

PRISON RAPE ELIMINATION ACT NATIONAL STANDARDS – COMMUNITY CONFINEMENT

PREA Background/APT Foundation – Residential Services

Section:

- 115.5 General Definitions
- 115.6 Definitions related to Sexual Abuse

Standards for Community Confinement Facilities

Prevention Planning:

- 115.211 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator.
- 115.212 Contracting with other entities for the confinement of residents
- 115.213 Supervision and monitoring
- 115.214 Reserved
- 115.215 Limits to cross-gender viewing and searches
- 115.216 Residents with disabilities and residents who are limited English proficient
- 115.217 Hiring and promotion decisions
- 115.218 Upgrades to facilities and technologies

Responsive Planning:

- 115.221 Evidence protocol and forensic medical examinations
- 115.222 Policies to ensure referrals of allegations for investigations

Training and Education:

- 115.231 Employee training
- 115.232 Volunteer and contractor training
- 115.233 Resident education
- 115.234 Specialized training: Investigations
- 115.235 Specialized training: Medical and mental health care

Screening for Risk of Sexual Victimization and Abusiveness

- 115.241 Screening for risk of victimization and abusiveness
- 115.242 Use of screening information
- 115.243 Reserved
- 115.251 Resident reporting
- 115.252 Exhaustion of administrative remedies
- 115.253 Resident access to outside confidential support services
- 115.254 Third-party reporting

Official Response Following a Resident Report

- 115.261 Staff and agency reporting duties
- 115.262 Agency protective duties
- 115.263 Reporting to other confinement facilities
- 115.264 Staff first responder duties
- 115.265 Coordinated response
- 115.266 Preservation of ability to protect residents from contact with abusers
- 115.267 Agency protection against retaliation
- 115.268 Reserved

Investigations

- 115.271 Criminal and administrative agency investigations
- 115.272 Evidentiary standard for administrative investigations
- 115.273 Reporting to residents

Discipline

- 115.276 Disciplinary sanctions for staff
- 115.277 Corrective action for contractors and volunteers
- 115.278 Disciplinary sanctions for residents

Medical and Mental Health Care

- 115.281 Reserved
- 115.282 Access to emergency medical and mental health services
- 115.283 Ongoing medical and mental health care for sexual abuse victims and abusers

Data Collection and Review

- 115.286 Sexual abuse incident reviews
- 115.287 Data collection
- 115.288 Data review for corrective action
- 115.289 Data storage, publication, and destruction

Audits

- 115.293 Audits of standards

Auditing and Corrective Action

- 115.401 Frequency and scope of audits
- 115.402 Auditor qualifications
- 115.403 Audit contents and findings
- 115.404 Audit corrective action plan
- 115.405 Audit appeals

State Compliance

- 115.501 State determination and certification of full compliance

APT FOUNDATION, INC.
APT RESIDENTIAL SERVICES (RSD)
POLICY: PREA

BACKGROUND:

About the Prison Rape Elimination Act of 2003:

Congress enacted the Prison Rape Elimination Act of 2003 (PREA) to address the problem of sexual abuse of persons in the custody of U.S. correctional agencies. PREA calls for Federal, State, and local corrections systems to have a zero-tolerance policy regarding prison rape (as defined by PREA) in prisons, jails, police lock-ups, and other confinement facilities.

Highlights of PREA include:

- Requires development of standards for detection, prevention, reduction, and punishment of prison rape.
- Standardizes collection and dissemination of information on the incidence of prison rape.
- Awards grants to help State and local governments implement the Act's provisions.

The Act applies to all public and private institutions that house adult or juvenile offenders and to community-based correctional agencies.

The APT Foundation was established in 1970 as a provider of substance abuse treatment services to underserved populations in the greater New Haven area. The agency has grown into a comprehensive behavioral health center continuing to serve its core mission and expanding into Psychiatric and Primary Care health services through recognition of co-occurring disorders that frequently exist in a substance abusing population. All services are individualized recognizing the individual uniqueness and their strengths and weaknesses. During 2015, 7,680 unduplicated clients sought treatment at the APT Foundation. These services ranged from Methadone Maintenance; Suboxone; intensive outpatient; traditional outpatient; residential, psychiatric, primary care, and vocational services.

PREA policies are specific to the APT Foundation's 174 bed ASAM level III.3 facility, located at 54 East Ramsdell Street in New Haven and 425 Grant Street in Bridgeport, CT. Programming will be combined into the 54 East Ramsdell Street location during July, 2017. The facility maintains contacts with the State of Connecticut Department of Corrections (DOC) as well as a Collaborative Contract with the Court Supportive Services Division (CSSD) and the Department of Mental Health and Addiction Services (DMHAS). During the past 12 months, the facility has maintained an average daily census of 105 persons. All residents are aged 18 and older. Both male and females are housed at the facility, however, all programming and sleeping quarters are separate with unique staff providing care and supervision to the residents. There is no mixing of genders in any function at the facility. PREA policies will supersede any existing APT Foundation policy for a PREA-qualifying event that might occur at APT Residential Services.

Standards for Community Confinement Facilities

115.5 General definitions.

For purposes of this part, the term-

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

Agency head means the principal official of an agency.

Community confinement facility means a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.

Contractor means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

Detainee means any person detained in a lockup, regardless of adjudication status.

Direct staff supervision means that security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.

Employee means a person who works directly for the agency or facility.

Exigent circumstances means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Facility means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.

Facility head means the principal official of a facility.

Full compliance means compliance with all material requirements of each standard except for *de minimis* violations, or discrete and temporary violations during otherwise sustained periods of compliance.

Gender nonconforming means a person whose appearance or manner does not conform to traditional societal gender expectations.

Inmate means any person incarcerated or detained in a prison or jail.

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.

Jail means a confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

Juvenile means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

Juvenile facility means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

Law enforcement staff means employees responsible for the supervision and control of detainees in lockups.

Lockup means a facility that contains holding cells, cell blocks, or other secure enclosures that are:

- (1) Under the control of a law enforcement, court, or custodial officer; and
- (2) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

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 specialized training for treating sexual abuse victims.

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.

Pat-down search means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.

Prison means an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

Resident means any person confined or detained in a juvenile facility or in a community confinement facility.

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.

Security staff means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.

Staff means employees.

Strip search means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

Transgender means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

Substantiated allegation means an allegation that was investigated and determined to have occurred.

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

Unsubstantiated allegation means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Volunteer means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

Youthful inmate means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

Youthful detainee means any person under the age of 18 who is under adult court supervision and detained in a lockup.

§ 115.6 Definitions related to sexual abuse.

- (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
- (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.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

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.

APT FOUNDATION, INC.

PREA POLICIES:

§115.211 - Zero Tolerance of sexual abuse and sexual harassment; PREA Coordinator

- (a)-1 The APT Foundation maintains zero tolerance towards all forms of sexual abuse and sexual harassment throughout the agency.
- (a)-2 The APT Foundation maintains a comprehensive Code of Ethical Conduct and Compliance Plan, which outlines appropriate conduct for employment by the agency and the rights of persons served. The core concepts of PREA are contained within the Code of Ethical Conduct and Compliance plan and further delineated within the specific PREA policies that follow here.

