

Community Education Centers

Facility/Program Operating Mandate		CEC Number: 1200.06	Date Issued: 12/06
Chapter: Program Services/ Resident (Inmate/Detainee) Rights	Related Standard(s): 4-ACI-4281-1; 4-ACI-4281-2; 4-ACI-4281-3; 4-ACI-4281-4; 4-ACI-4281-5; 4-ACI-4281-6; 4-ACI-4281-7; 4-ACI-4281-8; 4-ACI-4406; 4-ACRS-6A-05; 4-ALDF-4D-22; 4-ALDF-4D-22-1; 4-ALDF-4D-22-2; 4-ALDF-4D-22-3; 4-ALDF-4D-22-4; 4-ALDF-4D-22-5; 4-ALDF-4D-22-6; 4-ALDF-4D-22-7; 4-ALDF-4D-22-8; ICE 2011 PBNDS 2.11; 28.CFR Part 115 (PREA National Standard)	Date Revised: 09/03/13 06/20/14 08/01/14	Effective Date: 01/01/07 10/01/13 06/25/14 08/18/14 01/01/15
		Subject: Prison Rape Elimination Act (PREA)	

- A. PURPOSE:** The purpose of this policy and procedure is to provide information to staff and residents on sexual misconduct/assault/rape in order to prevent, detect and respond to these types of incidents.
- B. SCOPE:** Community Education Centers Staff of all facilities, programs and offices.
- C. POLICY:** Community Education Centers (“CEC”) operations shall be based upon a fundamental commitment to treating residents with dignity and respect. CEC has a “zero-tolerance policy” relative to sexual misconduct. All facilities/programs shall comply with federal and respective state laws as they pertain to PREA, sexual violence and sexual misconduct. If there is a variation in laws, the stricter regulation will apply.

It is the policy of CEC to provide training to staff and residents to prevent sexual misconduct and to fully investigate and prosecute those involved in such conduct. This policy shall be available to all staff, contractors, volunteers, interns, visitors and residents.

CEC will designate at least one upper level corporate staff member to become the PREA Coordinator to ensure compliance with all standards across agency programs/facilities (PREANS 115.11, 115.211, 115.311). In Juvenile and Adult Prisons and Jails, each facility shall designate a PREA Compliance Manager with sufficient time and authority to coordinate the facility’s efforts to comply with PREA standards (PREANS 115.11c, PREANS 115.311c). This designation can be incorporated into an existing job description or can be a

stand-alone position based on the facility size and security level, with proper approval from Senior Management.

All new contracts and contract renewals for the confinement of residents will include the contract agency's obligation to adopt and comply with PREA standards. Any new contract or contract renewal will provide for monitoring to ensure the contractor is complying with PREA standards.

D. DEFINITIONS:

Gender Expression: The physical manifestation of one's gender identity, usually expressed through clothing, mannerisms, and chosen names.

Gender Identification: The conviction of belonging to a particular sex, regardless of whether this corresponds to his or her anatomical sex.

Gender Non-Conforming: Gender characteristics and/or behaviors that do not conform to those typically associated with a person's biological sex.

Institutional Sexual Conduct: The act of any employee, contract employee, internal, volunteer, or individual who performs work or volunteer functions for CEC facilities that involves sexual assault/rape or sexual misconduct with a resident under the supervision of CEC and its contracted agency.

Intersex: An individual born with external genitalia, internal reproductive organs, chromosomes patterns and/or endocrine systems that do not seem to fit typical definitions of male or female.

Mental Health Care Practitioner: (For this policy only): Mental health care practitioners shall be considered those who are licensed to provide mental health services to the population.

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

Sexual Abuse: A resident commits this offense when he/she has active or passive contact or fondling between his genitals, hand(s), mouth, buttocks, anus, or breast and the genitals, hand(s), mouth, buttocks, anus, or breast of another person. Contact can be with or without clothing being worn by one or both parties.

Sexual Assault/Rape: The act of unwanted sexual intrusion, sexual contact, or sexual penetration by any person on another by force, threat, coercion, or intimidation.

Sexual Assault/Rape Victim: A person who reports having been subjected to sexual assault/rape.

Sexual Harassment:

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

Sexual Misconduct: Any behavior or act of a sexual nature directed toward anyone by another person. Sexual misconduct includes, but is not limited to: acts, threats, requests for sexual acts, or attempts to commit acts such as sexual contact, obscenity, behavior of a sexual nature or implication of the same, taking or soliciting photographs/pictures of a person's nude breasts, genitalia or buttocks, indecent exposure, invasion of privacy for sexual gratification, inappropriate touching or incidents of intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks or other body parts with the intent to abuse, arouse, or gratify sexual desire or incidents of indecent exposure of breasts, genital areas, or other body parts, even with consent in an institution. Any procedure such as, but not limited to: taking pictures/photographs, pat searches, or medical exams that are required by department policy, procedure, or process are not defined as sexual misconduct.

Transgender: Persons whose gender identity differs from their gender assigned at birth.

Zero Tolerance Policy: In no case will the notion of “consensual sex” in a custodial or supervisory relationship be allowed. Any sexual assault/rape or sexual misconduct between employees or agents of CEC and residents violates professional and ethical principals, and CEC policies. All allegations of sexual assault/rape or sexual misconduct will be investigated. If applicable, criminal charges will be filed and/or a professional standard investigation will be conducted which may result in corrective and/or disciplinary action, including termination. Failure of staff members to report incidents of sexual assault/rape or sexual misconduct may result in corrective and/or disciplinary action, including termination.

Types of Sexual Assault/Rape or Sexual Misconduct:

1. Resident-on-Resident:
 - a. One or more residents engaging in, attempting to engage in, or the completion of a sexual act with another resident.
 - b. Use of threats, intimidation, force, or other actions and/or communications

reasonably calculated to cause submission of another resident to engage in a sexual act against that resident's will.

c. Any sexual touching, attempt or "consensual" act is prohibited by CEC under a zero-tolerance policy.

2. Resident -on-Staff:
All cases involving sexual assault/rape or sexual misconduct will be referred to the Lead Facility Administrator, Chief Operating Officer and if appropriate local law enforcement pursuant to State Statute.
3. Staff-on-Resident:
Acts of sexual assault/rape or sexual misconduct against residents, retaliation against residents who refuse to submit to sexual activity, or intimidation of a witness may be a crime.

E. PROCEDURES:

Staff Training

1. Staff members shall receive comprehensive training upon hire in the prohibition, identification, reporting and prevention of sexual assault/rape or sexual misconduct. The training shall meet all areas of PREANS 115.31a, 115.231a, 115.331a).
2. Annual in-service training on sexual assault/rape or sexual misconduct will be conducted.
3. PREA training shall be tailored to the gender of the residents at the employee's facility. Any employee who is reassigned from a male only facility to a female only facility, or vice versa, shall receive additional training relative to the gender of the residents at their new facility (PREANS 115.31b, 115.231b, 115.331b).
4. All volunteers, interns and contractors who have repeated contact with residents must be trained in their responsibilities under this policy and procedure. The level and type of training shall be based on the services they provide and the level of contact they have with residents, but all will be notified of the agency's zero-tolerance policy regarding sexual abuse, sexual assault/rape, sexual misconduct and sexual harassment and informed how to report such incidents. The facility shall maintain documentation confirming the volunteer/intern/contractor understands the training (PREANS 115.32a.b.c, 115.232a.b.c, 115.332a.b.c). Volunteers and contractors who do not have repeated contact with residents shall sign the Visitor's Log which shall have a statement such as "This facility has zero-tolerance for all forms of sexual abuse and harassment. If you are involved or witness an incident of

sexual abuse or harassment of our residents, you must report such immediately to the Lead Facility Administrator or designee”.

5. All training shall be documented. Through staff/ volunteer/ intern/ contractor signature or electronic verification, employees will document that they understand the training they received. (PREANS 115.31d, 115.231d, 115.331d) Refresher training shall be documented through a signature of understanding as well.

Specialized Training: Investigations (ONLY FOR SITES THAT PERMIT CRIMINAL INVESTIGATIONS TO BE CONDUCTED BY STAFF)

1. In addition to the general training provided to all staff pursuant to this policy, the Lead Facility Administrator shall ensure that, to the extent the facility itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations. (PREANS 115.34a, 115.234.a, 115.334a)
2. Specialized training shall include age-appropriate techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection and the criteria and evidence required to substantiate a case for administrative or criminal action. (PREANS 115.34b, 115.234.b, 115.334b)
3. Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations. (PREANS 115.271.b)
4. All training shall be documented. Through staff/ volunteer/ intern/ contractor signature or electronic verification, employees will document that they understand the training they received (PREANS 115.34c, 115.234.c, 115.334c).

Specialized Training: Medical and Mental Health Care (For the purposes of this policy, Mental Health Care practitioners shall be considered those who are licensed to provide mental health services to the population)

1. The agency shall ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: (PREANS 115.35a, 115.235a, 115.335a)
 - How to detect and assess signs of sexual abuse;
 - How to preserve physical evidence of sexual abuse;
 - How to respond effectively and professionally to victims of sexual abuse; and
 - How and to whom to report allegations or suspicions of sexual abuse.
2. Medical staff shall be trained to not conduct forensic examinations (PREANS 115.35b, 115.235b, 115.335b).
3. All training shall be documented. Through staff/ volunteer/ intern/ contractor

signature or electronic verification, employees will document that they understand the training they received (PREANS 115.35c, 115.235c, 115.335c).

4. Medical contractors shall also receive the training mandated for volunteers/interns/contractors mandated for all employees (PREANS 115.35d, 115.235d, 115.335d).

