**PREA Compliance Policies & Procedures**

**PREVENTION PLANNING**

**115.311 (a)-1** Policy: Outside In has a zero tolerance policy towards all forms of sexual abuse and sexual harassment.

**115.376(a)** As such, all personnel are subject to disciplinary sanctions up to and including termination of employment for violating agency sexual abuse or sexual harassment policies.

**115.376(d)-1** All employment terminations for violations of Outside In sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies/licensing bodies, unless the activity was clearly not criminal.

**115.377(a)-1** Likewise, Outside In contractor or volunteer who engages in sexual abuse with a student will be prohibited from contact with any students and will be reported to law enforcement agencies.

**115.311(a)-3 Prohibited behaviors include:**

a. Grooming an individual for sexual assault; actual sexual assault in the form of any type of sexual contact or behavior that occurs with or without the explicit consent of the recipient; sexual activities including forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.

b. Sexual harassment in the form of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature that tends to create a hostile or offensive work, school, or treatment environment*.*

Outside In requires that all staff keep all students within eye sight at all times and respond to all behavior which is determined to be negative, coercive and detrimental to the safety and welfare of each student and staff.

Outside in will ensure an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

**115.311(a)-2 Prevention:**

1. All staff will be trained on sexual abuse and sexual harassment. Staff will receive training at hire, and will attend a refresher course at least one time within their first year of employment and a minimum of one time per year thereafter.
2. Staff will receive training on Outside In’s zero tolerance policy on sexual abuse and sexual harassment, how to fulfill their responsibilities in prevention, detection and reporting, dynamics of sexual abuse within juvenile facilities, positive relationships and mandating reporting.
3. Outside In will ensure all students are within staff eyesight at all times.

**115.311(a)-2 Detection:**

 1. In order to ensure their safety, all clients are encouraged to report instances of sexual assault to any program staff member. Clients may also report a sexual assault/abuse through a grievance form or by confidentially contacting the agency PREA coordinator (Residential Manager). All allegations will be taken seriously and thoroughly investigated and staff shall take the necessary steps to separate the victim from the accused. Staff will make assistance available for the client to receive medical evaluation and care as well as needed mental health support. Appropriate steps will be made to protect the client including, but not limited to: transferring to another facility where they can be housed more appropriately, increased contact with counselor to provide ongoing support.

If any staff or students perceive any form of sexual misconduct involving any student with another student, student and staff, staff and staff or student and private contractors they must report their perception in writing to any staff member (students) or to their immediate supervisor (staff). In the event that a staff person perceives sexual misconduct to have occurred by their immediate supervisor they are to report their perception to the next person in the chain of command.

**115.311(a)-2 & 115.311(a)-5 Responding to Sexual Abuse and Sexual Harassment:**

1. The Team Leader II will contact the Incident Commander and begin a documented investigation by separating involved parties. They will ensure all witnesses and participants are given ample time to give their statements in writing.

 The documentation of the investigation will include the following:

 a. Date of alleged incident (s)

 b. Name of person to whom the initial report was made

 b. Parties against whom the allegations are made

 c. A narrative account of the allegations including chronology, location, and descriptions of alleged behaviors

 d. Involved parties account/response to the allegations

 e. Findings

 f. Referral to outside sources, including mental health care, victim support services, law enforcement

1. The Incident Commander will contact the Program Director to review the situation and if necessary the PREA rape protocols will be implemented. **(refers to non-consensual sexual contact)**
2. The Team Leader II will ensure the safety of the students and secure the scene for investigation. (Team Leader II will ensure no access to this area until State Police arrive)
3. The Team Leader II will contact the Clinical Supervisor and assign a victim advocate to accompany the victim to Latrobe Hospital Emergency Room for a forensic medical examination. (Team leader II will ensure student(s) do not shower, rinse their mouth or change their clothes)
4. The Program Director will inform the CEO of the incident and contact PA State Police.
5. The Program Director or designee will report to campus immediately to ensure the safety of each student and staff and manage the investigation.
6. The Program Director or designee will write a formal report to be reviewed by the CEO.
7. Outside In will follow all recommendations from state police, medical professionals and victim advocacy.

