

**4-ACRS-3A-07, 6A, 6A-05, 6B, 6B-01,
02, 7E, 7E-04**

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Chapter 10: Programs

PREA-Policy

1. Policy: *[115.212] The Salvation Army Pathway Forward Residential Reentry Center (TSA-RRC) is under contract with the Bureau of Prison (BOP) to provide reentry services for men and women returning to the community from federal institutions. TSA-RRC is subject to the guidelines as set forth in the BOP Statement of Work (SOW). TSA-RRC is accredited by the American Accreditation Association (ACA) and is also obligated to abide by all ACA standards. It is the policy of TSA-RRC to honor the spirit as well as the letter of the federal, state, and local laws which forbid sexual abuse, harassment, and intimidation in the workplace. In keeping with Public Law 108-79, the Prison Rape Elimination Act (PREA) of 2003 TSA-RRC program adopts PREA standards for community confinement facilities in its totality and as modified from time to time. TSA-RRC maintains PREA's standard of zero tolerance against any form of sexual abuse or sexual harassment, and also employs an anti-retaliation policy against anyone resident or staff who attempts to retaliate against an individual who reports an alleged sexual abuse or sexual harassment violation. TSA has created this policy to ensure that PREA, BOP and ACA guidelines are in place to help prevent and address sexually aggressive behavior against residents, staff, visitors, contractors, and all others associated with the RRC campus.

The PREA Policy enhances other RRC policies associated with this area and is therefore intended to be read in conjunction with; **Ch. 2: Personnel: Sexual Abuse Information 4.02.03A, PS.-5324-Sexually Abusive Behavior Prevention, Intervention Program Statement and Ch2: Personnel TSA-Anti-Harassment Policy 4.02.02B**

Sexual Relationships with Residents. Employees and non-employees i.e. (contractors and volunteers) are prohibited from engaging in, or allowing another to engage in, sexual behavior with a resident. A lack of force or a mutual agreement between the parties is irrelevant since consensual sex is impossible between the RRC's employees and its residents. All such identified relationships will result in disciplinary action which include immediate termination of employment or dismissal from future association with the RRC program. All sexual abuse reports are reported to the Bureau of Prisons (BOP) Residential Reentry Manager (RRM). (**See-Ch.2 Personnel Standards of employee conduct, item #6. g.)**

2. TSA-RRC PREA Policy Purpose: TSA-RRC PREA policy is developed to educate residents and staff in TSA's sexual abuse policies so they understand how to protect themselves against sexual abuse, how to report sexual abuse, what will happen following a report, and the consequences for committing sexual abuse. TSA-RRC's PREA Policy is based on the Standards for the Prevention, Detection, Response, and Monitoring of Sexual Abuse in Community Corrections. All aspects of TSA-RRC's PREA program is coordinated and overseen in conjunction with the PREA Coordinator (PC).

Section I. Prevention and Response Planning

Prevention Planning:

1. Zero tolerance of sexual abuse/harassment: *[115.211]

It is the policy of TSA-RRC to maintain zero tolerance toward all forms of sexual abuse/harassment and enforce that policy by ensuring all of RRC's supervision functions comply with the PREA standards. The RRC designates a PREA coordinator (PC) to oversee agency efforts to comply with the PREA standards. The RRC PC is the Program Director. The RRC PREA Compliance Manager and Assistant Compliance Manager are responsible for conducting audits of PREA and reports directly to the Director/PC.

TSA-RRC is responsible not only for ensuring that staff and residents are informed of the RRC's zero-tolerance policy toward sexual abuse but for setting a tone that signals true commitment to a culture of safety and security for all residents and staff. In an effort to ensure zero tolerance towards sexual abuse/harassment is maintained the PC manages and oversees the RRC's efforts to comply with the PREA standards by:

- Developing written policies that follow community corrections best practices and meet the intent of the PREA standards,
- Developing and implementing a training plan that fulfills the PREA training standards,
- Monitoring resident screening procedures and investigations according to the PREA standards,
- Supervising the agency's data collection efforts, and
- Providing appropriate access and materials to auditors.

2. Housing and supervising residents under TSA-RRC authority: *[115.212]

TSA-RRC contracts with the Bureau of Prisons (BOP) in providing supervision to its residents. All residents are protected by the PREA standards that have been adopted in its operations.

3. Staff Planning / Resident Supervision *[115.213]

Program Director: In consultation with key staff members the Program Director reviews staffing at least annually. The Program Director reviews the RRC Staffing Report annually as part of the annual budget review to ensure that RRC is adequately staffed. The Program Director meets or exceeds Bureau of Prisons (BOP) contract requirements and standards of the American Correctional Association (ACA). The Program Director prepares an annual budget of expense and revenue which is reviewed and approved by The Salvation Army Metropolitan Division Headquarters (DHQ), the governing authority. This assures funding of all provisions. The fiscal condition of the facility is continuously monitored and, when necessary, adjustments are made to ensure that staff is paid in full and on time. The Program Director works closely with the Residential Reentry Manager (RRM) to ensure that as the RRC's population goes up and down; staffing and accommodations remain in compliance with requirements of the BOP. The RRC maintains a full complement of staff that is commensurate with the resident population. The BOP finds the staffing pattern suitable for the number of residents. Trained

security staff is available around the clock 24 hours a day 7 days a week. The primary focus of all staff is resident Safety, Security and Accountability. Staff is trained in every aspect of job responsibility including how to detect, deter and help to prevent against Sexually Abusive Behavior, Prevention, and Intervention.

Role of Shift Supervisors, Correctional Counselors: These employees are scheduled by Security Services Supervisor, in consultation with the Program Manager/Operations and the Program Supervisor. Trained Shift Supervisors and Correctional Counselors are on duty around the clock 24 hours a day 7 days a week. Although all staff plays a role in resident safety, security, and accountability it is the security staff that is tasked with the greater role in this area. The security staff is trained in various accountability practices which includes conducting accountability tours of the facility continually and completing at least four head counts per shift.

Role of Reentry Case Manager (RCM): These employees are scheduled by the Program Manager/Case Management. Each Resident Advisor works at least one evening shift (1:00 PM to 9:00 PM) a week. The RRC is staffed with Resident Advisors from at least 8:00 AM to 5:00 PM Monday-Friday.

Role of Program Supervisor: The Program Supervisor (**PS**) oversees scheduling, in consultation with the Program Director. The PS ensures that staff strength is appropriate for the numbers and needs of residents in the facility during every shift. The PS ensures that adequate staff is available for counseling and other program activities at appropriate times. The PS delegates certain scheduling responsibilities to the Program Manager/Operations and the Program Managers/Case Management.