Resident Orientation Training

1. Upon admission, all residents will receive an orientation that includes CEC's zero-tolerance policy relating to sexual assault/rape or sexual misconduct and how to report it. This will also include information about sexual misconduct, including background information on PREA, prevention, intervention, self-protection, reporting, treatment and counseling and confidentiality. Training will occur via video presentation ("*Facing Prison Rape II*") or through training curriculum approved by the Corporate Director of Training. This training must be in addition to what is provided in the Resident Handbook. (PREANS 115.33a, 115.233a, 115.333a)
2. The facility will take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agencies PREA efforts (PREANS 115.16a, 115.216a, 115.316a).
3. The information will be communicated orally and in written form in a manner that is clearly understood by the resident, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as residents who have limited reading skills (PREANS 115.16a.b, 115.216a.b, 115.316a.b; 115.33d, 115.233c, 115.333d).
4. Residents will be required to sign an acknowledgment of having received this information. A copy of the acknowledgment will be maintained in the residents' file. (PREANS 115.33e, 115.233.d, 115.333e)
5. The Prison and Jail facilities, within 30 days of intake, the agency shall provide a more comprehensive education to residents either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents (PREANS 115.33b). For Juvenile facilities (PREANS 115.333b), this comprehensive piece shall be within 10 days of intake and the facility shall ensure it is age appropriate. At Community Confinement facilities, this facility shall provide refresher information regarding PREA with specific information as to procedures at the facility (PREANS 115.233b).
6. In addition to providing such education, the facility will ensure that information is

continuously and readily available or visible to residents through posters, handbooks or other written formats (PREANS 115.33f, 115.233.e, 115.333f).

Resident Assessment

1. Residents shall be assessed using the objective assessment instrument entitled the CEC PREA Screener – Corporate Form C-7 unless required differently by state regulations. Trained intake staff or case managers will complete the PREA Screener with the resident within 72 hours of arrival to the facility (whether new intake or a transfer) for potential vulnerabilities or tendencies with regards to sexually aggressive behavior. Housing assignments shall be made accordingly for any separation needs (PREANS 115.41a.b.c, 115.241a.b.c, 115.341a,b). In Juvenile facilities, this screener shall be administered periodically throughout their confinement using personal history and behavior to reduce the risk of sexual abuse (PREANS 115.341a).
2. Residents identified as “high risk” shall be monitored, segregated if necessary, and counseled accordingly. For the purposes of this policy, “high risk” shall be defined as those residents with a history of sexually assaultive behavior.
3. Residents identified as “at risk” for sexual victimization shall be monitored, segregated if necessary, and counseled.
4. The intake screening shall consider, at a minimum, the following criteria to assess resident’s for risk of sexual victimization: (PREANS 115.41d.e, 115.241.d.e, 115.341c)
 - Whether the resident has a mental, physical, or developmental disability;
 - The age of the resident;
 - The physical build of the resident;
 - Whether the resident has been previously incarcerated;
 - Prior acts of sexual abuse, prior convictions for violent offenses and history of prior institutional violence or sexual abuse;
 - Whether the resident’s criminal history is exclusively nonviolent;
 - Whether the resident has prior convictions for sex offenses against an adult or child;
 - Whether the resident is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
 - Whether the resident has previously experienced sexual victimization;
 - The resident’s own perception of vulnerability;
 - Whether the resident is detained solely for civil immigration purpose.
 - In Juvenile facilities, this information shall be ascertained through conversations with the resident during the intake process and medical and mental health screenings, during classification assessments and by reviewing court records, case files, facility behavioral records and other relevant

documentation from the resident's files. The information shall also include (PREANS 115.343d):

- a. Intellectual and developmental disabilities;
 - b. Level of emotional and cognitive development; and
 - c. Any other specific information that may indicate heightened need for supervision, additional safety precautions or separation from certain other residents.
5. Residents may not be disciplined for refusing to answer, or for not disclosing complete information in response to questions. (PREANS 115.41h, 115.241.h)
 6. The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this section in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents (PREANS 115.41i, 115.241.i, 115.341e).
 7. The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing residents for risk of being sexually abusive. (PREANS 115.41e, 115.241.e)
 - For facilities falling under Prisons and Jails or Juvenile standards, if the screening indicates that a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the resident is offered a follow-up meeting with a medical or mental health practitioner within fourteen (14) days of the intake screening (PREANS 115.81ac, 115.381a).
 - For facilities falling under Prisons and Jails or Juvenile standards, if the screening indicates that a resident has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the resident is offered a follow-up meeting with a mental health practitioner within fourteen (14) days of the intake screening (PREANS 115.81b, 115.381b).
 - For facilities falling under Prisons and Jails or Juvenile standards, any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by federal, state, or local law (PREANS 115.81d, 115.351c).

- For facilities falling under Prisons and Jails or Juvenile standards, medical and mental health practitioners shall obtain informed consent from residents before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the resident is under the age of eighteen (18) (PREANS 115.81e, 115.381d).
 - If a resident is identified as vulnerable to sexual victimization or as having predatory tendencies, this information will be relayed to mental health staff.
 - Residents with a history of sexually assaultive behavior shall be identified, monitored, and counseled. Residents identified as high risk with a history of sexually assaultive behavior shall be assessed by a mental health or other qualified professional.
 - The facility shall attempt to conduct a mental health evaluation of all known resident-on-resident abusers within sixty (60) days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners (PREANS 115.83h, 115.283h, 115.383h).
 - Residents at risk for sexual victimization shall be identified, monitored, and counseled. Residents identified as at risk for sexual victimization shall be assessed by a mental health or other qualified professional.
7. All information regarding a resident's risk for sexual victimization or predatory behaviors shall be forwarded to the resident's case manager to be included in the resident's case plan. This case plan will travel with the resident throughout his/her term of supervision and serve as a method for information sharing between facilities and field services staff.
 8. Within a set period of time, not to exceed thirty (30) days from the resident's arrival at the facility, the facility will reassess the resident's risk of sexual victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening (PREANS 115.41f, 115.241.f). This shall be accomplished using a chart review, however if information is discovered that reveals the resident may be likely as a victim or abuser, a full re-assessment will be completed using the PREA Screener (CEC Corporate Form C-7).
 9. A resident's risk level shall also be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the resident's risk of sexual victimization or abusiveness (PREANS 115.41g, 115.241.g)

10. If during the re-evaluation the resident's initial screening results need to be modified, the case manager will complete the necessary section of the PREA Screener (CEC Corporate Form C-7).
11. The agency shall use information from the risk screening conducted pursuant to this section to inform housing, bed, work, education, and program assignments with the goal of keeping separate, or under direct supervision of staff, those residents at high risk of being sexually victimized from those at high risk of being sexually abusive (PREANS 115.42a, 115.242.a, 115.342a).
12. The agency shall make individualized determinations about how to ensure the safety of each resident (PREANS 115.42b, 115.242.b).
13. In Prison and Jails and Juvenile facilities/programs, residents may be isolated only as a last resort and when less restrictive measures are inadequate to keep them safe. During any period of isolation, juvenile facilities shall not deny residents daily large-muscle exercise and any legally required educational programming or special education services. Residents in isolation shall receive daily visits from a medical or mental health care clinician. Residents shall also have access to other programs and work opportunities to the extent possible. In Prison and Jail facilities, those placed in segregation for this purpose shall have access to programs, privileges, education and work opportunities to the extent possible (PREANS 115.43b, 115.343b). If a resident is isolated, the facility/program shall clearly document the basis for the concern for safety, the reason why no alternative means of separation can be arranged, opportunities that have been limited, the duration of the limitation and the reasons for such limitation (PREANS 115.43b.d, 115.343h). Every 30 days, the facility/program shall afford these residents a review to determine whether there is a continuing need for separation from the general population (PREANS 115.43e, 115.343i).
14. When the facility/program learns that a resident is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the resident (PREANS 115.62, 115.262, 115.362).

Searches

1. In facilities that allow by contract strip and/or body cavity searches, the facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by medical practitioners. If the circumstance requires a cross-gender search, the staff member shall document and justify the reason (PREANS 115.15a.c, 115.215a.c, 115.315a.c).

2. The facility shall not permit pat searches of females by male staff except in exigent circumstances. If the circumstance requires this type of search, the staff member shall document and justify the reason (PREANS 115.15b.c, 115.215b.c, 115.315b.c).
3. Operations/security staff shall be trained in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Transgender and Intersex Residents.

1. In the case of transgender searches, the resident should be asked which gender staff member they prefer to perform the search. If the resident does not have a preference, the search should be performed by a staff member of the same sex as the resident's gender expression.
2. The facility shall not search or physically examine a transgender or intersex residents for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or if necessary, by learning that information as a part of a broader medical examination conducted in private by a medical practitioner. (PREANS 115.15e, 115.215.e, 115.315e)
3. In deciding where to assign a transgender or intersex resident, the facility shall consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether placement would present management or security problems (PREANS 115.42c, 115.242c, 115.342c).
4. A transgender or intersex resident's own views with respect to his or her own safety shall be given serious consideration (PREANS 115.42e, 115.242.d, 115.342f)
5. In Juvenile and Prison and Jail facilities/programs, placement and programming assignments for each transgender or intersex resident shall be reassessed at least twice each year to review any threats to safety experienced by the resident (PREANS 115.42d, 115.342e).
6. Transgender and intersex residents shall be given the opportunity to shower separately from other residents. (PREANS 115.42f, 115.242e, 115.342g)
7. The agency shall not place lesbian, gay, bisexual, transgender, or intersex residents in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in

connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such residents. (PREANS 115.42f, 115.242f, 115.342c)

Prevention

1. The Lead Facility Administrator will take all necessary steps to prevent rapes, assaults and other violent behaviors in the program/facility. Preventative measures may include, but are not limited to:
 - a. Physical plant strategies
 - Sight and sound separation in co-ed facilities
 - Educational posters
 - Mirrors
 - Cameras/Video Monitoring
 - Emergency call buttons
 - Staff supervision
 - In Juvenile and Prison and Jail facilities, an intermediate or higher-level supervisor shall make at least one unannounced round of all areas on each shift, each month, in an effort to deter staff abuse and sexual harassment. Staff are prohibited from alerting on-duty staff when these rounds are occurring. These rounds shall be documented in the unit log (PREANS 115.13.d, 115.313d)
 - Staff of the opposite gender must announce their presence when entering a resident housing area and bathrooms. Staff are prohibited from observing residents of the opposite gender while they are showering, performing bodily functions and/or changing clothing, including through video surveillance (115.15d, 115.215d, 115.315d).
 - b. Staff Training
 - Staff shall be educated with regards to inmate rape, sexual assault, employee-resident behaviors, as well as the method of reporting these violations during orientation to the facility.
 - Emphasis should be given on the recognition and prevention of these behaviors.
 - Other training (Response and reporting; investigative training, etc.)
 - c. Constant communication
 - d. Staffing
 - Each facility/program shall develop and document a staffing plan that provides for adequate levels of staffing which helps to protect residents against sexual abuse. In calculating adequate staffing levels the facilities/ programs shall take into consideration: the physical layout of each facility, the compositions of the resident population, the prevalence of substantiated and unsubstantiated incidents of sexual abuse, and any other relevant factors. (PREANS 115.13.a, 115.213.a, 115.313a). In circumstances where the staffing plan is not

complied with, the facility shall document and justify all deviations from the plan and advise the Corporate PREA Coordinator as well as Corporate Senior Management. (PREANS 115.13.b, 115.213.b, 115.313.b).

