APT FOUNDATION, INC.
APT RESIDENTIAL SERVICES (RSD)
POLICY: PREA **REVISED: July, 2022**

PRISON RAPE ELIMINATION ACT NATIONAL STANDARDS – COMMUNITY CONFINEMENT

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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 under-served 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 132 bed ASAM level III.5 facility, located at 54 East Ramsdell Street in New Haven, CT. 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 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 supervison 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.

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 closing, 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.5 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 LGBTQ 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 the PREA Coordinator.

(b)-2 The APT Foundation's PREA Coordinator has sufficient time and authority to Develop, Implement, and Oversee agency efforts to comply with PREA Standards.

(b)-3 The PREA Coordinator is a senior-level management position noted on the APT Foundation's administrative organizational chart.

(c)-1 The APT Foundation has designated the APT Foundation's Director of Clinical Operations/Corporate Compliance Officer as the PREA Compliance Manager.

(c)-2 The PREA Compliance Manager has sufficient time and authority to conduct staff training, investigations, and ongoing reporting, as indicated.

(c)-3 The PREA Compliance Manager is a senior-level management position noted on the APT Foundation's administrative organizational chart.

(c)-4 The PREA Compliance Manager reports to the President/CEO of the APT Foundation.

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 New Haven, 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.

(a)-3 The APT Foundation has entered into one (1) contract.

(a)-4 The APT Foundation has zero (0) other facilities that require a PREA auditing contract

(b)-1 The APT Foundation has one (1) facility that requires PREA audit and is currently under contract.

(b)-2 The APT Foundation has zero (0) other facilities that require a PREA auditing contract

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.5 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 plans to update and expand this capability.

(a)-2 APT Residential Services has maintained an average daily census of 100 residents during the current calendar year. The facility is currently licensed for 132 beds.

(a)-3 The staffing plan for APT Residential Services is based on the full licensed capacity of 132 beds.

(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. All per diem staff undergo the same onboarding and orientation as a regular employee would undergo.

(b)-2 The facility's staffing plan typically exceeds minimum staffing requirements. 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 conduct strip search and body cavity searches.

(a)-2 There have been no strip searches conducted at the facility during the past 12 months. The facility does not conduct body cavity searches.

(a)-3 There were no strip searches conducted at the facility during the past 12 months. Strip searches, when indicated and directed, only occur from a member of Medical Services.

(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.

All pat-downs are to occur in the designated area prior to entering the living and programming area in each unit and must occur in full camera view. Conducting a pat-down outside of these parameters are grounds for disciplinary actions up to and including termination.

All pat-downs are to occur as trained by facility leadership as recommended by CSSD in non-invasive manner.

(b)-2 Female residents maintain the same rights to programming and offsite visits as male residents.

(b)-3 There were no cross-gender pat-downs conducted during the past 12 months.

(b)-4 There were no cross-gender pat downs conducted during the past 12 months.

(c)-1 The APT Foundation does not conduct strip searches or body cavity searches.

(c)-2 There are no cross-gender pat downs at APT Residential Services. Pat-downs are only conducted by a staff person of the same gender. See (b)-1 above.

(d)-1 All residential quarters of APT Foundation Residential Services are staffed by members of the same gender. APT Residential Services does not permit same-gender staff to enter or observe bedrooms and toilet/shower facilities without out announcing their presence first. These visits typically correlate to hourly counts as required by regulation or an emergency situation.

(d)-2 Staff persons who may be entering the dormitory areas 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.

(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.

(e)-2 There were no searches of transgender or intersex persons during the past 12 months.

(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. (Also see (b)-1 above).

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.5 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. Emergency interpretation would be provided by online interpreting service in the presence of an APT Foundation staff person. The interpreter would not be onsite.

(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.

(c)-3 There has been no utilization of client interpreters during the past 12 months.

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 treats 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. The reference checks for potential employees with prior institutional employment will include inquiry about involvement in sexual abuse or resignation during an investigation, although many agencies place restrictions on the information permitted to be disclosed during a reference check. If an institution refuses to report this information, the request shall be documented.

d)-2 The APT Foundation conducts periodic background checks on all staff employed at the APT Foundation and with updates every five years, as indicated. The date of the last completed background check will be entered in the DATIS e3 Human Resources system for tickler system that will indicate pending background checks requiring update as well as any background checks that have expired and out of compliance.

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 has not acquired any new facilities or made any expansions or modifications to our existing facility during the past three years.

(b)-1 The APT Foundation Residential Services Division has not upgraded video monitoring systems in several years.

As part of the annual plan for the facility, consideration is made to areas that may be potentially identified as high-risk areas in the facility.