Role of PREA Coordinator (PC): The RRC PC is the Director; the PC's responsibilities include developing, implementing, and overseeing the agency's plan to comply with the PREA standards. The PC designates a PREA compliance manager and assistant manager to conduct audits of the RRC's PREA policy to ensure compliance. The PC is also responsible for ensuring the completion of the assessment checklists standards. The PC works in conjunction with the BOP's RRM with regard to alleged PREA violations. Nonviolent Sexual abuse and sexual harassment, e.g., verbal or an alleged grope, are investigated by the RRC staff assigned by the PC and reports of violent and or criminal sexual abuse and sexual harassment that involve, e.g., battery or rape, require the assistance of local law enforcement authorities, medical/mental health community, and non-RRC/BOP sexual abuse support agencies in cases of alleged illegal physical bodily violations.

4. Limits to cross-gender viewing and searches: *[115.215]

Staff Training: Security staff is trained to search the first week of arrival as part of a 40-hour training program and thereafter at least annually. **Prohibited Searches:** The RRC prohibits strip and body cavity searches of any resident male or female. Searches of persons on the premises are done by pat-down. Staff is prohibited from searching or physically examining a transgender or intersex resident for the sole purpose of determining the resident's genital status. All cross-gender pat-down searches of female residents must be documented. Staff is prohibited from viewing residents who are nude or performing bodily functions and similarly restricts cross-

gender pat-down searches. This includes showering changing clothing etc. without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in circumstance when such viewing is incidental to routine room checks (this includes viewing via video camera). Staff is required to announce their presence when entering the housing areas of residents of the opposite sex. **Males never pat down females.** The RRC does not restrict female residents' access to regular available programming or outside opportunities in order to comply with this provision. Please see,

TSA-RRC Searches: All searches are conducted in a dignified and respectful manner. Residents are searched each time they enter the facility. Pockets are emptied onto the counter. Jackets and coats are removed. Body pats include the arms, legs, back, clothing, belt area, shoes and socks, and hats. Correctional Counselors (CC) may order a search of any resident or his/her visitor. Containers are searched in the presence of the owner, who removes items as directed.

5. Accommodating residents with special needs: *[115.216]

TSA-RRC's Training Manager (TSA-TM) is assigned to provide the PREA orientation and education training with the PREA Compliance Manager Assistant (PCMA) serves as backup. The TM and/or PCMA ensures that residents who are limited English proficient (LEP), deaf, or disabled have equal opportunity to benefit from all aspects of reporting sexual abuse and sexual harassment to staff directly, through non-resident interpreters or through interpretive technology, www.LanguageLine.com. To access an Interpreter 1. Dial 1-866-874-3972

2. Provide: Client ID 994001

3. Indicate: Language

4. Provide: Location Code - 100

Staff must document the name and ID# of the interpreter for reference. Brief interpreter and give any special instruction. (See quick reference guide in attachments to this policy)

The RRC prohibits use of resident interpreters, resident readers, or other types of resident assistants 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 §115.264, or the investigation of the resident's allegations. If residents' assistance is utilized, the scope of the assistance must be in writing. Accommodations are made by TM to convey all written information about sexual abuse policies, including how to report sexual abuse and sexual harassment, verbally to residents who have limited reading skills or who are visually impaired. TSA TM or PCMA reads all PREA materials to residents who are blind or have limited vision and are unable to decipher the material.

6. - Hiring and promotion decisions: *[115.217]

(a) TSA-RRC pre-screens all applicants prior to hire or promotion to ensure it does not hire or promote anyone or engage any contractor or volunteer who:

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 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 above described in section **(a)(2) of this section**

(b) TSA-RRC shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor or volunteer, who may have contact with the residents.

(c) Prior to hiring new employees who may have contact with residents, TSA-RRC perform background records checks; and consistent with Federal, State, and local law, makes its best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignations during a pending investigation of an allegation of sexual abuse.

(d) TSA-RRC performs criminal background records checks for all applicants; new hires, contractors, volunteers, and employees being considered for promotion to identify any history of criminal activity at work or in the community, including convictions or adjudications for domestic violence, stalking, and sex offenses.

(e) The BOP conducts follow up background checks on TSA-RRC employees every 5 year as a condition of the beginning of new 5-year contract cycles, omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

(f) TSA-RRC shall also ask all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.

(g/h) **Unless prohibited by law**, TSA-RRC 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 whom such employee has applied to work.

In the state of Illinois TSA has no obligation to divulge references concerning any present or past employee of TSA unless Human Resources has received a written request for such a reference. Supervisors must forward all requests for references to Human Resources for handling. Human Resources will in turn respond only if the present or past employee has given written authorization to release information to the third party. Such response will only confirm the dates of employment, rate(s) of pay, and position(s) held. The RRC's counseling staff is required to inform residents of their duty to report, and the limitations of confidentiality, at the initiations of services.

7. Upgrades to facilities and technologies: *[115.218]

Facility has implemented video surveillance equipment technology as a preventive measure against sexual assault in its facility. Facility is equipped with video cameras on residents' floors and hallways as well as in elevators and common areas throughout the four-story facility. In addition to surveillance cameras at security desks, Program Supervisor, Program Operations Manager and Security services supervisor offices, there are 32 cameras throughout the facility. A Breakdown of resident capacity of floors 2-4 is as follows; (17 beds women on second floor women's wing), (38 beds on second floor men's wing), (73 men beds on the third floor) and (73-men beds on the fourth floor).

Response Planning:

1. Evidence protocol and forensic medical examinations. *[115.221]

TSA-RRC does not conduct its own services in this area but outsources these services to the professionals in the law enforcement and medical field at no cost to the resident.

2. Agreements with outside law enforcement agencies: The RRC seeks the assistance of the local law enforcement, the Chicago Police Department (CPD) in responding to sexual assaults of a criminal nature, taking perpetrators into custody, and conducting the investigation.

3. Agreements with the prosecuting authority: The RRC is not involved in the legal aspect of sexual assault arrest. Once an arrest is made by the CPD the legal system automatically takes its course in matters of adjudication through the legal system.

4. Referrals of allegations of sexual abuse/harassment for investigations. *[115.222]

It is the policy of TSA-RRC that all reported allegations of sexual abuse and sexual harassment are in writing and must be forwarded to the RRC's PREA certified upper-level administrator investigators for completion.

TSA-RRC investigators are trained to investigate and document all allegations of sexual abuse and sexual harassment. TSA-RRC does not conduct its own investigative services if it is determined that the reported abuse is criminal in nature or if evidentiary or other forensic analysis is warranted. These important functions are outsourced to the professionals in the law enforcement and medical field with legal authority to conduct such investigations. However, when outside agencies investigate sexual abuse, the RRC cooperates and stays in constant contact with outside investigators, endeavor to remain informed about the progress of the investigation and request the relevant information from the investigative agency in order to inform the resident. The RRC policy regarding the referral of allegations of sexual abuse or sexual harassment for criminal investigation is published on the agency website.

Section II. Prevention Training and Education:

1. Employee Training: *[115.231]

TSA-RRC trains all employees to be able to fulfill their responsibilities under the RRC's PREA policy standards for sexual abuse prevention, detection, and response policies and procedures for male and female residents. The PREA Coordinator (PC) or fully trained staff member delegated by the PC is responsible for administering training in TSA-RRC'S PREA policy. The RRC uses multiple mechanisms for presenting training information, including lectures, dialogues and other interactive techniques.