- In Juvenile Facilities, the facility shall maintain a staff ratio of a minimum of 1 to 8 during waking hours and 1 to 16 during sleeping hours except during limited and discreet exigent circumstances, which shall be fully documented. Only security staff shall be included in this ratio. (PREANS 115.313.c)
- At Community Confinement facilities, whenever necessary but no less frequently than once each year, the facility shall conduct a staffing analysis in consultation with the PREA Coordinator. At Juvenile and Prisons and Jail facilities, CEC Senior Management or designee, in consultation with the PREA Coordinator, shall conduct a staffing analysis. Determination shall be based on:
 1. The staffing plan established in this section;
 2. The facility's deployment of video monitoring and other monitoring technologies;
 3. The resources the facility has available to commit to ensure adequate staffing levels;
 4. Prevailing staffing patterns.
- The facility/program shall not hire or promote anyone who may have contact with residents, and shall not enlist the services of any contractor who may have contact with residents, who: (PREANS 115.17a, 115.217a, 115.317a)
 1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution.
 2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt, or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 3. Has been civilly or administratively adjudicated to have engaged in the activity described in this section.
- The facility/program shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents. (PREANS 115.17b, 115.217.b, 115.317b)

- Before hiring new employees who may have contact with residents, the facility/program shall: (PREANS 115.17c, 115.217c, 115.317c)
 1. Perform a criminal background records check; and
 2. Consistent with federal, state and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- 2. In Juvenile facilities, the facility/program shall consult with any child abuse registry maintained by state or locality in which the employee would work. (PREANS 115.317c.2)
 - The facility/program shall also perform a criminal background records check before enlisting the services of any contractor or volunteer who may have contact with residents. (PREANS 115.17d ,115.217d, 115.317d)
 - All CEC employees who may have contact with residents will be subject to a criminal background record check at least once every five years. Current employees found to have committed previous acts of sexual misconduct will be ineligible for promotions and may be subject to termination. Additionally, every employee will be required as part of the annual performance review process to disclose any *previously undisclosed* incidences of misconduct. As a reminder, every CEC employee has an on-going obligation to disclose any such misconduct and may be terminated for material omissions or providing materially false information regarding such conduct. (PREANS 115.17e, 115.217e, 115.317e)
 - The facility/program shall ask all applicants and employees, contractors and volunteers who may have contact with residents directly about previous misconduct described in this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews or current employees. Employees shall have a continuing affirmative duty to disclose any such misconduct. (PREANS 115.17f, 115.217f, 115.317f)

- Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination. (PREANS 115.17g, 115.217g, 115.317g)
 - Unless otherwise prohibited by law, the facility/program shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for who such employee has applied to work. (PREANS 115.17h, 115.217h, 115.317h)
3. In Prison and Jail facilities, youthful inmates shall not be placed in a housing unit in which the youthful inmate will have sight, sound or physical contact with any adult inmate (aged 18 or older) through use of a shared dayroom or other common space, shower area or sleeping quarters. In areas outside the housing units the facility shall either maintain sight and sound separation at all times or provide direct staff supervision when youthful and adults inmates may have sight, sound or physical contact. Facilities shall avoid placing youthful inmates in isolation to comply with this provision (PREANS 115.14).

Reporting Procedures

1. A resident may report sexual abuse and sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents to any staff member, either verbally or in writing (PREANS 115.51a, 115.251a, 115.351a). A resident may correspond directly with the Lead Facility Administrator or Corporate Senior Management if desired.
2. The facility/program shall also provide at least one way for residents to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward resident reports of sexual abuse or sexual harassment to agency officials, allowing the resident to remain anonymous on request (PREANS 115.51b, 115.251b, 115.351b). Residents detained for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security. In Juvenile facilities, the facility/program will provide residents with access to tools necessary to make a written report (PREANS 115.351d).
3. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports (PREANS 115.51c, 115.251c, 115.351c).

4. Staff shall be able to privately report sexual abuse and sexual harassment of residents in writing to the Lead Facility Administrator or Corporate Senior Management. Staff also have access to the Ethics Hotline, an anonymous hotline established to provide a vehicle for all employees to report alleged or perceived abuses, or suspected capricious or illegal acts committed by any CEC staff member (refer to CEC Policy #300.36) (PREANS 115.51e, 115.251e, 115.351e).
5. The Lead Facility Administrator or designee must report any sexual misconduct to all regulatory and/or law enforcement agencies pursuant to contract, licensure, or statute. This shall be treated as a Priority I incident and shall follow the internal reporting procedures as outlined in CEC Policy #1000.06 Emergency Situations/ Critical Incidents.
6. All reports must be documented on a CEC PREA Incident Report form (CEC Corp Form – 8). The incident report must be submitted to the Corporate PREA Coordinator as soon as possible and will be logged by the Corporate PREA Coordinator or designee for the purpose of analysis and follow up (see Data Collection and Analysis in this policy and the PREA Incident Reporting Instructions attachment for further details).
7. All case records associated with claims of sexual abuse, including incidents reports, investigative reports, offender information, case disposition, medical counseling evaluation findings, and recommendations for post-release treatment and/or counseling, shall be retained for a minimum of 7 years.

Grievances (PREANS 115.52, 115.252, 115.352)

1. The agency shall not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse. The agency may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
2. The agency shall not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
3. Nothing in this section shall restrict the agency's ability to defend against a lawsuit filed by a resident on the ground that the applicable statute of limitations has expired.
4. The agency shall ensure that
 - A resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
 - Such grievance is not referred to a staff member who is the subject of the complaint.
5. The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.

Computation of the 90-day time period shall not include time consumed by residents in preparing any administrative appeal.

6. The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the resident in writing of any such extension and provide a date by which a decision will be made.
7. At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, the resident may consider the absence of a response to be a denial at that level.
8. Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of residents. If a third party, other than a parent or legal guardian, files such a request on behalf of a resident, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. If the resident declines to have the request processed on his or her behalf, the agency shall document the resident's decision.
9. A parent or legal guardian of a juvenile shall be allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile. Such a grievance shall not be conditioned upon the juvenile agreeing to have the request filed on his or her behalf.
10. The agency shall establish procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse.
11. After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document the agency's determination whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
12. The agency may discipline a resident for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the resident filed the grievance in bad faith.

Staff First Responder Duties.

1. Upon learning of an allegation that a resident was sexually abused, the first staff member to respond to the report shall request that the alleged victim not take any actions that could destroy physical evidence, and then notify operations staff (PREANS 115.64b, 115.264b, 115.364b).
2. The first operations staff to respond to the report shall be required to: (PREANS 115.64a, 115.264a, 115.364a)
 - Separate the alleged victim and abuser, if they have not already been separated;
 - Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
 - If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; and
 - If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating.
3. The facility shall not rely on resident interpreters, resident readers or other types of resident assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under PREANS 115.64/115.264/115.364 or the investigation of the resident's allegations (PREANS 115.16c, 115.216c, 115.316c).
4. The agency shall develop a written plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership. The facility/program shall review this plan and revise it to ensure it is specific to the facility, noting outside agencies for investigative bodies and support (PREANS 115.65; 115.265; 115.365).

Staff Reporting

1. All staff shall report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against residents or staff who reported such incident; and any

staff neglect or violation of responsibilities that may have contributed to an incident or retaliation (PREANS 115.61a, 115.261a, 115.361a). In Juvenile facilities, staff are also required to comply with any applicable mandatory child abuse reporting laws (PREANS 115.361.b)

2. Any information regarding sexual misconduct that is received by any staff member, medical, mental health or treatment provider, chaplain, contractor, or volunteer shall be immediately reported to the Lead Facility Administrator to initiate the appropriate follow-up actions. Staff members, contract employees, volunteers, or employees of CEC who receive any information, regardless of its source, concerning sexual assault/rape or sexual misconduct, or who observe an incident of sexual assault/rape or sexual misconduct, are required to immediately report the information or incident directly to the Lead Facility Administrator or designee for subsequent investigation.
3. Reports by staff shall be made in writing utilizing the chain-of-command or by sending information directly to the appropriate Corporate Senior Manager or designee.
4. Staff may report directly to the appropriate Corporate Senior Manager whenever they feel that following the chain of command would jeopardize the investigation. However, staff may be asked to justify why the chain of command was superseded for the particular incident.
5. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions (PREANS 115.61b, 115.261b, 115.361c).
6. All reports must be documented on a CEC PREA Incident Report form (CEC Corp Form – 8). The incident report must be submitted to the Corporate PREA Coordinator as soon as possible and will be logged by the Corporate PREA Coordinator or designee for the purpose of analysis and follow up (see Data Collection and Analysis in this policy for further details).
7. In Community Confinement and Prison and Jail facilities, unless otherwise precluded by federal, state or local law, medical and mental health practitioners shall be required to report sexual abuse and to inform the resident of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services (PREANS 115.61c, 115.261c). In Juvenile facilities, medical and mental practitioners shall be required to report sexual abuse to

designated supervisors and officials as well as to the designated State or local services agency where required by mandatory reporting laws. Such practitioners shall be required to inform residents at the initiation of services of their duty to report and the limitations of confidentiality (PREANS 115.361d).

