 - Prior sexual victimization or abusiveness;
 - Any Gender Nonconforming appearance or manner or identification as LGBTI, and whether the Resident may therefore be vulnerable to Sexual Abuse;
 - Current charges and offense history;

- Age;
 - Level of emotional and cognitive development;
 - Physical size and stature;
 - Mental illness or mental disabilities;
 - Intellectual or developmental disabilities;
 - Physical disabilities;
 - His/her own perception of vulnerability; and,
 - Any other specific information about individual Residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other Resident.
- d. Persons tasked with screening will try to ascertain this information through conversations with the Resident during the intake process, by reviewing medical and mental health screening information, and by reviewing any available records which can assist them with risk assessment (e.g., court records, case files, previous placement records).
- e. Facilities will implement appropriate controls on dissemination of responses to questions asked related to sexual victimization or abusiveness in order to ensure that sensitive information is not exploited by Employees or other Residents.
- f. Sensitive information will be limited to need-to-know Employees only for the purpose of programming, housing, work and education decisions.
- g. At any point after the initial intake screening, a Resident may be reassessed for risk of victimization or abusiveness.

2. Medical and Mental Health Screenings; History of Sexual Abuse (§115.381)

- a. Any Resident who is identified (pursuant to the screening conducted in Section D) who has previously experienced prior sexual victimization or has previously perpetrated Sexual Abuse, whether in an institutional setting or the community will be offered a follow-up meeting with a Medical or Mental Health Practitioner within 14 days of the initial intake screening.
- b. Information related to sexual victimization or abusiveness in an institutional setting is limited only to Medical and Mental Health Practitioners and other Employees as necessary to inform treatment plans, security and management decisions, including housing, bed, work, education, and programming assignments or otherwise required by Federal, State or local law.
- c. Medical and Mental Health Practitioners are required to obtain informed consent from Residents before reporting information about prior sexual victimization that did not occur in an institutional setting (unless the Resident is under the age of 18).

3. Housing, Bed, Program, Education and Work Assignments (§115.342)

- a. Screening information from Section D (1) will be used to determine housing, bed, work, education, and programming assignments within the Facility with the goal of keeping all Residents safe and free from Sexual Abuse. The PREA Compliance Manager will maintain an “at risk log” of potential victims and potential aggressors determined from the PREA Intake Risk Screening Assessment. The “at risk log” will be kept current and include current housing locations.
- Note: Following a reported sexual abuse allegation, the PREA Compliance Manager

will ensure victims are placed on the “at risk” log as soon as possible and tracked as a potential victim and housed separately from potential abusers pending the outcome of the investigation. If the investigation is determined “unfounded”, the victim may be removed from the “at risk” log.

- b. PREA Compliance Managers will also maintain a tracking log of those individuals who self-identify as LGBTI with their housing location.
- c. Residents may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other Residents safe, and then only until an alternative means of keeping all Residents safe can be arranged.
- d. During any period of isolation, Facilities will not restrict Resident’s daily large-muscle exercise and any legally required educational programming or special education services.
- e. Residents in isolation will receive daily visits from a medical or mental health care clinician. Residents will also have access to other programs and work opportunities to the extent possible.
- f. If a Resident is isolated pursuant to paragraph (b) of this section, the Facility will clearly document the following:
 - The basis for the Facility’s concern for the Resident’s safety; and
 - The reason why no alternative means of separation can be arranged.
- g. Every 30 days, the status of the Resident will be reviewed to determine whether there is a continuing need for separation from the general population.
- h. In making housing and programming assignments for Transgender or Intersex Residents, the Facility will consider on a case-by-case basis whether the placement would ensure the Resident’s health and safety, and whether the placement would present management or security problems.
- i. Housing and programming assignments for each Transgender or Intersex Resident will be reassessed at least twice each year to determine any threats to safety experienced by the Resident. Serious consideration will be given to the individual’s own views with respect to his/her own safety. Facilities will utilize the Vulnerable to Victimization Reassessment tool for these reassessments.
- j. LGBTI Residents will not be placed in housing or bed assignments solely based on their identification as LGBTI, nor will Facilities consider LGBTI identification or status as an indicator or likelihood of being sexually abusive.
- k. Transgender and Intersex Residents will be given an opportunity to shower separately from other Residents.

E. Resident Orientation and Education

1. Residents with Disabilities or who are Limited English Proficient (§115.316)

- a. Facilities will ensure that Residents with disabilities (e.g., those who are deaf, hard of hearing, blind, have low vision, intellectual, psychiatric or speech disabilities) have an equal opportunity to participate in or benefit from the Company’s efforts to prevent, detect, and respond to Sexual Abuse and Sexual Harassment.
- b. Such steps will include, when necessary to ensure effective communication with Residents who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
- c. AYFS will ensure that all of its Facilities provide written materials to every Resident in

formats or through methods that ensure effective communication with Residents with disabilities, including those who have intellectual disabilities, limited reading skills or who are blind or have low vision.

- d. Facilities will not rely on Resident, readers, or other types of Resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the Resident's safety, the performance of first-response duties under Section K2, or the investigation of the Resident's allegations. Any use of these interpreters under these type circumstances will be justified and fully documented in the written investigative report.

2. Resident Education (§115.333)

- a. During the intake process, Facilities will provide each Resident with written information (e.g., handbooks, pamphlets) in an age-appropriate fashion, on the Company's zero tolerance policy regarding Sexual Abuse and Sexual Harassment and how to report incidents or suspicions of Sexual Abuse or Sexual Harassment.
- b. Within 10 days of intake, Facilities will provide a comprehensive age-appropriate education to all Residents, either in person or through video. Current Residents who have not received such education will also receive it and will receive education upon transfer to a different Facility if the policies and procedures differ from those of the previous Facility.
- c. The comprehensive education will include Resident's rights to be free from Sexual Abuse and Sexual Harassment and to be free from retaliation for reporting such incidents, and regarding Facility policies and procedures for responding to such incidents.
- d. Education will be provided in formats accessible to all Residents, including those with disabilities and those who are limited English proficient.
- e. Residents will sign for receipt of written materials and participation in comprehensive education sessions which will be retained in their individual files.
- f. Key information will be provided to Residents on a continuous basis through readily available, handbooks, brochures, or other written materials.

F. Training

1. Employee Training (§115.331)

- a. All Employees will receive training on AYFS's Sexually Abusive Behavior Prevention and Intervention Program. See Section G for Volunteer requirements and Section H for Contractor requirements.
- b. Each Facility will train all Employees who may have contact with Residents on:
 - Its zero-tolerance policy for Sexual Abuse and Sexual Harassment;
 - How to fulfill their responsibilities under agency Sexual Abuse and Sexual Harassment prevention, detection, reporting and response policies and procedures;
 - Residents right to be free from Sexual Abuse and Sexual Harassment;
 - The right of Residents and Employees to be free from retaliation for reporting Sexual Abuse and Sexual Harassment;
 - The dynamics of Sexual Abuse and Sexual Harassment in youth/juvenile

- Facilities;
- The common reactions of juvenile Sexual Abuse and Sexual Harassment victims;
 - How to detect and respond to signs of threatened and actual Sexual Abuse, and how to distinguish between Sexual Activity and Sexual Abuse between Residents;
 - How to avoid inappropriate relationships with Residents;
 - How to communicate effectively and professionally with Residents, including LGBTI or Gender Non-conforming Residents;
 - How to comply with relevant laws related to mandatory reporting of Sexual Abuse to outside authorities; and,
 - Relevant laws regarding the applicable age of consent.
- c. Employee training will be tailored to the unique needs and attributes of Residents in youth Facilities and to the gender of the Residents at the Employee's Facility. Employees will receive additional training if transferring between Facilities that house Residents of different genders.
- d. PREA refresher training will be conducted at least every two years thereafter for all Employees. Refresher training will include updates to Sexual Abuse and Sexual Harassment policies and procedures. In years in which an employee does not receive refresher training, the agency will provide refresher information on current sexual abuse and sexual harassment policies.
- e. Employee training will be documented on the ***PREA Initial Training Acknowledgement Form – Employees*** (see Attachment F) and ***PREA Refresher Training Acknowledgement Form - Employees*** (see Attachment G).