All employees are trained to communicate effectively and professionally fostering a confidence in resident-staff interactions that can make residents more comfortable in reporting violations to staff.

All staff receive training in PREA initially as new hires and annually thereafter. New staff is trained before they have contact with residents. In addition to completing training, staff must also demonstrate a working knowledge of PREA standards before working with residents. Staff members, volunteers' contractors and residents have access to materials stating the RRC's sexual abuse policies.

The RRC also provides annual refresher information to all employees to ensure that they know the RRC's most current sexual abuse policies and procedures. The RRC ensures training materials are up to date by reviewing them at least annually and making revisions, staff is updated between trainings regarding changes in laws, policies, or protocols. The RRC maintains written documentation showing employee signatures verifying that employees understand the training they have received either through **STAFF TRAINING SIGN-IN/SUMMARY SHEET form No. F107CD** or through means of electronic verification.

The following list of topics used in PREA training ensures that the RRC delivers the most effective sexual abuse and PREA training to employees, contractors, volunteers, and residents.

Training topics

A. Staff General Education and awareness training topics:

- An overview of PREA and its zero tolerance for sexual abuse and sexual harassment.
- How to fulfill their responsibilities under TSA sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
- A description of the inalienable right of all residents to be free from sexual abuse
- The role of TSA-RRC administrators to protect and enforce the human right to be free from sexual abuse and sexual harassment.
- Definitions and examples of prohibited and/or illegal behaviors and language that are considered sexual abuse.
- Examples of conduct, circumstances, and "red flags" that may be precursors to sexual abuse or which suggest sexual abuse is occurring.
- TSA-RRC's anti-retaliation policy.
- How to detect and respond to signs of threatened and actual sexual abuse.
- Common reactions by victims of sexual abuse/harassment.
- How to comply with relevant laws to mandatory reporting of sexual abuse to outside authorities.
- TSA-RRC's liability for sexual abuse of persons in custody (criminal, civil, and administrative).
- A discussion of how sexual abuse is used to gain power and control in confinement settings.
- TSA-RRC's policy regarding residents who knowingly make false allegations of Staff-on-resident sexual abuse or staff-on-resident sexual harassment.

- Common myths and perceptions of sexual intimidation and abuse in confinement settings.
- Professional boundary setting, including issues related to personal associations with residents' consent, imbalances of power, and appropriate vs. inappropriate touching.
- Strategies for promoting effective prevention and intervention of staff-on-resident sexual abuse and staff-on-resident sexual harassment.
- Strategies for removing a victim or witness of sexual abuse and harassment from any public or semipublic area without arousing the suspicion of other resident or staff members.
- Strategies for protecting the safety of vulnerable populations, including but not limited to lesbian, gay, bisexual, and gender-nonconforming residents (including transgender and intersex); deaf, speech-impaired, or visually impaired residents; developmentally disabled residents; residents with limited English proficiency; mentally ill residents; residents with past histories of sexual abuse; residents with personality disorders; and young residents.
- Proper searches and rules which govern searches of all residents including lesbian, gay, bisexual, and gender-nonconforming residents (including transgender and intersex)
- All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and TSA shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, TSA shall provide refresher information on current sexual abuse and sexual harassment policies.

B. Sexual abuse reporting duties:

- Staff members' duty to report sexual abuse and their liability if they fail to report.
- The process staff members should use to report sexual abuse.
- The process that residents should use to report sexual abuse.

C. Medical and mental health care:

- The range of victims' services available to residents, including free medical and mental health care for injuries and/or trauma resulting from sexual abuse, and how residents gain access to those services.
- Referring victims to medical professions for forensic medical exams.
- Informing staff that the medical staffs to whom we refer victims know how to detect sexual abuse during medical and mental health exams.

D. Investigations and discipline:

- Contacting the police to conduct the investigative process for allegations of sexual abuse of a criminal nature, including the importance of preserving evidence. Referrals to hospitals for residents who are sexually assaulted.
- The legal and disciplinary sanctions for residents who engage in resident-on-resident sexual abuse or resident-on-resident sexual harassment.
- The legal and disciplinary sanctions for staff who engage in actual or attempted staff-on-resident sexual abuse or staff-on-resident sexual harassment.
- Victims' rights based on relevant State or Federal law.

- The rights of a staff member who is the subject of an investigation based on relevant Federal or State law.

2. Volunteer and contractor training: *[115.232]

TSA-RRC ensures that all volunteers and contractors who have contact with residents have been trained in their responsibilities under the RRC's PREA standards regarding sexual abuse prevention, detection, and response policies and procedures. The level and type of training provided to volunteers and contractors is based on the services they provide and level of contact they have with residents. Volunteers and contractors who have contact with residents are notified of the RRC's zero-tolerance policy regarding sexual abuse and sexual harassment. Volunteers are trained in how to report sexual abuse. The RRC maintains written documentation showing volunteer and contractor signatures verifying that they understand the training they have received. Volunteers and contracted are given personal pamphlets to keep referencing information covered in their training.

3. Resident PREA orientation & educational training: *[115.233]

Training is tailored to the gender of the residents at the facility. TSA-RRC's Training Manager (TSA-TM) is assigned to provide the PREA orientation and education training for all new arrivals from institutions or from a different community confinement facility during the intake process. The PREA Compliance Manager Assistant also conducts this training as a backup to the TM. **TSA-TM informs residents of the RRC's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse.** TSA-TM provides comprehensive education to residents regarding their right to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting abuse, the dynamics of sexual abuse, the common reactions of sexual abuse victims, and information pertaining to the RRC's sexual abuse response policies and procedures. The RRC reviews PREA standards annually to identify any changes. The RRC shares identified PREA changes with residents and staff to ensure that they know the RRC's most current sexual abuse policies and procedures.

Resident PREA acknowledgement: At the conclusion of the intake process and resident orientation & educational training, The TSA TM or PCMA have residents acknowledge completion of PREA orientation & education training by signing the **PREA Resident Training Sign In/Summary Sheet**. Each resident is also given a personal copy of the **PREA Resident Reference Guide: "Sexually Abusive Behavior Prevention and Intervention"** (F04015.15).

In addition to the above PREA information, the RRC ensures that key information is also continuously and readily available and visible to residents through Posters and Third-Party Reporting instructions throughout the facility on resident bulletin boards and through resident handbooks issued at intake.