- (a)-3 For the purpose policy and staff training, the APT Foundation has incorporated the following definitions for PREA:

Sexual Abuse Definition: The collective term encompassing the definitions of Abusive Sexual Contact, Non-Consensual Sexual Act, Staff Sexual Harassment; and Staff Sexual Misconduct

Sexual Assault:

Abusive Sexual Contact (Any combination of persons): Intentionally touching, either directly or through clothing, of the genitalia, anus breast, inner thigh, or buttocks of another person without his or her consent, or for a person who is unable to consent.

Nonconsensual Sexual Act (Any combination of persons): The intentional contact between the penis and the vagina or the penis and anus; or penetration of the anal or vaginal opening of another person by a hand, finger or another object without his or her consent or of a person who is unable to consent.

Staff Sexual Harassment: Any behavior or act of a sexual nature directed towards a client by an employee, volunteer, official visitor (including contractors), or other agency representative, which includes sexual relationships of a romantic nature between a staff person and client.

Staff Sexual Misconduct: Behaviors that includes repeated verbal statements, comments or gestures of a sexual nature to a client by an employee, volunteer, official visitor (includes Contractors), and other agency representatives.

Staff/Client Relationship: Due to the clinical nature and potential perceived “power” a staff person might hold over a client, a client can never consent to a relationship with a staff person. If a staff person develops a sexual relationship with a client, it could be classified as a sexual assault.

- (a)-4 The APT Foundation will suspend pending an investigation any staff person, student, or intern of any prohibited activity as delineated in PREA Policy. If the investigation of the activity is deemed to be factual, the person will be terminated from the APT Foundation and the person may be subject to legal prosecution, as indicated. If the activity involved a contractor at the facility, the contractor/company would be prohibited from completing the project; future projects within the agency, and subject to legal prosecution, as indicated.
- (a)-5 The APT Foundation is a comprehensive service organization focusing on the health and well-being of individuals with substance and mental health diagnoses. Considerable education is provided to staff on all levels of the organization to meet the unique challenges the patient population presents.

All staff is encouraged to continue their professional development while employed by the agency. The APT Foundation reaches all persons on an individual level recognizing their unique strengths and weaknesses while giving the client considerable choice to the treatment they receive.

The APT Foundation maintains a comprehensive Code of Ethical Conduct and Compliance Plan that is reviewed at hire and annually thereafter. This plan is available on the APT Foundation's extranet for regular review as questions dictate. The APT Foundation also has a core education curriculum that all new hires are expected to participate in as a condition of hire. The core education curriculum is designed to orientate new staff to the organization's philosophies while granting insight into the complexities of those we serve. The APT Foundation has invested staff resources in the areas of Mental Health First Aid (MHFA) and Crisis Prevention Intervention (CPI) training as a means of providing staff without clinical backgrounds basic knowledge in how to best meet the needs of our client population.

The APT Foundation maintains an Operations Management Team that meets weekly to review the status of the organization and both internal and external challenges that may be presented. The agenda includes a review of data and discussion around future training needs.

APT Residential Services has spent considerable resources in staff development working with all staff that has regular contact with clients in becoming Certified Alcohol and Drug Counselors (CADC). This credential is provided by the Connecticut Certification Board with a formal curriculum and work hour requirement that includes formal education into Ethics and Boundaries.

APT Residential Services has independently licensed social workers and licensed professional counselors operating as team leaders (clinical supervisors) in the facility. The team leader of the women's unit has over 25 years' experience working with women with extensive substance abuse and mental health issues; sexual abuse histories; and legal histories. Her knowledge and experience is highly regarded within the State of Connecticut and the treatment system.

The APT Foundation and APT Residential Services have developed a culture where people are free to complain and/or file grievances with multiple reporting mechanisms – including directly to the Department of Corrections (DOC) and the Department of Mental Health and Addiction Services. This information is posted throughout the facility and is included in the Residential Handbook.

The APT Foundation maintains nursing staff in the facility for the 1st and 2nd shift in the day for the purpose of observing self-administration of medications. ASAM Level III.3 facilities are not required to have this level of medical supervision. By regulation, this level of care can utilize certified medication staff to observe self-administration of medications. The APT Foundation recognizes the value in have a nurse in the facility to help guide clients with medical concerns and to be a direct linkage to APT Foundation physicians and physicians in the Community.

APT Residential Services maintains an adequate number of staff persons in the facility with the number varying by shift given the activity that may be occurring with each shift. Although not a locked facility, genders are kept separate for all programming and dormitory functions. There is no opportunity for mixing of genders while inside the facility.

The APT Foundation and APT Residential Services have considerable knowledge and experience with the LGBT population. APT Residential Services is highly regarded in the State system for the ability to successfully house and treat individuals with issues regarding gender identity and/or expression.

(b)-1 The APT Foundation has designated the APT Foundation's Director of Clinical Operations/Corporate Compliance Officer as both PREA Coordinator and PREA Compliance Manager. This position is a Senior Management position reporting directly to the President/CEO of the organization.

APT FOUNDATION, INC.
PREA POLICIES:

§115.212 – Contracting with other entities for the confinement of inmates

- (a)-1 The APT Foundation has entered into a contract for PREA auditing purposes.
- (a)-2 The APT Foundation's Residential Services Division, located in Bridgeport, CT is currently the only facility that requires PREA Audit due to contracted beds from the Department of Corrections (DOC); Court Support Services Division (CSSD); and Federal Probation beds.

APT FOUNDATION, INC.
PREA POLICIES:

§115.213 – Supervision and Monitoring

- (a)-1 The APT Foundation maintains a staffing pattern that meets all regulatory requirements for a ASAM Level III.3 facility. The facility is staffed 24 hours per day with males and females housed in separate areas of the building for both dormitory and clinical programming. There is no opportunity for mixing of genders while at the facility. The facility maintains video surveillance capability with ongoing evaluation of systems to ensure effectiveness.
- (a)-2 APT Residential Services has maintained an average daily census of 108 residents since the beginning of calendar year 2015. The facility is currently licensed for 174 beds.
- (a)-3 The staffing plan for APT Residential Services is based on the full licensed capacity of 174 beds. Some beds are currently maintained at the 425 Grant Street, Bridgeport, CT while the new 54 East Ramsdell Street, New Haven, CT undergoes renovation. Consolidation to occur during July, 2017.
- (b)-1 The APT Foundation maintains a sufficient pool of per diem staff to ensure that the minimum staffing plan of the facility is consistently met.
- (b)-2 The most typical variation to the established staffing plan would occur if a staff person became ill on shift and had to leave the facility mid-shift. The facility would make every effort to cover the remaining portion of the shift.
- (c)-1 The APT Foundation completes an agency-wide Management report that reviews service delivery and incident reporting data. Recommendations for revised staffing pattern changes would be completed as part of report. The census has remained steady and there has been no recent recommendation for increased staffing. The APT Foundation has also invested considerably in staff development and professionalism, which increases the efficiency and effectiveness of staff employed by the unit.
- (d)-1 Senior leadership and management staff routinely conduct unannounced during all shifts.
- (d)-2 Senior leadership and management staff will develop a formal means of documenting unannounced visits to the facility.
- (d)-3 Senior leadership and management will conduct unannounced visits will cover all shifts, including weekends, at least twice per year.
- (d)-4 Senior leadership and management will not announce the visit in advance to staff working in the facility.