2. Specialized Training: Medical and Mental Health Practitioners (§115.335)

- a. Each Facility will train all full-time and part-time Medical and Mental Health Care Practitioners who work regularly in its Facilities on certain topic areas, including detecting signs of Sexual Abuse and Sexual Harassment, preserving physical evidence of Sexual Abuse, responding professionally to Juvenile victims of Sexual Abuse and Sexual Harassment, and proper reporting of allegations or suspicions of Sexual Abuse and Sexual Harassment.
- Note: this training will be completed as part of newly hired employee PREA initial training.
- b. Medical and Mental Health Care Practitioners will receive this specialized training in addition to the training mandated for Employees in Section F (1) or Contractors in Section H (1) depending upon their status at the Facility.
- c. Facility medical staff will not participate in sexual assault forensic medical examinations or evidence gathering. Forensic examinations will be performed by a Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE). An offsite Qualified Medical Practitioner may perform the examination if a SAFE or SANE is not available.
- d. Facilities will maintain documentation of this specialized training. Employee training will be documented on the ***PREA Specialized Training: Medical and Mental Health Practitioners Acknowledgement Form – Employees and Contractors*** (see Attachment H).

3. Specialized Training: Investigators (§115.334)

- a. Investigators will be trained in conducting investigations of Sexual Abuse in confinement settings. The specialized training will include techniques for interviewing Juvenile Sexual Abuse victims, proper use of Miranda and Garrity warnings, Sexual Abuse evidence collection and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
- b. Investigators will receive this specialized training in addition to the training mandated for Employees in Section F (1). Facilities will maintain documentation of this specialized training.
- c. Where the Facility does not conduct Sexual Abuse investigations and an outside Agency is responsible for investigating these type incidents, the Facility will request documentation from the Agency that it has provided such training to its investigators who conduct such investigations. Facilities will maintain documentation of this specialized training. Employee training will be documented on the ***PREA Specialized Training: PREA Investigations Acknowledgement Form*** (see Attachment I).

G. Volunteers**1. Volunteer Training (§115.332)**

- a. All Volunteers will receive training on AYFS's Sexually Abusive Behavior Prevention and Intervention Program.
- b. Each Facility will ensure that all Volunteers who have contact with Residents are trained on their responsibilities under AYFS's Sexual Abuse and Harassment prevention, detection, and response policies and procedures.
- c. The level and type of training provided to Volunteers will be based on the services they provide and level of contact they have with Residents, but all Volunteers who have contact with these individuals will be notified of AYFS's zero tolerance policy regarding Sexual Abuse and Sexual Harassment and informed how to report such incidents.
- d. Volunteers who have contact with Residents may receive PREA refresher training as needed.
- e. Volunteers will document through signature on the ***PREA Initial Training Acknowledgement Form - Volunteers*** and ***PREA Refresher Training Acknowledgement Form - Volunteers*** (see Attachment J) that they understand the training they have received.

2. Volunteer Reporting Duties (§115.361)

- a. Volunteers are required to immediately report any of the following:
 - Knowledge, suspicion, or information regarding an incident of Sexual Abuse or Sexual Harassment that occurred in a Facility;
 - Retaliation against Residents or Employees who reported such an incident; and,
 - Any Employee neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- b. Apart from reporting to designated supervisors or officials; Volunteers will not reveal any information related to a Sexual Abuse report to anyone.

3. Corrective Action for Volunteers (§115.377)

- a. Any Volunteer who engages in Sexual Abuse or Sexual Harassment will be prohibited from contact with Residents and will be reported to law enforcement, unless the activity was clearly not criminal, and relevant licensing bodies. AYFS is committed to investigating, and referring for prosecution, any Volunteer that engages in such behavior.
- b. In the case of any other violation of AYFS Sexual Abuse or Sexual Harassment policies by the Volunteer, the Facility will notify the applicable AYFS Contracting Authority who will take remedial measures and will consider whether to prohibit further contact with Residents.

H. Contractors**1. Contractor Training (§115.332)**

- a. All Contractors will receive training on AYFS's Sexually Abusive Behavior Prevention and Intervention Program.
- b. Each Facility will ensure that all Contractors who have contact with Residents are trained on their responsibilities under AYFS's Sexual Abuse and Harassment prevention, detection, and response policies and procedures.
- c. The level and type of training provided to Contractors will be based on the services they provide and level of contact they have with Residents, but all Contractors who have contact with these individuals will be notified of AYFS's zero tolerance policy regarding Sexual Abuse and Sexual Harassment and informed how to report such incidents.
- d. Contractors who have contact with Residents may receive PREA refresher training as needed.
- e. Medical and Mental Healthcare Contractors will receive the specialized training required in Section F (2).
- f. Contractors will document through signature on the *PREA Initial Training Acknowledgement Form - Contractors* and *PREA Refresher Training Acknowledgement Form - Contractors* (see Attachment K) that they understand the training they have received.

2. Contractor Reporting Duties (§115.361)

- a. Contractors are required to immediately report any of the following:
 - Knowledge, suspicion, or information regarding an incident of Sexual Abuse or Sexual Harassment that occurred in a Facility;
 - Retaliation against Residents or Employees who reported such an incident; and,
 - Any Employee neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- b. Apart from reporting to designated supervisors or officials; Contractors will not reveal any information related to a Sexual Abuse report to anyone.

3. Corrective Action for Contractors (§115.377)

- a. Any Contractor who engages in Sexual Abuse or Sexual Harassment will be prohibited from contact with Residents and will be reported to law enforcement,

unless the activity was clearly not criminal, and relevant licensing bodies. AYFS is committed to investigating, and referring for prosecution, any Contractor that engages in such behavior.

- b. In the case of any other violation of AYFS Sexual Abuse or Sexual Harassment policies by the Contractor, the Facility will notify the applicable AYFS Contracting Authority who will take remedial measures and will consider whether to prohibit further contact with Residents.

4. Hiring Contractors (§115.317)

- a. AYFS Facilities are prohibited from contracting with anyone (who may have contact with Residents) who has engaged in, been convicted of, or been civilly or administratively adjudicated for engaging in Sexual Abuse in confinement settings or the community.
- b. Facilities will consider any incidents of Sexual Harassment in determining whether to enlist the services of any Contractor who may have contact with Residents.
- c. Each Facility will conduct criminal background checks, conduct a check of the state's child abuse registry, and make its best efforts to contact all prior institutional employers to obtain information on substantiated allegations of Sexual Abuse or any resignation during a pending investigation of an allegation of Sexual Abuse, prior to enlisting the services of any Contractor. Background checks will be repeated for all Contractors at least every five years.

I. Searches and Observation (§115.315)

1. Cross-gender strip searches are prohibited except in Exigent Circumstances.
2. Cross-gender visual body cavity searches (meaning a search of the anal or genital opening) are prohibited except in Exigent Circumstances and will only be performed by offsite Medical Practitioners.
3. Cross-gender pat-down searches are prohibited, absent Exigent Circumstances.
4. Facilities will document and justify all cross-gender pat-down searches, cross-gender strip searches and cross-gender visual body cavity searches.
5. Facilities will not search or physically examine a Transgender or Intersex Residents solely to determine their genital status. If the genital status is unknown, it may be determined during conversations with the Resident, by reviewing medical records, or by learning that information as part of a broader medical examination conducted in private by a Medical Practitioner.
6. Unless client written mandates dictate otherwise, Searches of Transgender and Intersex individuals will be performed in one of two ways as determined by the Facility Director:
 - a. Searches only conducted by medical staff or
 - b. Asking the individual to identify the gender of staff with whom they would feel most comfortable conducting the search.
 - **Note:** If this option is selected, the *Statement of Search/Shower/Pronoun Preference Form* (see Attachment L) will be utilized.
7. Using two employees, one male searching the bottom half and one female searching the top half of the Transgender individual is strictly prohibited.
8. If staff has not determined that an individual presents as Transgender or Intersex, and Security Staff (Direct Care Staff) discover during the conduct of the search that the individual

is Transgender or Intersex, staff will cease the search and one of the two options listed in I6 above will be followed.

9. Security Staff (Direct Care Staff) will be trained to conduct cross-gender pat-down searches and searches of Transgender and Intersex Residents in a professional and respectful manner.
10. Each Facility will implement policies and procedures which allow Residents to shower, change clothes, and perform bodily functions without Employees of the opposite gender viewing them, absent Exigent Circumstances or instances when the viewing is incidental to routine cell checks.
11. Facility policies and procedures will require Employees of the opposite gender to announce their presence when entering housing units or any areas where Residents are likely to be showering, performing bodily functions, or changing clothes.
12. Resident showers will always be under same gender staff supervision.
13. Residents who are placed on constant observation status by Mental Health Providers will be provided visual supervision by a Security Staff (Direct Care Staff) member of the same gender.

