



GAUDENZIA, INC.
POLICY & PROCEDURE MANUAL



**National Standards to Prevent, Detect and Respond to Prison Rape
under the Prison Rape Elimination Act (PREA)**

Relevant Regulations/Standards: 28 C.F.R. Part 115 Docket No.OAG-131

Effective Date: July 2014

Revision Date: May 2020

PURPOSE: This policy establishes protocols for Gaudenzia, Inc. to be provided to staff and residents regarding sexual abuse and sexual harassment and how to prevent, detect and respond to such types of incidents.

SCOPE: Agency Staff.

POLICY: Gaudenzia, Inc. Programs are committed to ensuring the safety and dignity of all residents to whom we provide services. Gaudenzia does not tolerate any type of sexual abuse or sexual harassment of any individual under our care. All facilities/programs shall comply with federal and respective state laws as they pertain to PREA, sexual violence and sexual misconduct. If there is a variation in laws, the stricter regulation will apply.

It is the policy of Gaudenzia, Inc. to provide training to staff and residents to prevent sexual abuse or sexual harassment and to fully investigate and prosecute those involved in such conduct. This policy outlines the agency's approach to preventing, detecting and responding to such conduct (115.311a). This policy shall be available to all staff, contractors, volunteers, interns, visitors and residents.

Gaudenzia has assigned the General Counsel and Director of Compliance, and the Director of Quality Assurance to serve as the agency PREA Coordinators to ensure compliance with all standards across agency programs/facilities (115.311b). The Program Director or designee will serve as the PREA Compliance Manager for the designated program. This person will oversee coordination of the PREA standards and will directly report to the PREA coordinator identified in each region (115.311c)

DEFINITION:

Resident: In this policy, resident shall be used to describe the individuals at the facility/program, to include inmates, detainees, parolees, supervised offenders, etc....

Under PREA, sexual abuse includes:

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident;
and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or 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:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and



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- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) 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 staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) 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 staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer.

Sexual harassment

Under PREA sexual harassment includes:

- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

PROCEDURES:

Employee Training:

1. Staff members shall receive comprehensive training upon hiring in the prevention, detection, and reporting of sexual assault/rape or sexual misconduct.
2. The staff who may have contact with residents will be trained on (PREA 115.231):
 - a. The agency's zero-tolerance policy for sexual abuse and sexual harassment
 - b. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures.
 - c. Residents right to be free from sexual abuse and sexual harassment
 - a. The right of residents and staff to be free from retaliation for reporting sexual abuse and sexual harassment
 - b. The dynamics of sexual abuse and sexual harassment in confinement
 - c. The common reactions of sexual abuse and sexual harassment victims
 - d. How to detect and respond to signs of threatened and actual sexual abuse



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- e. How to avoid inappropriate relationships with residents.
 - f. How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming residents and
 - g. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
 - h. The Pennsylvania mandated child protected service laws and mandated abuse reporting.
 - i. How to respond to residents with disabilities and limited English proficiencies.
3. Annual in-service training on sexual assault/rape or sexual misconduct will be conducted. (PREA 115.331.c).
 4. PREA training shall be tailored to the gender of the residents at the employee's facility. Any employee who is reassigned from a male only facility to a female only facility, or vice versa, shall receive additional training relative to the gender of the residents at their new facility. (PREA 115.231.b).
 5. All volunteers, interns and contractors who have contact with residents must be trained in their responsibilities under this policy and procedure. The level and type of training shall be based on the services they provide and the level of contact they have with residents, but all will be notified of the agency's zero-tolerance policy regarding sexual abuse, sexual assault/rape, sexual misconduct and sexual harassment and informed how to report such incidents. (PREA 115.232.a,b,c)
 6. All training shall be documented. Through staff/ volunteer/ intern/ contractor signature, employees will document and sign off that they understand the training they received. (PREA 115.232.c).

Specialized Training: Investigations

1. Where sexual abuse is alleged, the agency will utilize outside investigators such as law enforcement and/or other appropriate authorities who have received special training in sexual abuse investigations.

