

**Alternative Rehabilitation Communities, Inc.  
POLICIES & PROCEDURES MANUAL**

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

**I. Authority**

The CEO taking into account all applicable local, state, and federal statutes governing this policy authorizes this procedure.

**II. Policy and Purpose**

It is the purpose of this policy to protect students and staff from sexual misconduct, sexual harassment, sexual violence, and sexual assault.

**III. Zero Tolerance**

Alternative Rehabilitation Communities, Inc. (A.R.C.) operates with zero tolerance for sexual misconduct involving juveniles. A.R.C provides a safe environment for students, free from sexual violence, misconduct, harassment, or retaliation by maintaining programs that prevent, detect, investigate, respond, and track all alleged and substantiated sexual misconduct

**IV. General Definitions**

*Contracted Vendor* means a person not employed by the agency who provides services on a recurring basis pursuant to a contractual agreement with the agency.

*Employee* means a person who works directly for the agency or facility.

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

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

*Pat-down search* means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.

*Strip search* means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

*Student* means any person confined or detained in a juvenile facility or in a community confinement facility.

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

*Substantiated allegation* means an allegation was investigated and determined to have occurred.

*Unfounded allegation* means an allegation that was investigated and determined not to have occurred.

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

*Unsubstantiated allegation* means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

*Volunteer* means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

**V. Definitions Related to Sexual Misconduct**

Sexual abuse includes sexual abuse of a student by another student or sexual abuse of a student by a staff member, volunteer, or contracted vendor.

Sexual abuse of a student by another student includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- A. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
- B. Contact between the mouth and the penis, vulva, or anus.
- C. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.
- D. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

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

- A. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
- B. Contact between the mouth and the penis, vulva, or anus
- C. 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;
- D. 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;
- E. 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.
- F. 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.
- G. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a student.
- H. Voyeurism by a staff member, contractor, or volunteer. Voyeurism means an invasion of privacy of a student by staff for reasons unrelated to official duties, such as peering at a student who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions

Sexual Acts includes any contact between the sex organ of one person and the sex organ, mouth, or anus of another person, or any intrusion of any part of the body of one person, or any object into the sex organ, mouth, or anus of another person.

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

Sexual Contact includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of a person other than by staff for medical purposes or for the purposes of performing legitimate policy-authorized searches.

Sexual Harassment includes repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one student directed toward another student. Sexual harassment also includes repeated verbal comments or gestures of a sexual nature to a student by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Sexual Misconduct includes all forms of sexual behavior prohibited by this policy, including sexual abuse, harassment, sexual acts, and sexual contact regardless of whether the contact was consensual.

## VI. Related Definitions

Consent means words or overt actions by a person who is functionally competent to give informed approval, indicating a freely given agreement to have sexual intercourse or sexual contact.

False Allegations means any false report or falsification during an investigation of sexual misconduct. No person shall knowingly make a false statement or knowingly swear or affirm the truth of a false statement previously made.

Inability to Consent means a freely given agreement to have sexual intercourse or sexual contact could not occur because of age, illness, disability, being asleep, or under the influence of alcohol or drugs.

Inability to Refuse means a disagreement to have sexual intercourse or sexual contact was precluded because of the use of non-bodily weapons or due to physical violence, threats of physical violence, real or perceived, intimidation, pressure, or misuse of authority.

## VII. Procedures

Alternative Rehabilitation Communities, Inc. operates with zero tolerance for sexual abuse/harassment. It is the responsibility of every employee to prevent, detect, and respond to any such conduct. ( §115.311)

- A. The agency employs a PREA coordinator who oversees the development and implementation of policies along with all other actions necessary to comply with PREA standards.
- B. Each facility within the agency has a designated compliance manager. This compliance manager is responsible to implement any applicable policies and procedures along with all other actions necessary to comply with PREA standards.
- C. Contracting with Other Entities ( §115.312)
  1. Any facility that contracts with another entity to provide services to our students (example PrimeCare Medical) must ensure that the contractor adopts and complies with any applicable PREA standards.
- D. Supervision and Monitoring ( §115.313)

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

1. Each facility must develop, implement, and document a staffing plan that provides adequate levels of staffing. In calculating adequate staffing, facilities shall take into consideration:
  - a. Department of Human Services 3800 Regulations
  - b. Any judicial findings of inadequacy
  - c. Any findings of inadequacy from Federal investigative entities
  - d. Any findings of inadequacy from internal or external oversight bodies (ed. OCYF, DHS, etc.)
  - e. All components of the facility's physical plant including blind spots or areas where staff or students may be isolated.
  - f. The composition of the student population
  - g. The number and placement of supervisory staff
  - h. Programming occurring on a particular shift
  - i. Any applicable state or local laws, regulations, or standards
  - j. The prevalence of substantiated and unsubstantiated incidents of sexual abuse
  - k. Any other relevant factors