**APT FOUNDATION, INC.
PREA POLICIES:**

§115.214 – Reserved

APT FOUNDATION, INC.
PREA POLICIES:

§115.215 – Limits to cross-gender viewing and searches

- (a)-1 The APT Foundation does not routinely conduct strip searches. If such a search is deemed necessary, determination for necessity of search is done in collaboration with the Director of Residential Services. The search is then only conducted by a member of the Medical Staff. The facility does not conduct body cavity searches under any conditions.
- (b)-1 There are no cross-gender pat-down searches for any person returning to the facility from community or other external appointments or visits. Pat-down searches are only conducted by a staff person of the same gender in a non-invasive format approved and instructed by the State of Connecticut Court Support Services Division (CSSD).
- (c)-1 Any strip search authorized by the Facility Director and conducted by nursing staff will be documented. It is the core believe of the APT Foundation that if a strip search was warranted, it would only be done as a last resort as it is an indication that they are inappropriate for the level of care offered by the facility.
- (d)-1 All residential quarters (bedrooms, toilet/bathing rooms) of APT Foundation Residential Services are staffed by members of the same gender. APT Residential Services does not permit opposite-gender staff to enter or observe bedrooms and toilet/shower facilities.
- (d)-2 All staff persons who may be entering the dormitory floor of the opposite gender are required to announce their presence at the time of entering the entrance corridor. Sleeping and toilet facilities are not in view from the central corridors of any entrance into dormitories. The opposite gender staff person MAY NOT enter the bedroom and toilet/bathing facilities.
- (e)-1 Staff is prohibited from conducting a search of a transgender or intersex person for the purpose of determining their genital status. The APT Foundation has been successful in placing transgender or intersex persons within APT Residential Services given the agencies knowledge and screening that does not necessitate viewing an individual's genitals.
- (f)-1 The APT Foundation has utilized training provided by the State of Connecticut Court Support Services Division for the purpose of conducting pat-downs for return to the facility. These searches are designed to respect the dignity in a professional and respectful manner for all persons.

APT FOUNDATION, INC.
PREA POLICIES:

§115.216 – Residents with disabilities and residents who have limited English proficiency

- (a)-1 The APT Foundation’s Residential Services Division is an ASAM level III.3 residential facility that requires a minimum of 20 hours per week of counseling services. The majority of these clinical hours are provided in a group counseling format. This comprehensive level of service may exclude program admission for persons with certain disabilities or who are unable to speak English or Spanish. The APT Foundation recognizes that persons served may have limited reading comprehension in either English or Spanish and is prepared to accommodate these individuals through direct reading of relevant consents, including PREA, and direct query of comprehension.
- (b)-1 The APT Foundation Residential Services Division provides PREA education through a variety of forums, including discussions at Group and Individual counseling sessions. This should permit individuals with limited English proficiency the opportunity to understand our desire to prevent, detect, and respond to sexual abuse and harassment.
- (c)-1 The APT Foundation Residential Services Division has staff that is proficient in both English and Spanish. The APT Foundation does not rely on interpreters from the client population, except during times of emergency.
- (c)-2 The APT Foundation Residential Services Division does not rely on interpreters from the client population for education, reporting, or investigation of any matter, including PREA, at the facility.

APT FOUNDATION, INC.
PREA POLICIES:

§115.217 – Hiring and Promotion Decisions

- (a)-1 The APT Foundation does not hire any individual or utilize contracting services that has engaged in sexual abuse in a prison, jail, lockup, community confinement center, or other institution.

The APT Foundation will not hire any individual or utilize a contractor that 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.

The APT Foundation will not hire any individual or utilize a contractor that has been civilly or administratively adjudicated to have engaged in the activity above.

- (b)-1 The APT Foundation will consider any incidents of sexual harassment in determining whether to hire or promote an individual or enlist the services of any contractor that may have contact with a client at APT Residential Services.
- (c)-1 The APT Foundation conducts background checks of new employees who have contact with clients at APT Residential Services, including offenses that are specific to sexual abuse. The APT Foundation also conducts reference checks with prior employers prior to hiring.
- (d)-2 The APT Foundation conducts periodic background checks on all staff employed at APT Residential Services. 20% of established checks will have background checks completed with a target of 100% every five years.
- (g)-1 The APT Foundation maintains a comprehensive compliance plan that includes material omissions, including prior misconduct of a PREA-qualifying event, or the provision of materially false information, may be grounds for termination of employment from the APT Foundation.
- (h)-1 The APT Foundation typically only confirms dates of employment in requested reference checks. The APT Foundation will, however, report cases of substantiated sexual abuse for former employees who apply to another institutional employer. If the former employee is a licensed or certified employee, a report would be made to applicable licensing or certifying board.

APT FOUNDATION, INC.
PREA POLICIES:

§115.218 – Upgrades to facilities and technology

- (a)-1 The APT Foundation is providing technical support and management services to another organization that provides similar Residential Services as APT Residential Services. The APT Foundation acquired the assets of this organization, including the physical plant during the past 6 months. The APT Foundation will consolidate Residential operations to the new facility during July, 2017. The new physical plant is a significant improvement in space from a monitoring perspective

- (b)-1 The APT Foundation is currently working with Alert Security to upgrade existing systems, including adding additional cameras to areas that are identified as potentially high risk areas for high risk behaviors, including sexual abuse at the new facility.

APT FOUNDATION, INC.
PREA POLICIES:

§115.221 – Evidence protocol and forensic medical examinations

- (a) The APT Foundation shall utilize the services of the New Haven Police Department for investigations of sexual abuse, particularly cases where physical evidence may be present. APT Foundation staff will secure the crime scene to minimize potential contamination of evidence; separate victim and perpetrator; and remain with the victim throughout the Emergency Response process (Police, Medical Response), up to and including reporting to the hospital for support. New Haven Police Department will be used with ANY investigation involving physical evidence.
- (b) The APT Foundation does not provide services to minors. Any protocol, if established, and as appropriate, will be adapted from or otherwise based on the most recent edition of the US Department of Justice’s Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents” or similarly comprehensive and authoritative protocols developed after 2011.
- (c) The APT Foundation maintains a comprehensive MOU with the Women and Families Center on Whalley Avenue in New Haven. Any victim of sexual assault will be connected with the Women and Families Center to ensure proper forensic medical examinations are completed. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. Yale New Haven Hospital employs SAFE and/or SANE qualified Medical professional to complete examinations.
- (d) The APT Foundation maintains a comprehensive MOU with the Women and Families Center on Whalley Avenue in New Haven to provide the victim a victim advocate for ongoing rape crisis services. The Women and Families Center serves females, males, and the LGBT population. All ages are eligible for serves.
- (e) The APT Foundation maintains a comprehensive MOU with the Women and Families Center on Whalley Avenue in New Haven to provide a victim advocate to company and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals. Both internal and external supportive services are available to the victim for the duration of the event, including long-term emotional support and treatment planning post-completion of treatment services at the facility.
- (f) To the extent that the APT Foundation itself is not responsible for investigating allegations of sexual abuse, the agency at the time of the request for assistance request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section

APT FOUNDATION, INC.
PREA POLICIES:

§115.222 – Policies to Ensure Referrals of Allegations for Investigations

- (a) The APT Foundation will conduct an administrative investigation for all allegations of sexual abuse that do not involve physical evidence and/or sexual harassment. All alleged victims will be offered support services with the Women's and Families Center, as indicated.
- (b) The APT Foundation will initiate an administrative investigation within 24 hours following any allegation of sexual abuse and/or sexual harassment, unless the allegation indicates potential criminal behaviors. The referral source will be informed of the allegation and standing of any internal investigation. The APT Foundation's policy regarding sexual abuse and/or sexual harassment is present on the APT Foundation's website.
- (c) The APT Foundation will refer any case following administrative investigation that appears to be all criminal to the New Haven Police Department. This information is included on the APT Foundation's website regarding sexual harassment and sexual abuse.
- (d) The APT Foundation has attempted to reach the New Haven Police Department to receive confirmation that any investigation conducted shall be compliant with PREA Investigation standards.