Specialized Training: Medical and Mental Health Care

1. The agency shall ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained on an annual basis in:
 - How to detect and assess signs of sexual abuse and sexual harassment
 - How to preserve physical evidence of sexual abuse;
 - How to respond effectively and professionally to victims of sexual abuse; and sexual harassment
 - How and to whom to report allegations or suspicions of sexual abuse. (PREA 115.235a)
2. Medical staff will not be trained to conduct forensic examinations. The facility will retain a Memorandum of Understanding with a local hospital to conduct SAFE/SANE forensic examinations in cases involving sexual assault (PREA 115.235.b)
3. All training shall be documented. Through staff/ volunteer/ intern/ contractor signature, employees will sign-off on document that they understand the training they received. (PREA 115.235c)
4. Medical contractors shall also receive the training mandated for volunteers/interns/contractors mandated under number 4 in this section. PREA 115.235d)



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Resident Training:

1. Upon admission, all residents will receive an orientation that includes Gaudenzia's zero tolerance policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse or sexual harassment, their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents.
2. The information will be communicated orally and in written form in a manner that is clearly understood by the resident, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as residents who have limited reading skills (PREA 115.216). An interpreter line will be used for residents who are limited English proficient, when necessary. The facility/program shall not rely on resident interpreters.
3. Residents will be required to sign an acknowledgment of having received this information as part of orientation check off sheet. A copy of the acknowledgment will be maintained in the residents' file. (PREA 115.233e)
4. Upon internal or external transfer, the facility will provide refresher information. (PREA 115.233c)
5. In addition to providing such education, the facility will ensure that information is continuously and readily available or visible to residents through posters, handbooks or other written formats. (PREA 115.233f)

Screening for Risk of Sexual Victimization and Abusiveness

- a) Residents shall be assessed using the PREA Screener (unless required differently by state regulations) by qualified staff within 72 hours of arrival to the facility (whether new intake or a transfer) for potential vulnerabilities or tendencies with regards to sexually aggressive behavior. (PREA 115.241a.b.)
- b) The screening information shall be ascertained through conversation with the resident during the intake process, reviewing past medical and mental health history and other relevant sources of information e.g. classification assessments; court records, case files, facility behavioral records, and other relevant documentation from the resident's files (PREA 115.241.d)
- c) Residents identified as "high risk" shall be monitored, separated/isolated if necessary, and counseled accordingly with consultation with Department of Corrections or Probation & Parole. For the purposes of this policy, "high risk" shall be defined as those residents with a history of sexually assaultive behavior.
- d) Residents identified as "at risk" for sexual victimization shall be monitored, segregated if necessary, and counseled accordingly with consultation with Department of Corrections or Probation & Parole or referral source.
- e) The intake screening shall consider, at a minimum, the following criteria to assess resident's for risk of sexual victimization: (PREA 115.241.d)
 1. Whether the resident has a mental, physical, or developmental disability;
 2. The age of the resident;
 3. The physical build of the resident;
 4. Whether the resident has been previously incarcerated;
 5. Whether the resident's criminal history is exclusively nonviolent;
 6. Whether the resident has prior convictions for sex offenses against an adult or child;
 7. Whether the resident is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
 8. Whether the resident has previously experienced sexual victimization; and
 9. The resident's own perception of vulnerability.



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10. Any other information which may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents.
- f) Residents may not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked pursuant to paragraphs d (1), (7), (8), or (9) of this section. (PREA 115.241.h)
 - g) The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this section in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents. (PREA 115.241.i)
 - h) The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing residents for risk of being sexually abusive. (PREA 115.241.e)
 - If the screening indicates that a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the resident is offered a follow-up meeting with a medical or mental health practitioner within fourteen (14) days of the intake screening. (PREA 115.81.a)
 - If the screening indicates that a resident has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the resident is offered a follow-up meeting with a mental health practitioner within fourteen (14) days of the intake screening. (PREA 115.81.b)
 - If the screening indicates that the resident is at risk for sexual abuse at his/her current room or room assignment, the screening staff shall immediately make a room change to a safer placement. If a safer placement cannot be arranged due to a lack of available beds, the facility administrator will develop a written plan of action that provides a safe and secure environment for the victim and ensure the plan is implemented."
 - Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by federal, state, or local law. (PREA 115.81.d)
 - Medical and mental health practitioners shall 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 eighteen (18). (PREA 115.81.e)
 - If a resident is identified as vulnerable to sexual victimization or as having predatory tendencies, this information will be relayed to mental health staff.
 - Residents with a history of sexually assaultive behavior shall be identified, monitored, and counseled. Residents identified as high risk with a history of sexually assaultive behavior shall be assessed by a mental health or other qualified professional.
 - The evaluation shall include, as appropriate, follow-up services, treatment plans, and when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody. All services will be consistent with care received if the resident was in the community (PREA 115.283.a,b,c)
 - The facility shall attempt to conduct a mental health evaluation of all known resident-on-resident abusers within sixty (60) days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. (PREA 115.283.h)