J. Reporting of Sexual Abuse

1. Resident Reporting (§115.351)

- a. Each Facility will provide multiple ways for Residents to privately report Sexual Abuse, Sexual Harassment, retaliation by other Residents or staff and staff neglect or violation of responsibilities that may have contributed to such incidents.
- b. Facilities will provide contact information to Residents detained solely for civil immigration purposes for relevant consular officials and officials at the Department of Homeland Security.
- c. Facilities will provide Residents contact information on how to report abuse or harassment to a public or private entity or office that is not part of AYFS (e.g., contracting agencies) and that is able to receive and immediately forward reports of sexual abuse and sexual harassment to agency officials, allowing the Resident to remain anonymous upon request.
- d. Facilities will provide Residents contact information on how to report Sexual Abuse incidents to the Facility PREA Compliance Manager.
- e. Residents will be provided access to tools necessary to make a written report.
- f. Employees will accept reports made verbally, in writing, anonymously and from third parties and will promptly document any verbal reports.

2. Exhaustion of Administrative Remedies (§115.352)

- a. Facility grievance policies will include the following procedures regarding Sexual Abuse grievances:
 - No time limit on when a Resident may submit a grievance regarding an allegation of Sexual Abuse.
 - Residents have a right to submit grievances alleging Sexual Abuse to someone other than the staff member who is the subject of the complaint. Such grievance is also not referred to a staff member who is the subject of the complaint.
 - Third parties (e.g., fellow Residents, Employees, family members, attorneys and outside advocates) may assist Residents in filing requests for administrative

remedies relating to allegations of Sexual Abuse and may file such requests on behalf of Residents.

- The alleged victim must agree to have the request filed on his or her behalf; however, he/she is not required to personally pursue any subsequent steps in the administrative remedy process. If a parent or legal guardian of a Resident files a grievance regarding Sexual Abuse on behalf of the Resident, the Resident does not have to agree to have the request filed on his/her behalf.
- Residents are not required to use any informal grievance process or attempt to resolve with Employees an alleged incident of Sexual Abuse.
- A final decision will be issued on the merits of any portion of the grievance alleging Sexual Abuse within 90 days of the initial filing of the grievance. Computation of the 90-day time period will not include time consumed by the Resident in preparing any administrative appeal.
- Facilities may claim an extension of time to respond (for good cause), of up to 70 days and will notify the Resident of the extension in writing.
- At any level 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.

b. Emergency Grievances:

- Residents may file an emergency grievance if he/she is subject to a substantial risk of imminent Sexual Abuse.
 - After receiving an emergency grievance of this nature, the Facility Director or designee will ensure that immediate corrective action is taken to protect the alleged victim.
 - An initial response to the emergency grievance to the Resident is required within 48 hours and a final decision will be provided within five (5) calendar days.
- c. Residents may receive an intervention (e.g., counseling or a disciplinary report) for filing a grievance relating to alleged Sexual Abuse in bad faith.
- d. The PREA Compliance Manager will receive copies of all grievances related to Sexual Abuse, Sexual Harassment or Sexual Activity, for monitoring purposes.

3. Third-Party Reporting (§115.354)

AYFS will post publicly, third-party reporting procedures on its public website to show its method of receiving third-party reports of Sexual Abuse and Sexual Harassment on behalf of Residents. In all facilities, third party reporting posters in English and Spanish will be posted in public areas (e.g., lobby, visitation, and staff break areas) within the facility.

4. Employee and AYFS Reporting Duties (§115.361)

Employees are required to immediately report any of the following:

- 1) Knowledge, suspicion, or information regarding an incident of Sexual Abuse or Sexual Harassment that occurred in a Facility;
 - 2) Retaliation against Residents or Employees who reported such an incident;
- and,

- 3) Any Employee neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- a. Apart from reporting to designated supervisors or officials, Employees will not reveal any information related to a Sexual Abuse report to anyone.
 - b. Employees reporting Sexual Abuse or Sexual Harassment will be afforded the opportunity to report such information to Facility management privately if requested.
 - c. Unless precluded by Federal, State or local law, Medical and Mental Health Practitioners are required to report allegations of Sexual Abuse in which the alleged victim is under the age of 18 or considered a vulnerable adult to designated state or local services Agencies under applicable mandatory reporting laws.
 - d. Practitioners will inform Residents of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
 - e. Facilities will require all staff to comply with any applicable mandatory child abuse reporting laws.
 - f. The Facility Director or designee will promptly report all allegations of Sexual Abuse to the appropriate Agency office and the alleged victim's parents or legal guardians, unless the Facility has official documentation showing the parents or legal guardians should not be notified.
 - g. If the alleged victim is under the guardianship of the child welfare system, the report will be made to the alleged victim's caseworker instead of the parents or legal guardians.
 - h. If a juvenile court retains jurisdiction over the alleged victim, the Facility Director or designee will also report the allegation to the alleged victim's attorney or other legal representative of record within 14 days of receiving the allegation.
 - i. Facilities will report all allegations of Sexual Abuse and Sexual Harassment, including third-party and anonymous reports, to the Facility's designated investigators or outside agency responsible for investigating these type incidents.

K. Actions Required After Report of Sexual Abuse

1. Facility Protection Duties (§115.362)

- a. When a Facility learns that a Resident is subject to substantial risk of imminent Sexual Abuse, it will take immediate action to protect the alleged victim. Employees will report and respond to all allegations of Sexually Abusive Behavior and Sexual Harassment.
- b. Employees should assume that all reports of sexual victimization, regardless of the source of the report (e.g., "third party") are credible and respond accordingly.
- c. Only designated Employees specified by policy should be informed of the incident, as it is important to respect the victim's security, identity and privacy.
- d. All allegations of Sexual Abuse will be handled in a confidential manner throughout the investigation.
- e. All conversations and contact with the victim should be sensitive, supportive and non-judgmental.

2. Staff First Responder Duties (§115.364)

Upon receipt of a report that a Resident was Sexually Abused, or if the Employee sees abuse, the first staff member to respond to the report will:

- a. Separate the alleged victim and abuser;
- b. Immediately notify the on-duty or on call supervisor and remain on the scene until

- relieved by responding personnel;
- c. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
 - d. Do not let the alleged victim or abuser 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 responder is not a Security Staff (Direct Care Staff) member, the responder will be required to request that the alleged victim not take any actions that could destroy physical evidence; remain with the alleged victim and notify Security Staff.
 - f. Apart from reporting to designated supervisors, Employees will not reveal any information related to the incident to anyone other than to staff involved with investigating the alleged incident.
 - g. Following a reported allegation of sexual abuse, the PREA Compliance Manager will ensure victims are placed on the “at risk” log as soon as possible and tracked as a potential victim and housed separate from potential abusers pending the outcome of the investigation. If the investigation is determined “unfounded”, the victim may be removed from the “at risk” log.

3. Responsibilities When Sexual Abuse is Alleged

In cases where there is an allegation that a Resident was Sexually Abused, responding supervisory staff will:

- a. Ensure that the alleged victim and abuser are properly separated. They will not be allowed to communicate and will be held out of sight and sound of each other.
- b. Ensure the potential crime scene area is preserved until appropriate steps can be taken to collect any evidence by trained persons.
- c. A brief inquiry will be made to each individual separately and apart from each other to ascertain if the sexual contact was consensual or nonconsensual. The alleged victim may be in shock, embarrassed to discuss the incident in detail, and may not be able to provide much detail. If this is the case, it is important to be understanding and responsive. Opportunities to secure more details will occur later.
- d. Ensure that the Facility Director, PREA Compliance Manager, Facility Investigator, Corporate PREA Coordinator, and other designated individuals are notified within two (2) hours of the occurrence. As soon as possible, the PREA Compliance Manager will contact the Corporate PREA Coordinator to discuss the PREA allegation. Contracting Agencies will be notified in accordance with contract requirements.
- e. Staff must follow mandatory reporting laws regarding child abuse for all victims less than 18 years old.
- f. For allegations of Sexually Abusive Behavior in which an Employee is the alleged abuser, only the Facility Director and Facility investigator will be notified of the specifics of the allegation. They will make notifications and referrals to outside law enforcement and contracting officials as appropriate.
- g. If the abuse occurred within 96 hours, ensure that the alleged victim or abuser do not take any actions that could destroy physical evidence.
- h. The alleged victim and abuser should be placed (separately) in a dry cell or area where they cannot perform the following: washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating; until the forensic examination can be performed.

- i. A staff member of the same sex will be placed outside the cell or area for direct observation to ensure these actions are not performed.
- j. Ensure that all persons who played an active role in the response document their actions, providing as much detail as possible, and ensure that they remain on duty until properly debriefed and relieved as appropriate. Incidents of this sort will be fully documented.
- k. Facility investigators may be responsible for collecting information or evidence in accordance with Facility policy, contract requirements and coordination with the Agency to which the case may be referred.
- l. Facility Directors will implement the written Facility plan in accordance with Section A (4) of this policy, to coordinate the necessary actions required in response to incidents of Sexual Abuse which include at a minimum:
 - Ensuring that both alleged victim and abuser are referred to medical for further assessment and treatment as deemed necessary by the Healthcare Provider;
 - Ensuring that the alleged victim is promptly referred to Mental Health (or on-call Mental Health personnel during non-business hours) for assessment of vulnerability and treatment needs;
 - Determining an appropriate method of safeguarding the alleged victim. Victims should not be housed in the same unit/area as the alleged abuser; Victims should be housed in the least restrictive environment possible and allowed to retain personal property that does not present a legitimate security concern;
 - Coordinating other services that must be provided in accordance with this policy that meets both security and therapeutic needs;
 - After the sexual assault exam has been completed (or refused), the victim should be given access to a shower, food and drink. Other ways to support the victim (e.g., telephone calls to family, visits from clergy, community victim services) will be allowed whenever possible.