APT FOUNDATION, INC.
PREA POLICIES:

§115.231 – Employee Training

- (a) The APT Foundation provides training to all employees who have contact with residents in the following areas:
 - (1) The APT Foundation’s zero tolerance policy for sexual abuse and sexual harassment
 - (2) The APT Foundation’s policies under sexual harassment and abuse in regards to prevention, detection, reporting, and response.
 - (3) The APT Foundation’s policy of the Resident’s rights to be free from sexual abuse and sexual harassment.
 - (4) The APT Foundation’s policy regarding the rights of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment incidents.
 - (5) The basic dynamics of sexual abuse and sexual harassment in residential facilities.
 - (6) The common reactions of sexual abuse and sexual harassment victims.
 - (7) How to detect and respond to signs of threatened and actual sexual abuse.
 - (8) How to avoid inappropriate relationships with residents;
 - (9) How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender non-conforming residents.
 - (10) How to comply with APT Foundation policy and relevant laws to mandatory reporting of sexual abuse to outside authorities.
- (b) The APT Foundation training will be specific to gender, as indicated.
- (c) The APT Foundation maintains a single program that houses both male and female residents in separate, secure living and treatment spaces.
- (d) The APT Foundation documents all employee participation in PREA education sessions.

APT FOUNDATION, INC.
PREA POLICIES:

§115.232 – Volunteer and Contractor Training

- (a)-1 The APT Foundation typically does not utilize volunteers in our facilities. If volunteers and/or interns are utilized, they are required to participate in all agency training, including PREA, as a compensated employee. The APT Foundation maintains a Facilities Department that performs regular and/or ongoing work within the facility. The Facilities Department is trained in PREA according to agency protocol. Contractors performing short-term and/or emergency repairs are advised of PREA upon entrance to the facility and typically work under supervision of an APT Foundation Facilities Department.

APT FOUNDATION, INC.
PREA POLICIES:

§115.233 – Resident Education

(a)-1 All clients entering the program are advised of our PREA policies, including zero tolerance policy of sexual harassment and abuse. They are also advised of reporting mechanisms while at the facility. This information is also posted throughout the facility as well as reviewed during treatment planning sessions.

(d)-1 PREA policies are available to all persons, regardless of comprehension or disability level including:

- (1) Limited English
- (2) Limited Hearing
- (3) Visually Impaired
- (4) Other Disability
- (5) Reading Comprehension Levels

The core of APT Foundation services at the facilities is a regulatory requirement of 20 hours of group counseling sessions per week. Although the facility attempts to serve all persons requiring services, the APT Foundation may not be able ethically provide services to persons who are deaf or blind. The APT Foundation primary referral sources are aware of the group counseling requirement and will typically not refer individuals to this facility and will refer to more appropriate community-based providers.

(e)-2 Participation in PREA forums for clients is contained in documentation in the APT Foundation's Electronic Health Record.

(f)-1 The APT Foundation's PREA policies are available in multiple formats including posters throughout the facility and in the client handbook provided to all clients at the time of admission to the facility.

APT FOUNDATION, INC.
PREA POLICIES:

§115.234 – Specialized Training: Investigations

- (a)-1 The APT Foundation does not typically complete internal investigations of sexual abuse, particularly in events where evidence may be a factor in the investigation. The investigations are referred to the New Haven Police Department. The APT Foundation will cooperate with the external investigation.

- (c)-1 The APT Foundation may complete non-criminal investigations of sexual abuse or harassment and/or may refer to the Women and Families Center specializing in crisis-related services for affected populations to assist in such an investigation, if indicated. The PREA Coordinator has completed formal training via the PREA Resource Center.

- (c)-2 The APT Foundation maintains training files for all employees.

- (d)-1 The APT Foundation expects that any external State entity or the Department of Justice will have provided appropriate training to complete sexual abuse or sexual harassment investigations in accordance to PREA investigation standards.

APT FOUNDATION, INC.
PREA POLICIES:

§115.235 – Specialized Training: Medical and Mental Health Care

- (a)-1 Attached
- (a)-2 100% of Physicians and Advance Practice Nurses, both Psychiatry and Primary Care Health have received training to the agencies PREA policies, including zero tolerance and reporting mechanisms. Effective July, 2017, all full-time APT Foundation Physicians will be required to complete formal PREA training through the PREA Resource Center.
- (b)-1 The APT Foundation shall utilize the Yale New Haven Hospital to complete forensic evaluations. The Women and Families Center will be involved in any forensic evaluation referral to Yale New Haven Hospital
- (c)-1 The APT Foundation maintains documentation of training.

APT FOUNDATION, INC.
PREA POLICIES:

§115.241 – Screening for risk of victimization and abusiveness

- (a) The APT Foundation conducts an initial screening for risk of sexual abuse victimization or sexual abusiveness prior to admission of the program. This screening is maintained in the client's electronic health record.
- (b) All persons entering the facility have a completed behavioral health evaluation completed by a licensed professional (LCSW or LPC) within 72 hours of admission to the facility. The evaluation is maintained in the client's electronic health record.
- (c)/(d) The evaluation of sexual abuse and sexual harassment information is completed as part of the persons' developmental history in a 90791 psychiatric diagnosis interview. The evaluation contains the following elements:
 - 1. Whether the resident has a mental, physical or developmental disability
 - 2. The resident's age
 - 3. The resident's build
 - 4. Incarceration history
 - 5. Criminal history
 - 6. Prior convictions for sex offenses against an adult or child
 - 7. The resident's current perception of their sexuality and gender identity
 - 8. History of experiences of sexual victimization
 - 9. Resident's perception of vulnerability, if applicable.
- (e) The APT Foundation considers individuals who may have committed a prior act 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. This evaluation often occurs prior to admitting evaluation and completed collaboratively with the applicable referral source in each case.
- (f) The facility follows-up all assessments within the first 30 days to determine whether updates to information become necessary.
- (g) A resident's risk level will be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that may change the risk level of the resident for either sexual victimization or abusiveness.
- (h) Any client may refuse to answer questions (D-1, 7, 8, or 9) above in this section without discipline.
- (i) All information contained in the client electronic health record is limited on a "need to know" basis with an established audit mechanism in place to ensure unauthorized system access of confidential information.

APT FOUNDATION, INC.
PREA POLICIES:

§115.242 – Use of screening information

- (a) The APT Foundation utilizes information obtain during screening, evaluation, and updates, as indicated, to inform housing, bed, work, education, programming, and supportive services with the goal separate those clients at high risk of being sexually assaulted from those deemed at high risk for being sexually abusive.
- (b) All decisions made by the APT Foundation regarding a client's care and treatment are individualized to ensure the safety. These decisions are discussed with the agency's LGBTQI liaison (Director of Clinical Operations/PREA Coordinator) and/or the President/CEO of the APT Foundation.
- (c) The APT Foundation makes housing and program assignments on a case-by-case basis for individuals who may be transgender or intersex.
- (d) A transgender or intersex resident's views with respect to his or her own safety shall be given serious consideration
- (e) Transgender and intersex residents are able to shower separately from other residents.
- (f) The APT Foundation does not restrict housing for LGBTQI residents to separate, dedicated wings in the facility. All LGBTQI residents are fully integrated into the housing and clinical programming of the facility.