8. In Community Confinement and Prison and Jail facilities, if the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws (PREANS 115.61d, PREANS 115.261d). In Juvenile facilities, if the alleged victim is under the guardianship of the child welfare system, the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians. If a juvenile court retains jurisdiction over the alleged victim, the facility head or designee shall also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation. (PREANS 115.361e).
9. Regardless of any non-statutory confidentiality obligation (*e.g.* privileged communication such as therapist-client, doctor-patient, clergyman-penitent; etc.), all staff have an affirmative obligation to report any resident who has reported to them a sexual assault allegation. The staff member must report the relevant information, including who, what, when and where, of the allegation.
10. The facility/program shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility/program's designated investigators. (PREANS 115.61e, 115.261e, 115.361f)

Protection Against Retaliation

1. The facility/program will protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff and shall designate which staff members or departments are charged with monitoring retaliation (PREANS 115.67a, 115.267a, 115.367a).
2. Multiple protection measures shall be employed, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations (PREANS 115.67b, 115.267b, 115.367b). Any use of segregated housing to protect a resident who is alleged to have

suffered sexual abuse shall be subject to the requirements of PREANS 115.42/115.242/115.342 (PREANS 115.68, 115.268, 115.368).

3. Within 72 hours of a report, the Retaliation Monitor shall meet directly with the resident and document such on CEC Corporate Form #10 Retaliation Monitoring. This will occur every 15 days after the initial meeting; for at least 90 days. The Retaliation Monitor will monitor the conduct of all residents and staff who report sexual abuse or sexual harassment, have suffered the alleged sexual abuse reported, and/or have cooperated with sexual abuse or sexual harassment investigations to see if there are changes that may suggest possible retaliation by residents or staff, and shall act promptly to remedy any such retaliation.
4. This monitoring is only necessary if the individual involved is still in the facility.
5. Each time monitoring for retaliation occurs, the Retaliation Monitor shall meet with the individual being monitored and discuss whether or not they fear being retaliated against for reporting the incident, being the alleged victim, or for cooperating with the investigation. Each category listed on CEC Corporate Form #10 Retaliation Monitoring shall also be addressed.
6. In the event that the individual being monitored leaves the facility and then returns within 90 days of the incident being reported, monitoring for retaliation must be conducted as if the individual never left the facility.
7. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. (PREANS 115.67c, 115.267c, 115.367c).
8. If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation (PREANS 115.67e, 115.267e, 115.367e).
9. The obligation to monitor shall terminate if the Lead Facility Administrator or designee determines that the allegation is unfounded (PREANS 115.67f, 115.267f, 115.367f).

Resident Access to Support Services/Legal Representation

1. The facility/program shall provide residents with access to outside victim advocates for emotional support services related to sexual abuse, by providing, posting, or otherwise making accessible mailing addresses and telephone numbers, including toll

free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible (PREANS 115.53a, 115.253a, 115.353a).

2. The facility/program 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 (PREANS 115.53b, 115.253b, 115.353b).
3. The facility/program shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide residents with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements (PREANS 115.53c, 115.253c, 115.353c).
4. In Juvenile facilities, the facility/program shall also provide residents with reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians (PREANS 115.353d).

Third Party Reporting

1. The facility/program shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of a resident. (PREANS 115.54, 115.254, 115.354)
 - Posters indicating the procedures are to be posted in all institutions where residents and visitors can see them.

Reporting to Other Confinement Facilities.

1. Upon receiving an allegation that a resident was sexually abused while confined at another facility/program, the Lead Facility Administrator shall notify the head of the facility or appropriate official of the agency where the alleged abuse occurred. (PREANS 115.63a, 115.263a, 115.363a)
2. Such notification shall be provided as soon as possible, but no later than seventy-two (72) hours after receiving the allegation (PREANS 115.63b, 115.263b, 115.363b).
3. The facility/program shall document that it has provided such notification. (PREANS 115.63c, 115.263c, 115.363c).

4. The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with this policy (PREANS 115.63d, 115.263d, 115.363d).

Investigations

1. The facility shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment (PREANS 115.22a; 115.222a, 115.322a). When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports (PREANS 115.71a, 115.271a, 115.371a).
2. To the extent the facility is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions (PREANS 115.21a, 115.221a, 115.321a).
3. The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. 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 (PREANS 115.21b, 115.221b, 115.321b).
4. The facility shall offer all victims of sexual abuse access to forensic medical examinations through an outside agency or hospital without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its efforts to provide SAFEs or SANEs (PREANS 115.21c, 115.221c, 115.321c).
5. The facility 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. Agencies 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 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 (PREANS 115.21d, 115.221d, 115.321d).

6. As requested by the victim, the victim advocate, qualified agency staff member, or 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 (PREANS 115.21e, 115.221e, 115.321e).
7. If the facility is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the following requirements (PREANS 115.21f, 115.221f, 115.321f):
8. 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.
9. As noted in this policy under “Specialized Training: Investigations”, the Lead Facility Administrator shall ensure proper training is provided to those who are permitted to perform investigations at the facility/program. The facility/program shall maintain documentation that the investigators have completed the required specialized training in conducting sexual abuse investigations (PREANS 115.34c, 115.234c, 115.334c).
10. Any State entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations (PREANS 115.34d, 115.234d, 115.334d).
11. Appropriate security procedures will be followed, to include at a minimum:
 - Separating perpetrator and victim.
 - Isolating witnesses.
 - Securing the crime scene.
12. The facility shall ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior, and to document all such referrals. Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in the facility/program shall have in place a policy governing the conduct of such investigations. (PREANS 115.22b.c.d.e, 115.222b.c.d.e, 115.322b.c.d.e). If an external agency conducts the investigation, the facility/program shall be responsible to follow up with the agency and document requests to gain access to final reports.
 - Investigators shall gather and preserve direct and circumstantial evidence,

including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator (PREANS 115.71c, 115.271c, 115.371c).

- When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution (PREANS 115.71d, 115.271d, 115.371e).
 - The agency shall not terminate an investigation solely because the source of the allegation recants the allegation (PREANS 115.371d). The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. No agency shall require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (PREANS 115.71e, 115.271e, 115.371f).
13. Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings (PREANS 115.71f, 115.271f, 117.371g).
 14. Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible (PREANS 115.71g, 115.271g, 117.371h).
 15. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution (PREANS 115.71h, 115.271h, 117.371i).
 16. The facility/program shall retain all written reports regarding the investigation for as long as the alleged abuser is incarcerated or employed by the agency, plus five years (PREANS 115.71i, 115.271i, 117.371j).
 17. The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation (PREANS 115.71j, 115.271j, 117.371k).
 18. Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements (PREANS 115.71k,

115.271k, 117.371l).

19. When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation (PREANS 115.71l, 115.271l, 117.371m).
20. Upon completion of the investigation (whether by an external agency or trained internal staff) and final report, the resident shall be informed, via written communication, whether the allegations/incident were substantiated.
21. Within five (5) days of receipt of the final written report, the Lead Facility Administrator, in conjunction with the corporate Vice President of Human Resources or designee, shall initiate appropriate disciplinary action and/or legal action against the staff member accused of the sexual misconduct.
22. Upon completion of an investigation where a staff member is accused of sexual abuse:
 - The agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded (PREANS 115.73a, 115.273a, 115.373a). If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate (PREANS 115.73b, 115.273b, 115.373b);
 - Following a resident's allegation that a staff member has committed sexual abuse against the resident, the facility/program shall subsequently inform the inmate (unless it is determined that the allegation is unfounded) whenever (PREANS 115.73c, 115.273c, 115.373c):
 - The staff member is no longer posted within the resident's unit;
 - The staff member is no longer employed at the facility;
 - The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
 - Following a resident's allegation that he or she has been sexually abused by another resident, the facility/program shall subsequently inform the alleged victim whenever (PREANS 115.73d, 115.273d, 115.373d):
 - The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
 - All such notifications or attempted notifications shall be documented

(PREANS 115.73e, 115.273e, 115.373e).

- An agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody (PREANS 115.73f, 115.273f, 115.373f).
23. The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated ((PREANS 115.72, 115.272, 117.372).
 24. All final determinations will be documented on the CEC PREA Incident Report form (CEC Corp Form – 8) that was originally submitted. The final determination must be submitted to the Corporate PREA Coordinator as soon as possible and will be logged by the Corporate PREA Coordinator or designee for the purpose of analysis and follow up (see Data Collection and Analysis in this policy for further details).

Interim Procedures During an Investigation

1. As approved by the Vice President of Human Resources or designee, the Lead Facility Administrator may place an accused staff member on administrative leave with or without pay pending the outcome of an investigation.
2. A staff member placed on administrative leave shall be prohibited from having contact with any residents.
3. When appropriate or necessary, the Lead Facility Administrator may arrange for the transfer of the resident to another facility. However, it is strictly prohibited to transfer a resident involuntarily in retaliation for reporting sexual misconduct.
4. Every effort shall be made to minimize any disturbance of the resident's program activities.

Incident Reviews

1. The facility/program shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation (whether conducted by an external agency or trained internal staff), including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded (PREANS 115.86a, 115.286a, 115.386a).
2. Such review shall normally occur within thirty (30) days of the conclusion of the investigation (PREANS 115.86b, 115.286b, 115.386b).
3. The review team shall include Corporate Senior Management or designees and CEC Corporate PREA Coordinator or designee, with input from line supervisors,

investigators, and medical or mental health practitioners (PREANS 115.86c, 115.286c, 115.386c).

