APT Foundation, Inc.
APT Residential Services: PREA Policy

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

(a) The APT Foundation maintains zero tolerance towards all forms of sexual abuse and sexual harassment throughout the agency.

The APT Foundation, APT Residential Services maintains a comprehensive approach to preventing, detecting, and responding to a PREA-qualifying event. This goal is accomplished through:

1. Comprehensive PREA education for staff;
2. Use of technology to improve facility monitoring;
3. Identification of at-risk persons and potential predators for risk planning for the safety of all persons;
4. Providing high quality substance abuse, mental health and primary care services through professional, compassionate staff; and
5. Timely review should a PREA-qualifying event occur, including planning to minimize risk of future occurrence.

(b) The APT Foundation designates the Director of Clinical Operations/Compliance Officer as the PREA Coordinator for the agency. The Director of Clinical Operation/Compliance Officer is a senior level manager with sufficient time and authority to develop, implement, and oversee agency efforts to comply with PREA standards. This PREA Coordinator is designated on the APT Foundation’s organizational chart.

115.212 – Contracting with other entities for the confinement of inmate

1. The APT Foundation maintains a single location that requires PREA compliance and audit.

2. The APT Foundation shall always remain current with PREA standards and audit requirements.

3. Any new facility the APT Foundation might develop in the future that requires PREA compliance and audit would follow the same policies and audit requirements.

4. The APT Foundation does not contract with other providers to house clients and/or provide services to persons enrolled in the APT Foundation’s Residential Treatment Program.
115.213 – Supervision and Monitoring

1. The APT Foundation maintains a staffing pattern that meets all regulatory requirements for a ASAM Level III.3 intermediate, long-term residential treatment. The facility is licensed for 170 beds, with an average census of 150.

2. The facility is staffed 24-hours per day with males and females housed in separate buildings on the campus. The Medical Unit separates the male and female buildings. The Medical Unit can be closed at either the Male or Female side to ensure separation of genders while receiving services at the Medical Unit. There is no mixed gender clinical programming at the facility.

3. The facility maintains a comprehensive video surveillance system. This system was purchased and installed as the APT Foundation moved to the 54 East Ramsdell Street, New Haven location in 2017.

4. The APT Foundation completes an annual review of staffing patterns as part of the budget planning process. The staffing review considers any PREA-qualifying event that may have occurred during the period.

5. The annual review will also include potential need for technology upgrades.

6. Although staffing and technology requirements are reviewed at least annually, any PREA qualifying event at the facility would consider staffing and technology needs as part of the Review progress.

115.215 – Limits to cross-gender viewing and searches

1. The APT Foundation does not conduct strip search and body cavity searches. If such a search was deemed necessary, determination of necessity for the search is done in collaboration with the Director of Residential Services or another Senior-level manager. If a search was deemed necessary, it would be conducted by a member of the Medical Staff. The facility does not conduct body cavity searches under any conditions. If a strip search were to occur, the rational and findings of the search would be documented in the client record.

2. The APT Foundation only utilizes non-invasive methods to complete pat-down searches. This method is supported and taught by the State of Connecticut Court Support Services Division. This method of search utilizes a “hands-out” sliding motion using only the back of the hand without potential for cupping.

3. There is no cross-gender pat-down searches on either the women or men’s unit.

4. There are no males that work on the female unit. Females may work on the male unit in general areas of the male unit, however, they do not enter the sleeping and restroom facilities. For either the male or female unit, opposite gendered staff will announce their entrance into the sleeping and restroom facilities.
5. The facility will not search or physically examine a transgender or intersex person for the purpose of determining their genital status. The APT Foundation will respect a transgender or intersex person’s preference in determining placement for housing and clinical programming.

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

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. Most 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.

2. The APT Foundation’s Residential Services Division, as an ASAM level III.3 clinically managed intermediate long-term residential facility may not accept any person with unstable mental health or physical health conditions that would be better served in a more appropriate setting focusing on their primary needs. The facility may also not accept persons what require detoxification from substances. These persons may become eligible following completion of a medically managed detoxification program.

3. 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. The APT Foundation Residential Services Division provides PREA education through a variety of forums, including discussions at Orientation, 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.

