AVALON CORRECTIONAL SERVICES INC. AND SUBSIDIARIES

Company Policy and Procedure			
Section: 8 **Operations**	**Number:** **080102**		**Revised:** **October 12, 2015**
Title: Prison Rape Elimination Act (PREA)		**ACA Standards: 4-ACRS-2B-02, 3A-04, 4C-03; PREA P.L. 108-79; PREA Standards**	

Policy

It is the policy of Avalon Correctional Services Inc. and Subsidiaries (Avalon) to provide a safe, humane, and secure environment for all clients. Avalon supports and administers a program of education, prevention, detection, response, and tracking of all reported acts of sexual assault and harassment. Avalon has established the following procedures to prevent, detect, and respond to sexual assaults on Clients and/or employees. Avalon has a zero tolerance policy towards sexual abuse and harassment of Clients or employees (PREA 115.211). Disciplinary procedures will be implemented as appropriate and those who assault staff and/or Clients will be reported to local law enforcement.

Avalon has a designated agency PREA Coordinator and each facility has designated one staff member as the facility PREA Compliance Manager with overall responsibility of coordinating facility efforts to comply with PREA standards. The facility will submit in writing the name of their PREA Compliance Manager to the contracting agency.

Definitions

The following definitions apply to these procedures:

1. Community Confinement Facility

    a. A range of facilities in which Clients reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while pursuing employment, education, or other facility-approved programs during non-residential hours.

2. Employee, Contractor, Volunteer, and Staff

    a. Any persons who work directly for the agency/facility or have any contact with the Client within the facility.

3. Prison Rape Elimination Act (PREA)

    a. Public law 108-79 that applies to all federal and state prisons, jails, police lock-ups, private facilities, and community correctional settings such as residential facilities. The law supports the elimination, reduction and prevention of sexual assault within the corrections system. It establishes a zero-tolerance standard for the incidence of

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sexual assault in prisons in the United States and makes the prevention of sexual assault a top priority in each prison system.

4. Sexual Abuse Sexual Abuse includes:

    a. Sexual abuse of a Client by another Client; and Sexual abuse of a Client by a staff member, contractor, or volunteer.

5. Sexual Abuse of a Client by another Client Sexual

    a. Sexual abuse of a Client by another Client includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
        i. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
        ii. Contact between the mouth and the penis, vulva, or anus;
        iii. Penetration of the anal or genital opening of another person, however slight by a hand, finger, object, or other instrument; and
        iv. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

6. Sexual Abuse of a Client by a Staff Member, Contractor, or Volunteer

    a. Sexual abuse of a Client by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the Client:
        i. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
        ii. Contact between the mouth and the penis, vulva, or anus;
        iii. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
        iv. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
        v. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
        vi. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (i) –(v) of this section;
        vii. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or Client, and
        viii. Voyeurism by a staff member, contractor, or volunteer.

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7. Voyeurism by a Staff Member, Contractor, or Volunteer

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

8. Sexual Harassment

    a. Sexual harassment includes:
        i. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by Client directed toward another; and
        ii. Repeated verbal comments or gestures of a sexual nature to a Client 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.

Procedure

1. Hiring and Promotion Decision

    a. Avalon prohibits hiring or promoting anyone who may have contact with residents and prohibits enlisting the services of any contractor who may have contact with Clients who has:
        i. Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
        ii. 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
        iii. Been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a) (2) of this section.

    b. Avalon will conduct criminal background record checks at least every five years for current employees and contractors who may have contact with residents. (PREA 115.217)

2. Reporting

    a. Each Avalon facility will provide multiple internal ways for Clients to privately report sexual abuse and sexual harassment, retaliation by other Clients or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of