This will be discussed during the Director's Meeting once a year, documented, and the notes will be saved by the Agency PREA Coordinator. (See Appendix P)

2. The facilities must comply with the staffing plans established except during limited and discrete exigent circumstances, and shall fully document deviations from the plan during such circumstances.
3. Each facility must maintain ratios in the following manner as required by DHS 3800 regulations and PREA standards
  - a. 1:8 during waking hours
  - b. 1:16 during student sleeping hours
  - c. Only in exigent circumstances can these ratios be broken and each deviation shall be documented in the log book.
4. At least once per year, for each facility within the agency, in consultation with the PREA coordinator, the agency shall assess, determine, and document whether adjustments are needed to:
  - a. The staffing plan
  - b. Prevailing staffing patterns
  - c. Video monitoring (if applicable)
  - d. The resources the facility has available to commit to ensure adherence to the staffing plan

This will be discussed during the Director's Meeting once a year, documented, and the notes will be saved by the Agency PREA Coordinator. (See Appendix P)

5. Each facility must have an unannounced round conducted at least once per day by a supervisor or member of management. These rounds must be unannounced unless such an announcement is related to the legitimate operational functions of the facility. See appendix A.
    - a. This form must be submitted to the facility's compliance manager upon completion weekly.
    - b. Staff are strictly prohibited from alerting other staff to these unannounced rounds in any way. If it is discovered that this is occurring, the staff involved will be disciplined according to A.R.C's progressive discipline policy.
- E. Cross Gender Viewing and Searches ( §115.315)
1. A.R.C facilities do not conduct cross-gender pat down searches (See appendix B).

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

2. Students at all A.R.C facilities have the right to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine room checks.
  3. A.R.C facilities do not search or physically examine a transgender or intersex student for the sole purpose of determining the student's genital status. If a student's status is unknown, it may be determined from discussions with the student and/or placing agency, or if necessary, by learning the information as part of a broader medical examination (ex. required physical) conducted in private by a medical practitioner.
  4. The agency trains direct care staff in how to conduct pat down searches. This includes same gender pat down searches, transgender pat down searches, and intersex pat down searches. See appendix B.
  5. Staff of the opposite gender of any student announces their presence when entering an area where it is possible for a student to be showering, performing bodily functions, or changing clothes.
    - a. Residential / Secure programs – this is required whenever a staff of the opposite gender is entering the upstairs / bedroom / bathroom areas.
    - b. Shelter program – this is required whenever a staff of the opposite gender is entering a living unit.
    - c. Staff members of the opposite gender of any student that are working on a living unit for the shift make a general announcement at the beginning of the shift.
- F. Student with disabilities and students who are limited English proficient ( §115.316)
1. A.R.C. shall take appropriate steps to ensure that students with disabilities (including for example, students who are deaf or hard of hearing, those who are blind or have low vision, or those who have physical, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of A.R.C.'s efforts to prevent, detect, and respond to sexual misconduct.
  2. Deaf or hard of hearing students are given materials to read and blind or low vision students will have a staff member assigned to read all materials related to preventing, detecting, and responding to sexual abuse and sexual harassment.
  3. The agency takes reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to students who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
    - a. For students whose first language is Spanish, A.R.C first attempts to use the specialized staff at our Latino program to provide all necessary interpretation services. If this is not possible, A.R.C employs Quantum Translation Services of Philadelphia for these services.
    - b. For students speaking any other language, A.R.C employs Quantum Translation Services of Philadelphia for interpretation services.
    - c. Information for Quantum Translation Services includes:  
Address: 240 South 9<sup>th</sup> Street, Philadelphia, PA 19107-5733  
Phone Number: 215-627-2251  
Website: [www.quantumtranslations.com](http://www.quantumtranslations.com)

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

4. The agency does not use other students to provide interpretation services except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the student's safety, the performance of first-response duties, or the investigation of the student's allegations. If a student is used to provide interpretation services in limited circumstances, it will be documented utilizing the general agency incident report.