4. The review team shall: (PREANS 115.86d, 115.286d, 115.386d)
 - Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
 - Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - Assess the adequacy of staffing levels in that area during different shifts;
 - Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - Prepare a report of its findings, including but not necessarily limited to determinations made above in this section, and any recommendations for improvement and submit such report to the Lead Facility Administrator and facility PREA compliance manager.

5. The facility/program shall implement the recommendations for improvement or shall document its reasons for not doing so (PREANS 115.86e, 115.286e, 115.386e).

Sanctions

1. **Sexual Misconduct is Prohibited and Will Be Sanctioned.** Sexual misconduct, either resident-on-resident or staff-on-resident, is prohibited regardless of whether either or both of the participants believed the act was consensual.
 - Violators are subject to administrative discipline, criminal sanctions, or both.
 - All allegations of staff sexual misconduct with residents will be investigated and all substantiated cases shall be turned over to the local County Attorney's Office for possible criminal prosecution.
 - CEC prohibits all sexual activity between residents and may discipline residents for such activity. However, sexual activity between residents may not be deemed to constitute sexual abuse for the purposes of this policy and reporting of sustained PREA sexual abuse incidents if it is determined that the activity was not coerced. (PREANS 115.278.g)

2. Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. (PREANS 115.76a, 115.276a, 115.376a) Additionally, staff may be subject to criminal sanctions.

3. The facility/program shall not enter into any agreement that limits the ability to remove alleged staff sexual abusers from contact with any residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted (PREANS 115.66a, 115.266a, 115.366a).
 - Nothing in this standard shall restrict the entering into or renewal of agreements that govern the conduct of the disciplinary process or 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 sustained (PREANS 115.66b, 115.266b, 115.366b).
4. Disciplinary sanctions for violations of CEC policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. (PREANS 115.76c, 115.276c, 115.376c)
5. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. (PREANS 115.76b, 115.276b, 115.376b) All terminations for violations of CEC's sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. (PREANS 115.76d, 115.276d, 115.376d)

Corrective Action for Contractors and Volunteers

1. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to law enforcement agencies and to relevant licensing bodies, unless the activity was clearly not criminal (PREANS 115.77a, 115.277a, 115.377a).
2. The facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with residents in the case of any violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer (PREANS 115.77b, 115.277b, 115.377b).

Disciplinary Sanctions for Residents

1. Residents are subject to sanctions under the administrative Code of Conduct for the state/county/local agency or other applicable administrative discipline. Additionally, residents may be subject to criminal sanctions.

2. Residents shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse (PREANS 115.78a, 115.278a, 115.378a).
3. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories (PREANS 115.78b, 115.278b, 115.378b).
4. 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 (PREANS 115.78c, 115.278c, 115.378c).
5. If the facility/program offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility/program shall consider whether to require the offending resident to participate in such interventions as a condition of access to programming or other benefits (PREANS 115.78d, 115.278d, 115.378d).
6. The facility/program may discipline a resident for contact with staff only upon a finding that the staff member did not consent to such contact (PREANS 115.78e, 115.278e, 115.378e).
7. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation (PREANS 115.78f, 115.278f, 115.378f).

F. CONFIDENTIALITY:

1. All staff sexual misconduct complaints shall be handled in a confidential manner.
2. All information and documentation pertinent to the complaint shall be made available to only those individuals on a need to know basis, to include the Lead Facility Administrator, Deputy Lead Facility Administrator(s), Corporate PREA Coordinator, Corporate Senior Management and Chief Executive Officer.
3. Any resident who reports an act of staff sexual misconduct may request and be treated as an anonymous informant. Pending resolution of the allegations, the

resident shall only be provided sufficient information to explain any immediate administrative action that is taken or as necessary for investigative purposes.

4. Any staff member or resident contacted during the investigation of the allegation shall be advised that any intimidation, retaliation or breach of confidentiality will result in a separate investigation being initiated.

G. TREATMENT FOR VICTIMS:

1. Resident victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by the medical and mental health practitioners according to their professional judgment (PREANS 115.82a , 115.282a, 115.382a).
2. Where available, if no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, operations staff first responders shall take the preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners. (PREANS 115.82b , 115.282b, 115.382b) Where medical staff are not available, the Lead Facility Administrator or designee will contact the contracted medical department or local medical facility.
3. Staff member victims will be immediately transported to a local medical facility for necessary medical care and the collection of evidence.
4. 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 with professionally accepted standards of care, where medically appropriate (PREANS 115.82c, 115.282c, 115.382c).
5. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (PREANS 115.82d , 115.282d, 115.382d).
6. A resident who has been the victim of sexual misconduct shall be informed that psychological counseling by a mental health professional is available and shall be given access to that individual.
7. The facility 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 (PREANS 115.83a , 115.283a, 115.383a).
8. The evaluation and treatment of such victims shall include, as appropriate, follow-

up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody (PREANS 115.83b , 115.283b, 115.383b).

9. The facility shall provide such victims with medical and mental health services consistent with the community level of care (PREANS 115.83c , 115.283c, 115.383c).
10. Resident victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from sexual abuse, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services (PREANS 115.83de, 115.283de, 115.383de).
11. Resident victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate (PREANS 115.83f, 115.283f, 115.383f).
12. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (PREANS 115.83g , 115.283g, 115.383g).

H. NEW FACILITIES/UPGRADES

1. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, CEC will consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect residents from sexual abuse. (PREANS 115.18a, 115.218a, 115.318a)
2. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, CEC will consider how such technology may enhance the facility/program's ability to protect residents from sexual abuse. (PREANS 115.18b, 115.218b, 115.318b)

I. AUDITS

1. During each three year period starting on August 20,2013, Community Education Centers Corporate PREA Coordinator shall ensure that each CEC facility is audited by an external certified auditor at least once. The Corporate PREA Coordinator or designee shall work with the facility/program to prepare for and schedule this audit (PREANS 115.401a)
2. During each one year period starting on August 20, 2013, CEC shall ensure that at least one-third of each facility type is audited (PREANS 115.401b).

3. The CEC Corporate PREA Coordinator shall choose an auditor that is Department of Justice PREA Certified to conduct audits of such nature. The auditor shall adhere to the DOJ guidelines for audits and auditors.
4. The facility/program shall bear the burden of demonstrating compliance with the standards (PREANS 115.401e). The Corporate PREA Coordinator will assist the facility in determine the documents needed based on the Certified PREA Auditor's request. The facility/program will post required documents prior to the audit in a timeframe approved by the DOJ and/or requested by the auditor.
5. If corrective action is needed, the Corporate PREA Coordinator will work with the facility PREA Manager to initiate/revise practices and policies and prepare documents for review by the auditor. The facility/program may appeal a decision by the auditor, in concert with the Corporate PREA Coordinator, by contacting the DOJ within 90 days of the auditor's final determination (PREANS 115.404, 115.405).
6. The Corporate PREA Coordinator will ensure the final report is published on the CEC website (PREANS 105.403f).
7. To avoid conflicts of interests, those working for CEC who wish to become a Department of Justice certified PREA auditor must receive corporate Senior Management approval.

J. DATA COLLECTION, REVIEW, STORAGE, PUBLICATION AND DESTRUCTION

Data Collection

1. The facility/program shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument (PREA Incident Report CEC Corp Form, Corp – 8) and set of definitions developed by the Corporate PREA Coordinator and approved by Corporate Senior Management (PREANS 115.87a, 115.287a, 115.387a).
2. Upon the report of a PREA incident, the designated facility PREA Manager will initiate a PREA Incident Report (CEC Corp Form, Corp-8). The facility PREA Manager shall submit this form to the Corporate PREA Coordinator or designee as soon as possible after an incident occurs and again once the investigation is finalized. (Refer to PREA Incident Report Instructions – CEC Corp Form, Corp 10.)

3. The Corporate PREA Coordinator shall maintain logs and records of all allegations and investigations of sexual misconduct to include information on the outcome of any criminal or disciplinary charges.
4. All case records associated with claims of sexual abuse, including incident reports, investigative reports, resident information, case disposition, medical and counseling evaluation findings and recommendations for post-release treatment and/or counseling shall be retained in accordance with the contract agency requirements.
5. The Corporate PREA Coordinator shall aggregate the incident-based sexual abuse data at least annually (PREANS 115.87b, 115.287b, 115.387b).
6. 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 (PREANS 115.87c, 115.287c, 115.387c).
7. The Corporate PREA Coordinator shall maintain, review, and collect data as needed from all available incident based documents, including reports, investigation files, and sexual abuse incident reviews. ((PREANS 115.87d, 115.287d, 115.387d).
8. It will be the duty of the Corporate PREA Coordinator to collect all necessary reports and information from completed investigations on sexual assaults and misconduct required by the U.S. Department of Justice, Bureau of Justice Statistics (BJS). If a facility is requested by the DOJ/BJS for a report, the facility PREA Manager must immediately contact the Corporate PREA Coordinator for instruction.
9. The Corporate PREA Coordinator will report to the BJS on a yearly basis. The report shall include the specifications of the Survey on Sexual Violence required under PREA for BJS. Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30 ((PREANS 115.87f, 115.287f, 115.387f).

Data Review

1. At any point in time, the Lead Facility/Program Administrator may request the aggregated data for their facility through the Corporate PREA Coordinator or designee. The Corporate PREA Coordinator or designee will, on an annual basis, send each Lead Facility/Program Administrator and Facility PREA Manager the data collected for that specific facility/program.