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responsibilities that may have contributed to such incidents. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall prompt document any verbal reports. (PREA 115.251) (PREA 115.261)

i. A Client who makes allegation that he or she suffered sexual abuse will be informed, verbally or in writing by the Facility Administrator once the contracting agency has notified the facility administrator as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded following an investigation.
ii. Upon receiving an allegation that a Client was sexually abused while confined at another facility, the facility administrator shall notify the head of the facility or appropriate office of the contracting agency where the alleged abuse occurred. The Facility Administrator will also report the incident to the Vice President of Operations as well (PREA 115.263)
iii. All offenders can report incidents of sexual assault immediately. This includes offenders with Limited English Proficiencies (LEP), or other communication issues, e.g., blind, mute, deaf, etc. Client interpreters, Client readers, or other types of Client assistants will not be utilized by Avalon staff except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the Client's safety, the performance of first-response duties under PREA 115.264, or the investigation of the Clients allegations. (PREA 115.216 c)
iv. All staff are required to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the facility, whether or not it is part of the agency; retaliation against Clients or staff who reports such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. (PREA 115.261)
v. The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports to the facility. (PREA 115.261)
vi. 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, to make treatment, and other security and management decisions. (PREA 115.261)

3. Initial Reports and Separation

a. Any client may report acts of sexual assault, abuse or harassment to any employee, contract employee or volunteer using available methods of communication, including but not limited to: verbal reports, "Request to Staff".

b. Upon learning of an allegation that an client was sexually abused:
   i. If the first staff member to respond is a client monitor the following shall be required: PREA 115.264 (a)
      1. Separate the alleged victim and abuser;

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2. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
3. If the abuse occurred within a time period that still allows for the collection of 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, defecting, smoking, drinking, or eating; and
4. 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, defecting, smoking, drinking, or eating.

ii. If the first staff responder is not a security staff member, the responder will be required to request that the alleged victim not take any actions that could destroy physical evidence and then notify security staff (PREA 115.264[b]).

c. Anyone that receives a report of alleged or suspected sexual abuse or harassment from a Client, whether verbally or in writing will immediately notify the supervisor and complete an Incident Report.

4. Emergency Grievances (PREA 115.252)

a. Avalon will not impose a time limit on when a Client may submit a grievance regarding an allegation of sexual abuse.
   i. Avalon may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
   ii. Avalon will not require a Client to use any informal grievance process, or to otherwise attempt to resolve with staff an incident of sexual abuse.
   iii. Nothing in this section will restrict Avalon's ability to defend against a lawsuit filed by a Client on the ground that the applicable statute of limitations has expired.

b. Avalon will ensure that:
   i. A Client who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint; and
   ii. Such grievance is not referred to a staff member who is the subject of the complaint.

c. Avalon will 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.
   i. Computation of the 90-day time period shall not include time consumed by Clients in preparing any administrative appeal.
   ii. Avalon 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 Client in writing of any such extension and provide a date by which a decision will be made.

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iii. At any level of the administrative process, including the final level, if the Client does not receive a response within the time allotted for reply, including any properly noticed extension, the Client may consider the absence of a response to be a denial at that level.

d. Third parties, including fellow Clients, staff members, family members, attorneys, and outside advocates, shall be permitted to assist Clients in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of Clients.
   i. If a third party files such a request on behalf of a Client, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his/her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
   ii. If the Client declines to have the request processed on his/her behalf, Avalon will document the Client's decision.

e. Avalon will establish procedures for the filing of an emergency grievance alleging that a Client is subject to a substantial risk of imminent sexual abuse.
   i. After receiving an emergency grievance alleging a Client is subject to a substantial risk of imminent sexual abuse, Avalon will 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 decision within 5 calendar days. The initial response and final agency decision shall document the agency's determination whether the Client is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

f. Avalon may discipline a Client for filing a grievance related to alleged sexual abuse only when the facility demonstrates that the Client filed the grievance in bad faith.