**APT FOUNDATION, INC.
PREA POLICIES:**

§115.243 – Reserved

APT FOUNDATION, INC.
PREA POLICIES:

§115.251 – Resident Reporting

- (a) The APT Foundation maintains multiple means for privately reporting 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. This notification process and contact numbers are included in posters throughout the facility.
- (b) The APT Foundation posts the number the Women and Families Center Hotline or the State of Connecticut Department of Mental Health and Addiction Services as a means to report incidents outside of the agency.
- (c) The APT Foundation accepts reports made verbally, in writing, anonymously, and from third parties. All reports are documented and investigated accordingly.
- (d) The APT Foundation provides a compliance telephone “hotline” as part of the Corporate Compliance Plan under direction of the Corporate Compliance Officer, who is also the PREA Administrator.

APT FOUNDATION, INC.
PREA POLICIES:

§115.252 – Exhaustion of administrative remedies

- (a)-1 The APT Foundation maintains administrative procedures to address resident grievances regarding sexual abuse.
- (b)-1/2 The APT Foundation typically applies a 30-day limit for reporting grievances. The time frame shall not apply for residents who are reporting a grievance involving sexual abuse.
- (b)-3 The APT Foundation does not expect a resident to attempt to resolve any grievance with staff pertaining to sexual abuse.
- (b)-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.
- (c)-1 A resident may file a grievance through any staff person at the facility; directly to the APT Foundation Administrative Offices; and directly to their external referral source. At no point would a resident be required to file a report directly to the subject person in their complaint.
- (c)-2 The APT Foundation would not assign a case to be reviewed by the subject person in a resident's complaint.
- (d)-1 The APT Foundation typically responds to all resident complaints within 30 days of receipt. Considering the nature of PREA complaints, the agency may extend this period up to 90 days to issue a final determination.
- (d)-2 The 90 day time frame is initiated from the resident's report and shall not include any preparation time taken by the resident in preparing their report.
- (d)-3 If necessary due to complex situations, the agency may request an additional 70 day period to complete the full investigation. Both the client and the referral source would be notified of the extension, including a specific date for the final determination.
- (d)-4 During the administrative grievance process, if the resident does not receive a response within the allotted time frame, including any properly noted extension, the resident may consider the lack of a response to be a denial at that level.
- (e)-1 Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of residents.
- (e)-2 If a third party files such a request, the facility will require as a condition of processing the request, that the alleged victim agrees to have the request filed on their behalf. The alleged victim may also have to personally pursue any subsequent steps in the administrative remedy process.
- (e)-3 If the resident declines to have the request processed on his or her behalf, the APT Foundation will document the resident's decision.
- (f)-1 The APT Foundation will permit the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse.

- (f)-2 After receiving an emergency grievance, the APT Foundation will conduct an immediate review and provide an initial response within 48 hours with a final decision issued within 5 calendar days. The initial response will document the agencies determination whether a resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
- (g) The APT Foundation may discipline a resident for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the resident filed the grievance in bad faith.

APT FOUNDATION, INC.
PREA POLICIES:

§115.253 – Resident access to outside confidential support services

- (a) The APT Foundation will provide residents with access to outside victim advocates via MOU with the Women's and Families Center for emotional support services related to sexual abuse. As a part of discharge planning for a victim of Sexual Abuse, particularly for those relocating outside of the greater New Haven area, clinical staff working in the facility will assist residents with these contacts for external support resources, as indicated.
- (b) The facility and staff providing assistance shall inform residents, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.
- (c) The APT Foundation maintains a comprehensive list of supportive services provided by other agencies. Many of these resources are able to provide confidential emotional support services related to sexual abuse.

APT FOUNDATION, INC.
PREA POLICIES:

§115.254 – Third Party Reporting

- (a) The APT Foundation will accept any third party report of sexual abuse or sexual harassment and investigate accordingly.

APT FOUNDATION, INC.
PREA POLICIES:

§115.261 – Staff and Agency reporting duties

- (a) The APT Foundation requires all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the facility, whether or not it is part of the agency; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. A PREA Incident Report is available on APTWeb under the PREA tab on the main page. The incident report should be forwarded to the PREA Coordinator.
- (b) The APT Foundation expects incidents to be communicated by staff and general information regarding the specifics of the information maintained as confidentially as possible. This is to permit treatment, investigation, and other management decisions while protecting the resident.
- (c) Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners are required to report sexual abuse pursuant to paragraph (a) above. The practitioner shall inform the resident of their duty to report, and the limitations of confidentiality at the initiation of services.
- (d) APT Residential Services does not serve individuals under the age of 18.
- (e) The APT Foundation staff will report all allegations of sexual abuse and harassment, including third-party and anonymous reports, to the facilities designated investigators.

APT Foundation, Inc.
PREA INCIDENT REPORTING FORM

Date of Incident: _____

Date of Report, If Different: _____

Time of Incident: _____

Name of Person Completing Report: _____

Location of the Incident (eg. APT Residential, Long Wharf): _____

Type of Violation:

Sexual Assault:

Sexual Abuse:

Type: Penetration/Rape

Other Physical Contact

Victim Referral Source, If Any: _____

Alleged Perpetrator

Employee, Intern, or Student

Volunteer

Contractor

Other Resident Referral Source: _____

Sexual Harassment

Victim Referral Source, If Any: _____

Alleged Perpetrator

Employee, Intern, or Student

Volunteer

Contractor

Other Resident Referral Source: _____

Persons Involved:

Victim:

Name: _____

Address: _____

Telephone Number: _____

Alleged Perpetrator:

Name: _____

Address: _____

Telephone Number: _____

Persons Notified:

Victim: Referral Source: _____

Name, Time of Notification: _____

Alleged Perpetrator Referral Source: _____

Name, Time of Notification: _____

Facility Director or Supervisory Designee:

Name, Time of Notification: _____

PREA Coordinator:

Name, Time of Notification: _____

New Haven Police Department, If Applicable:

Name, Time of Notification: _____

Medical Services, If Applicable:

Name, Time of Notification: _____

Women and Families Center, If Applicable:

Name, Time of Notification: _____

Injuries, If Applicable

Injury To:

Resident

Employee

Visitor

Other State: _____

Refused Treatment or Evaluation

Refused Evaluation

Injury Severity:

Slight Minor Major Undetermined

Referred to Physician for Evaluation:

Yes No

If Yes, Date and Time of Appointment: _____

Physician/APRN Name: _____

Sign-Off

Name & Title of Person Completing Report: _____

By signing below, I acknowledge that the above information is accurate and complete to the best of my knowledge and belief.

Staff Signature: _____ Date: _____ Time: _____

Note: If Witnesses were Present, Please Have EACH Witness Complete the Following Statement. Copy if Needed

APT FOUNDATION, INC.
PREA POLICIES:

§115.262 – Agency Protective Duties

- (a) The APT Foundation, following any report or suspicion that a resident is subject to a substantial risk of imminent sexual abuse, will take immediate action to protect the resident.