**115.311(a)-4 Sanctions for those found to have participated in PREA policy prohibited behaviors:**

Staff: Discipline up to and including termination of employment

 Court instituted penalties

Students: Cabin reassignment or discharge from Outside In

 Court instituted penalties

**PREA Hiring & Promotion Decisions (sec 115.317)**

**115.317(a)** Outside In will not hire or promote anyone who may have contact with students, and will not enlist the services of any contractor who may have contact with students, who—

 (1) Has engaged in sexual abuse in any 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 paragraph 2 of this section.

**115.317(b)** Outside In will consider any prior 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 students. Consideration will be given to:

 (a) Amount of time that has passed since the incident

 (b) Details of the incident

 (c) The individual’s role in the position to which they will be hired or promoted

**115.317(c) (d)-1** Prior to being hired *or* prior to being alone with students, or prior to being contracted for services, and consistent with applicable laws, Outside In performs the following background checks:

 (a) PA Child Abuse Registry

 (b) National Sex Offender Registry ([www.NSOPW.gov](http://www.NSOPW.gov))

 (c) FBI

 (d) PA State Police

 When considering persons for employment or contracted services for students, Outside In will make its best effort to contact all known prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

**115.317(e)-1, (g)-1** No less than every 5 years, criminal background checks will be conducted of current employees and contractors. If a background check reveals that a current employee or contractor failed to notify Outside In of misconduct prohibited by PREA, such an omission will be grounds for termination of employment or contracted services.

**RESPONSIVE PLANNING**

**115.321(f)-1 & 115.322(b)-1** In the event of the need for a mandated administrative or criminal investigation, Outside In will refer the investigation to the appropriate entity (PA Child Welfare: 800-932-0313, PA State Police).

**TRAINING AND EDUCATION**

**Student education:**

**115.333 (c)-3** All students admitted to Outside In and all students transferred from one Outside In facility to another Outside In facility are educated regarding their rights to be free from sexual abuse and sexual harassment. Additionally, they are informed of their rights to be free from retaliation for reporting such incidents.

**SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS**

**115.341 Screening students for risk of victimization and abusiveness**

**115.341 (a)-1** Within 72 hours of intake or transfer to another Outside In facility, all students are screened for risk of sexual victimization or risk of sexually abusing other residents.

**115.341 (a)-4** After the initial screening (upon intake or transfer), Outside In students are reassessed under the following circumstances:

 a. Cabin change/transfer

 b. 1st home pass

 c. ISP Review

 d. Sexual abuse victimization

**115.341 (b)-1** Outside In conducts student risk assessment utilizing the *PREA Risk Assessment Screening*

**Use of screening information:**

**115.342 (a)-1** With the goal of keeping all students safe and free from sexual abuse, Outside In confidentially shares information from the risk screening with those Outside In personnel who have a legitimate need to know.

**REPORTING**

**Accepting reports of sexual abuse and sexual harassment:**

**115.351 (a)-1** Outside In provides students with multiple internal ways to report privately to agency officials about:

 \*sexual abuse and sexual harassment

 \*retaliation by other students or staff for reporting sexual abuse and sexual harassment; AND

 \*staff neglect or violation of responsibilities that may have contributed to such incidents

The internal ways to make such reports privately to Outside In officials include:

 a. Speaking with individual counselor

 b. Request to speak with medical coordinator

 c. Request to speak with Program Director (PREA Coordinator)

**115.351 (b)-1** Students can make reports of abuse or harassment without having to go through Outside In officials by contacting:

 a. their caseworker or probation officer

 b. their attorney

 c. parents or legal guardian

 d. victim advocate (Blackburn Center:1-888-832-2272 )

 e. external private counselor

**115.351 (c)-1** Staff members are required to accept *and* take appropriate action for all reports of sexual abuse or sexual harassment regardless of whether they are received verbally, in writing, anonymously or from third parties.