4. 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.

5. 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.

115.217 – Hiring and Promotion Decisions

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.

2. 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.

3. 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.

4. The APT Foundation conducts periodic background checks on all staff employed at APT Residential Services. These checks typically occur once every five years.

5. For all new employees to be hired to work in the Residential Services Division will be asked to respond to the three questions noted in Item #1 above.

6. Material omissions regarding such misconduct or the provision of materially false information shall be grounds for termination.

7. Reference checks for former employees received from other institutional employers will provide information on substantiated allegations of sexual abuse or sexual harassment, if indicated.

115.218 – Upgrades to facilities and technology

1. The APT Foundation’s video surveillance system was purchased and installed in 2017 as the facility relocated to 54 East Ramsdell Street, New Haven location.

2. The surveillance system was developed in consideration compliance to PREA standard and other health and safety needs of the facility.

3. The need for additional enhancements are considered as part of any incident review at the facility.

115.221 – Evidence protocol and forensic medical examinations

1. 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.

2. The APT Foundation maintains a Coordinated Response protocol for any sexual assault event to ensure the victim and evidence are protected at the crime scene pending the arrival of the New Haven Police Department. If the perpetrator did not leave the facility, they will be separated from the victim and crime scene and supervised by staff. Other residents will also
be moved to another location away from the victim and perpetrator in the facility to provide privacy during the New Haven Police Department investigation.

3. 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.

4. As part of the Coordinated Response protocol, the APT Foundation maintains a comprehensive MOU with the Women and Families Center. The Coordinated Response requires staff to notify the Women and Families Center and they will assist the victim during the investigation and forensic examinations.

5. The APT Foundation will utilize the Yale New Haven Health SAFE or SANE medical evaluations following assault. The representative from the Women and Families Center will provide support during the examination; follow-up medical services; and supportive services.

6. The Women and Families Center is also capable of providing services to Males and persons from the LGBTQ communities.

7. There are no costs for forensic and all other necessary treatment services in follow-up to the victim.

115.222 – Policies to Ensure Referrals of Allegations for Investigation

1. The APT Foundation will ensure an administrative or criminal investigation is completed for all allegations of sexual abuse or sexual harassment.

2. While conducting an administrative investigation, if the evidence indicates a criminal investigation is more appropriate, the matter will be turned over to the New Haven Police Department.

3. The APT Foundation will immediately forward any case of active sexual assault case to the New Haven Police Department. The APT Foundation will fully cooperate with the NHPD investigation and conduct a secondary internal investigation.

4. The APT Foundation will involve the Women and Families Center and SAFE/SANE services of Yale New Haven Hospital, as indicated.

5. All persons will be referred for appropriate medical and supportive counseling, as indicated.

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 regard 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.

(e) In addition to inhouse training, the following training from the NIC is required for professional staff:

PREA: Medical Care for Sexual Assault Victims in Confinement Setting: Applicable Staff: MD or APRN

PREA: Behavioral Healthcare for Sexual Assault Victims in Confinement Setting: Applicable Staff: Counselors/Clinicians

PREA: Investigating Sexual Abuse in Confinement Setting- Advanced Investigations: Applicable Staff: PREA Coordinator, Residential Clinical Supervisors (Includes PREA Manager)

(f) Inhouse PREA training is provided on an annual basis to staff at the Residential facility.
115.232 – Volunteer and Contractor Training

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.

2. The APT Foundation does not utilize contractors that qualify for formal PREA education according to policy. Most work at the facility is completed by the onsite Facilities staff, which participates in all PREA training at the Facility. Any contractors would be present for limited scope projects and are supervised by a member of the Facilities Department. If a member of the Facilities Department is no available, another APT Foundation staff person would supervise the contractor to ensure no contact with Residents occur.

115.233 – Resident Education

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.

2. 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.

3. Participation in PREA forums for clients is contained in documentation in the APT Foundation’s Electronic Health Record.

4. The APT Foundation’s PREA policies are available in multiple formats including posters throughout the facility and in the resident handbook provided to all clients at the time of admission to the facility.
5. PREA information is reviewed on an ongoing basis while in the program according to the schedule of treatment plan reviews completed for all residents while at the facility.