APT FOUNDATION, INC.
PREA POLICIES:

§115.263 – Reporting to other confinement facilities

- (a) Upon receiving an allegation that a resident was sexually abused while confined at another facility, the APT Foundation via the PREA Coordinator will contact the head of the facility or the appropriate office of the agency where the alleged abuse occurred.
- (b) Notification to the other facility shall occur no later than 72 hours after receiving the allegation.
- (c) The APT Foundation will document that the notification to the other facility has occurred.
- (d) The agency head or agency office that receives the notification shall ensure that the allegation is investigated in accordance with these standards.

APT FOUNDATION, INC.
PREA POLICIES:

§115.264 – Staff first responder duties

- (a) Upon learning of an allegation that a resident was sexually abused, the first staff member to respond will immediately reach out to other staff to contact a supervisor and notify police, if indicated. The staff person will then:
 - (1) Separate the alleged victim and abuser;
 - (2) Preserve and protect any crime scene until New Haven Police Department arrive and take control of the scene and any evidence;
 - (3) If the abuse occurred within a time period that still allows for the collection of any physical evidence, request that the alleged victim no take any actions that could destroy physical evidence, including as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
 - (4) If the abuse occurred within a time period that still allows for the collection of any physical evidence, request that the alleged abuser no take any actions that could destroy physical evidence, including as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- (b) The APT Foundation does not employ security staff at APT Residential Services. The facility is staffed by Patient Care Associates, Clinicians, and Nursing Staff (first and second shifts only).

APT FOUNDATION, INC.
PREA POLICIES:

§115.265 – Coordinated Response

The APT Foundation follows a team response to any emergency situation, like Medical Emergency or Person Out of Control that presents at APT Residential Services.

In the event of a sexual assault in the facility, staff should follow the following procedures:

1. Staff Person (1) is to remain with the victim at all times, including during any questioning by Emergency Response while at the facility and at the hospital while waiting for services, if applicable. The staff person should be supportive during this time and may ask general questions about the nature of the event, if the victim is able and willing to share. Direct or probing questions around the specifics of the incident should not be the focal point at this time.
2. Staff Person (1) should ensure that the victim does not do anything to their body that may contaminate or eliminate evidence. This would include bathing, changing clothes, urinating, or defecating.
3. Staff Person (2) will call 911 to report the assault to New Haven Police and Emergency Response. This staff person should protect the scene of the incident to ensure any potential evidence remains untampered until police arrive.
4. Staff Person (3), if available, should report to the main entrance of the facility to wait for responding personnel and then direct responders to the victim's location within the building. If there is not a third staff person available, a senior-level responsible resident may be utilized for the purpose of directing emergency responders to the incident scene.
5. If the alleged perpetrator did not leave the facility, they should be moved to another location within the building away from the victim for questioning by the police department.
6. If the alleged perpetrator left the building, staff should note wherever possible, the direction they were headed and any identifying features that would assist New Haven Police Department in their search.
7. All residents that were not involved in the incident should be moved to another location in order to permit privacy for the victim and the investigation as well as to protect their confidentiality during a police presence in the facility. As an example, if the event occurred in the dormitories, remaining residents would be moved to the dining room. Likewise, if the event occurred in the dining room, residents would be moved to the dormitories.
6. For residents that have been relocated during the investigation, staff should be utilized to ensure they remain in place until the emergency situation has resolved at the facility.
7. Staff Person (2), after Emergency Response has arrived at the facility and taken control of the incident area, should contact the Women's and Families Center Hotline @ 1-888-999-5545 to report the assault, including which campus of Yale New-Haven Hospital the victim will be transported to for forensic examinations.
8. Staff should cooperate with Emergency Response team.
9. Staff should contact Facility Director Dan Lead, or covering Supervisor within the facility if the Director is off as soon as it is feasible after the urgent needs of the incident have been covered. The Facility Director or covering Supervisor will notify the PREA Coordinator in order to commence internal investigations.

APT FOUNDATION, INC.
PREA POLICIES:

§115.265 – Coordinated Response, Con't.

10. Staff should complete an initial incident report, again as soon as feasible during the response to facilitate the internal investigation.

11. Staff should notify both victim and alleged perpetrator's referral source of the incident, as soon as is feasible and no later than 24 hours after the incident. If the alleged perpetrator is a referral from the Department of Corrections, the elopement protocol should be followed with immediate referral source notification.

12. If the alleged perpetrator does not escape following the assault, it may not be feasible to continue as the treating provider for this individual. Staff should work with the referral source, if indicated, to locate alternative treatment arrangements.

13. Following the victim's return to the facility from the Hospital and forensic examination, if applicable, the facility should provide additional supports to the victim.

14. The victim should have unrestricted access to the crisis support services offered through the Women and Children's Center.

15. The victim shall have access to all Mental Health and Primary Care services provided by the APT Foundation or other community-based provider. This may include testing for pregnancy; HIV; Hepatitis. If applicable, family planning services.

16. Discharge planning for the victim shall include appropriate referrals for continued support services, as indicated, relative to the assault.

APT FOUNDATION, INC.
PREA POLICIES:

§115.266 – Preservation of ability to protect inmates from contact with abusers

- (a) The APT Foundation is an independent, non-profit community-based organization. The APT Foundation and/or its employees do not currently participate in any collective bargaining activities or other agreements that limits the agency's ability to remove alleged staff sexual abusers from contact with residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.
- (b) Nothing in this standard shall restrict the entering into or renewal of agreements that govern:
 - (1) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of sections: 115.272 and 115.276; or
 - (2) Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

Policy: PREA Retaliation Policy:

Policy Statement: The APT Foundation will protect all 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.

Procedures:

1. The APT Foundation will consider housing changes or transfers for resident victim or abusers.
2. The APT Foundation will consider removal or transfer of alleged staff abusers to minimize contact with victim.
3. The APT Foundation will offer emotional support services for residents or staff that may fear retaliation for reporting sexual abuse; harassment; or cooperating with investigations.
4. The APT Foundation will monitor for at least 90 days following a report of sexual abuse, 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 changes that may suggest possible retaliation by residents or staff.
5. The APT Foundation will monitor for at least 90 days following a report of sexual abuse, 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 changes that may suggest possible retaliation by residents or staff.
6. The APT Foundation will include weekly status checks in any case involving residents.
7. The weekly status check will be completed by the Clinical Supervisor of the resident's unit. If the Clinical Supervisor is the staff person being monitored, the Resident status check will be completed by the Facility Director or PREA Coordinator.
7. The APT Foundation will take immediate action to remedy any such retaliation if discovered.
8. The APT Foundation will include any resident disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff.
9. The APT Foundation will continue monitoring if the initial 90 day monitoring period indicated a continuing need.
10. The APT Foundation will monitor any other individual who cooperates with an investigation that expresses a fear of retaliation.