5. Screening for Risk of Victimization and Abusiveness & Use of Screening Information

a. All Clients will be assessed during the intake screening and upon their transfer to another facility for their risk of being sexual abused by other clients or sexually abusive toward other Clients. The screening will take place during Intake and within 72 hours of arrival at the facility. Within a set time period not to exceed 30 days from the Client's arrival at the facility, the facility will reassess the Client's risk of victimization or abusiveness based upon any additional relevant information received by the facility since the intake screening. A Client's risk level will be reassessed when warranted due to a referral, request, or incident of sexual victimization or abusiveness. Clients may not be disciplined for not disclosing complete information in response to questions asked during the intake process. The Facility Administrator will implement positive controls on the dissemination within the facility of responses to questions during the intake process to ensure that

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sensitive information is not exploited to the Clients detriment by staff or other clients. (PREA 115.241)

b. The risk assessment and the reassessment will be conducted by either the Case Manager or PREA Coordinator.

c. Avalon will use the results from the PREA Screening Assessment to inform housing, bed, work, education, and program assignments with the goal of keeping separate those Clients at high risk of being sexually victimized from those at high risk of being sexually abusive. (PREA 115.242)

6. Prevention

a. All volunteers and contractors who have contact with Clients will be trained on their responsibilities under Avalon's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
   i. The level and type of training provided to volunteers and contractors will be based on the services they provide and level of contact they have with Clients. At the least, volunteers and contractors will be notified of Avalon's zero tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
   ii. Volunteers and contractors will sign an Acknowledgement of Receipt and Understanding of PREA. The Acknowledgement form may be provided by the contracting agency. (PREA 115.232)

b. Avalon will take appropriate steps to ensure that Clients with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Avalon will include steps to provide interpreters who can interpret effectively, accurately, and impartially, both respectively and expressively, using any necessary specialized vocabulary. Written Material will be provided in formats or through methods that ensure effective communication with Clients with disabilities. (PREA 115.216 a)

c. Avalon will take all reasonable steps to ensure meaningful access to prevent, detect, and respond to sexual abuse and sexual harassment to Clients who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both respectively and expressively, using any necessary specialized vocabulary. (PREA 115.216 b)

d. All facility staff will participate in orientation and training regarding sexual abuse/assault.
   i. Each facility is responsible for educating the Client population during the intake process, that Avalon does not condone or tolerate sexual assault/abuse or related prohibited conduct by staff or Clients (PREA 115.232). In addition to the PREA Resource Center's Client education video, all Clients will receive orientation regarding sexual assault/abuse (4-

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ACRS-3A-04), including: How to report incidents or suspicions of sexual abuse or harassment;

ii. Clients' rights to be free from:
    1. Sexual abuse and sexual harassment; and
    2. Retaliation for reporting such incidents; and

iii. Avalon's policies and procedures for responding to such incidents.

e. Avalon will provide refresher information whenever a Client is transferred to a different facility.

f. Avalon will provide Client education in formats accessible to all Clients, including those who are limited in English proficient, deaf, visually impaired, or otherwise disabled as well as Clients who have limited reading skills. (PREA 115.233)
    i. A Spanish version of the PREA Client Educational video will be provided to Clients who speak Spanish.

g. Each facility will create an environment where sexual assault/abuse or related prohibited conduct is not tolerated.
    i. Posters in English and Spanish that contain key information regarding Avalon's zero tolerance policy and reporting information will be displayed throughout the facility.
    ii. PREA pamphlets in English and Spanish will be available in specific locations in each facility.

h. All Clients will be able to shower, perform bodily functions and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances. Staff shall be aware of Client's state of undress during times Clients may be showering, changing clothes or performing bodily functions. All staff of the opposite gender is required to announce their presence when entering a living unit where Clients are likely to be showering, performing bodily functions, or changing clothing. (PREA 115.215)

i. Searches or physical examination of a transgender or intersex Client for the sole purpose of determining the Client genital status is not permitted

j. Avalon does not permit cross-gender pat-downs, cross-gender strip searches and cross-gender visual body cavity searches, expect in exigent circumstance. All searches must be logged and exigent circumstances documented in Secure Manage.