6. If a risk plan is in place, the effectiveness of the plan will also be reviewed as part of the treatment planning session.

115.234 – Specialized Training: Investigations

1. The APT Foundation utilizes the NIC (National Institute of Corrections) online training for Investigations.

2. The APT Foundation has designed the PREA Coordinator, PREA Manager, and Residential Clinical Supervisors as staff persons required to take the specialized Investigations training.

3. Certificates of Completed Investigations training are maintained.

4. Staff that are required to complete the specialized Investigations training, are also required to complete annual inhouse training.

115.235 – Specialized Training: Medical and Mental Health Care

1. The APT Foundation utilizes the NIC (National Institute of Corrections) online training to complete specialized training.

2. Medical staff, including Physicians and Advanced Practice Nurses working in Primary Care or Psychiatry complete the following: PREA: Medical Care for Sexual Assault victims in a Confinement Setting.

3. Clinical Staff (Counselors and Clinicians) are required to complete the following: PREA: Behavioral Health Care for Sexual Assault Victims in a Confinement Setting.

4. Certificates of Completion are maintained on file.

5. APT Foundation medical staff will not complete forensic examinations for victims of sexual assault. Forensic evaluations will be completed at Yale New Haven Hospital with a member from the Women and Families Center present.

6. The APT Foundation does not utilize contractors or volunteers for Medical or Clinical care.

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.

115.242 – Use of screening information

1. The APT Foundation utilizes information obtain during screening, evaluation, and updates, as indicated, to inform housing, bed, work, education, programming, and supportive services.
2. A PREA Risk Factor Plan is developed any for person determined at evaluation to be at high risk for being sexually victimized or at high risk for being sexually abusive.

3. Both the Evaluation and PREA Risk Factor Plan (if applicable) are documented in the resident record.

4. The APT Foundation makes housing and program assignments on a case-by-case basis for individuals who may be transgender or intersex.

5. A transgender or intersex resident’s views with respect to his or her own safety shall be given serious consideration.

6. Transgender and intersex residents can shower separately from other residents.

7. The APT Foundation does not restrict housing for LGBT residents to separate, dedicated wings in the facility. All LGBT residents are fully integrated into the housing and clinical programming of the facility.

115.251 – Resident Reporting

1. 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, contained in the residential handbook; as well as educational sessions at the facility.

2. The APT Foundation posts the number for the Women and Families Center to report a PREA qualifying event at the facility. The APT Foundation maintains a comprehensive service MOU with the Women and Families Center.

3. The APT Foundation accepts reports made verbally, in writing, anonymously, and from third parties. All reports are documented and investigated accordingly.

4. The APT Foundation provides a compliance telephone “hotline” as part of the agencies overall Corporate Compliance Plan under direction of the Corporate Compliance Officer, who is also the PREA Coordinator, as a means for staff to privately report sexual abuse or sexual harassment of residents.

115.252- Exhaustion of administrative remedies

The APT Foundation is exempt from this standard due to the following:

1. The APT Foundation is required to maintain general grievance and compliant boxes by multiple referral sources to the facility.
2. The APT Foundation does not utilize the grievance and compliant boxes for the purpose of reporting PREA events.

3. The APT Foundation informs residents via the Resident Handbook as well as warning notices posted above the grievance and complaint box that they are not to be utilized for reporting PREA events.

4. The APT Foundation’s PREA Reporting Mechanism are reported in the Residential Handbook as well as other posters throughout the facility.

5. A resident may report an incident of sexual abuse or sexual harassment to any staff person or other person according to the reporting protocol. Under no circumstances would a resident be required to report a PREA event to an involved staff person, if applicable.

6. A Resident may file a grievance regarding sexual abuse or sexual harassment at any time, regardless of where the event may have occurred.

7. The APT Foundation attempts to complete all investigations within 30 days of the notification.

8. The APT Foundation shall complete all investigations no later than 90 days after the event is reported.

9. The APT Foundation will notify the resident and other persons should the event take longer than 90 days and the notification will include a date for when a final determination will be made.