PREA Resident Orientation/Education covers the following topics:

- What is sexually abusive behavior?
- Your Right to be Safe from Sexually Abusive Behavior
- Your Role in Preventing Sexually Abusive Behavior
- What to do if you are Afraid or Feel Threatened
- What to do if you are Sexually Assaulted

- How to Report an Incident of Sexually Abusive Behavior
- Third party reporting
- The Role of Program Supervisor
- The Role of Program Director
- File a Grievance or Administrative Remedy
- Write the Residential Reentry Manager (RRM)
- Write the Office of the Inspector General (OIG)
- Understanding the Investigative Process
- Counseling Programs for Victims of Sexually Abusive Behavior
- Management Program for Assailants
- Policy Definitions
- Prohibited Acts
- Staff Misconduct

4. Specialized Training-Investigators: *[115.234]

TSA-RRC investigators receive training from PREA for administrative investigations only. The RRC is exempt from conducting specialized training for sexual assault investigations of a criminal nature and/or requires forensic analysis because the RRC refers these investigations to the local law enforcement agency. Please See **Section III Detection and Response Reporting:/First staff responder duties for preservation of evidence and crime scene.**

5. Specialized Training-Medical and Mental Health care: *[115.235]

TSA-RRC is exempt from conducting specialized training in medical and mental health care due to referring all sexual assault involving physical violations to the local medical hospital emergency services or emergency care departments. However, Please See **Section III Detection and Response Reporting:/First Staff responder duties for preservation of evidence and crime scene.**

Screening for risk of victimization and abusiveness: *[115.241]

1. Initial Intake Screening - TSA-RRC utilizes criterion recommended by the Standards for the Prevention, Detection, Response, and Monitoring of Sexual Abuse in Community Corrections to assess risk for abuse or victimization. The screening for risk of victimization and abusiveness form is completed by the intake department during normal business hours Mondays thru Fridays and by security at all other times. All subsequent screenings are conducted by the Reentry Case Manager (RCM). Once the screening is completed the document is forwarded to the RCM for review. The RCM reviews the screening for risk of victimization and abusiveness form with other information the RCM may have to ensure the screening was appropriately completed. In some cases, the review may require the RCM to further interview the resident for additional information.

All residents are screened upon arrival within **72 hours of intake and again within 30 days** of arrival, upon transfer to another facility and anytime the staff is made aware of their risk of being sexually abused by other residents or sexually abusive toward other residents.

During the initial intake process residents are evaluated on a case-by-case basis in determining appropriate housing arrangements for past victim/abuser and for residents who screened at risk of becoming a victim or abuser and for the purpose of staff awareness. How and where a resident was housed at the institution level has no bearing on where a resident who presents as male or female is housed at the RRC if the resident's belief is contrary to how he/she presents. In these instances, the RRC will seek consensus assistance from the RRM in determining whether the resident will be housed in either the male or female population but ultimately the RRC is charged with the final decision.

The intake screening document utilizes a scoring system in determining risk of victimization/abusiveness of all residents. (See Form# F04015.13,)for explanation of scoring). At a minimum, the following criteria to assess residents for risk of sexual victimization scoring in determining:

- Gender and age
- Whether the resident has a mental, physical, or developmental disability.
- The physical build of the resident.
- Whether the resident has previously been incarcerated.
- 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; and
- The residents' own perception of vulnerability.

The intake screening considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the RRC, in assessing residents for risk of being sexually abusive. If at screening the resident is determined to be at risk of victimization or abusiveness, TSA Program Supervisor (PS) is immediately notified and made aware of the issue. The PS will investigate the situation and if necessary, will consult with the PREA Coordinator and the RRM's office for assistance in remedying the issue. If it is determined that the resident is in need of additional supportive services, the PS will ensure that such services are provided the resident through sexual abuse advocacy services within the community who have a standing Memorandum of Understanding (MOU) agreement on file with TSA-RRC. Please see section III. Detection and Response: item #3 Resident access to outside confidential support services:

Disciplinary action - Residents may not be disciplined for refusing to complete information in response to, questions asked from the screening instrument.

30 days Re-Screening: The Reentry Case Manager (RCM) conducts the 30-day follow-up screening. There are different considerations for determining the *how, who and when* of completing the 30-day Re-Screening assessments.

a. Within 30 days from the resident's arrival at the RRC residents deemed "***at risk***" either through ***initial intake screening*** or by ***their own assessment*** are rescreened to re-assess their risk level for victimization or abusiveness. The re-screening is based upon any additional,

relevant information received by the RRC since the initial intake screening. The Program supervisor is made aware of all at risk screenings. Residents deemed at risk as possible victims are **offered counseling**, residents at risk as abusers are **mandated to counseling** and may not move through the level system if they do not comply with this mandate. RCMs also revisits this issue with all other residents who were deemed **"not at risk"** during the initial screening within 30 days of initial screening. However, if the RCM determines that nothing has changed from the time of the initial screening, resident offers no new information nor has RRC received any additional relevant information which would deem the resident "at risk", re-assessment is **"NOT"** required. Therefore, the RCM only checks the 30-day box, enters the date of the re-screening and checks the "no changes" box the remainder of the screening form remains blank.

b. In addition, beyond the initial and 30 day follow up interviews, the RCM may reassess the resident **anytime during their stay** at the RRC. If by the resident's own assessment or when additional, relevant information is received by the RRC deems them **"at risk"** of victimization and/or abusiveness, the re-assessment is conducted and completed. Supervision is always alerted of all at risk residents.

c. Assessment at transfer to another facility. In the event that a resident is being transferred to another correctional facility, another screening must be conducted. While conducting this screening it is determined that no change has occurred since the last assessment the RCM checks the "transferring" box, dates the assessment line and checks the "no change" box and the rest of the form remains blank.

2. Use of screening information for risk of victimization and abusiveness: *[115.242]

- In monitoring residents for their personal safety as well as for the overall security of the RRC.
- In making informed Individualized determinations about how to ensure the safety of each resident.
- In deciding whether to assign a transgender or intersex resident to a unit for male or female residents, and in making other housing and programming assignments.
- In considering on a case-by-case basis whether a placement would ensure the resident's health and safety or would present management or security problems.
- In considering a transgender or intersex resident's own view with respect to his or her own safety.

The RRC does not place lesbian, gay, bisexual, transgender, or intersex residents in dedicated living areas solely on the basis of such identification or status, unless such placement is in a dedicated living area established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such residents.

TSA-RRC maintains all residents' responses as confidential. Dissemination of responses within the facility or within the correctional community is protected and issued on a need-to-know basis only.

III. Detection and Response:

Reporting

1. Resident reporting: *[115.251]

Residents are encouraged to report all allegations of sexual abuse and sexual harassment to staff. The RRC staff is trained in the sensitivity and importance of assuring residents that all reports of sexual abuse and sexual harassment will be thoroughly investigated. RRC staff members are instructed to keep reported information confidential and only discuss it with the appropriate officials on a need-to-know basis concerning the resident-victim's welfare and for external law enforcement or internal investigative purposes. Residents reporting allegations of sexual abuse, harassment, retaliation finds that staff, through neglect or violation of their responsibilities, may have contributed to such an incident, the resident may discretely and securely lodge their report by requesting a private audience with their Reentry Case Manager (RCM), Chaplain, Clinical Services Counselor, Program Supervisor, Program Director, or any other staff member they trust.