4. Responsibilities When Sexual Harassment/Willing Sexual Activity is Alleged

- a. **Sexual Harassment:** Some allegations may only rise to the level of Sexual Harassment between Residents. For reports or allegations of this type of Sexual Harassment, responding supervisory staff will:
 - Ensure that the alleged victim and alleged perpetrator are separated.
 - A brief inquiry will be made to each individual separate and apart from each other to ascertain if the sexual behavior was consensual or nonconsensual.
 - Ensure that the Facility Director, PREA Compliance Manager, Facility investigator, and other designated individuals are notified. As soon as possible, the PREA Compliance Manager will contact the Corporate PREA Coordinator to discuss the PREA allegation.
 - Incidents of this sort will be fully documented.
 - The incident will be investigated, and the alleged perpetrator may be segregated pending the outcome of the investigation.
 - The alleged victim will be referred to Mental Health for re-assessment to determine if any issues need to be addressed.

- If the investigation is determined substantiated, the perpetrator will be referred for administrative intervention or disciplinary sanctions and re-assessed to determine if any issues need to be addressed. Staff will remind the involved Residents of AYFS's zero tolerance policy on Sexual Activity and that continued violations may result in return to custody or discharge from the program, as applicable.
- b. **Willing Sexual Activity:** Not all reports or allegations require a full response protocol. For reports or allegations of Sexual Activity where the involved Residents independently report a non-coercive consensual sexual encounter, responding supervisory staff will:
- Ensure that the involved individuals are separated.
 - A brief inquiry will be made to each individual independently to ascertain if the sexual contact was consensual or nonconsensual.
 - Notify the Facility Director, PREA Compliance Manager, Facility investigator, and other designated individuals.
 - If the Facility Investigator and/or PREA Compliance Manager determine the behavior is in fact Sexual Activity, the involved Residents will be referred for administrative intervention or disciplinary sanctions. Incidents of this sort will be fully documented on the *Willing Sexual Activity Investigation Report* (see Attachment M).
 - The involved Residents will be re-assessed to determine if any issues need to be addressed. Staff will remind the involved Residents of AYFS's zero tolerance policy on Sexual Activity and that continued violations may result in housing that is more restrictive, return to custody or discharge from the program, as applicable.
- c. In other cases, there may be insufficient reason to proceed (e.g., the alleged victim credibly recanted, or the alleged abuser was not in the Facility on the date of the allegation) and the response protocol may be terminated. Incidents of this sort will still be reported and fully documented.

5. Reporting to Other Confinement Facilities (§115.363)

- a. In the event that a Resident alleges that Sexual Abuse occurred while confined at another Facility, the Facility will document those allegations on the *Log for Reporting An Allegation of Abuse that Occurred at Another Confinement Facility* (see Attachment N). The Facility Director (or in his/her absence, the Assistant Facility Director) will contact the Facility Director or designee where the abuse is alleged to have occurred as soon as possible, but no later than 72 hours after receiving the notification.
- b. The Facility will maintain documentation that it has provided such notification and all actions taken regarding the incident. Copies of this documentation will be forwarded to the PREA Compliance Manager and Corporate PREA Coordinator.
- c. Any Facility that receives notification of alleged abuse is required to ensure that the allegation is investigated in accordance with PREA standards.
- d. If another facility reports that a Resident in their care alleges that Sexual Abuse occurred while confined at an AYFS Facility, the Facility will document those allegations on the *Log for Receiving Reports of Allegations of Abuse from Another Confinement Facility* (see Attachment O). The AYFS Facility will open an investigation in accordance with

PREA standards.

6. Post-allegation Protective Custody (§115.368)

Any use of isolated housing to protect a Resident who is alleged to have suffered Sexual Abuse will be subject to the requirements of Section D3 (b, c, d, e, and f).

7. Access to Emergency Medical and Mental Health Services (§115.382)

- a. Victims of Sexual Abuse in custody will receive timely, unimpeded access to emergency medical treatment and crisis intervention services as directed by Medical and Mental Health Practitioners. AYFS Facilities will utilize local community facilities to provide emergency medical treatment and crisis intervention if on-site medical and mental health providers are not available.
- b. This access includes offering timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, where medically appropriate. All services will be provided without financial cost to the victim and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
- c. No attempt will be made by Facility medical staff to clean or treat the victim unless the injuries are such that not treating them would cause deterioration of the victim's medical condition; however, visible injuries will be documented both photographically and in writing and placed in the victim's medical record.
- d. Facility Medical staff will not participate in sexual assault forensic medical examinations or evidence gathering. Victims and Abusers will either be transported to a local community Facility for examination by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) or other offsite qualified medical practitioner, or one will be brought into the Facility to conduct the examination. All refusals of medical services will be documented.

8. Access to Outside Support Services and Legal Representation (§115.353)

- a. Facilities will provide Residents who allege Sexual Abuse while in AYFS custody with access to outside victim advocates and provide, post, or otherwise make accessible specific contact information for victim advocacy or rape crisis organizations. This may be done by providing mailing addresses, telephone numbers, toll-free hotline numbers.
- b. Facilities will enable reasonable communication between Residents and these organizations as well as inform Residents (prior to giving them access) of the extent to which AYFS policy governs monitoring of their communications and when reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. Residents will also be provided reasonable and confidential access to their attorneys or other legal representatives and reasonable access to parents or legal guardians.
- c. Facilities are required to maintain or attempt to enter into agreements with community service providers to provide Residents with confidential emotional support services related to the Sexual Abuse while in custody.
- d. Facilities will maintain copies of agreements or documentation showing unsuccessful attempts to enter into such agreements.

L. Ongoing and Other Actions After a Report of Sexual Abuse**1. Ongoing Medical and Mental Health Care (§115.383)**

- a. Each Facility will offer medical and mental health evaluations (and treatment where appropriate) to all victims of Sexual Abuse that occurs in any prison, jail, lockup, or Juvenile Facility.
- b. The evaluation and treatment should include follow-up services, treatment plans, and (when necessary) referrals for continued care following a transfer or release.
- c. These services will be provided in a manner that is consistent with the level of care the individual would receive in the community and include pregnancy tests and all lawful pregnancy-related medical services where applicable.
- d. Victims will also be offered tests for sexually transmitted infections as medically appropriate. All services will be provided without financial cost to the victim.
- e. The Facility will attempt to conduct a mental health evaluation on all known Resident-on-Resident abusers within 60 days of learning of such abuse history and offer treatment deemed appropriate by Mental Health Practitioners.
 - Note: “known abusers” are those Resident abusers in which a PREA investigation determined either administratively substantiated or substantiated by outside law enforcement.
- f. All refusals for mental health services will be documented.

2. Protection Against Retaliation (§115.367)

- a. Facilities will implement procedures to protect Residents and Employees who report Sexual Abuse or Sexual Harassment or cooperate with investigations, from retaliation by other Residents or Employees.
- b. The Facility PREA Compliance Manager or Mental Health employee will be responsible for monitoring retaliation of residents.
- c. Facilities will have multiple protection measures (e.g., housing changes or transfers for victims or abusers, removal of alleged staff or abusers from contact with victims) for those who fear retaliation for reporting Sexual Abuse or Sexual Harassment or for cooperating with investigations.
- d. For at least 90 days following a report of Sexual Abuse, the Facility Compliance Manager or Mental Health employee will monitor the conduct and treatment of Residents who reported the Sexual Abuse and the alleged victim of Sexual Abuse or Sexual Harassment to see if there are changes that may suggest possible retaliation by Residents or staff and will act promptly to remedy such retaliation. Monitoring will terminate if the allegation is determined unfounded.
- e. Any issues discussed will be noted on the *Protection from Retaliation Log – Alleged Victim* (see Attachment P) or *Protection from Retaliation Log – Reporter* (see Attachment Q), to include corrective actions taken to address the issue.
- f. Items to be monitored for Residents include disciplinary reports and housing or program changes.
- g. For at least 90 days following a report of Staff Sexual Misconduct (abuse or harassment) by another Employee, the Facility Human Resources employee or Facility Investigator will monitor the conduct and treatment of the Employee who reported the Staff Sexual

Misconduct (abuse or harassment) or Employee Witnesses who cooperate with these investigations to see if there are changes that may suggest possible retaliation by others and will act promptly to remedy such retaliation. Any issues discussed will be noted on the *Protection from Retaliation Log – Reporter*, to include corrective actions taken to address the issue. The Facility Human Resources employee or Facility Investigator will meet every 30 days, for 90 days, with the employee in private to ensure that sensitive information is not exploited by staff or others and to see if any issues exist. The Employee Assistance Program (EAP) may also be offered for emotional support services for Employees who fear retaliation.