G. Hiring and Promotion Decisions ( §115.317)

1. The agency does not hire or promote anyone who may have contact with students, and shall not enlist the services of any contractor who may have contact with students who:
  - a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution
  - b. 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
  - c. Has been civilly or administratively adjudicated to have engaged in the activity described in the above paragraph. See Appendix C.
2. The agency asks all applicants and volunteers about previous misconduct described above (See appendix C and E).
  - a. All employees and volunteers must disclose any such misconduct to A.R.C within 72 hours or face disciplinary action up to and including termination / dismissal.
  - b. The agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request.
3. The agency considers any incidents of sexual harassment in determining whether to hire or promote anyone or to enlist the services of any contractor who may have contact with students.
4. Before hiring new employees and volunteers who may have contact with students, the agency performs the following background checks
  - a. Pennsylvania Child Abuse Clearance which must have a "no record" designation.
  - b. Pennsylvania State Police Clearance
  - c. FBI Clearance

All clearances must have no convictions in the areas specified by the Child Protective Services Law, P.S. 2223.1 (o) – See appendix D  
Convictions outside of these requirements may be considered by the CEO after an investigation and presentation of findings by the Director of Document Review.
5. Consistent with Federal, State, and local law, the agency makes its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
  - a. This request is made during reference checks done by the Human Resources Department.
6. The agency human resources department maintains all employee documentation regarding clearances, background checks, prior allegations, etc.
7. The agency requires all clearances for both employees and volunteers to be completed at least every 5 years.

H. Upgrades to Facilities and Technologies ( §115.318)

1. ARC at Schaffner Youth Center is the only facility that currently uses digital video monitoring (DVM).
2. When acquiring new facilities or planning expansions or modifications to existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect students from sexual abuse.

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

3. When installing or updating any video or electronic monitoring systems, the agency shall consider how such technology may enhance the agency's ability to protect students from sexual abuse.
- I. Training and Education for Employees ( §115.331)
    1. Training for Employees: All A.R.C. employees that have contact with students shall receive instruction related to the following:
      - a. The agency's zero tolerance policy for sexual misconduct
      - b. How employees should fulfill their responsibilities under agency sexual misconduct prevention, detection, reporting, and response policies and procedures
      - c. Students' right to be free from sexual misconduct
      - d. The right of the students and employees to be free from retaliation for reporting sexual misconduct
      - e. The dynamics of sexual misconduct in juvenile facilities
      - f. The common reactions of juvenile victims of sexual misconduct
      - g. How to detect and respond to signs of threatened and actual sexual misconduct
      - h. How to avoid inappropriate relationships with the students
      - i. How to communicate effectively and professionally with students, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming students
      - j. How to comply with relevant laws related to mandatory reporting of sexual misconduct to outside authorities.
      - k. Relevant laws regarding the applicable age of consent. There is no consent between employees and students and consent is never a legal defense because there is no consensual sex in a custodial or supervisory relationship.
      - l. All agency staff members receive training regarding how to provide emotional support, crisis intervention, information, and referrals for victim of sexual misconduct.
    2. All employees will receive this training as part of their new hire orientation to A.R.C. by the Agency PREA Coordinator.
    3. Current employees will receive this training within one year of implementation of this policy.
    4. All employees shall receive refresher training on these subjects every year.
    5. A.R.C will document the training through the employee's signature that the employee understands the training he/she received.
    6. This training documentation will be maintained by the A.R.C. Human Resources Department.
  - J. Training and Education for Volunteers and Contracted Vendors ( §115.332)
    1. Volunteers and Contracted Vendors who have contact with students shall receive instruction regarding facility policy, the agency's zero tolerance regarding sexual misconduct, prohibited conduct, prevention, detection, response, and reporting of sexual misconduct prior to assuming responsibilities that include contact with students. Training for volunteers and contractors may be tailored to reflect the extent of time they are in the facility and their access to the students. (See Appendix H)
    2. A.R.C will document the training confirming that the volunteer or contractor understands the training he/she received. This training documentation will be maintained by the PREA Compliance Manager at each program. (See Appendix I)

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

K. Student Education ( §115.333)

1. All students, upon intake, shall receive verbal and written information about sexual misconduct during their orientation. (See Appendix J) This information shall address:
  - a. A.R.C.'s zero tolerance for sexual misconduct
  - b. What constitutes sexual misconduct
  - c. The facility's program for prevention of sexual misconduct
  - d. How to report sexual misconduct and retaliation
  - e. Protection from retaliation
  - f. Treatment and counseling
2. Information regarding these topics will be included in the orientation materials, student pamphlets, program rules handbook, and on information boards and posters throughout each program. (See Appendix J.)
3. Appropriate accommodations shall be made for students that are not fluent in English, deaf, visually impaired, or otherwise disabled so that all students have an equal opportunity to participate in or benefit from all aspects of A.R.C.'s efforts to prevent, detect, and respond to sexual misconduct.
4. Within ten days of the initial intake, the student receives age-appropriate education regarding their rights to be free from sexual abuse and sexual harassment, and to be free from retaliation for reporting such incidents. The student will watch the education video "Safeguarding Your Sexual Safety: a PREA Orientation Video" Produced by the Moss Group. The student will also be offered a graphic novel from the series "END SILENCE: Youth Speaking Up about Sexual Abuse in Custody", Produced by the American University Washington College of Law.
5. The facility will maintain documentation of student participation in these education sessions. (See Appendix K)

L. Specialized training: Investigations ( §115.321 and §115.334)

A.R.C. does not conduct any internal investigations for allegations of sexual abuse. All allegations are forwarded to the investigative agency for each program. (See appendix F).