**115.351 (e)-1** Staff members can privately report allegations of sexual abuse and sexual harassment of residents by calling Tracy Brown, Outside In Corporate Compliance Officer, at 724-837-1518.

**Exhaustion of administrative remedies:**

**115.352 (a)-1** The following procedures are available for students to submit grievances regarding sexual abuse:

 a. file a written or verbal grievance to cabin Team Leader I or counselor

 b. if student feels grievance is unresolved they can then speak with Team Leader II/Residential Mgr.

 c. if student feels grievance is still unresolved, they can speak with Program Director

**115.352 (b)-1** Outside In students are permitted to submit a grievance regarding an allegation of sexual abuse at any time regardless of when the incident is alleged to have occurred.

**115.352 (c)-1** Students alleging sexual abuse and harassment by a staff member are permitted to submit a grievance without submitting it to the staff member who is the subject of the complaint. They can do so by submitting the grievance to any Outside In Team Leader, Supervisor, or Director.

**115.352 (c)-2** In the event a grievance is filed, it will not be referred for investigation/processing to any staff member who is the subject of the complaint.

**115.352 (d)-1** A decision on the merits of any grievance or portion of a grievance alleging sexual abuse or sexual harassment will be made and communicated within 90 days of the filing of the grievance.

**115.352 (e)-1** Third parties, including fellow students, staff members, family members, attorneys, and outside advocates may assist students in filing requests for administrative remedies relating to allegations of sexual abuse.

**115.352 (e)-2** Outside In documents student decisions to decline third party assistance in filing a grievance.

**115.352 (e)-3** Parents/legal guardians of students are permitted to file a grievance, including appeals, on behalf of students, regardless of whether or not the student agrees to having the grievance filed on their behalf.

**115.352 (f)-1** In the event that an emergency grievance alleging that a student is subject to substantial risk of imminent sexual abuse has been filed the following will occur:

 a. The initial agency response will occur within 48 hours

 b. Staff will immediately enact and implement a written safety plan

 c. After an internal investigation by PREA Coordinator (or designee), a formal plan of intervention will be implemented in consultation with counselor, referral source and clinical supervisor.

 d. The final agency decision will be issued within 5 days.

**115.352 (g)-1** Outside In may choose to discipline students when it is demonstrated that the student filed a grievance in bad faith. In no circumstances will a student be disciplined for filing a grievance in good faith.

**Student access to outside confidential support services:**

**115.353 (a)-1** Outside In provides students with access to outside victim advocates for emotional support services related to sexual abuse by doing the following:

 a. providing students with mailing addresses and telephone numbers of local victim advocacy organizations

 b. providing opportunities for confidential communication between students and these organizations

 c. informing students, prior to having access to outside support services, the extent to which their communication will be monitored

 d. informing students, prior to having access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality

**115.353 (c)-1** Outside In maintains memoranda of understanding with the following community service providers that are able to provide students with emotional support services related to sexual abuse:

 a. Blackburn Center, Greensburg PA 15601

 b. Latrobe Mental Health (Excela Hosp), Latrobe PA 15650

 c. C.A. Hughes & Associates, Greensburg PA 15601

**115.353 (d)-1** Outside In provides students with reasonable and confidential access to attorneys or other legal representation.

**115.353 (d)-2** Outside In provides students with reasonable access to parents or legal guardians.

**Third Party Reporting:**

**115.354 (a)-1** Outside In provides information on the agency website that directs people how to report student sexual abuse or sexual harassment.

**OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT**

**Staff and agency reporting duties:**

**115.361 (a)-1** Outside In requires all staff to report immediately to the PREA Coordinator any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency.

**115.361 (a)-2** Outside In requires all staff to report immediately to the PREA Coordinator any retaliation against students or staff who reported incidents of sexual abuse or sexual harassment.

**115.361 (a)-3** Outside In requires all staff to report immediately to the PREA Coordinator any staff neglect or violation of responsibilities that may have contributed an incident of sexual abuse/sexual harassment or retaliation.