RRC staff accepts reports of sexual abuse and sexual harassment verbally, in writing, anonymously, and from third parties and immediately puts into writing any verbal reports. In like manner staff is also afforded the opportunity to privately report sexual abuse and sexual harassment of residents. Upon supervisory level personnel retrieving all pertinent information to any assaultive behavior the official **Assaultive Behavior Report (F04016.17)** is prepared. Supervisory level staff also utilize the Supervisory Duties for PREA Assaultive Behavior Report checklist (04015.21) to ensure all necessary steps have been taken to ensure the validity of the Assaultive Behavior Report.

Resident reporting to BOP: Residents receives PREA educational orientation during the initial intake process which also covers residents' option to report sexual abusive behavior directly to the Bureau of Prisons (BOP) offices. At that time, they are given contact information to the BOP Residential Reentry Manager (RRM) and all other pertinent BOP offices. This information is also posted on secured transparent bulletin boards throughout the facility and is also listed in the residents' handbook for their immediate access.

2. Exhaustion of Administrative Remedies: *[115.252]

TSA-RRC administrative procedures are in place for filing resident grievances regarding sexual abuse, third party assisted filing and residents subject to a substantial risk of imminent sexual abuse.

a. Filing a sexual abuse grievance. The processing and maintaining sexual abuse grievances is the responsibility of the Program Supervisor. Residents who file grievances for allegations of sexual abuse is taken very seriously. The RRC does not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse. The RRC may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.

The RRC does not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

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. The RRC issues a final program 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 does not include time consumed by residents in preparing any administrative appeal.

The RRC 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 RRC notifies the resident in writing of any such extension and provides a date by which a decision will be made. 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.

b. Filing third party assisted grievances. Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, are permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse, and are permitted to file such requests on behalf of residents.

Grievance prepared through a third party on behalf of alleged resident victim requires the agreed permission of the resident. The resident must also agree as 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 RRC documents the resident's decision.

c. Filing emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse. After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, the RRC immediately forwards the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to the PS for immediate investigation into the allegation and for immediate corrective action.

The RRC is responsible for rendering an initial written response within 48 hours and a final agency decision within 5 calendar days. The initial response and final agency decision are to be documented with a determination whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance. Disciplinary actions will be taken against residents who file grievances related to alleged sexual abuse only where it is determined that the resident filed the grievance in bad faith and the allegation is deemed unfounded.

3. Resident access to outside confidential support services: *[115.253]

TSA-RRC also seeks external community resources for residents to privately report or discuss matters of sexual abuse. TSA-RRC affords reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible. Residents are informed 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.

The RRC has solicited the assistance of the victim advocate agencies below and has established written memoranda of understanding (MOU) or agreements from those agencies agreeing to provide confidential emotional support services related to sexual abuse of its residents. TSA-RRC has signed MOUs for each agency listed below on file and available upon request:

- The YWCA Metropolitan Chicago, Sexual Violence and Support Services located at 820 W. Jackson, Ste. 550, Chicago, IL 60607, 1-312-733-2102, ext. 2146
- Norwegian American Hospital, 1044 N. Francisca Ave Chicago IL, 60622
- Mujeres Latinas en Accio'n 2124 W 21st St. Chicago IL, 606081-773-890-7676

Other sexual abuse support services and hotline assistance

- Rape Victim Advocates located at 180 N. Michigan, Suite 600, Chicago, IL 60601 312-443-9603, Ext. 25.
- City of Chicago Rape crisis hotline: 888-293-2080.
- Rape Abuse and Incest national Network (RAINN) hotline: 1-800-656-4673

4. Third Party reporting: *[115.254]

The process of reporting sexually abusive behavior that is either witnessed or is being passed along by a party not associated with the incident is considered third party reporting. Third party reporting by anyone is welcomed and will receive the same level of importance and discretion as any other report of sexually abusive behavior even if the third-party reporter elects to remain anonymous. Third party reports may be made in person or telephonically, verbally, in writing, or mailed to TSA-RRC's Program Supervisor or Program Director. All verbal reports will be in writing immediately.

Third party reporting information is disseminated in postings, handouts, and mailings. Postings are located on RRC residents' floors, common areas, clinical services, and visitors' room bulletin boards. Handouts are disseminated to clinical services staff and by RRC spot checkers at initial home site check approval. The RRC also forwards a full copy of PREA upon request to all external agencies working in a supportive capacity to the RRC's residents.

RRC Official Response Following a Resident Report:

1. Staff and TSA-RRC reporting duties: *[115.261]

The RRC's PREA policy requires staff to report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports to the Program Director (PD). The PD

will assign and monitor an appropriate administrative investigator (ordinarily the Program Supervisor).

(a) . In the event the allegation rises to the level of criminal activity, the investigation will be referred to the appropriate entity in the Chicago Police Department. Staff is required to immediately report 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 RRC; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Reports may be made in person, telephonically, verbally, in writing, or mailed to TSA-RRC's Program Supervisor or Program Director. All verbal reports will be put in writing immediately.

(b). All information pertaining to sexual abuse and sexual harassment reports is confidential and is disseminated on an as needed basis and to supervisory staff only. Staff must not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in the RRC's PREA policy, to make treatment, investigation, and other security and management decisions.

(c). Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners are required to report sexual abuse pursuant to paragraph (a) of this section and to inform residents of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.

(d) If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, TSA-RRC will report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

(e) TSA-RRC forwards all reports of sexual abuse and sexual harassment, including third-party and anonymous reports, to the RRC's designated investigators who are also program administrators.

2. TSA-RRC Protection Duties. *[115.262]

Preservation of ability to protect residents from contact with abusers: TSA-RRC's PREA policy protects residents from coming into contact with their abusers. In all reports of resident sexual abuse incidents, the RRC conducts a preliminary investigation to determine the name of the alleged resident or staff abuser. Once the name of the abuser has been determined the RRC immediately ensures that the alleged abuser and victim are separated. The RRC's next task is to determine if the report is of a criminal nature, if so, the local law enforcement agency is called in to conduct an official investigation. If the RRC determines that the report is not of a criminal nature the RRC conducts the internal investigation. The alleged abuser is subject to being returned to confinement in an institution or he/she may be taken into police custody.

3. RRC protection duties/imminent risk of sexual abuse: TSA-RRC protects all residents against the risk of reported imminent sexual abuse. Allegations of imminent sexual abuse against a resident, made by a resident or staff member, are reported to program supervision for investigation and to provide immediate protection for the resident. The RRC immediately

employs multiple protection measures which include housing changes in room or floor, transfers for resident victims or abusers, removal of alleged abuser from contact with potential victim, and emotional support services for the resident that is in danger of imminent sexual abuse. Frequent monitoring and follow up with the resident are conducted in an effort to support the resident and to ensure that the imminent sexual abused threat has been removed.