Resident Retaliation Log

Date Monitoring Initiated:

90 Day Projected End Date:

Week 1:

Date:

- Disciplinary Reports
- Program Sanctions
- Program Changes
- Negative Performance Review/Progress Report

Client Safety Report/Other Concerns Reported:

Week 2:

Date:

- Disciplinary Reports
- Program Sanctions
- Program Changes
- Negative Performance Review/Progress Report

Client Safety Report/Other Concerns Reported:

Week 3:

Date:

- Disciplinary Reports
- Program Sanctions
- Program Changes
- Negative Performance Review/Progress Report

Client Safety Report/Other Concerns Reported:

Week 4:

Date:

- Disciplinary Reports
- Program Sanctions
- Program Changes
- Negative Performance Review/Progress Report

Client Safety Report/Other Concerns Reported:

Week 5:

Date:

- Disciplinary Reports
- Program Sanctions
- Program Changes
- Negative Performance Review/Progress Report

Client Safety Report/Other Concerns Reported:

Week 6:

Date:

- Disciplinary Reports
- Program Sanctions
- Program Changes
- Negative Performance Review/Progress Report

Client Safety Report/Other Concerns Reported:

Week 7:

Date:

- Disciplinary Reports
- Program Sanctions
- Program Changes
- Negative Performance Review/Progress Report

Client Safety Report/Other Concerns Reported:

Week 8:

Date:

- Disciplinary Reports
- Program Sanctions
- Program Changes
- Negative Performance Review/Progress Report

Client Safety Report/Other Concerns Reported:

Week 9:

Date:

- Disciplinary Reports
- Program Sanctions
- Program Changes
- Negative Performance Review/Progress Report

Client Safety Report/Other Concerns Reported:

Week 10:

Date:

- Disciplinary Reports
- Program Sanctions
- Program Changes
- Negative Performance Review/Progress Report

Client Safety Report/Other Concerns Reported:

Week 11:

Date:

- Disciplinary Reports
- Program Sanctions
- Program Changes
- Negative Performance Review/Progress Report

Client Safety Report/Other Concerns Reported:

Week 12:

Date:

- Disciplinary Reports
- Program Sanctions
- Program Changes
- Negative Performance Review/Progress Report

Client Safety Report/Other Concerns Reported:

Week 13:

Date:

- Disciplinary Reports
- Program Sanctions
- Program Changes
- Negative Performance Review/Progress Report

Client Safety Report/Other Concerns Reported:

No Additional Monitoring Recommended

Date Monitoring Completed:

Additional Monitoring Recommended

Additional Notes: _____

APT FOUNDATION, INC.
PREA POLICIES:

§115.268 - Reserved

APT FOUNDATION, INC.
PREA POLICIES:

§115.271 – Criminal and administrative agency investigations

- (a) When the APT Foundation conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third party and anonymous reports.
- (b) Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations pursuant to section 115.234.
- (c) Investigators shall gather and preserve direct and circumstantial evidence, including any physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior to complains and reports of sexual abuse involving the suspected perpetrator.
- (d) When the quality of evidence appears to support criminal prosecution, the APT Foundation shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) 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 a resident or staff. No agency shall require a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
- (f) Administrative investigations:
 - (1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
 - (2) Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind the credibility assessments; and investigative facts and findings.
- (g) 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.
- (h) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- (i) The agency shall retain all written reports referenced in paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus 5 years.
- (j) The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.
- (k) Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
- (l) When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

APT FOUNDATION, INC.
PREA POLICIES:

§115.272 – Evidentiary standards for administrative investigations

- (a) The APT Foundation shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

APT FOUNDATION, INC.
PREA POLICIES:

§115.273 – Reporting to inmates

- (a)-1 All complaints filed by clients at the facility are responded to either verbally or in writing. This includes PREA complaints and will include whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Reporting to Residents will occur within the timelines noted in the investigations section.

APT FOUNDATION, INC.
PREA POLICIES:

§115.276 – Disciplinary sanctions for staff

- (a)-1 Following any report of sexual abuse of a staff person against a client or any other person at the APT Foundation, the employee will be immediately suspended until the investigation has been completed. Based on the outcome of the investigation, the staff person may receive disciplinary sanctions up to and including termination of employment by the agency depending on the severity of the findings of the investigation.

- (c)-1 Based on the outcome of the investigation, the staff person may receive disciplinary sanctions up to and including termination of employment by the agency depending on the severity of the findings of the investigation. The APT Foundation will also consider an employee's work history, including prior disciplinary actions, in determining final employment actions to be taken.

- (d)-1 The APT Foundation would report any criminal findings that resulted in termination of employment to law enforcement and professional licensing bodies, as applicable and indicated.

APT FOUNDATION, INC.
PREA POLICIES:

§115.277 – Corrective actions for contractors and volunteers

- (a) The APT Foundation will report any contractor or volunteer who engages in sexual abuse to law enforcement and professional trade licensing, as applicable, that are deemed to be criminal in nature.
- (b) The APT Foundation shall take appropriate remedial measures, and shall consider whether to prohibit further contact with residents, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

APT FOUNDATION, INC.
PREA POLICIES:

§115.278 – Disciplinary sanctions for residents

- (a) Residents shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following any administrative finding that the resident engaged in resident-on-resident sexual abuse or following any criminal finding of guilt for resident-on-resident sexual abuse. A resident in these cases will typically be referred back to their referral source and/or discharged from the program with a referral to another program for continued services.
- (b) Sanctions shall commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offences by other residents with similar histories.
- (c) The disciplinary process shall consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
- (d) The APT Foundation does not provide direct therapy or other counseling services for residents to correct underlying reasons or motivations for abuse. If indicated, the facility would make the necessary referrals to an organization that provides this service directly.
- (e) The APT Foundation may discipline a resident for sexual contact with staff only upon finding that the staff member did not consent to such contact.
- (f) For the purpose of disciplinary action, a report of sexual abuse made in good faith upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- (g) The APT Foundation prohibits all sexual activity between residents and may discharge a resident for such an activity. The APT Foundation will not, however, deem such activity to constitute sexual abuse if it determines that the activity was not coerced.

**APT FOUNDATION, INC.
PREA POLICIES:**

§115.281 – Reserved

APT FOUNDATION, INC.
PREA POLICIES:

§115.282 – Access to emergency medical and mental health services

- (a) The APT Foundation maintains a comprehensive MOU to ensure all residential victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
- (a)-1 If receiving care within the APT Foundation, Mental Health and/or Medical Staff may maintain secondary logs documenting timeliness of treatment and crisis intervention if not documented directly into the client's EHR
- (d) If no qualified medical or mental health practitioners are available at the time a report of recent abuse is available, first responding staff will take preliminary steps to protect the victim pursuant to section 115.262 and will immediately notify supervisory staff either at the facility or on-call to assist in referral to appropriate medical and/or mental health practitioners.
- (c) Resident victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance to with professionally accepted standards of care, where medically appropriate. Pregnancy testing and family planning, as indicated, are included.
- (d) Treatment services shall be provided to the victim without financial cost regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

**APT FOUNDATION, INC.
PREA POLICIES:**

§115.283 – Ongoing medical and mental health care for sexual abuse victims and abusers

- (a) The APT Foundation shall offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. The APT Foundation shall provide referral for follow-up, treatment planning, and continued care upon discharge from the facility. A pregnancy test for females and family planning, if indicated, should be included. This treatment may be provided directly by the APT Foundation; the Women's and Families Center; or a community-based service provider of the victim's choice.