- h. Monitoring will terminate if the allegation is determined unfounded.
- i. Items to be monitored for Employees include negative performance reviews and employee reassignments.
- j. If any other individual expresses a fear of retaliation, the Facility will take appropriate measures to protect that individual as well.
- k. Completed Protection from Retaliation Logs will be retained in the investigative file of the corresponding PREA incident.

3. Reporting to Residents (§115.373)

- a. Following an investigation into a resident’s allegation of sexual abuse suffered in an agency facility, the agency shall inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. AYFS facilities will use the *Notification of Outcome of PREA Allegation* form (see Attachment R) to make the notification to the resident.

4. Sexual Abuse Incident Reviews (PREA After-Action Review Report) (§115.386)

- a. AYFS facilities are required to conduct a Sexual Abuse incident review using the *PREA After-Action Review Report* (see Attachment S) at the conclusion of every Sexual Abuse investigation in which the allegation has been determined substantiated or unsubstantiated.
- b. The review will occur within 30 days of the conclusion of the investigation.
- c. The review team will consist of upper-level management officials, and the local PREA Compliance Manager, with input from line supervisors, investigators and Medical or Mental Health Practitioners. The Corporate PREA Coordinator may be consulted as part of this review.
- d. A PREA After-Action Review Report of the team’s finding will be completed and submitted to the PREA Compliance Manager and Corporate PREA Coordinator no later than 30 working days after the review. The Facility will implement the recommendations for improvement or document its reasons for not doing so.

M. Disciplinary Actions

1. Employee Disciplinary Sanctions (§115.376)

- a. Employees may be subject to significant disciplinary sanctions for sustained violations of Sexual Abuse and Harassment policies, up to and including termination for any Employee found guilty of Sexual Abuse.
- b. Termination will be the presumptive disciplinary sanction for staff who have engaged in Sexual Abuse.

- c. Disciplinary sanctions for violations of agency policies relating to Sexual Abuse or Sexual Harassment (other than actually engaging in Sexual Abuse) will 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.
- d. All terminations and resignation for such conduct will be reported to law enforcement and licensing agencies unless the activity was clearly not criminal.

2. Interventions and Disciplinary Sanctions for Residents (§115.378)

- a. Residents who are found guilty of engaging in Resident-on-Resident Sexual Abuse (either through administrative or criminal investigations) will be subject to a formal intervention or disciplinary sanctions.
- b. In the event a disciplinary sanction results in isolation of the Resident, Facilities will not restrict daily large-muscle exercise or access to any legally required educational programming or special education services. Residents in isolation will receive daily visits from a medical or mental health care clinician and will have access to other programs and work opportunities to the extent possible.
- c. The disciplinary process will 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. If the Facility offers therapy, counseling or other interventions designed to address the reasons or motivations for the abuse, the Facility will consider requiring the offending Resident to participate as a condition of access to any rewards-based behavior management system or other behavior-based incentives, but not as a condition to access to general programming or education.
- e. Disciplining a Resident for sexual contact with an Employee is prohibited unless it is found that the Employee did not consent to the contact.
- f. A Resident's report of Sexual Abuse made in good faith based upon a reasonable belief that the alleged conduct occurred will not constitute false reporting or lying.
- g. Facilities may not deem that Sexual Activity between Residents is Sexual Abuse unless it is determined that the activity was coerced.
- h. The PREA Compliance Manager will receive copies of all disciplinary reports regarding Sexual Activity and Sexual Abuse for monitoring purposes.
- i. The incident will be referred for prosecution unless the activity was clearly not criminal.

N. Data

1. Data Collection (§115.387)

- a. Each Facility will collect and retain data related to Sexual Abuse as directed by the Corporate PREA Coordinator.
- b. This data will be aggregated at least annually and is required to include, at a minimum, the data necessary to answer all questions on the most recent version of the Survey of Sexual Violence conducted by the Bureau of Justice Statistics (BJS).
- c. Upon request, AYFS will provide such data from the previous calendar year to the Department of Justice (DOJ) no later than June 30th.
- d. Facility PREA Compliance Managers will be responsible for compiling data collected on

Sexual Activity, Sexual Harassment and Sexual Abuse incidents and forwarding statistical reports to the Corporate PREA Coordinator on a monthly basis using the PREA Allegation Tracking Log.

2. Data Review for Corrective Action (§115.388)

- a. AYFS will review all data collected in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
 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 will include a comparison of the current year's data and corrective actions with those from prior years. The report and will also provide an assessment of AYFS's progress in addressing sexual abuse.
- c. The annual report will be approved by the Corporate PREA Coordinator and made readily available to the public upon approval, at least annually through AYFS's website or the client's website as required by contract.
- d. AYFS 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.

3. Data Storage, Publication, and Destruction (§115.389)

Data collected pursuant to this procedure will be securely retained for at least 10 years or longer if required by state statute. Before making aggregated Sexual Abuse data publicly available, all personal identifiers will be removed.

O. Audits (§115.401)

During the three-year period starting on August 20, 2013, and each three-year period thereafter, AYFS's Contract Compliance Department will ensure that each Facility is audited at least once by a PREA Auditor who has been certified through the DOJ.

Annual PREA Facility Assessment

Facility Name:		Assessment Date:	
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Section I - §115.313 Supervision and Monitoring

- (a) The GEO Group, Inc., shall ensure that each facility it operates shall develop, document, and make its best efforts to comply on a regular basis with 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, facilities shall take into consideration:
- (1) Generally accepted juvenile detention and correctional/secure residential practices;
 - (2) Any judicial findings of inadequacy;
 - (3) Any findings of inadequacy from Federal investigative agencies;
 - (4) Any findings of inadequacy from internal or external oversight bodies
 - (5) All components of the facility’s physical plant (including “blind-spots” or areas where staff or residents may be isolated);
 - (6) The composition of the resident population;
 - (7) The number and placement of supervisory staff;
 - (8) Institution programs occurring on a particular shift;
 - (9) Any applicable State or local laws, regulations, or standards;
 - (10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
 - (11) Any other relevant factors.

Findings: Based on our assessment of the facility in relation to the above 11 criteria elements, we have concluded:

(Attachment A)

Section II - Staffing Plan deviations and justifications:

(b) In circumstances where the staffing plan is not complied with, the facility will document and justify all deviations from the plan.

Listed below are dates when the facility staffing plan was not complied with and justifications. (Only include deviations from the original staffing plan for current assessment year)

Section III - Additional Comments and Recommendations:

Use this section to document any suggested items for improvement based on Section I and II above and any suggested improvements based on findings from PREA After-Action Reviews for the current assessment year.

Section IV - Assessment Participants

Name	Title

Facility Director Signature

Date

Corporate PREA Coordinator Signature

Date

PRISON RAPE ELIMINATION ACT (PREA)

DISCLOSURE AND AUTHORIZATION FORM - PROMOTION

PREA 28 CFR §115.317 prohibits the hiring, promotion or otherwise enlisting the services of anyone who may have contact with an individual incarcerated, detained, or placed at an Abraxas Youth & Family Services (AYFS) facility who has engaged in, been convicted of, or been civilly or administratively adjudicated for engaging in sexual abuse or sexual activity facilitated by force in confinement settings or the community. PREA 28 CFR §115.317 also requires that any incident of sexual harassment (as defined in §115.316) be considered in determining whether to hire, promote or otherwise enlist the services of anyone who may have contact with an individual incarcerated, detained or placed at a AYFS facility.

PREA requires that AYFS ask employees who may have contact with individuals incarcerated, detained or placed at a AYFS facility whether they have engaged in, been convicted of, or been civilly or administratively adjudicated for engaging in sexual abuse or sexual activity facilitated by force in confinement settings or the community. Accordingly, please answer the following questions:

- 1. Have you engaged in sexual abuse in a prison, jail, lock up, community confinement facility, juvenile facility, or other institution? (Please note that sexual abuse in this setting includes sexual acts **with** the consent of a resident or detainee).

Yes ____ No ____

- 2. Have you ever 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?

Yes ____ No ____

- 3. Have you ever been civilly or administratively adjudicated 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?