2. The Corporate PREA Coordinator shall review data collected and aggregated pursuant to, in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: (PREANS 115.88a, 115.288a, 115.388a).
 - Identifying problem areas;
 - Taking corrective action on an ongoing basis; and
 - Preparing an annual report of its findings and corrective actions for each facility/program, as well as the company as a whole.
2. Reports shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse (PREANS 115.88b, 115.288b, 115.388b).
3. The report shall be approved by Corporate Senior Management and make readily available to the public through its website (PREANS 115.88c, 115.288c, 115.388c).
4. CEC may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted (PREANS 115.88d, 115.288d, 115.388d).

Data Storage, Publication, and Destruction

1. CEC and its facilities/programs shall ensure that data collected is securely retained (PREANS 115.89a, 115.289a, 115.389a).
2. The CEC shall make all aggregated sexual abuse data readily available to the public at least annually through its Web site (PREANS 115.89b, 115.289b, 115.389b).
3. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (PREANS 115.89c, 115.289c, 115.389c).
4. CEC shall maintain sexual abuse data collected for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise (PREANS 115.89d, 115.289d, 115.389d).

J. ATTACHMENTS:

- PREA Screener with Scoring Guide and Definitions – CEC Corporate Form Corp-7

- PREA Incident Flow Chart
- PREA Incident Report Form – CEC Corporate Form Corp – 8
- PREA Incident Reporting Instructions

K. CORPORATE MANDATE TO LEAD FACILITY/PROGRAM ADMINISTRATORS

This policy reflects the general policy of Community Education Centers as a company. The Regional/Divisional Manager and/or Lead Facility/Program Administrator shall incorporate any additions or changes to this policy pursuant to state mandate (whether by law or regulation) or contractual requirement and, in addition, shall ensure that all staff, including contract, part-time or volunteers/interns are adequately trained on the specifics and procedures required herein.

PRISON RAPE ELIMINATION ACT (PREA)

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

 Name State ID Date of Entry

 Gender: Male Female

 DOB Facility
 Civil Immigration Resident? Yes No

	<i>Item Description</i>	<i>Intake screen</i> <i>DATE: _____</i>	<i>30-day review</i> <i>DATE: _____</i>
1	Physical build and age of the individual	<input type="checkbox"/> Slight Physical Stature <input type="checkbox"/> Medium Physical Stature <input type="checkbox"/> Large Physical Stature <input type="checkbox"/> Under age of 18 or over the age of 60	<input type="checkbox"/> Slight Physical Stature <input type="checkbox"/> Medium Physical Stature <input type="checkbox"/> Large Physical Stature <input type="checkbox"/> Under age of 18 or over the age of 60
2	First time offender?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
3	Previous incarcerations?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
4	Criminal history and current offense is non-violent?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
5	Prior or current convictions for violent offenses	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
6	Prior or current convictions for sexual offenses	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
7	Prior or current convictions for institutional violence:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
8	Prior or current convictions for institutional sexual abuse:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
9	Does the individual, by history or presentation, appear to have any of the following conditions:	<input type="checkbox"/> No <input type="checkbox"/> Mental Health Problems <input type="checkbox"/> Physical Disability <input type="checkbox"/> Developmental Disability	<input type="checkbox"/> No <input type="checkbox"/> Mental Health Problems <input type="checkbox"/> Physical Disability <input type="checkbox"/> Developmental Disability
10	Has the individual been a victim of sexual abuse (institutional or community) in the past?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Will not disclose	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Will not disclose
11	Is the individual a member of a gang?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

PRISON RAPE ELIMINATION ACT (PREA)

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

12	Does the individual report or appear to be the following: Circle: Appears or self-report	<input type="checkbox"/> Heterosexual <input type="checkbox"/> Gay <input type="checkbox"/> Bisexual <input type="checkbox"/> Transgendered <input type="checkbox"/> Intersex <input type="checkbox"/> Gender non-conforming	<input type="checkbox"/> Heterosexual <input type="checkbox"/> Gay <input type="checkbox"/> Bisexual <input type="checkbox"/> Transgendered <input type="checkbox"/> Intersex <input type="checkbox"/> Gender non-conforming
13	During the screening, does the individual behave in the following manner:	<input type="checkbox"/> Intimidating <input type="checkbox"/> Timid <input type="checkbox"/> Nervous <input type="checkbox"/> Fearful <input type="checkbox"/> None of the above	<input type="checkbox"/> Intimidating <input type="checkbox"/> Timid <input type="checkbox"/> Nervous <input type="checkbox"/> Fearful <input type="checkbox"/> None of the above
14	What is individual's perception of his/her vulnerability to sexual assault in the facility?	<input type="checkbox"/> Very vulnerable <input type="checkbox"/> Somewhat vulnerable <input type="checkbox"/> Not vulnerable <input type="checkbox"/> Will not disclose	<input type="checkbox"/> Very vulnerable <input type="checkbox"/> Somewhat vulnerable <input type="checkbox"/> Not vulnerable <input type="checkbox"/> Will not disclose

Comments: _____

15. Based on the answers to the screener items:

15a.	Interviewer's Objective Assessment of Risk for Sexual Victimization:	<input type="checkbox"/> Low Risk <input type="checkbox"/> Medium Risk <input type="checkbox"/> High Risk	<input type="checkbox"/> Low Risk <input type="checkbox"/> Medium Risk <input type="checkbox"/> High Risk
15b.	Interviewer's Objective Assessment of Risk for Sexual Perpetration:	<input type="checkbox"/> Low Risk <input type="checkbox"/> Medium Risk <input type="checkbox"/> High Risk	<input type="checkbox"/> Low Risk <input type="checkbox"/> Medium Risk <input type="checkbox"/> High Risk

16	Referral for Mental Health Screening recommended	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
17	Based on the screening, does the individual need special assignment in terms of the following:	<input type="checkbox"/> None <input type="checkbox"/> Housing <input type="checkbox"/> Education <input type="checkbox"/> Program Assignments <input type="checkbox"/> Work Assignments	<input type="checkbox"/> None <input type="checkbox"/> Housing <input type="checkbox"/> Education <input type="checkbox"/> Program Assignments <input type="checkbox"/> Work Assignments

Initial Screening Interviewer (Print name)

(Signature)

Any new information from 30 day review that requires changes in the individual's program and/or housing assignment? Yes No

30-day Reviewer (Print name)

(Signature)

PRISON RAPE ELIMINATION ACT (PREA)

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

SCORING GUIDE AND DEFINITIONS FOR PREA SCREENER

1. Slight physical stature for a male offender would be someone below 5'6" tall and weighing less than 140 lbs. A taller male offender who is thin and not muscular may also be considered slight. For female offenders, slight stature would be someone below 5'1" tall and weighing approximately 100 lbs. or less. A taller female offender who is thin and not muscular may also be assessed as slight in build.
2. First time offender- An individual who has never been convicted of a crime as an adult or juvenile.
3. Previous incarcerations means that the individual has been incarcerated in a county jail, state prison, or federal prison as an adult or juvenile.
4. The offender has no history of violent offenses, either in the community or in the institution.
5. The definition of a violent offense conviction may vary from State to State. In general, violent convictions include all sexual assault convictions, murder, robbery, assault, domestic violence, arson, kidnapping, carjacking, terroristic threats, and any other offense that involves the individual having been convicted of threatening another with bodily harm, or harming someone.
6. Sexual offense convictions may also vary from State to State, but always include rape and any form of sexual assault. Please note if there is a history of sexual assault on children convictions as this may increase the risk for the individual being victimized.
7. Any infractions that are coded in the State, County, or Federal institutional code infractions as violent or threats of violence.
8. Any infractions that are coded in the State, County, or Federal institutional code infractions as sexual assault or threats of sexual violence.
9. Mental health problems means a history of mental health problems, particularly prior psychiatric hospitalizations. An individual placed on some type of "special mental health needs" roster would warrant a checkmark for mental health problems. Physical disability means that the individual has limitations on physical activity based on an injury, disease, or genetic deformity. Developmental disability means that the person's cognitive ability is low and the person may need assistance with daily living functions.
10. Any record of or statement from the individual that she or he has been sexually assaulted in the past ten years of his or her life.

PRISON RAPE ELIMINATION ACT (PREA)

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

11. Is the person a member of a security threat group or gang as indicated by the record, tattoos, or acknowledgment by the individual?

12. Gender identity: A person's internal, deeply felt sense of social identity of being male or female, regardless of the person's sex at birth. Gay means that the person is attracted to members of the same sex; bisexual means that the person is attracted to members of both sexes (although the person may have a primary attraction to one sex or the other);

Gender nonconforming: A person whose gender identity and/or expression do not conform to gender stereotypes generally associated with his or her birth sex. This can include characteristics that appear feminine in men or masculine in women, whether they are heterosexual or gay, and despite a gender identity.

Intersex: A condition usually present at birth that involves reproductive, genetic, or sexual anatomy that does not seem to fit the typical definitions of female or male.

13. During the interview, does the individual not maintain eye contact (unless there is a cultural reason)? Does the person appear nervous or fearful as suggested by sweaty palms, leg shaking (not due to medical condition), sweating; easily startled?

During the interview, does the person attempt to control the interview, intimidate the interviewer by invading his or her personal space, become easily agitated at the questions, act impatient or dismissive towards the interviewer?

14. Ask the individual if he or she feels "unsafe" and "vulnerable" to being assaulted while in the facility. What does the person base his or her feelings on?

15. The risk levels for being a victim or victimizer are based on the individual's responses to the above-listed 14 items. Some individuals may be a risk for being both a victim and victimizer, depending on the circumstances.

Victim Risk Levels

Low risk factors for being a victim include the person's size (medium to large and/or muscular), mentally and physically capable, feels safe or not vulnerable at the facility.

Moderate risk factors for being a victim include the following: slight physical stature, first time offender, minor to moderate mental health or physical problems; history of sexual abuse that has occurred once and long time ago (10 years or more) with the person stating that he or she is not currently experiencing any symptoms related to the past abuse; may have been a victim of violence in the institution or community; not overly timid or unassertive during the interview; no history of sexual assault in an institution;

PRISON RAPE ELIMINATION ACT (PREA)

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

High risk factors for being a victim include: slight stature, first time offender; offender with a history of being sexually assaulted in the institution or community; offender that reports feeling unsafe or vulnerable in the facility; serious mental or physical health limitations; timid and unassertive during the interview; and history of child-related sexual offenses. If the offender has a history of being sexually assaulted in an institution or community (item 10), or expresses feeling vulnerable (item 14), then the person should be considered high risk.