7. Continued Monitoring

    a. Facility Administrators will be responsible for conducting a three part assessment of the facility:
        i. Reviewing staffing levels, taking into account the facility' use of video monitoring or other technology;

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ii. Devising a plan for how to best protect Clients from sexual abuse should staffing levels fall below an adequate level; and
iii. Reassessing annually the staffing patterns and the facility's use of video monitoring systems.

b. Each Avalon facility will have established staffing requirements for each shift to keep Clients safe from sexual abuse. The requirements must designate the priority posts at the facility that must be filled on each shift regardless of staff shortages or absences. This plan will be approved by the appropriate Vice-President of Operations and President. (PREA 115.213).
   i. The staffing plan will provide for adequate levels of staffing, and, where applicable, video monitoring to protect Clients from sexual abuse. In calculating staffing levels and determining the need for video monitoring, each facility must consider:
      1. The physical layout of the facility;
      2. The composition of the Client population;
      3. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
      4. Any other relevant factors.

c. Assessing, determining, and documenting at least annually whether adjustments are needed to:
   i. The established staffing plan;
   ii. Prevailing staffing patterns;
   iii. The facility's deployment of video monitoring systems and other monitoring technologies; and
   iv. The resources the facility has available to commit to ensure adequate staffing levels.

d. Ensuring all staff/Clients have been informed of the behaviors constituting sexual assault and understand the reporting, investigation, and sanctions for making false allegations.
e. Taking appropriate disciplinary actions and applying appropriate sanctions for substantiated sexual assault and false allegations.

f. Ensuring staff/Clients have been educated regarding sexual abuse /assault including prevention, detection, intervention, and disciplinary action.

8. (PREA 115.265) The facility will provide a coordinated response to any reported sexual abuse/assault by:

   a. Immediately reporting any known or suspected act, or allegation, of sexual abuse /assault to the Facility Administrator through the appropriate chain of command.

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b. Treating all reported incidents of sexual abuse seriously and reporting them to the appropriate governmental authorities and Vice President of Operations and President.

c. Ensuring that any staff person or Client alleging sexual assault has been offered immediate protection from the alleged assailant. (PREA 115.262)

d. Ensuring the individual alleged to be the assailant has been separated from the alleged victim and no further contact can be made.

e. Providing complete cooperation and full disclosure during any inquiry or investigation into the alleged act of sexual abuse /assault or related prohibited conduct.

f. Ensuring all staff/Clients reporting they have been sexually assaulted have been promptly transferred to a local community/medical facility equipped to evaluate and treat sexual assault victims (4-ACRS-2B-02, 4-ACRS-4C-03) (PREA 115.282)

g. Ensuring appropriate staff preserved the crime scene and collection of evidence/information was coordinated with the referral law enforcement agency and in accordance with the governmental authority's procedures; and

h. Ensuring that any staff/Client alleging he/she has been sexually assaulted will be offered immediate protection from the alleged assailant and will be referred for medical examination and a clinical assessment for potential suicide or other related symptomology.

i. The facility shall ensure any offender or staff reporting allegations of sexual abuse or sexual harassment or cooperate in an investigation involving such allegations are protected from retaliation by other offenders or staff. The facility/unit head shall designate staff to monitor retaliation and take appropriate action(s) to include: (PREA 115.267 (a)(e))
    i. Employing protective measures, such as housing changes or transfers for offender victims or abusers;
    ii. Removal of alleged staff or offender abusers from contact with victims; (PREA 115.267 (b);
    iii. Engaging emotional support services such as mental health services for offenders and the Employee Assistance Program for staff who fear retaliation for reporting sexual abuse or harassment or for cooperating with investigations; and
    iv. All sexual abusers will be removed from the facility immediately and will be provided medical and mental health care by law enforcement or contract agency. (PREA 115.283)

9. Intervention

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a. Staff will treat all statements of sexual assault from staff/Clients reporting he/she has been victims of sexual assaults seriously and non-judgmentally.