Yes ____ No ____

If you answered yes to any of the questions above, please explain:

I understand that AYFS employees have a continuing duty to disclose any conduct identified in 1-3 above and that any omission regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

In compliance with PREA requirements and consistent with Fair Credit Reporting Act, AYFS will

(Attachment B)

request a criminal background check which includes but is not limited to contacting prior employers to obtain information on substantiated allegations of sexual abuse or any resignation pending investigation of an allegation of sexual abuse. PREA also requires that background checks be repeated for all current employees and contractors who may have contact with an individual incarcerated, detained, or placed at a AYFS facility at least once every five years.

I authorize AYFS to conduct a background check and contact prior employers to obtain information on substantiated allegations of sexual abuse or any resignation pending investigation of an allegation of sexual abuse. I understand that AYFS may rely on this authorization to order additional background checks during my employment without asking me for my authorization again, as allowed by law.

Facility: _____

Employee Signature: _____ Date: _____

**PRISON RAPE ELIMINATION ACT (PREA)
DISCLOSURE AND AUTHORIZATION FORM –
ANNUAL PERFORMANCE EVALUATION**

PREA 28 CFR §115.317 prohibits the hiring, promotion or otherwise enlisting the services of anyone who may have contact with an individual incarcerated, detained, or placed at an Abraxas Youth & Family Services (AYFS) facility who has engaged in, been convicted of, or been civilly or administratively adjudicated for engaging in sexual abuse or sexual activity facilitated by force in confinement settings or the community. PREA 28 CFR §115.317 also requires that any incident of sexual harassment (as defined in §115.316) be considered in determining whether to hire, promote or otherwise enlist the services of anyone who may have contact with an individual incarcerated, detained or placed at a AYFS facility.

PREA requires that AYFS ask employees who may have contact with individuals incarcerated, detained or placed at a AYFS facility whether they have engaged in, been convicted of, or been civilly or administratively adjudicated for engaging in sexual abuse or sexual activity facilitated by force in confinement settings or the community. Accordingly, please answer the following questions:

- 1. Have you engaged in sexual abuse in a prison, jail, lock up, community confinement facility, juvenile facility, or other institution? (Please note that sexual abuse in this setting includes sexual acts **with** the consent of a resident or detainee).

Yes ____ No ____

- 2. Have you ever 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?

Yes ____ No ____

- 3. Have you ever been civilly or administratively adjudicated 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?

Yes ____ No ____

If you answered yes to any of the questions above, please explain:

I understand that AYFS employees have a continuing duty to disclose any conduct identified in 1-3 above and that any omission regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

(Attachment C)

In compliance with PREA requirements and consistent with Fair Credit Reporting Act, AYFS will request a criminal background check which includes but is not limited to contacting prior employers to obtain information on substantiated allegations of sexual abuse or any resignation pending investigation of an allegation of sexual abuse. PREA also requires that background checks be repeated for all current employees and contractors who may have contact with an individual incarcerated, detained, or placed at a AYFS facility at least once every five years.

I authorize AYFS to conduct a background check and contact prior employers to obtain information on substantiated allegations of sexual abuse or any resignation pending investigation of an allegation of sexual abuse. I understand that AYFS may rely on this authorization to order additional background checks during my employment without asking me for my authorization again, as allowed by law.

Facility: _____

Employee Signature: _____ Date: _____

(Attachment D)

Screening for the Risk of Victimization and Sexually Aggressive Behavior

Name: _____
 Gender _____ DOB _____ Race _____
 Facility: _____
 Date: _____

Results:	
Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
Vulnerable to Victimization	
<input type="checkbox"/>	<input type="checkbox"/>
Sexually Aggressive Behavior	

I. Vulnerable to Victimization

Resident Interview Questions:

1. Experience in Institutions

Ask: **Is this your first time in a juvenile facility?**

	Score	
NO	SCORE 0	
YES	SCORE 2	

Does the resident's response match collateral information in the file?

- YES (Go to question 2) NO (Go to Question 1a.)

1a. Provide specific details in the box below and place a 2 in the grey "Score" box because information was found in the resident's file to confirm a "YES" to question 1.

	Score

2. Social Skills

Lead in with: **How do you feel being in a facility with so many other juveniles/youth?**

Then ask and circle the resident's response:

- Do you feel you get along well with other people? Yes or No
- Do you find it easy to make friends? Yes or No
- Do you feel OK about being in groups of people you don't know well? Yes or No

For each "No" answer, award a score of 1

	Score
SCORE (0-3)	

3. Perception of Risk

Ask: **Do you feel at risk from attack or abuse from other residents in the facility?**

For example, have you received threats, insults, and harassment from other youth or residents?

Provide these three options

	Score	
NOT AT ALL	SCORE 0	
SOMETIMES	SCORE 1	
OFTEN	SCORE 2	

If sometimes or often, ask for more details and describe in the box below:

4. Prior Sexual Abuse

Ask: **Have you experienced past sexual abuse?**

Score

NO	SCORE 0	
YES	SCORE 1	

If yes, ask for more details and describe in the box below:

5. History of Victimization

Ask: **How often have you been attacked or bullied by people your own age (peers)?**

Provide these three options

Score

NEVER	SCORE 0	
A FEW TIMES	SCORE 2	
OFTEN	SCORE 3	

If a few times or often, ask for more details and describe in the box below:

6. Offense Type

Ask: **Have you ever been arrested for a sexual offense or other form of child abuse?**

Score

NO	SCORE 0	
YES	SCORE 4	

Does the resident’s response match collateral information in the file?

YES (Go to question 7) **NO (Go to Question 6a.)**

6a. Provide specific details in the box below and place a 4 in the grey “Score” box because information was found in the resident’s file to confirm a “YES” to question 6.

Score

--	--

7. Age of Youth

Score

16 TO 20 YEARS	SCORE 0	
13 TO 15 YEARS	SCORE 1	
11 TO 12 YEARS	SCORE 2	
10 YEARS OR YOUNGER	SCORE 3	

8. Intellectual Impairment

Conduct a file review to determine if there is any evidence that the resident has an intellectual impairment (e.g., Low IQ), learning disability, or Special Education classes? This information may also be found in psychiatric and psychological reports.

Score

NO EVIDENCE	SCORE 0	
EVIDENCE	SCORE 2	

If evidence was found in the file, provide specific details in the box below:

9. “Lack of fit” with Juvenile Facility Culture

Please assess the resident to determine if he/she is unlikely to “fit in” within the mainstream juvenile offender culture.

Place a check (✓) in the appropriate box on the right (Yes or No)		YES	NO
ASK: Do you identify yourself as <i>Lesbian, Gay, Bisexual, Transgender, or Intersex?</i> If YES, circle one....		<input type="checkbox"/>	<input type="checkbox"/>
Look for features of the resident’s physical appearance such as:			
<input type="checkbox"/>	Small Build	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Looks younger than stated age	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Impaired vision (e.g., requires glasses)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Pronounced disfigurement	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Physical disability	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Deaf	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Appears frail, weak	<input type="checkbox"/>	<input type="checkbox"/>
Look for features of the resident’s presentation and behaviors such as:			
<input type="checkbox"/>	Gender nonconforming appearance (e.g., boy wearing makeup/dress)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Hunched fearful posture (e.g., very fearful, very shy)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Inappropriate verbal behavior (e.g., giggling, odd remarks)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Speech impediment	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Appears slow or “dull”	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Behaviors that are likely to irritate and annoy other youth (e.g., immature, silly)	<input type="checkbox"/>	<input type="checkbox"/>
Look for features of the resident which make him or her stand out such as:			
<input type="checkbox"/>	Being from a “straight” middle class background	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Having a lack of exposure to criminal lifestyle	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Being from an ethnic minority not well represented in the offender population (e.g., Vietnamese, Indian, Middle Eastern)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Membership in a gang that is likely to be a target of attack from others	<input type="checkbox"/>	<input type="checkbox"/>
Note other features not listed above:			
		Score	
NONE OR ONLY ONE FEATURE		SCORE 0	
TWO OR THREE FEATURES		SCORE 2	
MULTIPLE FEATURES (FOUR OR MORE FEATURES)		SCORE 4	

II. Sexually Aggressive Behavior

Resident Interview Questions:

1. Sexual Aggression - Assault

Ask: **Have you ever sexually assaulted or attempted to sexually assault someone?**

		Score
NO	SCORE 0	
YES	SCORE 4	

Does the resident’s response match collateral information in the file?

- YES (Go to question 2) NO (Go to Question 1a.)

1a. Provide specific details in the box below and place a 4 in the grey “Score” box because information was found in the resident’s file to confirm a “YES” to question 1.