APT FOUNDATION, INC.
PREA POLICIES:

115.221 – Evidence protocol and forensic medical examinations

(a) The APT Foundation shall utilize the services of the CT State Police for investigations of sexual abuse, particularly cases where physical evidence may be present. The APT Foundation will follow secure the crime scene; separate victim and perpetrator; and remain with the victim pending arrival of investigating authorities to maximize the potential for obtaining usable physical evidence for administrative proceedings and criminal investigations.

(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 shall offer all victims of sexual abuse access to forensic medical examinations whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) r 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. The APT Foundation will document efforts to provide SAFEs and SANEs.

The APT Foundation will utilize the Yale New Haven Health – Bridgeport Hospital Campus for SAFE or SANE medical evaluations,

(d) The APT Foundation shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency shall make available to provide these services a qualified staff member from a community-based organization or a qualified agency staff member. The APT Foundation shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.

The APT Foundation will utilize the services of Women and Families Center for victim advocacy and supportive services following sexual assault. The Women and Families Center is located at 142 Temple Street, New Haven. The general number is: 203-235-9297. The sexual assault hotline is: 888-999-5545 (English) and 888-568-8332 (Spanish). The Women

and Families Center serves females, males, and the LGBTQ population. All ages are eligible for serves.

(e) As requested by the victim, the victim advocate, qualified agency staff member, qualified community-based organization staff member shall accompany 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

(g) The requirements of paragraphs (a) through (f) of this section may also apply to:

(1) Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in community confinement facilities; and

(2) Any Department of Justice component that is responsible for investigating allegations of sexual abuse in community confinement facilities.

(h) For the purposes of this standard, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

APT FOUNDATION, INC.
PREA POLICIES:

115.222 – Policies to Ensure Referrals of Allegations for Investigation

(a) In the case of a sexual abuse incident, the APT Foundation shall secure the incident location from staff and other residents while tending to the urgent needs of the victim. 911 will be called to assist in the initial investigation with the referral source and CT State Police contacted as indicated. The APT Foundation will make every effort to maximize the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

(b) The APT Foundation does not serve adolescents.

(c) Any victim of sexual abuse shall have immediate access to forensic medical examinations at a facility that is qualified to complete SAFE (Sexual Assault Forensic Examiners) or SANE (Sexual Assault Nurse Examiners). If a SAFE or SANE forensic examiner is not available, the examination will be completed by another qualified examiner. Yale New Haven Hospital would be the primary source for examinations. All efforts for examination will be documented accordingly. There is no cost to the client for any medical examinations.

(d) The APT Foundation will make available to the victim advocacy from a rape crisis center or other appropriate community-based referral source for additional services, as indicated. In addition to external referral, the APT Foundation maintains internal clinically licensed staff persons (LCSW, LPC) as well as Psychiatry and Primary Care services.

(e) The APT Foundation will provide support to any victim of sexual abuse throughout the forensic medical examination, investigational interviews, as well as ongoing emotional support while at the facility. Further, the facility will ensure that the victim is connected to community-based supports following completion of the program.

(f) The APT Foundation will ensure that any external group investigating or collaborating in the investigation of a sexual assault will follow items (a) through (e) above.

(g) Paragraphs (a) through (f) shall also apply to:

(1) Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in community confinement facilities.

(2) Any Department of Justice component that is responsible for investigating allegations of sexual abuse in community confinement facilities.

(h) The APT Foundation will deter to an external, appropriately qualified, medical staff person to complete any forensic medical examinations following a sexual abuse case.

APT FOUNDATION, INC.
PREA POLICIES:

§115.222 – Policies to Ensure Referrals of Allegations for Investigations

(a) The APT Foundation will conduct an administrative or criminal investigation for all allegations of sexual abuse and/or sexual harassment.

(b) The APT Foundation will typically initiate an administrative investigation 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 all criminal investigations to the appropriate external body to conduct the investigation, including the CT State Police. This information is included on the APT Foundation's website regarding sexual harassment and sexual abuse.

(d) The CT State police are the preferred investigative unit for all potentially criminal allegations of PREA-related incidents by the State of Connecticut Department of Corrections (DOC) and the State of Connecticut Court Support Services Division (CSSD). The CT State Police maintain established policy regarding PREA investigations.

(e) The Department of Justice maintains policies for conducting administrative or criminal investigations of sexual abuse or harassment in community confinement facilities.

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 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.

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.

(a)-2 The APT Foundation has not utilized a contractor during the past 12 months that would qualify for formal PREA education according to our policy. All outside contractors do not work in areas while residents are present. Any emergency work that might be necessary where movement of residents is not possible, the contractors are under constant observation of APT Foundation staff.

(b)-1 All training provided by the APT Foundation is designed to meet the need of the target audience.

(b)-2 All persons, including volunteers and contractors are notified of the agency's zero-tolerance policy regarding sexual abuse, sexual harassment, and informed how to report such incidents.