4. Reporting to other confinement facilities: *[115.263]

Upon TSA-RRC staff receiving an allegation that a resident was sexually abused while confined at another facility, staff is required to report the allegation to program supervision. Program supervision in conjunction with the Residential Reentry Manager (RRM) notifies the facility or institution where the alleged sexual abuse took place within 72 hours of receiving the allegation. The RRC ensures that the notification of sexual abuse is in writing to the facility where the alleged sexual abuse occurred and also ensures that copies of all correspondence forwarded and received is kept on file at the RRC. It is the responsibility of the facility head where the sexual abuse occurred to ensure the allegation is investigated in accordance with PREA standards. All above rules and time parameters also apply if TSA staff receives a report from another correctional facility with a report that a former resident has alleged to have been sexually abused while a resident of the TSA RRC. Such report would be forwarded to the Program Director who would immediately launch an official investigation into the matter as described above.

5.A. First staff responder duties: *[115.264]

- Upon learning of an allegation that a resident was sexually abused the first security staff responder ensures that the alleged victim and abuser are separated and must preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.
- If the alleged abuse occurred within a time period that still allows for the collection of physical evidence, the first staff responder ensures that the alleged victim and abuser not take any actions that could destroy any physical evidence which includes, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. If the first staff responder is not a security staff member, the first responder requests that the alleged victim not take any actions that could destroy physical evidence and then notify security staff.
- The first responder collects all basic information pertaining to the sexual abuse from the reporting party. Staff is trained to counsel resident victims in a manner that does not cause further distress by employing good listening and counseling skills while working with them in a calming, caring professional manner while effectively tending to their duties of maintaining security and control over the crime scene(s).
- All sexual abuse and sexual harassment reports are put into writing regardless of the source of the report i.e., residents, staff, third party or anonymous. The staff responder is responsible for completing the report. First Staff Responder Checklist/Report (F04015.22)
- TSA-RRC immediately reports allegations of sexual assault of a criminal nature to the Chicago Police Department (CPD) who will conduct a full criminal investigation.

- Victims of sexual assaults receive immediate emergency medical/mental-health services at the local hospital, Norwegian American Hospital, 1044 N Francisco Ave. Chicago IL, 60622.

6. Coordinated response plan: *[115.265]

TSA-RRC's staff is trained to immediately put into action the RRC's coordinated response to sexual abuse response plan for resident or staff reports of sexual abuse. In addition to the first responder's duties above, a coordinated effort is made to contact the senior staff person in charge of the shift at that time, the Program Supervisor, and the Program Director. During normal business hours Monday–Friday the Resident Reentry Manager's (RRM) office will be contacted and made aware of the incident. In accordance with a given situation the RRM and the RRC's supervisory staff member will coordinate their efforts to ensure that administrative issues concerning the victim and abuser are addressed accordingly. If the incident occurs after normal business hours, the report is phoned in to the BOP RRM's office duty officer.

TSA RRC does not have qualified medical or mental health practitioners on duty but outsources these services to the professionals. Therefore, in the event there is a report of recent abuse made security staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners, Law enforcement and must follow the outlined steps below for First staff responders:

7. Preservation of ability to protect residents from contact with abusers *[115.266]

(a) Neither TSA-RRC nor any other governmental entity responsible for collective bargaining on the RRC's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the RRC's ability to remove alleged staff sexual abusers from contact with residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

(b) Nothing in this standard shall restrict the entering into or renewal of agreements that govern:

(1) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§ 115.272 and 115.276; or

(2) Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

8. TSA-RRC Protection against retaliation: *[115.267]

TSA-RRC protects all residents and staff who report sexual abuse or sexual harassment. If any other individual who cooperates with an investigation expresses a fear of retaliation, TSA will also take appropriate measures to protect that individual against retaliation. Once a report of sexual abuse has been received from a resident or a staff member, Program Supervision is alerted which consists of the Program Director (PD), Program Supervisor (PS), the Operations Program Manager (OPM) and the Security Services Supervisor (SSS). The PS is ultimately responsible for creating a plan which ensures the safety or protection of the reporting resident, staff, or other involved individual(s). At the direction of the PS Staff is made aware of the possibility of retaliation and is instructed to closely monitor all at risk individuals.

In the case of a reporting resident, staff are required to periodically check on the status of the resident on all shifts. The RRC employs multiple protection measures including housing changes in room or floor, transfers for resident victims or abusers, removal of alleged staff or resident from contact with victims, and emotional support services for resident or staff that fear retaliation for reporting sexual abuse or cooperating with investigations.

The RRC monitors the conduct and/or treatment of residents or staff that have reported sexual abuse or cooperated with investigations, including any resident disciplinary reports, housing changes, or program changes, or any negative performance reviews or reassignments of staff for at least 90 days following a report of sexual abuse, the RRC will monitor the conduct and treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff, and shall act promptly to remedy any such retaliation. The RRC will continue to conduct such monitoring beyond 90 days if the initial monitoring indicates a continuing need. The RRC discusses any changes with the appropriate resident or staff member as part of its efforts to determine if retaliation is taking place and, when confirmed, immediately takes steps to protect the resident or staff member. Residents found in violation of reported retaliations are subject to disciplinary sanctions which may include but not be limited to disciplinary restriction, to risking revocation of RRC status or possibly incurring new criminal charges. Staff found in violation of any form of retaliation against a person resident/staff is subject to disciplinary actions of possible termination of employment and/or having criminal charges brought against them.

Monitoring of residents, staff, or others who either report or are in fear of retaliation as a result of a PREA assaultive behavior report: If the investigation into the alleged retaliation is determined to be unfounded there is no need to proceed, and the process ends.

Resident - If the investigation into an alleged reported retaliation cannot be dismissed the program supervisor issues instructions to all shift supervisors to monitor the conduct and or treatment of the resident, staff, or other parties included in the retaliation. If a **resident** is the subject of retaliation the shift supervisors of each shift will monitor the resident and document their daily findings in the **Resident Retaliation Monitoring Report log #F0416.18)**. In addition, the Reentry Case manager will be instructed to address the issue at each bi-weekly IPP case management meeting, and more often if needed, document their findings in each case note until the issue has been resolved.

Staff - If staff is the recipient of the retaliation the staff member is to meet with their immediate supervisor at least weekly or more often if necessary to report any negative conduct or treatment or lack thereof. If the immediate supervisor is the subject of the retaliation, then the staff member will be assigned to meet with that person's immediate supervisor. All meetings with the staff and supervision are documented in the **(Staff Retaliation Monitoring Report Log #F0416.19)** until the issue has been fully resolved therefore terminating the need for further monitoring.