	Score
--	--------------

2. Sexual Aggression - Forced

Ask: **Have you forced someone into sexual acts against their will?**

NO	SCORE 0	Score
YES	SCORE 4	

Does the resident's response match collateral information in the file?

- YES (Go to Overall Risk Score section) NO (Go to Question 2a.)

2a. Provide specific details in the box below and place a 4 in the grey "Score" box because information was found in the resident's file to confirm a "YES" to question 2.

	Score
--	-------

Overall Risk Score

I. VULNERABLE TO VICTIMIZATION (VV)

1. Experience in Institutions Score _____
2. Social Skills Score _____
3. Perception of Risk Score _____
4. Prior Sexual Abuse Score _____
5. History of Victimization Score _____
6. Offense Type Score _____
7. Age of Youth Score _____
8. Intellectual Impairment Score _____
9. "Lack of Fit" Score _____

OVERALL SCORE _____

Score of 9 or Higher Indicates YES to VV

II. SEXUALLY AGGRESSIVE BEHAVIOR (SAB)

1. Sexual Aggression - Assault Score _____
2. Sexual Aggression - Forced Score _____

OVERALL SCORE _____

Score of 4 or Higher Indicates YES to SAB

Results

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Vulnerable to Victimization (VV)
<input type="checkbox"/>	<input type="checkbox"/>	Sexually Aggressive Behavior (SAB)

Note: Marking the results on Page 1 is also required

If Yes to VV and/or SAB, please assess the need for the following:

Specialized housing or roommate assignment?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Additional safety precautions (e.g., heightened supervision)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Psychiatric or psychological evaluation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If yes, please describe the plan of action to address the need: _____

If Yes to VV, complete Vulnerable to Victimization Reassessment Questionnaire within 30 days. **Date Scheduled:** _____

If Yes to #4 or SAB, does client want a follow-up meeting with a Mental Health practitioner? YES No

If yes to a follow-up meeting, please schedule appointment within 14 days. **Date Scheduled:** _____

If no, have client review and sign "Declined Follow-up Meeting" form on p. 5.

Employee Signature: _____

Date Screened: _____

Supervisor Review and Signature: _____

Date Reviewed: _____

Section I Vulnerable to Victimization was adapted from the "Prison Youth Vulnerability Scale", New Zealand Department of Corrections. Note: Florida Department of Juvenile Justice (Form RC 8050-2), PA Department of Public Welfare (BJS Policy 1.14, Appendix E), and CO Division of Youth Corrections (DYC Policy 9.19, Appendix A) all developed their screening tools based on "Prison Youth Vulnerability Scale". Section II Sexually Aggressive Behavior was adapted from the Florida Department of Juvenile Justice's screening tool (Form RC 8050-2).

Declined Follow-up Meeting

I was offered and declined a follow-up meeting with a Mental Health practitioner.

Print Resident Name: _____

Resident Signature: _____ Date: _____

(Attachment E)

Vulnerable to Victimization Reassessment

Facility: _____

Date of Admission: _____

Resident Name: _____

Gender: _____

1. File Review – Has the resident received any infractions for sexual misconduct, filed any grievances related to threats of sexual assaults, or received new information from external agencies since admission that would increase the resident’s likelihood of being vulnerable to victimization?

YES NO

Additional Comments: _____

2. Do you feel at risk of attack or abuse from other residents in the facility? YES NO

Additional Comments: _____

3. Do you feel at risk of attack or abuse from staff members in the facility? YES NO

Additional Comments: _____

4. Since you have been in this facility, has anyone forced or threatened you to engage in sexual activity?

YES NO

Additional Comments: _____

5. Do you know how to find help or report if another resident or staff sexually assaults or threatens you?

YES NO

Additional Comments: _____

Results

A “YES” response to questions 1, 2, 3, or 4 requires a prompt referral to the Administrator On-Duty

Name of Administrator On-Duty: _____

Please describe the plan of action to address the resident’s concerns and/or needs: _____

Administrator On-Duty Signature: _____ **Date:** _____

If the resident responds “NO” to question 5, please explain the methods of reporting sexual abuse and/or sexual harassment within the facility to the resident.

My signature verifies that I now understand the methods of reporting sexual abuse and/or sexual harassment within the facility

Resident Signature: _____ **Date:** _____

Employee Signature Completing Reassessment: _____ **Date:** _____



PRISON RAPE ELIMINATION ACT (PREA) TRAINING ACKNOWLEDGEMENT
EMPLOYEE INITIAL TRAINING

Employee Name (Please Print)		Facility Name	
---	--	----------------------	--

I acknowledge that on this date, I received and understand the Initial Training on the Prison Rape Elimination Act (PREA). I understand that Abraxas Youth & Family Services (AYFS) maintains a zero tolerance policy in regard to sexual abuse and sexual harassment of residents in all AYFS programs. I understand that I am required to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in an AYFS program (AYFS Policy 5.5: *Sexually Abusive Behavior Prevention and Intervention Program*).

Employee Signature

Date

Trainer or PREA Compliance Manager Name (Please Print)

Trainer or PREA Compliance Manager Signature

Date

PRISON RAPE ELIMINATION ACT (PREA) TRAINING ACKNOWLEDGEMENT
EMPLOYEE REFRESHER TRAINING

Employee Name (print)		Facility Name	
------------------------------	--	----------------------	--

I acknowledge that on this date, I received and understand the Refresher Training on the Prison Rape Elimination Act (PREA). I understand that Abraxas Youth & Family Services (AYFS) maintains a zero tolerance policy in regard to sexual abuse and sexual harassment of residents in all AYFS programs. I understand that I am required to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in an AYFS program (AYFS Policy 5.5: *Sexually Abusive Behavior Prevention and Intervention Program*).

Employee Signature

Date

Trainer or PREA Compliance Manager Name (Please Print)

Trainer or PREA Compliance Manager Signature

Date



PRISON RAPE ELIMINATION ACT (PREA) TRAINING ACKNOWLEDGEMENT
SPECIALIZED MEDICAL/MENTAL HEALTH TRAINING

Employee or Contractor Name (Please Print)		Facility Name	
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I acknowledge that on this date, I received and understand the PREA Specialized Medical/Mental Health Training. I understand that Abraxas Youth & Family Services (AYFS) maintains a zero tolerance policy in regard to sexual abuse and sexual harassment of residents in all AYFS programs. I understand that I am required to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in an AYFS program (AYFS Policy 5.5: *Sexually Abusive Behavior Prevention and Intervention Program*).

Employee or Contractor Signature

Date

Trainer or PREA Compliance Manager Name (Please Print)

Trainer or PREA Compliance Manager Signature

Date

PRISON RAPE ELIMINATION ACT (PREA) TRAINING ACKNOWLEDGEMENT
SPECIALIZED INVESTIGATOR TRAINING

Employee Name (Please Print)		Facility Name	
---	--	----------------------	--

I acknowledge that on this date, I received and understand the PREA Specialized Investigator Training. I understand that Abraxas Youth & Family Services (AYFS) maintains a zero tolerance policy in regard to sexual abuse and sexual harassment of residents in all AYFS programs. I understand that I am required to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in an AYFS program (AYFS Policy 5.5: *Sexually Abusive Behavior Prevention and Intervention Program*).

Employee Signature

Date

Trainer or PREA Compliance Manager Name (Please Print)

Trainer or PREA Compliance Manager Signature

Date



PRISON RAPE ELIMINATION ACT (PREA) TRAINING ACKNOWLEDGEMENT
VOLUNTEER INITIAL TRAINING

Volunteer Name (Please Print)		Facility Name	
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I acknowledge that on this date, I received and understand the Initial Training on the Prison Rape Elimination Act (PREA). I understand that Abraxas Youth & Family Services (AYFS) maintains a zero tolerance policy in regard to sexual abuse and sexual harassment of residents in all AYFS programs. I understand that I am required to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in an AYFS program (AYFS Policy 5.5: *Sexually Abusive Behavior Prevention and Intervention Program*).

Volunteer Signature

Date

Trainer or PREA Compliance Manager Name (Please Print)

Trainer or PREA Compliance Manager Signature

Date



**PRISON RAPE ELIMINATION ACT (PREA) TRAINING ACKNOWLEDGEMENT
VOLUNTEER REFRESHER TRAINING**

Volunteer Name (Please Print)		Facility Name	
--	--	----------------------	--

I acknowledge that on this date, I received and understand the Refresher Training on the Prison Rape Elimination Act (PREA). I understand that Abraxas Youth & Family Services (AYFS) maintains a zero tolerance policy in regard to sexual abuse and sexual harassment of residents in all AYFS programs. I understand that I am required to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in an AYFS program (AYFS Policy 5.5: *Sexually Abusive Behavior Prevention and Intervention Program*).