**115.361 (b)-1** All Outside In staff are required to comply with PA mandatory child abuse reporting laws.

**115.361 (c)-1** Apart from reporting to the designated supervisors or officials and designated PA or local service agencies, Outside In prohibits any staff member from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other management decisions.

**Reporting to other confinement facilities:**

**115.363 (a)-1 & 115.363 (a)-2**

It is the policy of Outside In that, upon receiving an allegation that a student was sexually abused while confined at another facility, the CEO (or his designee) will notify the head of the facility or appropriate office of the agency or facility where sexual abuse is alleged to have occurred. Additionally, the CEO (or his designee) will notify the appropriate investigative agency.

**115.363 (d)-1** Likewise,Outside In investigates, according to PREA standards, any allegations of sexual abuse received from other agencies.

**Staff first responder duties:**

**115.364 (a)-1** Upon learning of an allegation that a student was sexually abused, the first staff member to respond to the report shall be required to:

 a. Separate the alleged victim and abuser (s)

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

c. (If the abuse occurred within a time period that still allows for the collection of physical evidence) request that the alleged victim and/or alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

**Coordinated response:**

**115.365 (a)-1** Outside In has 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.

**Agency protection against retaliation:**

**115.367 (a)-1** Outside In has a zero tolerance policy that protects staff or students who report sexual abuse or sexual harassment or cooperate with investigations from retaliation by other students or staff. Any form of retaliation against those students or staff who report or cooperate in investigations will lead to disciplinary action.

**115.367(a)-2** Outside In staff members responsible for monitoring students and staff for possible retaliation include the PREA Coordinator, PREA Compliance Manager, Supervisors, and Team Leaders.

**INVESTIGATIONS**

**Criminal and administrative agency investigations:**

**115.371(a)-1** It is the policy of Outside In to refer criminal and administrative investigations over to local child welfare and law enforcement authorities. Internal investigations of sexual harassment that appear to be criminal are referred to local law enforcement authorities.

**Reporting to students:**

**115.373 (a)-1** Outside In will inform any student who makes an allegation that he suffered sexual abuse while at Outside In as to whether the allegation was determined to be substantiated, unsubstantiated, or unfounded.

**115.373(c)-1** Following a student’s allegation that a staff member has committed sexual abuse against the student, Outside In will inform the student (unless the allegation is determined to be unfounded) whenever:

 a. the staff member is no longer working within the student’s cabin

 b. the staff member is no longer employed at Outside In

c. Outside In learns that the staff member has been indicted on a charge related to sexual abuse within the agency

d. Outside In learns that the staff member has been convicted on a charge related to sexual abuse within the agency

**115.373(e)-1** All notifications described above will be documented in the student’s chart.

**DISCIPLINE**

**Disciplinary sanctions for staff, contractors, and volunteers:**

**115.311 (a)-1** Policy: Outside In has a zero tolerance policy towards all forms of sexual abuse and sexual harassment.

**115.376(a)** As such, staff is subject to disciplinary sanctions up to and including termination of employment for violating agency sexual abuse or sexual harassment policies.

**115.376(d)-1** All employment terminations for violations of Outside In sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies/licensing bodies, unless the activity was clearly not criminal.

**115.377(a)-1** Likewise, Outside In contractor or volunteer who engages in sexual abuse with a student will be prohibited from contact with any students and will be reported to law enforcement agencies.

**Disciplinary sanctions for students:**

**115.378(g)-1** Outside In prohibits all sexual activity between students.

In cases involving student on student sexual abuse or involving non-coerced sexual activity, the student perpetrator/participants will be subject to disciplinary action up to and including termination from the program and/or referral for additional treatment services.

**115.378(e)-1** Outside In disciplines students who have sexual contact with staff if that the staff member did not consent to such contact.

**115.378(f)-1** Outside In prohibits disciplinary action against students for reports of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.