Investigations:

Criminal and administrative agency investigations: *[115.271]

- Duty to investigate
- Criminal and administrative agency or facility investigations
- Evidentiary standard for administrative investigations

1. (Criminal Investigations)-TSA-RRC investigators are trained to investigate and document all allegations of sexual abuse and sexual harassment. TSA-RRC does not conduct its own investigative services if it is determined that the reported abuse is **criminal** in nature or if evidentiary or other forensic analysis is warranted. These important functions are outsourced to the professionals in the law enforcement and medical field with legal authority to conduct such investigations. However, when outside agencies investigate sexual abuse, the RRC cooperates and stays in constant contact with outside investigators, endeavor to remain informed about the progress of the investigation and request the relevant information from the investigative agency in order to inform the resident. The RRC policy regarding the referral of allegations of sexual abuse or sexual harassment for criminal investigation is published on the agency website or made publicly available via other means.

2. Evidentiary standard for administrative investigations: *[115.272]

TSA-RRC will conduct investigations of alleged sexual abuse if the report is deemed non-criminal in nature and there is no evidentiary or other forensic analysis warranted. When TSA-RRC conducts its own administrative investigations into allegations of sexual abuse and sexual harassment, it does so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. The TSA administrative investigations: (1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and (2) 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. The RRC shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. 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. The RRC retains all written reports pertaining to the administrative or criminal investigation of alleged sexual abuse or sexual harassment for as long as the alleged abuser is incarcerated or employed by the TSA RRC, plus five years.

3. Reporting Investigation results to residents: *[115.273]

a. Following an investigation by the facility's investigator into a resident's allegation of sexual abuse suffered in the facility, TSA-RRC informs the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

- Substantiated allegation: an allegation that was investigated and determined to have occurred.

- Unsubstantiated allegation: an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- Unfounded allegation: an allegation that was investigated and determined not to have occurred.

The RRC will conduct the investigation internally if the allegation is determined to be substantiated and is of a non-criminal nature. TSA-RRC does not conduct official investigations regarding allegations of sexual abuse of a criminal nature but passes those investigations on to the local law enforcement authorities.

TSA-RRC and the Resident Reentry Manager (RRM) collaboratively work to retrieve and pass along results of all internal and external investigations to the resident victim. They will remain in constant communication with the CPD and/or with medical/mental health services until all criminal investigative, and medical and mental health evaluations have been concluded and/or a follow up plan has been developed and established and for the purpose of keeping the resident victim informed of the progress and developments of the investigation. It is also imperative that residents be given access to outside Rape Crisis intervention services. This section is to be reviewed with section III, item #3 of this policy entitled, "Resident access to outside confidential support services" for sexual assault victims.

b. Following a resident's allegation that a staff member has committed sexual abuse or sexual harassment against the resident, TSA-RRC subsequently informs the resident whenever:

- The staff member is no longer posted within the resident's living quarters.
- The staff member is no longer employed at the RRC.
- The RRC learns that the staff member has been **indicted** on a charge related to sexual abuse within the facility; or
- The RRC learns that the staff member has been **convicted** on a charge related to sexual abuse within the facility.

(Unless the TSA RRC has determined that the allegation is unfounded)

c. Following a resident's allegation that he or she has been sexually abused or sexually harassed by another resident, the RRC shall subsequently inform the alleged victim whenever:

- The RRC 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 are in writing. Please see **PREA-Assaultive Behavior Report (F04016.13)**, final section titled "**Report Resolution/Disposition/Response to victim**". Per PREA standard TSA-RRC's obligation to report shall terminate if the resident is released from the RRC's custody prior to the conclusion of the official investigation.

Discipline:

1. Disciplinary sanctions for staff: *[115.276]

TSA-RRC's zero tolerance policy for sexual abuse and sexual harassment extends to staff as well as residents. Therefore, staff found in violation of this policy is subject to disciplinary sanctions up to and including termination. Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse or sexual harassment. Disciplinary sanctions for violations of TSA-RRC 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.

All terminations for violations of the RRC's sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to the RRM and law enforcement authorities, unless the activity was clearly not criminal.

2. Corrective actions for contractors and volunteers: *[115.277]

Contractors and volunteers are held responsible for adhering to TSA-RRC zero tolerance policy for sexual abuse and sexual harassment. The RRC reviews all alleged reports of sexual abuse and sexual harassment by contractors and volunteers. Unless the activity was clearly not criminal, any contractor or volunteer who engages in sexual abuse and/or sexual harassment will be prohibited from any further contact with residents, reported to law enforcement agencies and to other relevant licensing bodies

TSA-RRC reviews and takes appropriate measures and considers whether to prohibit further contact with residents in the case of any other violation of the RRC's policies against sexual abuse or sexual harassment by a contractor or volunteer.

3. Disciplinary sanctions for residents: *[115.278]

Residents who engage in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse are subject to disciplinary sanctions pursuant to formal disciplinary hearing process following an administrative finding. Sanctions are commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed are compatible with comparable offenses. If the offending resident is unavailable for a formal disciplinary hearing due to resident being held by an outside law enforcement agency the RRC and the RRM will determine whether or not the hearing is to be held in absentia.

The RRC takes into consideration the mental state of resident sexual abusers having mental disabilities or mental illness in determining what type of sanction, if any, should be imposed. Residents having mental disabilities or mental illness are offered additional support through the collaborative efforts of their RCM and the clinical counseling staff through therapy, counseling, or other interventions made part of these residents Resident Individualized Program Plan (IPP) serves as the resident's agreement to participate and cooperate with

specific services designed to address and correct underlying reasons or motivations for abuse. Residents who fail to acknowledge the conditions set forth in their IPP violate this agreement and therefore may be subject to disciplinary actions resulting in possible loss of privileges and/or RRC status.

TSA-RRC also seeks external community support for residents to privately report or discuss victim/abuser matters of sexual abuse through a working relationship developed with outside victim advocacy services. Please see above section III. **Detection and response reporting, item number 3 for advocacy information.**

Residents are charged with sexual abusive behavior with another resident only if the encounter was coerced or physically forced without consent. However, all resident-on-resident sexual contact, is prohibited and subject to disciplinary actions. *If a staff member has a "consenting" sexual relationship with a resident that is considered "rape" because the resident by law cannot consent to a resident on staff sexual encounter and therefore the resident is the victim and cannot be disciplined.* TSA-RRC may discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

If a sexual abuse report or sexual harassment is made by a resident in good faith and with the reasonable belief that something occurred, based on available information, the person who made the report will not be disciplined if the report is not substantiated and the report will not be considered a false report or a lie.

Medical and mental health care:

1. Access to emergency medical and mental health services: *[115.282]

TSA RRC shall provide such victims with medical and mental health services consistent with the community level of care. The RRC refers all criminally violent sexual abuse cases, residents or staff related, such as a battery or rape, to the professionals in the medical and mental health community to ensure proper evaluation and appropriate treatment. 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.