Volunteer Signature

Date

Trainer or PREA Compliance Manager Name (Please Print)

Trainer or PREA Compliance Manager Signature

Date



PRISON RAPE ELIMINATION ACT (PREA) TRAINING ACKNOWLEDGEMENT
CONTRACTED EMPLOYEE INITIAL TRAINING

Name (Please Print)		Facility Name	
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I acknowledge that on this date, I received and understand the Initial Training on the Prison Rape Elimination Act (PREA). I understand that Abraxas Youth & Family Services (AYFS) maintains a zero tolerance policy in regard to sexual abuse and sexual harassment of residents in all AYFS programs. I understand that I am required to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in an AYFS program (AYFS Policy 5.5: *Sexually Abusive Behavior Prevention and Intervention Program*).

Contracted Employee Signature

Date

Trainer or PREA Compliance Manager Name (Please Print)

Trainer or PREA Compliance Manager Signature

Date



PRISON RAPE ELIMINATION ACT (PREA) TRAINING ACKNOWLEDGEMENT
CONTRACTED EMPLOYEE REFRESHER TRAINING

Name (Please Print)		Facility Name	
----------------------------	--	----------------------	--

I acknowledge that on this date, I received and understand the Refresher Training on the Prison Rape Elimination Act (PREA). I understand that Abraxas Youth & Family Services (AYFS) maintains a zero tolerance policy in regard to sexual abuse and sexual harassment of residents in all AYFS programs. I understand that I am required to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in an AYFS program (AYFS Policy 5.5: *Sexually Abusive Behavior Prevention and Intervention Program*).

Contracted Employee Signature

Date

Trainer or PREA Compliance Manager Name (Please Print)

Trainer or PREA Compliance Manager Signature

Date

(Attachment L)

Statement of Search/Shower/Pronoun Preference Form

This form is to be used only for residents who self-identify as transgender. Over time, this status may change and these accommodations may be modified or no longer honored at the request of the resident.

To be completed by an Employee:

Resident's Legal Name: _____ **Intake Date:** _____

Birth Sex: Male Female **Gender Identification:** Male Female

Transgender: Male to Female Female to Male

Name Preference: _____

Pronoun Preference: He She Other _____

To be completed by Resident:

For the purpose of searches conducted when placed at an Abraxas Youth & Family Services (AYFS) program, I prefer to be searched (e.g., pat, strip, and urine testing when applicable) by staff of the gender indicated below. I understand that my preference will be respected unless the situation is an emergency, there is no one of that gender available, or the failure to conduct a search will jeopardize the safety of the staff or other residents.

Staff Member Preference: Male Female

For the purpose of showers when placed at an AYFS program, I prefer to shower separately from others. Note: This will either occur during different shower times within my housing area or I will be escorted at the discretion of staff to shower in a location that provides adequate privacy from others. Yes No

Resident Signature:

Date:

Staff Member Name (Please Print)

Staff Member Signature:

Date:

Completed form will be retained in the resident file and a copy will be given to resident.

(Attachment M)

Willing Sexual Activity Investigation Report

Facility:	Resident Name:
SIR #	Date of Incident:
Incident Time:	Incident Location:

Summary of Incident

Findings:

Outcome (e.g., disciplinary action, counseling, room change):

Person Completing Report:

Print Employee Name and Title: _____

Employee Signature: _____

Date: _____

Log for Reporting An Allegation of Abuse that Occurred at Another Confinement Facility

Facility Name & Address Where Allegation of Abuse Occurred	Name and Phone # of Facility Director Contacted	Date Notification Made	Resident Name	Information Provided to the Facility Director Where the Allegation of Abuse Occurred	Printed Name and Signature of Facility Director or PREA Compliance Manager Making Notification

Protection from Retaliation Log – Alleged Victim

Alleged Victim Name: _____ Date of Allegation: _____ Victim’s Living Unit: _____

The PREA Compliance Manager, resident’s therapist, or designee will meet weekly with the alleged victim in private to verify that sensitive information is not exploited by staff members or others. Any issues discussed will be noted in the appropriate area below to include corrective actions taken to address the issue. The alleged victim and the staff member who conducted the meeting will sign in the appropriate space after each meeting. Monitoring will be provided for 90 days or longer if necessary. Monitoring will terminate if the allegation is determined unfounded or the resident discharges. **Completed logs will be retained in the investigative file of the corresponding PREA incident.**

Meeting Date	Issues or Concerns	Corrective Actions Taken	Alleged Victim Signature	Staff Person Signature

If unfounded or discharged, date monitoring terminated: _____

Protection from Retaliation Log – Reporter

Alleged Victim Name: _____ Reporter’s Name: _____

Date of Allegation: _____ Reporter’s Living Unit: _____

The PREA Compliance Manager, resident’s therapist, or designee will meet weekly with the reporter in private to verify that sensitive information is not exploited by staff members or others. If the reporter is an employee, the HR Coordinator or designee will meet weekly with the reporter in private to verify that sensitive information is not exploited by staff members or others. Any issues discussed will be noted in the appropriate area below to include corrective actions taken to address the issue. The reporter and the staff member who conducted the meeting will sign in the appropriate space after each meeting. Monitoring will be provided for 90 days or longer if necessary. Monitoring will terminate if the allegation is determined unfounded or the resident discharges. **Completed logs will be retained in the investigative file of the corresponding PREA incident.**

Meeting Date	Issues or Concerns	Corrective Actions Taken	Reporter Signature	Staff Person Signature

If unfounded or discharged, date monitoring terminated: _____

NOTIFICATION OF OUTCOME OF PREA ALLEGATION

Facility:	PREA Incident #:
Report Date:	Date of Incident:
Victim Name:	Alleged Abuser: <input type="checkbox"/> Resident <input type="checkbox"/> Employee

Reporting to Residents – PREA Standard §115.373

At the conclusion of an investigation into a resident’s allegation that he or she suffered sexual abuse, the facility will inform in writing the resident who made the allegation of sexual abuse, whether the allegation has been:

- Substantiated: investigation determined allegation occurred
- Unsubstantiated: investigation determined allegation may have occurred, but there was insufficient evidence to prove
- Unfounded: investigation determined allegation did not occur

An agency’s obligation to report under this standard will terminate if the resident is released from the agency’s custody.

In custody

Not in custody; Discharge date: **If resident has discharged, skip to Employee Signature and sign/date.**

Finding:

A PREA allegation was received on _____, 2021. A thorough investigation was completed by:

the Facility, or Outside Agency _____.

Based upon a review of the evidence, the allegation has been determined to be:

Substantiated Unsubstantiated Unfounded (If unfounded, skip to signatures)

Abuser Status:

Resident: N/A

Indicted on a charge related to sexual abuse within the facility

Adjudicated/convicted on a charge related to sexual abuse within the facility

Employee: N/A

No longer working in your dormitory/unit

No longer employed at the facility

Indicted on a charge related to sexual abuse within the facility

Convicted on a charge related to sexual abuse within the facility

Resident Signature

Date Received

Notice Issued By (Print Name and Title)

Employee Signature

Date

Resident will receive a copy of the completed form and the original will be retained in the investigation file.

PREA AFTER-ACTION REVIEW REPORT

Facility:	Region/Division:
Report Date:	Date of Incident:
PREA Incident Number:	Submitted By:

Allegation Finding: Substantiated
 Unsubstantiated

Date of Finding:

Investigator Name:

Facility Investigator Outside Agency

Agency Name if Outside:

Brief Summary of Allegation

--

Residents Involved

Name	Victim or Abuser	DOB

Indicate the Items Reviewed

Video Footage Staff Reports/Statements Supervisor Reports/Statements
 Resident Statements Medical Report of Exam and Injuries
 Other (Specify)

Answer the Following Based on Review of the Above Items

1. Is there a need to change policy or practice to better prevent, detect or respond to sexual abuse?
 Yes No
2. Was incident motivated by race, ethnicity, gender identity, LGBTI status or perceived status, gang affiliation, or motivated or otherwise caused by other group dynamics?
 Yes No
3. Were there any physical barriers present in the area where the incident allegedly occurred?
 Yes No

(Attachment S)

4. Were the staffing levels inadequate in the area where the incident allegedly occurred during different shifts?
 Yes No
5. Is there a need for enhance or change monitoring technology to supplement supervision by staff in the area where the incident allegedly occurred?
 Yes No

A response is required for all questions answered “yes” above.

6. Were the actions taken by staff in regard to this incident reasonable and appropriate based on policy?
 Yes No (If “no,” a response is required below)

Recommendations Based on the After-Action Review

Names of Participants in After-Action Review

Name	Title

Facility Administrator Signature

Date

Completed reviews must be emailed to the Corporate PREA Coordinator within 10 working days after the review. Please retain this document in the investigative file of the corresponding PREA allegation.