b. Staff of the same gender of the victim will provide services to victims and will conduct preliminary investigations of sexual abuse incidents and/or refer to local law enforcement authority.
   i. Information regarding the staff/Client alleging assault and the incident will be limited to those with a need to know in order to make decisions concerning the staff's/Client's (victim's) welfare and for law enforcement/investigative purposes.
   ii. The Facility Administrator will be advised of allegations of sexual abuse/assault immediately. The Facility Administrator will immediately report the incident to the Vice President of Operations, President, contracting agency, and/or local law enforcement as appropriate.

c. Staff will closely monitor and supervise any victim who has been sexually assaulted.

d. Avalon does not conduct investigations (PREA 115.234). However, facility staff will coordinate with law enforcement and contracting agencies for the collection of evidence and witness testimony, corroboration, and consultation regarding criminal, administrative, and disciplinary issues. Avalon's legal staff may advise the Facility Administrator on legal matters pertaining to the incident.

e. Avalon does not have medical and mental health care staff. The Client will be referred to a contracting agency. (PREA 115.235)

10. Investigation

a. Appropriate referrals will be made to the required governmental authorities. (PREA 115.271 & 272)

b. Appropriate staff will preserve the crime scene and collect information/evidence in accordance with the governmental authority's procedure.

c. Any questioning of the victim by staff will be of the same gender as the victim.

d. The results of the physical examination and all collected physical evidence will be provided to the law enforcement authority as required. Avalon facilities and employees will cooperate fully with the law enforcement /governmental authority investigating the incident.

e. Avalon will ensure that all allegations of sexual abuse and sexual harassment are referred to the appropriate governing agency. (PREA 115.222)

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f. Administrative Investigation – The Administrative investigation will include an effort to determine whether staff actions or failures to act contributed to the abuse. Such investigations will be documented on the Incident Investigation Report and will detail the following components: (PREA 115.271)
   i. Investigative facts (i.e. details about what actually happened);
   ii. Physical evidence;
   iii. Testimonial Evidence;
   iv. Reasoning behind credibility assessments. Credibility should be assessed on an individual basis and will not be determined by the person's status as client or employee;
   v. Investigative findings (discovery or outcome of investigation);
   vi. Substantiated allegations of conduct that appears to be criminal will be referred for prosecution;
   vii. Avalon will retain all written reports regarding Administrative Investigations and Criminal Investigations for as long as the alleged abuser is incarcerated or employed by Avalon, plus five years; and
   viii. Staff who conduct Administrative Investigations will have specialized training in Administrative Investigations.

g. Avalon will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated (PREA 115:272)

h. Following an investigation into a Client's allegation of sexual abuse suffered in the facility, the facility Administrator will inform the Client as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. The facility Administrator shall request the relevant information from the investigative agency in order to inform the Client. Following a Client's allegation that a staff member has committed sexual abuse against the Client, the facility Administrator shall subsequently inform the Client (unless the allegation is unfounded) whenever: (PREA 115.273)
   i. The staff member is no longer posted within the Client's unit;
   ii. The staff member is no longer employed at the facility;
   iii. The facility learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
   iv. The facility learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

i. Following a Client's allegation that he or she has been sexually abused by another Client the facility Administrator will subsequently inform the alleged victim whenever:
   i. The facility learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility
   ii. The facility learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

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j. All notifications shall be documented. The facility's obligation under this standard shall terminate if the Client is released from the facility's custody.

11. Review Team (PREA 115.286)

a. The facility will conduct a sexual abuse incident review within thirty (30) days of the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
    i. The review team will include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.

b. Duties of the review team include:
    i. Considering whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
    ii. Considering whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status, or gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility;
    iii. Examining the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
    iv. Assessing the adequacy of staffing levels in that area during different shifts;
    v. Assessing whether monitoring technology should be deployed or augmented to supplement staff supervision; and
    vi. Preparing a report of findings, including, but not necessarily limited to determinations made pursuant to (i-v) above, as well as any recommendations for improvement and submit such report to the Facility Administrator, Operational Vice President, and PREA Coordinator.

c. The facility will either implement the recommendations for improvement, or shall document its reasons for not doing so.