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- Residents at risk for sexual victimization shall be identified, monitored, and counseled. Residents identified as at risk for sexual victimization shall be assessed by a mental health or other qualified professional.
 - Resident victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate (PREA 115.283.f)
 - The treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (PREA 115.283.g).
- i) All information regarding a resident's risk for sexual victimization or predatory behaviors shall be forwarded to the resident's counselor and clinical team, and this will be included in the resident's treatment plan and aftercare discharge transition plan. This plan will travel with the resident throughout his/her term of supervision and serve as a method for information sharing between facilities and field services staff.
 - j) Within a set period of time, not to exceed thirty (30) days from the resident's arrival at the facility, the facility will reassess the resident's risk of sexual victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening. (PREA 115.241.f)
 - k) A resident's risk level shall also be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the resident's risk of sexual victimization or abusiveness. (PREA 115.241.g)
 - l) The agency shall use information from the risk screening conducted pursuant to this section to inform housing, bed, work, education, and program assignments with the goal of keeping separate, or under direct supervision of staff, those residents at high risk of being sexually victimized from those at high risk of being sexually abusive. (PREA 115.242.a)
 - m) The agency shall make individualized determinations about how to ensure the safety of each resident. (PREA 115.242.b)
 - n) When the agency learns that a resident is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the resident. (PREA 115.262)

Housing, Bed, Program, Education, and Work Assignments

1. The agency shall use all information obtained during the screening and re-assessment processes to make housing, bed, program, education and work assignments for residents with the goal of keeping all residents safe and free from sexual abuse (PREA 115.342.a)
2. Residents will not be isolated in this program (PREA 115.242.b)
3. Persons identifying as Lesbian, gay, bisexual, transgender, or intersex shall not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor shall agencies consider lesbian, gay, bisexual, transgender, or intersex identifications or status as an indicator of likelihood of being sexually abusive (PREA 115.242.c).
4. In deciding whether to assign an individual identifying as transgender or intersex to a facility for male or female residents, and in making other housing and programming assignments, the agency shall 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 (PREA 115.342.d).
5. A transgender or intersex resident's own views with respect to his or her own safety shall be given serious consideration (PREA 115.342.f).
6. Transgender and intersex residents shall be given the opportunity to shower separately or at separate times from other residents (PREA 115.242.e).



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Prevention:

The Division Director and Program Director at each facility will take all necessary steps to prevent rapes, assaults and other violent behaviors in the program/facility. Preventative measures may include, but are not limited to:

- a. Physical plant strategies
 - Absolute sight and sound separation in co-ed facilities
 - Educational posters
 - Mirrors
 - Cameras/Video Monitoring
 - Staff supervision
- b. Staff Training
 - Staff shall be educated with regards to inmate rape, sexual assault, employee-resident behaviors, as well as the method of reporting these violations during orientation to the facility.
 - Emphasis should be given on the recognition and prevention of these behaviors.
 - Other training as necessary (Response and reporting; investigative training, etc.)
- c. Constant and effective communication
- d. Evaluation or upgrade of physical plant (PREA 115.218.a,b)
- e. Staffing and Monitoring
 - The agency has developed the below documented staffing plan that provides for adequate levels of staffing which helps to protect residents against sexual abuse. In calculating adequate staffing levels the facilities/ programs shall take into consideration: the physical layout of each facility, the compositions of the resident population, the prevalence of substantiated and unsubstantiated incidents of sexual abuse, and any other relevant factors. (PREA 115.213.a).
 - In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan and advise the Corporate PREA Coordinator as well as Regional Director (PREA 115.213.b).
 - Whenever necessary, but no less frequently than once a year, the facility shall address, determine and document whether adjustments are needed to the staffing plan, prevailing staffing patterns, video monitoring systems or other monitoring technologies and the resources the facility has available to commit to ensure adequate staffing levels.
 - The facility director or program/clinical supervisor will conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment as well as to evaluate facility protection measures. The rounds will be varied and will include all three shifts. The rounds will be documented. Staff members are prohibited from alerting other staff of the supervisory rounds
 - The facility/program shall not hire or promote anyone who may have contact with residents, and shall not enlist the services of any contractor who may have contact with residents, who: (PREA 115.217.a)
 - a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution.
 - b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt, or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or