Risk level for being a victimizer

Low risk factors for being a victimizer include: a first time offender; offender with non-violent history; no history of violent institutional infractions; offender who presents as cooperative and well-socialized during the interview.

Medium risk factors for being a victimizer include: offender with a history of violence in the institution or community; history of sexual assault offenses in the community that occurred at least 10 years ago and not a repetitive sex offender; moderate mental health problems with impulsivity and mood swings as symptoms; attempts to control the interview but can be easily refocused and cooperative; member of a gang

High risk for being a victimizer include: large physical size, previous and current incarcerations for violent offenses; sexual assault offenses of adults in the community; sexual assault infractions in the institution; member, particularly leader, of a gang; intimidating and easy to anger during the interview. Individuals with a history of sexual assault in the institution (item 8) or in the community (item 6) should be considered moderate to high risk.

C.E.C. PREA Incident Flow Chart



Adult PREA Incident Report

Division: _____

Facility: _____

State: _____

Date of Incident: _____



- Location of Incident:** In the victim’s cell or room (e.g., if the victim and perpetrator share a cell or room, count as the victim’s cell)
Check All That Apply: In the perpetrator’s cell or room
 In a dormitory or other multiple housing unit
 In a common area (e.g., shower, dayroom, bathroom)
 In a temporary holding cell or intake area within the facility
 In a program service area (e.g., commissary, kitchen, storage, laundry, cafeteria, workshop, hallway)
 Outside the facility
 In an instructional area (e.g., classroom, school, library, conference room)
 In a recreation area (e.g., yard, courtyard, gymnasium)
 In a medical area (e.g., infirmary, health clinic)
 In a staff area (e.g., office, break room, counselor’s office)
 Offsite or while in transit
 Other – Specify: _____

- Time of Incident:** Morning (6 a.m. to noon) **Did the incident take place in an area subject to video monitoring?**
Check All That Apply: Afternoon (noon to 6 p.m.) Yes
 Evening (6 p.m. to midnight) No
 Overnight (midnight to 6 a.m.) Don’t know
 Time Unknown

Number of Victims: _____

Victim #1	Victim #2	Victim #3
Age: _____	Age: _____	Age: _____
Race/ <input type="checkbox"/> White	Race/ <input type="checkbox"/> White	Race/ <input type="checkbox"/> White
Ethnicity <input type="checkbox"/> Black	Ethnicity <input type="checkbox"/> Black	Ethnicity <input type="checkbox"/> Black
<input type="checkbox"/> Hispanic/Latino	<input type="checkbox"/> Hispanic/Latino	<input type="checkbox"/> Hispanic/Latino
<input type="checkbox"/> A. In./Alaska Nat.	<input type="checkbox"/> A. In./Alaska Nat.	<input type="checkbox"/> A. In./Alaska Nat.
<input type="checkbox"/> Asian	<input type="checkbox"/> Asian	<input type="checkbox"/> Asian
<input type="checkbox"/> Nat. Haw./Pacific Is.	<input type="checkbox"/> Nat. Haw./Pacific Is.	<input type="checkbox"/> Nat. Haw./Pacific Is.
<input type="checkbox"/> Other - Specify below	<input type="checkbox"/> Other - Specify below	<input type="checkbox"/> Other - Specify below
_____	_____	_____
Gender: <input type="checkbox"/> male	Gender: <input type="checkbox"/> male	Gender: <input type="checkbox"/> male
<input type="checkbox"/> female	<input type="checkbox"/> female	<input type="checkbox"/> female

Did the victim(s) sustain any physical injuries during incident? _____

- Check All That Apply:* Knife or stab wounds Internal Injuries
 Broken bones Knocked Unconscious
 Anal or vaginal tearing Bruises, black eye, sprains, cuts, scratches, swelling, welts
 Chipped/Knocked out teeth Other: _____

Did Victim(s) receive medical treatment?: _____

- Incident reported by:**
- | | |
|--|--|
| <input type="checkbox"/> Victim | <input type="checkbox"/> Medical, healthcare, or mental health staff |
| <input type="checkbox"/> Another Inmate (non-victim) | |
| <input type="checkbox"/> Victim's family or friend | <input type="checkbox"/> Attorney or legal guardian (other than family member) |
| <input type="checkbox"/> Correctional officer or front line staff | <input type="checkbox"/> Chaplain or other religion official |
| <input type="checkbox"/> Administrative staff | <input type="checkbox"/> Perpetrator's family or friend |
| <input type="checkbox"/> Instructor, teacher, or counselor | <input type="checkbox"/> Other staff (e.g., kitchen worker, maintenance staff) |
| <input type="checkbox"/> Perpetrator | <input type="checkbox"/> Grievance coordinator, grievance process, or Ombudsperson |
| <input type="checkbox"/> Confidential informant, anonymous tip, hot line, or through monitoring (e.g., camera, telephone, or mail) | |
| <input type="checkbox"/> Other – Specify: _____ | |

- Response to Victim(s)**
Check All That Apply:
- | | |
|--|--|
| <input type="checkbox"/> Given a medical examination | <input type="checkbox"/> Provided with counseling or mental health treatment |
| <input type="checkbox"/> Administered a rape kit | <input type="checkbox"/> Offered but declined testing or treatment |
| <input type="checkbox"/> Tested for HIV/AIDS | <input type="checkbox"/> Already released/discharged |
| <input type="checkbox"/> Tested for other STDs | <input type="checkbox"/> None of the Above |

- Victim(s) Outcome**
Check All That Apply:
- Placed in or returned to administrative segregation, protective custody, or disciplinary segregation
 - Placed in a medical unit, ward, or hospital
 - Confined to own cell or room
 - Given a higher custody level or different unit within the facility
 - Transferred to another facility
 - Transferred to another housing unit or dorm, or given a single room or cell
 - Separated from perpetrator
 - Issued disciplinary report or loss of privileges
 - Placed in camera room, under closer surveillance, or increased supervision
 - Other – Specify: _____
 - None of the above

- Type of Sexual Violence**
- | | |
|--|--|
| <input type="checkbox"/> Inmate-on-inmate nonconsensual sexual act | <input type="checkbox"/> Staff sexual misconduct |
| <input type="checkbox"/> Inmate-on-inmate abusive sexual contact | <input type="checkbox"/> Staff sexual harassment |
| <input type="checkbox"/> Inmate-on-inmate sexual harassment | |

Definitions:

Inmate-on-Inmate Nonconsensual Sexual Act:

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; AND Contact between the penis and the vulva or the penis and the anus including penetration, however slight; OR Contact between the mouth and the penis, vulva, or anus; OR Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

Inmate-on-Inmate Abusive Sexual Contact:

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; AND Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. EXCLUDE incidents in which the contact was incidental to a physical altercation.

Inmate-on-Inmate Sexual Harassment:

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 directed toward another. "Repeated", in the context of this provision, means more than one incident. Please note that the seriousness of the conduct should be taken into account in determining the appropriate commensurate response by the agency or facility. Serious misconduct along these lines, even if committed once, should still be addressed by the agency or facility.

Staff Sexual Misconduct:

Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors). Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include— Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; OR Completed, attempted, threatened, or requested sexual acts; OR Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Staff Sexual Harassment:

Repeated verbal comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (excludes family, friends, or other visitors). Include demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; OR Repeated profane or obscene language or gestures. "Repeated", in the context of this provision, means more than one incident. Please note that the seriousness of the conduct should be taken into account in determining the appropriate commensurate response by the agency or facility. Serious misconduct along these lines, even if committed once, should still be addressed by the agency or facility.

For Inmate-on-Inmate Nonconsensual Sexual Acts, Inmate-on-Inmate Abusive Sexual Contact or Inmate-on-Inmate Sexual Harassment ONLY:

Nature of Incident:

Check All That Apply:

- Voluntary sexual contact between inmates
- Sexual harassment
- Indecent exposure, masturbation, or voyeurism
- Horseplay
- Repeated and unwelcome sexual advances or requests for sexual favors
- Unwanted touching for sexual gratification or abusive sexual contact
- Pressure or coercion (without force) resulting in a nonconsensual sexual act
- Physical force (or the threat of force) resulting in a nonconsensual sexual act
- Other – Specify: _____

For Staff Sexual Misconduct or Staff Sexual Harassment ONLY:

Nature of Incident:

Check All That Apply:

- Physical force resulting in a nonconsensual sexual act
- Pressure or abuse of power resulting in a nonconsensual sexual act
- Indecent exposure, invasion of privacy, or voyeurism for sexual gratification
- Unwanted touching for sexual gratification
- Sexual harassment or repeated verbal statements of a sexual nature by staff
- Wrote letters showed pictures, or offered gifts or special privileges to inmate
- Sexual relationship between inmate and staff that appeared to be willing
- Level of coercion unknown
- Other – Specify: _____

Number of Perpetrator(s)/Staff(s): _____

Perpetrator/Staff #1	
Age: _____	
Race/ <input type="checkbox"/> White	
Ethnicity <input type="checkbox"/> Black	
<input type="checkbox"/> Hispanic/Latino	
<input type="checkbox"/> A. In./Alaska Nat.	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Nat. Haw./Pacific Is.	
<input type="checkbox"/> Other - Specify below	

Gender: <input type="checkbox"/> male	
<input type="checkbox"/> female	

Perpetrator/Staff #2	
Age: _____	
Race/ <input type="checkbox"/> White	
Ethnicity <input type="checkbox"/> Black	
<input type="checkbox"/> Hispanic/Latino	
<input type="checkbox"/> A. In./Alaska Nat.	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Nat. Haw./Pacific Is.	
<input type="checkbox"/> Other - Specify below	