12. Data Collection (PREA 115.287)

a. Each facility will collect accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions.

b. The facility will aggregate the incident-based sexual abuse data at least annually.

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

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d. The facility will maintain, review, and collect data as needed from all available incident-based documents, including:
   i. Reports;
   ii. Investigation files; and
   iii. Sexual abuse incident reviews.

e. Avalon will obtain all incident-based and aggregated data from its facilities and, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30.

13. Data Review for Corrective Action (PREA 115.288)

a. Avalon will review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:
   i. Identifying problem areas;
   ii. Taking corrective action on an ongoing basis; and
   iii. Preparing an annual report of its findings and corrective actions for each facility, as well as Avalon as a whole.

b. The report will include a comparison of the current year's data and corrective actions with those from prior years and will provide an assessment of Avalon's progress in addressing sexual abuse.

c. Avalon's report will be approved by the President and made readily available to the public through its website.

d. Avalon 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.

14. Data Storage, Publication, and Destruction (PREA 115.289)

a. Avalon will ensure that data collected is securely retained.

b. Avalon will make all aggregated sexual abuse data, from facilities under its direct control readily available to the public at least annually through its website.

c. Before making aggregated sexual abuse data publicly available, Avalon shall remove all personal identifiers.

d. Avalon will maintain sexual abuse data collected for at least ten (10) years after the date of the initial collection unless Federal, State, or local law requires otherwise.

15. Discipline and Prosecution

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a. Alleged sexual assault by staff/Client will be referred to law enforcement for arrest and prosecution.

b. The governmental authority or contracting agency will be advised of any serious incidents involving Clients as required.

c. Staff will be subject to disciplinary sanction up to and including termination for violating this policy.

d. Clients will be subject to disciplinary measures outlined in contracting agency Client disciplinary procedures.

e. Any contractor or volunteer who engages in sexual abuse will be prohibited from contact with Clients and will be reported to law enforcement agencies. (PREA 115.277)

16. Training

a. All staff will be trained on PREA during pre-service training, and then annually. Training will include: (PREA 115.231)
   i. Avalon's zero-tolerance policy for sexual abuse and sexual harassment;
   ii. How to fulfill staff responsibilities under the facility's/agency's sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
   iii. Clients' right to be free from sexual abuse and sexual harassment;
   iv. The right of Clients and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
   v. The dynamics of sexual abuse and sexual harassment in confinement;
   vi. The common reactions of sexual abuse and sexual harassment victims;
   vii. How to detect and respond to signs of threatened and actual sexual abuse;
   viii. How to avoid inappropriate relationships with Clients;
   ix. How to communicate effectively and professionally with Clients, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming Clients; and
   x. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

b. The training will be tailored to the gender of Clients at the facility. Any staff member that is reassigned from a facility that houses males to a facility that houses females, or vice versa, will receive additional training.

c. All volunteers and contractors who have contact with residents will receive the required PREA training as part of their orientation. Avalon will ensure that all volunteers and contractors sign and acknowledge verification confirming their understanding of the PREA training received. This documentation will be retained in the PREA Compliance Manager's office

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ACTION

The Chief Executive Officer will be responsible for assuring compliance with this procedure.

The President will be responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the President.

This procedure will be effective two weeks after signing.

Distribution: Policy and Operating Procedure Manual

Brian Costello, President

10/12/15
Date

Applicable Forms:

Acknowledgement of Receipt and Understanding of PREA Policy
Acknowledgment of Receipt and Understanding of PREA Policy Volunteers
Acknowledgment of Receipt and Understanding of PREA Policy Contractors
Acknowledgment of PREA Training and Understanding
PREA Personnel Screening/Questionnaire
Acknowledgement of Duty to Disclose any Sexual Misconduct During Term of Employment
PREA Risk Assessment
PREA Disposition Log
PREA Exigent Circumstance Log

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