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- c. Has been civilly or administratively adjudicated to have engaged in the activity described in this section.
- The facility/program shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents. (PREA 115.217.b)
- Before hiring new employees, who may have contact with residents, the facility/program shall: (PREA 115.217.c)
 - a. Perform a criminal background records check; and
 - b. Consistent with federal, state and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- The facility/program shall also perform a criminal background records check before enlisting the services of any contractor or volunteer who may have contact with residents. (PREA 115.217.d)
- The facility/program shall either conduct criminal background records checks at least every five (5) years of current employees, contractors, and volunteers who may have contact with residents or have in place a system for otherwise capturing such information for current employees. (PREA 115.217.e)
- The facility/program shall ask all applicants and employees who may have contact with residents directly about previous misconduct described in this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews or current employees. Employees shall have a continuing affirmative duty to disclose any such misconduct. (PREA 115.217.f)
- Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination. (PREA 115.217.g)
- Unless otherwise prohibited by law, the facility/program shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for who such employee has applied to work. (PREA 115.217.h)

Reporting Procedures

1. A resident may report sexual abuse and sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. (PREA 115.251.a) to any staff member, either verbally or in writing. A resident may correspond directly with the Program Director, Division Director, Regional Director/Corporate compliance officer or Executive Director
2. The agency shall also provide at least one way for residents to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward resident reports of sexual abuse or sexual harassment to agency officials, allowing the resident to remain anonymous on request. (PREA 115.251.b) The programs shall have a designated reporting mechanism which can be accessed by residents at any time to report abuse or harassment. Staff and clients can anonymously report a PREA case via email to the corporate PREA coordinators by using the following email address prea@gaudenzia.org or they can write a letter to the PREA coordinator at Gaudenzia Incorporated, 106 W. Main Street, Norristown, PA 19401.
3. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports (PREA 115.251.c)



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4. The Program Director or designee must report any sexual misconduct to all regulatory and/or law enforcement agencies pursuant to contract, licensure, or statute. This shall be treated as a Major Critical incident and shall follow the internal reporting procedures as outlined in Gaudenzia, Inc. Critical Incident reporting.
5. The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of residents. (PREA 115.251.d). Staff member can report it to HR Director, to the facility PREA coordinator/manager or to the Corporate PREA coordinator. Staff may also use the aforementioned reporting procedure.

OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT:

Staff First Responder Duties.

1. Upon learning of an allegation that a resident was sexually abused, the first staff member to respond to the report shall be required to take these steps the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify supervisor and director. (PREA 115.264.b)
2. The first operations staff to respond to the report shall be required to: (PREA 115.264.a)
 - Separate the alleged victim and abuser, if they have not already been separated;
 - Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
 - If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; and
 - If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating.
 - To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions (PREA 115.221.a).
 - The facility shall offer all residents who experience sexual abuse access to forensic medical examinations at a local hospital where an examination can be conducted by a SAFE/SANE nurse or other qualified medical practitioner. Documentation will be kept of the intervention or effort to provide SAFE/SANE (PREA 115.221.c).
 - The facility will attempt to make available to the victim services from the local rape crisis center with which it holds a memorandum of understanding (PREA 115.221.d).
 - As needed or requested by the victim, the victim advocate, qualified agency staff member or qualified community-based organization staff member shall accompany and support the victim throughout the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information and referrals (PREA 115.221.e). A qualified agency staff member or qualified community-based staff member shall be defined as an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general (PREA 115.221.h)
 - The facility shall request that any investigating agency, State agency or Department of Justice component that is responsible for investigating allegations of sexual abuse in community confinement facilities also follows the requirements of PREA 115.221 a-e.