(c)-1 The APT Foundation maintains permanent records of all trainings providing, including PREA, which includes the participant's understanding of the training they participated in.

APT FOUNDATION, INC.
PREA POLICIES:

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 on an ongoing basis as part of the treatment planning session. This is documented in the electronic health record.

APT FOUNDATION, INC.
PREA POLICIES:

115.234 – Specialized Training: Investigations

(a)-1 The APT Foundation does not conduct criminal investigations into incidents of sexual abuse, particularly in events where evidence may be a factor in the investigation. The investigations refer to the CT State Police. The APT Foundation will cooperate in the criminal investigation and will conduct an incident review and follow-up post-incident to determine means to reduce future recurrence, if possible.

The PREA Coordinator completes specialized Investigation training. The PREA Coordinator also required several members of the Facility Leadership team also undergo this training to provide back-up support in his absence.

(c)-1 The APT Foundation may complete non-criminal investigations of sexual abuse or harassment and/or may refer to community-based organizations specializing in crisis-related services for affected populations to assist in such an investigation, if indicated.

(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.

APT FOUNDATION, INC.
PREA POLICIES:

115.235 – Specialized Training: Medical and Mental Health Care

(a)-1 The APT Foundation requires all clinical and medical staff providing care and evaluation services at the Facility undergo specialized training in Mental Health or Medical Care for Sexual Abuse victims.

The APT Foundation requires the training be completed a minimum of once every 5 years for established employees.

The APT Foundation requires annual acknowledgement of APT Foundation PREA policy and procedures.

(a)-2 All APT Foundation Physician and Advance Practice Nurses, regardless of whether they are working in the Residential facility, receive annual training to the agencies PREA policies, including zero tolerance and reporting mechanisms.

(b)-1 The APT Foundation shall utilize the Yale New Haven Health – to complete forensic evaluations.

(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 abuse 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 LGBTQ liaison (Director of Clinical Operations) 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 LGBTQ residents to separate, dedicated wings in the facility. All LGBTQ 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 and in the Resident Handbook.

b) The APT Foundation posts the number of the Women and Families Center Hotline in the Residential Handbook as well as in posters throughout the facility as an external means to report incidents of SA/SH outside of the agency. The established MOU is comprehensive and recognizes the collaborative responsibility of each agency for the good of persons served that can only occur with effective communications. Both agencies shall respect the confidential nature of these discussions.

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 also posts the number of the on-call after hour supervisor in the Residential Handbook as well as in posters throughout the facility for Residents to report incidents of SA/SH.

APT FOUNDATION, INC.
PREA POLICIES:

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.

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 for emotional support services related to sexual abuse by giving residents mailing addresses and telephone numbers, including toll-free hotline numbers, of local, State, or national victim advocacy or rape crisis organizations, and by enabling reasonable communication between residents and these organizations in a confidential manner. Clinical staff working in the facility will assist residents with these contacts with 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. In cases where a formal agreement via MOU is in place, the agency maintains files in the administrative offices.

APT FOUNDATION, INC.
PREA POLICIES:

115.254 – Third Party Reporting

(a) The APT Foundation reporting mechanisms, including contact telephone numbers are contained on the APT Foundation website for both the PREA Administrator and the after-hour's supervisory staff.

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.

(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 security and 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 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 Administrator 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 appropriate steps can be taken to collect 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 24-hours/day, 7 days/week , Clinical and Nursing Staff are available during the 1st and 2nd shift daily.

APT FOUNDATION, INC.
PREA POLICIES:

115.265 – Coordinated Response

The APT Foundation follows a team response to any emergency situation that presents at APT Residential Services. Any staff person can initiate the response following a suspected emergency. The initial staff person is charged with controlling the emergency while alerting other staff persons that assistance is needed. The initial staff person shall remain in position until a supervisory staff person can take control of the emergency situation. Other staff persons activated shall:

(1) Assist the initiating staff person in protecting and separating the alleged victim and aggressor;

(2) Assist the initiating staff person in preserving the scene and evidence, as indicated;

(3) Removing other residents from the vicinity where the emergency occurred;

(4) Contacting a supervisor to report to the emergency location;

(5) Contacting 911 and wait for emergency personnel to arrive on the scene and to direct to the emergency location;

(6) Contacting the Program Director to advice of the emergency situation;

(7) The Program Director will contact APT Administration with any known details.

(8) The Program Director or Clinical Supervisor will contact the resident's referral source

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

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

(11) All other investigative policies are followed post-investigation.

APT FOUNDATION, INC.
PREA POLICIES:

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

This standard is not applicable. The APT Foundation does not participate in collective bargaining.