**MEDICAL AND MENTAL CARE**

**115.381 - Medical and mental health screenings; history of sexual abuse**

1. If the screening pursuant to § 115.341 indicates that a student 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 14 days of the intake screening. The availability of the follow-up meeting and options for providers will be discussed with the student immediately upon reviewing the screening materials. The primary counselor will document the offer of follow-up services and the student’s response, facilitate the arrangement of the follow-up care, and collaborate with other departments to arrange for transportation.
2. If the screening pursuant to § 115.341 indicates that a student 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 14 days of the intake screening. The availability of the follow-up meeting and options for providers will be discussed with the student immediately upon reviewing the screening materials. The primary counselor will document the offer of follow-up services and the student’s response, facilitate the arrangement of the follow-up care, and collaborate with other departments to arrange for transportation.
3. 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.
4. Outside In staff members 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 18. The majority of students at Outside In are under 18 years of age; therefore information will, in those cases, be subject to the PA Mandated Child Abuse Reporting Law.

**115.382 - Access to emergency medical and mental health services**

1. Student victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, provided by Latrobe Hospital Emergency Room, the Blackburn Center, and/or C.A. Hughes and Associates, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
2. Due to agreements in place with emergency medical and mental health services that are available 24 hours a day, 7 days a week, staff first responders will have these resources available immediately following a report. If there is any delay in making arrangements for the student to be transported to these services, or if there is a necessary time lapse due to other factors in the investigation process, all measures will be take to keep the student victim safe pursuant to § 115.362.
3. Student victims of sexual abuse while at the facility 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. Information may be shared by any staff members involved in responding to the abuse report, and consultation may occur with Outside In’s Medical Director or with personnel from Latrobe Hospital Emergency Room, the Blackburn Center, or C.A. Hughes and Associates.
4. 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.

**115.383 - Ongoing medical and mental health care for sexual abuse victims and abusers**

1. The facility shall offer, using a qualified outside agency with whom a Memorandum of Understanding is in place, medical and/or mental health evaluation and, as appropriate, treatment to all students who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.
2. 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 the facility.
3. The facility shall provide, using a qualified outside agency with who a Memorandum of Understanding is in place, such victims with medical and mental health services consistent with the community level of care.
4. Student victims of sexual abuse while at the facility shall be offered tests for sexually transmitted infections as medically appropriate, provided by Latrobe Hospital Emergency Room or at the office of Outside In’s Medical Director.
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.
6. The facility shall attempt to conduct, using a qualified outside agency with whom a Memorandum of Understanding is in place, a mental health evaluation of all known student-on-student abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

**DATA COLLECTION AND REVIEW**

**115.386 - Sexual abuse incident reviews**

The Prea Coordinator or designee will conduct formal leadership sexual abuse incident reviews with all staff, referring agents, associate parties involved with incident. The incidents of sexual abuse reviews will be conducted within 10 business days of the incident date.

**115.387 - Data collection**

The Team Leader II responsible for the cabin in which the incident occurred with gather all data with the support of the Residential Manager and PREA Coordinator. The sexual abuse checklist will be used as a guide to collect the data. All data will be kept in a hot file until completion of the investigation. The file will be kept with the PREA Coordinator.

**115.387(a)/(c)-1 & 115.387(b)-1** At least annually, Outside In collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control.

**115.387(a)/(c)-2** Outside In utilizes the Department of Justice’s *Survey of Sexual Victimization* and the *Survey of Sexual Victimization Incident Form (Juvenile).*

**115.388 - Data review for corrective action:** All incidents of sexual abuse will be reviewed annually with the Director of Compliance and Residential Leadership Team.

**115.388(c)-1** Outside In makes its annual report available to the public via the agency website.

**115.389 - Data storage, publication, and destruction:** All data of sexual abuse will be kept on file for 10 years. Outside In will remove all personal identifiers before any incidents are posted on website. Outside in will destroy all evidence of such sexual abuse incidents after 10 years of data collection.

**115.389(b)-1** At least annually**,** Outside In makes its aggregated sexual abuse data available to the public via the agency website.

CHR 9\_2014

CHR 1\_2015

JMW 2\_2015