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3. Each facility shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators and facility leadership. (PREA 115.265)

Staff Reporting

1. All staff shall report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against residents or staff who reported such incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. (PREA 115.261.a)
2. Any information regarding sexual misconduct that is received by any staff member, medical, counselors, house managers, support staff, contractor, or volunteer shall be immediately reported to the Program Director to initiate the appropriate follow-up actions.
3. Reports by staff shall be made in writing utilizing the chain-of-command (Program Director to Division Director to Regional Director) or by sending information directly to the PREA Coordinator or designee.
4. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions. (PREA 115.261.b)
5. Unless otherwise precluded by federal, state or local law, medical and mental health practitioners shall be required to report sexual abuse to designated supervisors and officials as well as to the designated State or local services agency where required by mandatory reporting laws. Such practitioners shall be required to inform the resident of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services. (PREA 115.261.c)
6. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws. (PREA 115.261.d)
7. The facility/program shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility/program's designated investigators. (PREA 115.261.e)
8. The facility/program shall protect residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff and shall designate which staff members or departments are charged with monitoring retaliation. (PREA 115.267).
 - The facility/program shall employ multiple protection measures, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations (PREA 115.267.b).
 - For at least 90 days following a report of sexual abuse, the facility/program shall monitor the conduct and treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are any changes that may suggest possible retaliation by residents or staff, and shall act promptly to remedy any such retaliation. Items to be monitored include resident disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff. The program/facility shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need (PREA 115.267.c).



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- In the case of residents, such monitoring shall include periodic status checks (PREA 115.267.d).
- If any other individual who cooperates with an investigation expresses a fear of retaliation, the facility/program shall take appropriate measures to protect that person from retaliation (PREA 115.267.e).
- The facility/program's obligation to monitor shall terminate if the allegation is unfounded (PREA 115.267.f).

Third Party Reporting

1. The facility/program shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of a resident. (PREA 115.254)
 - Posters indicating the procedures are to be posted in all programs where residents and visitors can see them.

Reporting to Other Confinement Facilities.

1. Upon receiving an allegation that a resident was sexually abused while confined at another facility/program, the Program Director shall notify the head of the facility or appropriate official of the agency where the alleged abuse occurred. (PREA 115.263.a)
2. Such notification shall be provided as soon as possible, but no later than seventy- two (72) hours after receiving the allegation. (PREA 115.263.b)
3. The facility/program shall document that it has provided such notification. (PREA 115.263.c)
4. The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with this policy. (PREA 115.263.d)

Investigation

1. Prior to any internal investigation, the Program Director after informing their Division Director and Regional Director, regional PREA manager/coordinator of the incident, will also within 24-hours contact the proper/designated officials (E.g. PREA coordinator at the State or county DOC or Detention unit, Parole & Probation, DDAP, DHS, BHA, BHSB, other state governing body etc.).
2. If an internal investigation team is established at the facility/program, the staff members must be trained appropriately.
 - In addition to the general training provided to all employees pursuant to this policy, the region/division and the facility/program shall ensure that its investigators have received training in conducting such investigations in confinement settings, if applicable to any particular Gaudenzia program.
 - Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations. (PREA 115.271.b)
3. Staff members, contract employees, volunteers, or employees of Gaudenzia who receive any information, regardless of its source, concerning sexual assault/rape or sexual misconduct, or who observe an incident of sexual assault/rape or sexual misconduct, are required to immediately report the information or incident directly to the Program Director or designee for investigation.
4. Investigations into allegations of sexual abuse and sexual harassment shall be done promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports (PREA 115.371.a)
5. Appropriate safety and security procedures will be followed, to include at a minimum:
 - Separating perpetrator and victim.
 - Isolating witnesses.
 - Securing the crime scene.



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6. The Program Director shall ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority (State or county DOC, probation & parole, state police etc.) to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior, and to document all such referrals. Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in community confinement facilities shall have in place a policy governing the conduct of such investigations. (PREA 115.222.d)
7. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator. When there is reasonable suspicion that the law has been violated, the matter will be reported immediately to law enforcement and the evidence gathering and interviews will be done in conjunction and cooperation with law enforcement investigation in a manner that does not impede investigation (PREA 115.271.c,e).
8. An investigation will not be terminated solely because the source of the allegation recants the allegation (PREA 115.271.d).
9. The credibility of an alleged victim, suspect or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff. Residents are not required to submit to polygraph examination or other truth-telling device as a condition for proceeding with an investigation of an allegation (PREA 115.271.f).
10. Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse (PREA 115.271.g.1)
11. Administrative investigations shall be documented in a written report that includes a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings (PREA 115.271.g.2)
12. Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible (PREA 115.271.h).
13. The agency shall retain all written reports of administrative and criminal investigations for as long as the abuser is incarcerated or employed by the agency, plus five years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention (PREA 115.271.j)
14. The departure of the alleged abuser or victim from employment or control of the facility or agency shall not provide a basis for terminating and investigation (PREA 115.271.k)
15. When an outside agency investigates an allegation of sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation (PREA 115.271.m)
16. The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated (PREA 115.272).