APT FOUNDATION, INC.
PREA POLICIES:

§115.286 – Sexual abuse incident reviews

- (a) The APT Foundation 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. A formal review template is available on the main page of APTWeb under the PREA tab.
- (b) Reviews, if indicated, shall occur within 30 days of the incident.
- (c) The review team, if indicated, shall include senior management officials, with the input from line supervisor, investigators, and medical or mental health professionals.
- (d) The review team shall:
 - (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - (2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or was motivated or otherwise caused by group dynamics at the facility;
 - (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - (4) Assess the adequacy of staffing levels in that area during different shifts; and
 - (5) Prepare a report of its findings, including but not necessarily
 - (6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement, and submit such report to the facility head and PREA Compliance Manager.
- (e) The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

APT Foundation, Inc.
PREA INCIDENT REVIEW TEMPLATE

Date of Incident: _____

Date of Review: _____

Review Lead By: _____

Review Team Members Present, Include Name & Title:

(1) _____

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

(7) _____

(8) _____

(9) _____

Status Update for Victim, Including Support & Medical Services:

Additional Supports, If Any Recommended by Team for Victim:

APT FOUNDATION, INC.
APT RESIDENTIAL SERVICES (RSD)
POLICY: PREA

115.287: Uniform Data for Standardized Reporting

1. The APT Foundation will collect accurate, uniform data for every allegation of sexual abuse at our Residential Facility.
2. Uniform data elements are contained on the APT Foundation PREA Incident Reporting Form and the APT Foundation PREA Incident Review Form.
3. The uniform data contained in the PREA Incident Reporting and PREA Incident Review forms contain the necessary data elements to complete the annual Survey of Sexual Violence conducted by the Department of Justice.
4. The APT Foundation will retain copies of all PREA-related Incident Reports; Incident Reviews; Investigative; and external reporting documents.
5. The APT Foundation does not currently contract with other private facilities for the confinement of its residents.
6. The APT Foundation, upon request, will provide all data from the previous calendar year to the Department of Justice no later than June 30.
7. All data and reports are electronically stored within the APT Foundation's secure, password protected network for a minimum of 10 years.

APT FOUNDATION, INC.
APT RESIDENTIAL SERVICES (RSD)
POLICY: PREA

115.288: Annual Data Review

1. The APT Foundation shall review data collected and aggregated pursuant to § 115.287 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:
 - (a) Identifying problem areas;
 - (b) Taking corrective action on an ongoing basis; and
 - (c) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
2. The APT Foundation's annual 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.
3. The APT Foundation's annual report shall be approved by the President/CEO and made readily available to the public through website.
4. The APT Foundation website is currently being updated. The APT Foundation will reference the availability of the report data and a means to request via the current website
5. The APT Foundation may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility. Any report that requires redacted material will indicate the nature of any redacted material.

APT FOUNDATION, INC.
APT RESIDENTIAL SERVICES (RSD)
POLICY: PREA

115.289: Data storage, Publication, and Destruction.

1. The APT Foundation shall ensure that data collected pursuant to § 115.287 are securely retained.
 2. The APT Foundation password protected network meets and exceeds requirements established via HIPAA and Federal Statutes 42 CFR for records of persons with substance abuse and mental health diagnoses. These standards are more stringent than traditional medical settings.
 3. The APT Foundation shall make all aggregated sexual abuse data readily available to the public at least annually through its website.
 4. The APT Foundation website is currently being updated. The APT Foundation will reference the availability of the report data and a means to request via the current website.
- (c) The APT Foundation shall remove all personal identifiers before making aggregated sexual abuse data publicly available.
- (d) The APT Foundation shall maintain sexual abuse data collected pursuant to § 115.287 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires a longer period of retention.

(c) The Department of Justice may send a recommendation to an agency for an expedited audit if the Department has reason to believe that a particular facility may be experiencing problems relating to sexual abuse. The recommendation may also include referrals to resources that may assist the agency with PREA-related issues.

(d) The Department of Justice shall develop and issue an audit instrument that will provide guidance on the conduct of and contents of the audit.

(e) The agency shall bear the burden of demonstrating compliance with the standards.

(f) The auditor shall review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations for each facility type.

(g) The audits shall review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.

(h) The auditor shall have access to, and shall observe, all areas of the audited facilities.

(i) The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).

(j) The auditor shall retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request.

(k) The auditor shall interview a representative sample of inmates, residents, and detainees, and of staff, supervisors, and administrators.

(l) The auditor shall review a sampling of any available videotapes and other electronically available data (e.g., Watchtour) that may be relevant to the provisions being audited.

(m) The auditor shall be permitted to conduct private interviews with inmates, residents, and detainees.

(n) Inmates, residents, and detainees shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.

(o) Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.

§ 115.402 Auditor qualifications.

(a) An audit shall be conducted by:

(1) A member of a correctional monitoring body that is not part of, or under the authority of, the agency (but may be part of, or authorized by, the relevant State or local government);

(2) A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the agency; or

(3) Other outside individuals with relevant experience.

(b) All auditors shall be certified by the Department of Justice. The Department of Justice shall develop and issue procedures regarding the certification process, which shall include training requirements.

(c) No audit may be conducted by an auditor who has received financial compensation from the agency being audited (except for compensation received for conducting prior PREA audits) within the three years prior to the agency's retention of the auditor.

(d) The agency shall not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the agency's retention of the auditor, with the exception of contracting for subsequent PREA audits.

§ 115.403 Audit contents and findings.

(a) Each audit shall include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.

(b) Audit reports shall state whether agency-wide policies and procedures comply with relevant PREA standards.

(c) For each PREA standard, the auditor shall determine whether the audited facility reaches one of the following findings: Exceeds Standard (substantially exceeds requirement of standard); Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period); Does Not Meet Standard (requires corrective action). The audit summary shall indicate, among other things, the number of provisions the facility has achieved at each grade level.

(d) Audit reports shall describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision for each audited facility, and shall include recommendations for any required corrective action.

(e) Auditors shall redact any personally identifiable inmate or staff information from their reports, but shall provide such information to the agency upon request, and may provide such information to the Department of Justice.

(f) The agency shall ensure that the auditor's final report is published on the agency's website if it has one, or is otherwise made readily available to the public.

§ 115.404 Audit corrective action plan.

(a) A finding of "Does Not Meet Standard" with one or more standards shall trigger a 180-day corrective action period.

(b) The auditor and the agency shall jointly develop a corrective action plan to achieve compliance.

(c) The auditor shall take necessary and appropriate steps to verify implementation of the corrective action plan, such as reviewing updated policies and procedures or re-inspecting portions of a facility.

(d) After the 180-day corrective action period ends, the auditor shall issue a final determination as to whether the facility has achieved compliance with those standards requiring corrective action.

(e) If the agency does not achieve compliance with each standard, it may (at its discretion and cost) request a subsequent audit once it believes that it has achieved compliance.

§ 115.405 Audit appeals.

(a) An agency may lodge an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect. Such appeal must be lodged within 90 days of the auditor's final determination.

(b) If the Department determines that the agency has stated good cause for a re-evaluation, the agency may commission a re-audit by an auditor mutually agreed upon by the Department and the agency. The agency shall bear the costs of this re-audit.

(c) The findings of the re-audit shall be considered final.

State Compliance

§ 115.501 State determination and certification of full compliance.

(a) In determining pursuant to 42 U.S.C. 15607(c)(2) whether the State is in full compliance with the PREA standards, the Governor shall consider the results of the most recent agency audits.

(b) The Governor's certification shall apply to all facilities in the State under the operational control of the State's executive branch, including facilities operated by private entities on behalf of the State's executive branch.