Gender: <input type="checkbox"/> male	
<input type="checkbox"/> female	

Perpetrator/Staff #3	
Age: _____	
Race/ <input type="checkbox"/> White	
Ethnicity <input type="checkbox"/> Black	
<input type="checkbox"/> Hispanic/Latino	
<input type="checkbox"/> A. In./Alaska Nat.	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Nat. Haw./Pacific Is.	
<input type="checkbox"/> Other - Specify below	

Gender: <input type="checkbox"/> male	
<input type="checkbox"/> female	

For Inmate-on-Inmate Nonconsensual Sexual Acts, Inmate-on-Inmate Abusive Sexual Contact or Inmate-on-Inmate Sexual Harassment ONLY:

Type of pressure, perpetrator to victim:

Check All That Apply:

- | | | | |
|--------------------------|--|--------------------------|-------------------------------|
| <input type="checkbox"/> | Sexual harassment, sexual innuendo, or verbal comments | <input type="checkbox"/> | Threatened with physical harm |
| <input type="checkbox"/> | Persuasion or talked into sexual activity | | |
| <input type="checkbox"/> | Bribery or blackmail | <input type="checkbox"/> | Physically harmed or injured |
| <input type="checkbox"/> | Gave victim drugs or alcohol | <input type="checkbox"/> | Threatened with a weapon |
| <input type="checkbox"/> | Offered protection from other inmates | <input type="checkbox"/> | None |
| <input type="checkbox"/> | Surprised the victim with unwanted touching, grabbing or groping, or victim was asleep | | |
| <input type="checkbox"/> | Physically held victim down or restrained in some way | | |
| <input type="checkbox"/> | Other – Specify: _____ | | |

Sanction imposed on perpetrator(s):

Check All That Apply:

- Placed in solitary confinement or disciplinary segregation
- Given extra work
- Confined to own cell/room
- Loss of privileges
- Placed in higher custody level, restricted unit or program, within the same facility
- Transferred to other unit/cell or separated from victim
- Transferred to another facility
- Loss of good/gain time, increase in bad time or delayed release
- Given extra work
- Loss of privileges, disciplinary report or conduct violation, or other reprimand
- Sent to counseling or treatment team
- Arrested or referred to law enforcement agency
- Referred for prosecution or indicted
- Convicted, given new sentence, or fined
- Other – specify: _____

For Staff Sexual Misconduct or Staff Sexual Harassment ONLY:

Status of staff involved:

- | | | | |
|--------------------------|---------------------------------|--------------------------|-----------------------------|
| <input type="checkbox"/> | Full or part time paid employee | <input type="checkbox"/> | Contract employee or vendor |
|--------------------------|---------------------------------|--------------------------|-----------------------------|

Check All That Apply:

- | | | | |
|--------------------------|---------------------|--------------------------|------------------------|
| <input type="checkbox"/> | Volunteer or intern | <input type="checkbox"/> | Other – Specify: _____ |
|--------------------------|---------------------|--------------------------|------------------------|

Primary position of staff:

Check All That Apply:

- Administrator, including wardens, superintendents, assistants and others in administrative positions
- Correctional officer or supervisory staff
- Clerical staff including secretaries, clerks, receptionists, and other administrative support
- Maintenance and other facility support staff, including groundskeepers, janitors, cooks, and drivers
- Medical or health care staff, including counselors, doctors, dentists, psychologists, psychiatrists, social workers, nurses, and medical assistants
- Education staff, including instructors, teachers, librarians, and education assistants
- Other program staff
- Volunteers or Interns
- Other Staff – Specify: _____

Sanction imposed on staff:

Check All That Apply:

- Sent to training or counseling
- Reprimanded or disciplined
- Demoted, diminished responsibilities, or suspended temporarily
- Arrested or referred to law enforcement agency
- Transferred to another facility or unit
- Referred for prosecution/indicted
- Convicted, plead guilty, sentenced, or fined
- Discharged, terminated, or contract not renewed
- Staff resigned (prior to completion of investigation)
- Staff resigned (after investigation was completed)
- No action taken
- Other – Specify: _____

Referral for Investigation

Date incident was referred for investigation: _____
Time incident was referred for investigation: _____
Incident referred for investigation by: _____
Agency that the incident was referred for investigation to: _____

Investigation Conducted By

Name: _____
Title: _____
Agency: _____
Date of Outcome: _____

Summary of Events:

Outcome:

- Substantiated: The event was investigated and determined to have occurred.
- Unsubstantiated: Evidence was insufficient to make a final determination that the event occurred.
- Unfounded: The event was determined NOT to have occurred.
- Investigation ongoing: A final determination has not yet been made as to whether the event occurred.

The following are instructions for using PREA Incident Report. Please note PREA Incident Report should be completed from top to bottom, with each question answered before the following question is answered (questions shouldn't be skipped)

1. Open up the latest version of **PREA Incident Report**
2. Select what **Division** the facility is under in which the alleged PREA incident occurred by clicking on the drop down box next to "Division" and selecting either "Residential Reentry", "Secure Division" or "In-Prison Treatment".
3. Select the **Facility** in which the alleged PREA incident occurred by clicking on the drop down box next to "Facility" and choosing the correct facility. Note the facility drop down menu changes depending on what Division is selected.
4. Select what **State** the facility is in which the alleged PREA incident occurred by clicking on the drop down box next to "State" and choosing the correct state.
5. Type in the **Date** of the incident in the box next to "Date of Incident". The date has to be in the following format: *dd/m/yyyy*.
6. Select the **Location(s)** the alleged PREA incident took place in by clicking on the drop down box(es) next to "Location of Incident" and choosing the appropriate drop down menu item. Note multiple locations can occur for one alleged PREA incident.
7. Select the **Time of Incident** the alleged PREA incident took place in by clicking on the drop down box(es) next to "Time of Incident" and choosing the appropriate drop down menu item. Note multiple times can occur for one alleged PREA incident.
8. Indicate if the **Incident took place in an area subject to video monitoring** by clicking on the drop down box next to "Did the incident take place in an area subject to video monitoring?" and choosing the appropriate drop down menu item.
9. Select the **Number of Victims** in the alleged PREA incident by clicking on the drop down box next to "Number of victims" and choosing the appropriate drop down menu item.
10. Depending on the number chosen in the "Number of victims" drop down boxes, boxes will appear below. The number of boxes that appears corresponds with the number of victims selected. For example, if "2" is selected for "Number of victims", 2 victim boxes will appear.
11. Each victim box needs to have the following information inputted: **Age, Race/Ethnicity (R/E)** and **Gender**. Race and Gender information is inputted by clicking on the appropriate box and selecting the appropriate drop down menu items. Age is inputted by typing the age in the appropriate box. For Race/Ethnicity of "Other", use the space below the Race/Ethnicity box to manually write in the response.
12. Indicate who **Reported the Incident** by clicking on the drop down box next to "Incident Reported by" and choosing the appropriate drop down menu item. Note multiple individuals or entities can be selected for a given alleged PREA incident.
13. Indicate the **Type of Sexual Violence** by clicking on the drop down box next to "Type of sexual violence" and choosing the appropriate drop down menu item. Note the definitions of each type

of sexual violence will appear in a grey box below to assist the user in his/her selection. Care and thought should be taken when making this selection.

14. Indicate the **Number of Staff** or **Number of Perpetrators** in the alleged PREA incident by clicking on the drop down box next to “Number of staff” or “Number of perpetrators” and choosing the appropriate drop down menu number.
15. Depending on the number chosen in the “Number of perpetrators” or “Number of staff” drop down boxes, boxes will appear below. The number of boxes that appears corresponds with the number of perpetrators/staff selected. For example, if “2” is selected for “Number of perpetrators”, 2 perpetrator boxes will appear.
16. Each perpetrator/staff box needs to have the following information inputted: **Age**, **Race/Ethnicity (R/E)** and **Gender**. Race and Gender information is inputted by clicking on the appropriate box and selecting the appropriate drop down menu items. Age is inputted by typing the age in the appropriate box. For Race/Ethnicity of “Other”, use the space below the Race/Ethnicity box to manually write in the response.
17. Indicate the **Date and time incident was referred for investigation, who referred the incident for investigation** and the **agency that the incident was referred for investigation to** by manually writing in the boxes next to “Date and time incident was referred for investigation”, “Incident Referred for Investigation by”, and “Agency that the Incident was referred for investigation to”, respectively.
18. Indicate the **Name, Title, Agency** and the **Date of Outcome** of the person or persons who conducted the investigation of the alleged PREA incident by manually writing in the boxes next to “Name”, “Title”, “Agency”, and “Date of Outcome”, respectively.
19. Indicate the **Summary of Events** in the box under “Summary of Events” by manually writing in the box provided.
20. Indicate the **Outcome** of the alleged PREA incident by clicking on the drop down box under “Outcome” and choosing the appropriate drop down menu item. Note definitions of outcomes appear in a grey box next to drop down menu box to assist the user with his/her selection.
21. Indicate the **Sanction Imposed on Perpetrator** (if applicable) by typing an “x” in each box that is appropriate.
22. Indicate the **Sanction imposed on Staff** (if applicable) by typing an “x” in each box that is appropriate.
23. Proofread the form for any errors or missing information and “Save As”, naming the incident to the standards or policy within your given facility.
24. Once PREA Incident Report is saved appropriately, email it to John Clancy, Jr. and Andy Groff. The contact information for these individuals are as follows:

John Clancy, Jr.	Andy Groff
John.ClancyJr@cecintl.com	Andy.Groff@cecintl.com

Upon reception of PREA Incident Report, the documentation will be reviewed. Questions or issues about the information submitted will be asked of the person who submitted the report via email or phone.

25. As new information becomes available with regards to PREA Incident Report, such as a change in the Outcome status, PREA Incident Report is to be updated at the facility and then re-sent again to the above individuals with explanation or rationale for the updates.