Exhaustion of administrative remedies:

1. The agency shall not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse (PREA 115.252.b.1).
2. The agency may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse (PREA 115.252.b.2).
3. The agency shall not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse (PREA 115.252.b.3)..



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4. Nothing in this section shall restrict the agency's ability to defend against a lawsuit filed by a resident on the ground that the applicable statute of limitations has expired (PREA 115.252.b.4)..
5. The agency shall ensure that:
 - A resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
 - such grievance is not referred to a staff member who is the subject of the complaint.
6. The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance (PREA 115.252.d.1).
7. Computation of the 90-day time period shall not include time consumed by residents in preparing any administrative appeal nor shall it include any time where the PA Department of Corrections, any other governmental agency, or any agent of a governmental agency has assumed or requested exclusive investigative authority with regard to the factual allegations giving rise to any grievance or administrative appeal (PREA 115.252.d.2).
8. The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the resident in writing of any such extension and provide a date by which a decision will be made (PREA 115.252.d.3).
9. 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 (PREA 115.252.d.4).
10. Third parties, including family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of residents (PREA 115.252.e.1).
11. If a third-party file such a request on behalf of a resident, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process (PREA 115.252.e.2).
12. If the resident declines to have the request processed on his or her behalf, the agency shall document the resident's decision (PREA 115.252.e.3).
13. The agency shall establish procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse (PREA 115.252.f.1).
 - After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 72 hours. Thereafter, the agency shall issue a final decision as soon as promptly as may be possible, but in no event shall the final decision be issued after more than 90 days of the date of filing of the emergency grievance. Computation of all-time limits for issuing an initial and/or a final determination in an emergency grievance proceeding shall not include any time where the PA Department of Corrections, any other governmental agency, or any agent of a governmental agency has assumed or requested exclusive investigative authority with regard to the factual allegations giving rise to any emergency grievance (PREA 115.252.f.2).
14. The agency may discipline a resident for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the resident filed the grievance or other administrative request for relief when he/she knew or should have known that the underlying factual allegations were not true in their entirety.



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Reporting to residents:

1. 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 (PREA 115.273.a)
2. If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the resident. (PREA 115.273.b)
3. Following a resident's allegation that a staff member has committed sexual abuse against the resident, the agency shall subsequently inform the residents (unless the agency has determined that the allegation is unfounded) whenever (PREA 115.273.d):
 - a. The staff member is no longer posted within the resident's unit
 - b. The staff member is no longer employed at the facility
 - c. The Agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility or
 - d. The Agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility
4. Following the resident's allegation that he or she has been sexually abused by another resident, the agency shall subsequently inform the alleged victim whenever:
 - a. The Agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility or
 - b. The Agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility
5. All such notifications or attempted notifications shall be documented (PREA 115.273.e,f).
6. Within seven (7) days of receipt of the final written report, the Program Director along with Division Director, the Corporate Compliance Officer and HR Director shall initiate appropriate disciplinary action and/or legal action against the staff member accused of the sexual misconduct.

Interim Procedures during an Investigation:

1. As approved by the HR Director, the Program Director or designee may place an accused staff member on administrative leave with or without pay pending the outcome of an investigation.
2. A staff member placed on administrative leave shall be prohibited from having contact with any residents of Gaudenzia.
3. Every effort shall be made to minimize any disturbance of the resident's program activities during an investigation.

Discipline

1. Sexual misconduct, either resident/resident-on-resident/resident or staff-on-resident/resident, is prohibited regardless of whether either or both of the participants believed the act was consensual.
 - Violators are subject to administrative discipline, criminal sanctions, or both.
 - All allegations of staff sexual misconduct with residents will be investigated and all substantiated cases shall be turned over to the local County Attorney's Office for possible criminal prosecution.