TSA RRC should attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

Resident victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results such resident victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services. Resident victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

TSA RRC offers all victims of sexual abuse access to forensic medical examinations, through the Norwegian American Hospital facility where evidentiary or medically appropriate examination

services may be rendered. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) if available. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The RRC must document its efforts to provide SAFEs or SANEs. The medical practitioner, full or part time who work regularly in its facilities have been trained in:

- (1) How to detect and assess signs of sexual abuse and sexual harassment.
- (2) How to preserve physical evidence of sexual abuse.
- (3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
- (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment. In cases where criminally violent reported sexual abuse has just taken place such as a battery or rape, the RRC's **first responder's** and **coordinated response** duties are immediately enacted during which time a call is immediately placed to 911 for emergency paramedic transportation the local hospital for emergency medical/mental health services. **Please see Section III Detection and response reporting numbers 5 and 6, First responder's duties & coordinated response. In addition, residents receive information during their orientation that gives them the ability to personally connect with sexual abuse advocate groups that offer emergency services for sexual abuse victims.**

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. Information pertaining to the nearest emergency medical/mental health and crisis intervention related services for sexual assault reports support is as follows:

- Norwegian American Hospital, 1044 N. Francis Ave Chicago IL, 60622
- Mujeres Latinas en Acci3n 2124 W 21st St. Chicago IL, 606081-773-890-7676

All medical and mental health care is provided at no cost to the resident victim regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. Please see **Section III No. 3- Resident access to outside confidential support services.**

2. Ongoing medical and mental health care for sexual abuse victims and abusers: *[115.283]
TSA-RRC strictly follows the recommendations of the medical and mental health care professionals who determine appropriate follow-up services for sexual abuse victims and abusers; treatment plans, and, when necessary, referrals for continued care. This includes following resident transfer to, or placement in, other facilities, or their release from custody at no cost to the resident victim regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

IV. Monitoring:

1. Sexual abuse incident review: *[115.286]

The RRC conducts a review of sexual abuse incidents at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. The purpose of the review is to examine whether the RRC has taken proper preventive steps in addressing sexual abuse reports as well as learning and adopting additional means of developing new protocols as may be dictated by relevant factors or information discovered at the conclusion of the investigation. The RRC reviews sexual abuse incidents within 30 days of the conclusion of the investigation.

The review team includes upper-level RRC supervision, with input from line supervisors, investigators, and medical or mental health practitioners.

The review team shall:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse.
2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the RRC.
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
4. Assess the adequacy of staffing levels in that area during different shifts.
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and findings, including but not necessarily limited to determinations made pursuant to items 1-5 above. Finally, the review team will make recommendations for improvement, adjustments, etc., and submit such report to the RRC Director/PREA Coordinator for final approval. PREA Assault Report Review (F04015.24) Report

The RRC will implement the recommendations for improvement where warranted or will document its reason for not doing so.

2. Data Collection; *[115.287]

(a) TSA-RRC collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument (**PREA Sexual Abuse Annual Aggregated Data Report, Form # F04015.18**).

(b) TSA-RRC shall aggregate the incident-based sexual abuse data annually.

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

(d) TSA-RRC maintains, review, and collects data as needed from all available incident-based documents including reports, investigation files, and sexual abuse incident reviews.

(e) TSA-RRC operates only one facility for the confinement of its residents to collect incident-based and aggregated data.

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

3. Data review for corrective action *[115.288]

TSA-RRC data review for corrective action consists of a review data collected and aggregated to (a) assess and improve the effectiveness of the RRC's sexual abuse prevention, detection, and response policies, practices, and training, (b) identifying problem areas; (c) take corrective action on an ongoing basis; and (d) prepare an annual report of its findings and corrective actions.

The report includes a comparison of the current year's data and corrective actions with those from prior years and provides an assessment of the RRC's progress in addressing sexual abuse. Upon request, TSA-RRC shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

TSA-RRC PREA annual aggregated and PREA audit compliance report is reviewed and approved by the Program Director/ PREA Coordinator and made readily available to the public on the TSA RRC website, www.safreedom.org/what-we-do/community-corrections/

Instructions for accessing Website: Right click on above Hyperlink to open website.

- Click on "Learn more about our services and Programs"
- Click on Locations (upper right corner)
- Click on Visit Website (under 825 N Christiana, Chicago)

Scroll down to "Prison Rape Elimination Act (PREA) Documentation" click on desired Document.

- PREA Coordinators Annual Report
- PREA Audit Final Report

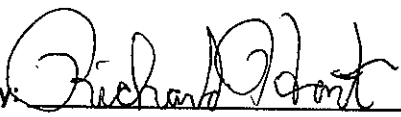
4. Data storage, publication, and destruction. *[115.289]

Under the rules of PREA, the RRC removes all personal identifiers prior to making aggregated sexual abuse data publicly available and reserves the right to redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the RRC, but the RRC does indicate the nature of the material redacted. The RRC securely maintains all confidential sexual abuse data collected for at least 10 years.

AUDITS

5. Audits of standards: *[115.293]

TSA-RRC ensures that all areas of the PREA standards for sexual abuse policy and procedures are maintained and are audit ready at all times. In keeping with this assurance, the RRC's internal auditor reviews PREA standards on a quarterly basis. The official PREA audits are conducted every three years by professionally trained independent PREA auditors. The RRC responds to all PREA audit requests and/or requirements regarding frequency and scope of audits, audit contents and findings, audit corrective action plan and audit appeals.

Authorized by: 
Richard Hart
Program Director/PREA Coordinator

Date: 5/24/2023

Please see below on following pages:

Attachments:

Definitions related to sexual abuse.

PREA Language Line Solutions (Quick Reference Guide)

115.287 (a)/(c)-2 Definitions related to sexual abuse.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the resident:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
- (2) Contact between the mouth and the penis, vulva, or anus.
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section.
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer.
Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of a resident by staff for reasons unrelated to official duties, such as peering at a resident who is using a toilet to perform bodily functions; requiring a resident to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a resident's naked body or of a resident performing bodily functions.

Sexual harassment includes—

- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one resident directed toward another; and
- (2) 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.

115.5 General Definitions

Exigent circumstances - means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Gender nonconforming means a person whose appearance or manner does not conform to traditional societal gender expectations.

Intersex means a person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Transgender means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

To Access an Interpreter:

1. DIAL: **1-866-874-3972**
2. PROVIDE: **Client ID 994001**
3. INDICATE: **Language**
4. PROVIDE: **Location Code - 1000**

Document the name and ID # of the Interpreter for reference. Brief the interpreter and give any special instructions.

Important Information

LANGUAGE IDENTIFICATION If you need help identifying a language, please ask our representative for help.

INTERPRETER IDENTIFICATION Interpreters identify themselves by name and ID number. Note this information for future reference or to comply with regulatory requirements.

WORKING WITH AN INTERPRETER Tell the interpreter the nature of the call. Speak directly to the limited English speaker, not to the interpreter, pausing at the end of a complete thought. To ensure accuracy, your interpreter may ask for clarification or repetition.

CUSTOMER SERVICE Questions, concerns or compliments call 1-800-752-6096 or visit www.LanguageLine.com, and click on the "Client Services" tab to complete and submit a Voice of the Customer form.

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