APT FOUNDATION, INC.
PREA POLICIES:

115.267 – Agency Protection against retaliation

(a)-1 The APT Foundation maintains a comprehensive Code of Ethical Conduct and Compliance plan for all employees. The APT Foundation policy explicitly includes all individuals having the right to file a grievances and other report, that individuals are free to report any real or perceived incident without fear of retaliation.

(a)-2 The Corporate Compliance Officer is charged with enforcement of the Code of Ethical Conduct and Compliance plan for the agency. Complaints of retaliation would be fully investigated by the Corporate Compliance Officer.

(a)-3 The APT Foundation will monitor and document for potential retaliation. Retaliation on the part of a staff person would be grounds for disciplinary actions up to and including termination of employment. There have been zero (0) incidents of retaliation during the past 12 months.

APT FOUNDATION, INC.
PREA POLICIES:

115.268 - Reserved

APT FOUNDATION, INC.
PREA POLICIES:

115.271- Criminal and administrative agency investigations

The APT Foundation will not conduct compelled interviews since we will not conduct criminal investigations.

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. All reports are required to be provided within 30 days, unless determination requires additional time and the person is notified accordingly and with an estimated date of completion.

(a)-2 The facility has had no PREA complaints in the past 12 months.

(a)-3 The facility has had no PREA complaints in the past 12 months.

(b)-1 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.

(b)-2 There were no investigations completed by outside agencies during the past 12 months.

(b)-3 There were no investigations completed by outside agencies during the past 12 months.

(c)-1 There have been no complaints of staff to client complaints.

(c)-2 NA

(d)-1 There were no complaints of sexual abuse or harassment at the facility.

(e)-1 The APT Foundation's grievance policies, including PREA, require written response to the findings of any grievance filed.

(e)-2 0

(e)-3 0

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.

(b)-1 There have been no complaints of violation of sexual abuse or harassment policies by employees of the APT Foundation during the past 12 months.

(b)-2 NA

(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.

(c)-2 There have been no complaints of violation of sexual abuse or harassment policies by employees of the APT Foundation during the past 12 months.

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

(d)-1 There have been no complaints of violation of sexual abuse or harassment policies by employees of the APT Foundation during the past 12 months, therefore, there have been no complaints filed with law enforcement or licensing bodies.

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 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 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.

(a)-1 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.

(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 may also be indicated.

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) 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.

APT FOUNDATION, INC.
PREA POLICIES:

115.287 – Data Collection

(a) 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.

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

(c) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

(d) 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.

(e) Not applicable

(f) Upon request, the APT Foundation shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

APT FOUNDATION, INC.
PREA POLICIES:

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 as a whole.

(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.

APT FOUNDATION, INC.
PREA POLICIES:

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 password protected network meets and exceeds requirements via HIPAA and Federal Statues 42CFR for records of persons with substance and mental health diagnoses. These standards are more stringent than traditional medical settings.

3. The APT Foundation's PREA policies are available to the public through its website.

4. The APT Foundation shall make all aggregated sexual abuse data readily available to the public at annually through its website.

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

b) 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 unless Federal, State of Local law requires a longer period of retention.

115.293 – Audit of standards

The APT Foundation shall conduct audits pursuant to sections 115.401-405.

APT FOUNDATION, INC.
PREA POLICIES:

115.401- Frequency and scope of audits

a) During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the agency shall ensure that each facility operated by the agency is audited at least once.

b) During the one-year period starting on August 20, 2013, the agency shall ensure that at least one-third of each facility type operated by the agency is audited.

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 of 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 42U.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.

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:

_____

_____

_____

_____

_____

Status Update for Alleged Perpetrator, If Known:

_____

_____

_____

REVIEW QUESTIONS

1. Did the allegation or investigation indicate a need to change policy or practice to better prevent, detect, or respond to sexual abuse?

2. Did staff follow proper protocols at the time of the incident? Are there additional training needs recommended?

3. Did Residents cooperate during the incident? Are there additional discussion or feedback items that could be presented to the Resident Community?

4. Was the incident or allegation motivated by race; ethnicity; gender identity; LGBTQI identification; Status; or Perceived Status; Gang Affiliation; or motivated or otherwise caused by group dynamics at the facility?

5. In examination of the area where the incident allegedly occurred, are there physical barriers in the area that may enable abuse?

6. If the examination indicates an area of potential abuse, are staffing levels adequate to properly monitor the space during different shifts?

7. If the examination indicates an area of potential abuse, should additional monitoring technology be deployed or augmented to support staff supervision of the area?

8. Any findings and/or recommendations should be reported to the PREA Compliance Manager and/or President/CEO for further review and potential implementation.

9. Other discussion points from the review that could assist in preventing an incident from Sexual Abuse or Harassment in the future:

Signature of Review Chair: _____

Date/Time of Review: _____

Reminder: Victim needs to be advised of Outcomes within 30 days of the Incident,
Unless Notified of a Need for Extension and Revised Time Expectation