Disciplinary sanctions for staff:

1. Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. (PREA 115.276.a) Additionally, staff may be subject to criminal sanctions.



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2. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. (PREA 115.276.c)
3. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. (PREA 115.276.b) All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. (PREA 115.276.d)

Disciplinary sanctions for Contractors and Volunteers:

1. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to law enforcement agencies and to relevant licensing bodies, unless the activity was clearly not criminal. (PREA 115.277.a)
2. The facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with residents in the case of any violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. (PREA 115.277.b)

Disciplinary Sanctions for Residents:

1. Residents shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse. (PREA 115.278.a)
2. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other inmates/detainees/ residents with similar histories. (PREA 115.278.b)
3. The disciplinary process shall consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. (PREA 115.278.c)
4. If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending resident to participate in such interventions as a condition of access to programming or other benefits. (PREA 115.278.d)
5. The agency may discipline a resident for inmate/detainee/sexual contact with staff only upon a finding that the staff member did not consent to such contact. (PREA 115.278.e)
6. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. (PREA 115.278.f)
7. Sexual activity between residents will not be deemed to constitute sexual abuse if the investigation determines that the activity was not coerced (PREA 115.278.g)
8. In all cases that are substantiated, the resident will be discharged from the Gaudenzia program and will be referred back to the referring authority.

TREATMENT FOR RESIDENT VICTIMS:

Access to emergency medical and mental health services.

1. Resident victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by the



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- medical and mental health practitioners according to their professional judgment. (PREA 115.282.a)
2. Where available, if no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, staff first responders shall take the preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners. (PREA 115.282.b) Where medical staff are not available, Program Director or designee will contact the contracted medical department or local medical facility.
 3. Resident victims of sexual abuse while in the program shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. (PREA 115.282.c)
 4. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. (PREA 115.282.d)
 5. Residents shall be provided information about and access to outside victim advocates for emotional support services related to sexual abuse. The facility shall enable reasonable communication between residents and these organizations and agencies in as confidential a manner as possible. Prior to being given access to communication, the facility will communicate to the resident the extent to which the communication will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws (PREA 115.253.a,b)
 6. The agency will maintain a memorandum of understanding with a community service provider that is able to provide residents with confidential emotional support services related to sexual abuse (PREA 115.253.c)

DATA COLLECTION AND REVIEW

Incident Reviews

1. The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. (PREA 115.286.a)
2. Such review shall normally occur within thirty (30) days of the conclusion of the investigation. (PREA 115.286.b)
3. The review team shall include the Regional PREA Manager, Program Management Staff, Program Medical Staff, and if needed, Corporate Compliance Staff and Chief Clinical Officer. (PREA 115.286.c)
4. The review team shall: (PREA 115.286.d)
 - i. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - ii. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
 - iii. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - iv. Assess the adequacy of staffing levels in that area during different shifts;
 - v. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and



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- vi. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (i) thru (v) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.
5. The facility/program shall implement the recommendations for improvement, or shall document its reasons for not doing so. (PREA 115.286.e)

Data Collection

1. The facility/program shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions developed by the Corporate PREA Coordinator (PREA 115.287.a)
2. The Corporate PREA Coordinator shall aggregate the incident-based sexual abuse data at least annually. (PREA 115.287.b)
3. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. (PREA 115.287.c)
4. The Corporate PREA Coordinator shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. (PREA 115.287.d)
5. Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30. (PREA 115.287.f)

Data Review

1. The Corporate PREA Coordinator shall review data collected and aggregated pursuant to, in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: (PREA 115.288.a)
 - Identifying problem areas;
 - Taking corrective action on an ongoing basis; and
 - Preparing an annual report of its findings and corrective actions for each facility/program, as well as the company as a whole.
1. Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse. (PREA 115.288.b)
2. The report shall be approved by Executive staff and make readily available to the public through its Web site or, if it does not have one, through other means. (PREA 115.288.c)
3. The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted. (PREA 115.288.d)

Data Storage, Publication, and Destruction

1. The agency shall ensure that data collected is securely retained. (PREA 115.289.a)
2. The agency shall make all aggregated sexual abuse data readily available to the public at least annually through its Web site or, if it does not have one, through other means. (PREA 115.289.b)
3. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed. (PREA 115.289.c)
4. The agency shall maintain sexual abuse data collected for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise. (PREA 115.289.d)