10. The APT Foundation will notify the resident and other persons should the event take longer than 90 days and the notification will include a date for when a final determination will be made shall complete all investigations no later than 90 days after the event is reported.

11. The APT Foundation will permit third parties, including other residents, staff, family members, attorneys, and outside advocates to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse and to file such requests on behalf of residents.

12. The APT Foundation will require that if 3rd party assistance is declined, it shall be documented in the resident record.

13. The APT Foundation will limit any disciplinary action for filing a grievance alleging sexual abuse to occasions where the agency demonstrates that the resident filed the grievance in bad faith.
115.253 – Resident access to outside confidential support services

1. The APT Foundation maintains a comprehensive service MOU with the Women and Families Center. The Women and Families Center can provide confidential support services to any resident that may have experienced sexual abuse or harassment at our facility; another facility; or from the community in general.

2. The staff from the APT Foundation and the staff from the Women and Families Center 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.

3. In general, communications between the two organizations are limited to cases of where a resident may have expressed suicidal or homicidal thoughts or ideations and are at risk for potentially hurting themselves or others.

4. For Residents that are discharging to an area outside of the coverage provided by the Women and Families Center, referrals to similar services will be considered in their new area of residence.

115.254 – Third Party Reporting

1. The APT Foundation accepts third-party reports of sexual abuse and harassment.

2. Any third-party report is directed to the PREA Coordinator or Senior Leadership (Clinical Supervisor or Director) at the Residential facility.

3. The third-party report will follow existing investigative policy.

4. If the third-party report involves an incident that occurred at another facility, the report will be passed on to the facility.

5. If the third-party report is confirmed by the resident, the resident will be offered medical and emotional support services as outlined in PREA policies.

115.261 – Staff and Agency reporting duties

1. 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.

2. 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 security and management decisions while protecting the resident.
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.

APT Residential Services does not serve individuals under the age of 18.

The APT Foundation staff will report all allegations of sexual abuse and harassment, including third-party and anonymous reports, to the facilities designated investigators.

115.262 – Agency Protective Duties

1. 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 from the threat.

115.263 – Reporting to other confinement facilities

1. 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.

2. Notification to the other facility shall occur no later than 72 hours after receiving the allegation.

3. The APT Foundation will document that the notification to the other facility has occurred.

4. The agency head or agency office that receives the notification shall ensure that the allegation is investigated in accordance with these standards.

115.264 – Staff first responder duties

1. 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:

2. Separate the alleged victim and abuser;

3. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;

4. 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
5. 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.

6. 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).

7. The APT Foundation maintains a coordinated response plan to coordinate actions taken in
response to staff first responders, medical and mental health practitioners, investigators, and
facility leadership.

115.265 – Coordinated Response

The APT Foundation maintains a coordinated response plan to coordinate actions taken in response
to an incident of sexual abuse. The response plan coordinates efforts of first responders; medical and
mental health practitioners; investigators; and facility leadership. Some elements of the response
plan include:

a. Assist the initiating staff person in protecting and separating the alleged victim and
   aggressor;

b. Assist the initiating staff person in preserving the scene and evidence, as indicated;

c. Removing other residents from the vicinity where the emergency occurred;

d. Contacting a supervisor to report to the emergency location;

e. Contacting 911 and wait for emergency personnel to arrive on the scene and to direct to the
   emergency location;

f. Contacting the Women and Children’s Center to activate their response;

g. Contacting the Program Director to advise of the emergency;

h. The Program Director will contact APT Administration with any known details.

i. The Program Director or Clinical Supervisor will contact the resident’s referral source

j. The Program Director; APT Administration; and other professional staff will be utilized to
   coordinate supportive services for the victim.

k. APT Administration will initiate investigation of incident, in collaboration with other
   external entities, as indicated.

l. All other investigative policies are followed post-investigation.
The coordinated response plan delineates the full action steps involved and is posted in general staff areas throughout the facility.

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

1. 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.

2. Nothing in this standard shall restrict the entering into or renewal of agreements that govern:

3. The conduct of the disciplinary process, if such agreements are not inconsistent with the provisions of sections: 115.272 and 115.276; or

4. 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.

115.267 – Agency Protection against retaliation

1. The APT Foundation shall 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 and shall designate staff persons who are charged with monitoring for retaliation.

2. The APT Foundation shall employ multiple protection measures, such as housing changes or transfers for resident victim or abusers; removal or alleged staff or resident abusers from contact with victims; and emotional supports for residents or staff persons who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

3. The APT Foundation shall monitor for at least 90 days following a report of sexual abuse. The agency will 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 changes that may suggest possible retaliation by residents or staff. The APT Foundation shall act promptly to remedy any such retaliation. Items the APT Foundation will monitor include resident disciplinary reports; housing; programming changes; or negative performance reviews or reassignments of staff. The APT Foundation shall continue such monitoring beyond 90 days if the initial monitoring indicates a continued need.

4. The APT Foundation maintains a retaliation log where documentation of retaliation checks as they occur.

5. In the case of residents, such monitoring shall also include periodic status checks.
6. If any other individual who cooperates with an investigation expresses fear of retaliation, the APT Foundation shall take appropriate measures to protect that individual against retaliation.

7. The APT Foundation shall discontinue monitoring for any allegation that is deemed unfounded.

115.271 – Criminal and administrative agency investigations

Criminal Investigation:

1. The APT Foundation under no circumstance conduct a primary investigation of an active sexual assault. The matter will be directed to the New Haven Police Department for investigation.

2. The APT Foundation will fully cooperate with the New Haven Police Department during their investigation.

3. The APT Foundation will obtain New Haven Police Department investigation reports, when available.

4. The APT Foundation will protect any evidence, including physical or DNA, electronic monitoring, the victim, witnesses, and alleged perpetrator, pending arrival of New Haven Police Department.

5. The APT Foundation will conduct a secondary investigation for any case of an active sexual assault to determine corrective means to prevent occurrences in the future. The investigation will include the PREA incident report and PREA incident review elements. The secondary investigation will be completed by Managers who have completed the specialized training from the NIC (National Institute of Corrections).

6. The APT Foundation will immediately contract the Women and Families Center to assist the victim during initial examinations as part of the investigation as well as for follow-up medical and supportive counseling.

7. The APT Foundation will continue the investigative process if a person discharges from treatment prior to completion of any investigation.

8. The APT Foundation will provide referrals for continued medical and emotional support as part of discharge planning for any person who is leaving the facility.

9. The APT Foundation will contact New Haven Police Department in matters where a person reports a prior sexual assault, either at the Facility or at another location either prior to admission or during the current admission at the facility.
Administrative (Agency) Investigation

1. The APT Foundation shall immediately upon report begin an Administrative investigation for cases of sexual harassment or sexual abuse (non-assault). This is assuming there is little or no physical evidence at the time of the report.

2. The APT Foundation will immediately turn over any case of Sexual Harassment or Sexual Abuse (non-assault) to New Haven Police Department if it appears the matter is better served by Criminal Investigation.

3. The APT Foundation for the purpose of an Administrative Investigation will utilize Managers that have completed Specialized training through the NIC (National Institute of Corrections).

4. The investigation will include the PREA incident report and PREA incident review elements.

5. The APT Foundation will contract the Women and Families Center to assist the victim for follow-up medical, if applicable, and supportive counseling.

6. The APT Foundation will continue the investigative process if a person discharges from treatment prior to completion of any investigation.

7. The APT Foundation will provide referrals for continued medical and emotional support as part of discharge planning for any person who is leaving the facility.

115.272 – Evidentiary standards for administrative investigations

1. 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.

115.273 – Reporting to Residents

1. The APT Foundation responds to all complaints filed by residents either verbally or in writing. PREA complaints and will include whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

2. If an investigation is completed by an outside agency, the APT Foundation will request findings of the investigation in order to fulfill notification of the outcome of the investigation to the client.

3. Following a resident’s allegation that a staff member has committed sexual abuse against the resident, the APT Foundation shall subsequently inform the resident (unless the allegation is unfounded) whenever:

   a. The staff person is no longer posted within the resident’s unit;

   b. The staff person is no longer employed at the facility;
c. The APT Foundation learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or

d. The APT Foundation learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

4. The APT Foundation, following a resident’s allegation that he or she has been sexually abused by another resident, shall inform the alleged victim whenever:

a. The APT Foundation learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or

b. The APT Foundation learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility;

5. The APT Foundation shall document all such notifications or attempts to notification.

6. The APT Foundation’s obligation to report under this standard shall terminate if the resident is released from the agency’s custody.

.115.276 – Disciplinary sanctions for staff

1. The APT Foundation shall apply disciplinary sanctions up to and including termination to any staff person who violates the agency’s sexual abuse and harassment policies.

2. The APT Foundation shall utilize termination as the presumptive disciplinary sanction for a staff person that has engaged in sexual abuse.

3. The APT Foundation shall utilize 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 act committed, the staff person’s disciplinary history, and the sanctions imposed for comparable offenses by other staff persons with similar histories.

4. The APT Foundation shall report any termination for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, to law enforcement agencies, unless the activity was clearly not criminal. Reports to any relevant licensing bodies will also be made.

115.277 – Corrective actions for contractors and volunteers

1. The APT Foundation will report any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to law enforcement, unless the activity was clearly not criminal, and to relevant licensing bodies.
2. 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.

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 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.

115.282 – Access to emergency medical and mental health services

1. The APT Foundation shall ensure that 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. The APT Foundation maintains a comprehensive MOU to assist the APT Foundation in ensuring all necessary medical and mental health services are obtained.
2. 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.

3. 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. Family planning services, if applicable, shall be included.

4. 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.

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

1. 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.

2. The APT Foundation shall provide referral for follow-up, treatment planning, and continued care upon discharge from the facility. A pregnancy test for females may also be indicated.

3. The APT Foundation shall provide victims with medical and mental health services consistent with the community level of care.

4. The APT Foundation shall offer pregnancy testing for resident victims of sexually abusive vaginal penetration while incarcerated.

5. The APT Foundation will provide timely and comprehensive information and access to all lawful pregnancy-related medical services.

6. The APT Foundation shall offer victims of sexual abuse testing for sexually transmitted infections as medically appropriate.

7. The APT Foundation will provide all testing and treatment for medical and mental health services at no cost to the resident.

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

b) Review, if indicated, shall occur within 30 days of completion of the investigation.

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 access 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 mad 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.

115.287 – Data Collection

1. The APT Foundation shall collect accurate, uniform data for every allegation of sexual abuse at the facility using a standardized instrument and set of definitions.

2. The APT Foundation shall aggregate the incident-based sexual abuse data at least annually.

3. The APT Foundation’s 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.
4. The APT Foundation shall maintain, review, and collect data as needed from all available incident-based documents including reports, investigation files, and sexual abuse incident reviews.

5. The APT Foundation does not contract for the confinement of its residents.

6. The APT Foundation, upon request, shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

115.288 – Data review for corrective actions

(a) The APT Foundation shall review data collected and aggregated pursuant to Section 115.287 above in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:

(1) Identifying problem areas;

(2) Taking corrective action on an ongoing basis; and

(3) Preparing an annual report on its findings and corrective actions for the facility and agency.

(b) Such report shall include a comparison of the current year’s data and corrective actions with those from prior years and shall provide an assessment of the APT Foundation’s progress in addressing sexual abuse.

(c) The APT Foundation’s report shall be approved by the agency head and made readily available to the public through its website or other means.

(d) 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 the facility but must indicated the nature of the material redacted.

115.289 – Data storage, publication, and destruction

1. The APT Foundation shall ensure that data collected pursuant to section 115.287 are securely retained.

2. The APT Foundation shall make all aggregated sexual abuse data readily available to the public at least annually through its website or through other means.

3. The APT Foundation shall remove all personal identifiers before making aggregated sexual abuse data publicly available.

4. The APT Foundation shall maintain sexual abuse data collected pursuant to section 115.287 for at least 10 years after the date of the initial collection.
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 breast, 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 even 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.

For purposes of this part, the term-

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

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 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 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 breast; or taking image 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 staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.