M. Specialized training: Medical and Mental Health ( §115.335)

1. Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.331 or for contractors and volunteers under § 115.332, depending upon the practitioner's status at the agency.
2. A.R.C. at Schaffner Youth Center is the only facility that currently has an on-site medical provider, Prime Care Medical.
3. Prime Care Medical Staff provides specialized training to its employees that respond to incidents of sexual assault. The training includes but is not limited to:
  - a. How to detect and assess signs of sexual misconduct.
  - b. How to preserve physical evidence of sexual abuse such as the victim's clothing, not allowing the victim to shower, etc.
  - c. How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment.
  - d. How to and who to report allegations or suspicions of sexual abuse and sexual harassment.
4. All training is documented and maintained by the PREA Compliance Manager at ARC at Schaffner Youth Center.



POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

- N. Screening and Assessment ( §115.341 and §115.342)
1. Within 72 hours of a student's arrival at the facility and periodically throughout a student's confinement, A.R.C. shall obtain and use information about each student's personal history and behavior to reduce the risk of sexual abuse by or upon a student.
  2. All students admitted to an A.R.C. program will be screened at admission by staff using the Vulnerability Screening Form (see Appendix L) within 72 hours of the student's arrival at the facility.
  3. All students that have been at A.R.C. for 6 months will receive a re-assessment by staff using the Vulnerability Screening Form (see Appendix L).
  4. Information will be ascertained from the student at the time of intake, from any medical and mental health screenings, during classification assessments, and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the student's files.
  5. If during the screening process, a student is identified as a previous victim of sexual abuse or is found to be at risk for sexual victimization, he/she will be offered a follow up meeting with a medical or mental health practitioner within 14 days.
  6. If during the screening process, a student is identified as a previous perpetrator or found to be at risk for sexually aggressive behavior, he/she will be offered a follow up meeting with a medical or mental health practitioner within 14 days.
  7. The staff member completing the Vulnerability Screening Form will also consider additional actions, which include, but are not limited to the following:
    - a. Student must shower alone.
    - b. Student will be assigned to an Intensive Staff Watch.
    - c. Shift Supervisor notified.
    - d. Documentation in the logbook and student file.
    - e. Student considered for risk-based housing, such as being assigned to a single room or high risk room as identified at each program. Risk based housing must be considered for any student that is identified as vulnerable to victimization and/or sexually aggressive.
  8. Information from the vulnerability screening will be kept confidential and will not be exploited to the student's detriment by staff or other residents. The vulnerability screening will be kept in the student's file in the medical section. Per the A.R.C. Code of Conduct, page 5, section D-Confidentiality:
    - a. Staff will maintain student confidentiality.
    - b. Staff will not discuss with or in any way providing confidential student information to another student or to any persons not so privileged by law.
    - c. Staff will not share intimate or highly personal information with students.
  9. Students that are determined to be a potential risk will not be singled out or denied any student rights, but will be closely monitored and their behavior will be evaluated throughout their stay.
  10. A.R.C.'s goal is to keep all students safe and free from sexual abuse. With that in mind, staff will determine the appropriate housing, room assignment, educational assignment, and work assignment for all students based on the Vulnerability Screening, intake process, medical and mental health screenings/evaluations, staff behavioral observations, and the student's own view with respect to his or her own safety from sexual abuse.

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

11. Students may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other students safe, and then only until an alternative means of keeping all students safe can be arranged. During any period of isolation, agencies shall not deny students daily large-muscle exercise and any legally required educational programming or special education services. Students in isolation shall receive daily visits from a medical or mental health care clinician. Students shall also have access to other programs and work opportunities to the extent possible.
  12. Lesbian, gay, bisexual, transgender, or intersex students shall not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor shall A.R.C. consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive.
  13. In deciding whether to assign a transgender or intersex student to a facility for male or female residents, and in making other housing and programming assignments, A.R.C. shall consider on a case-by-case basis whether a placement would ensure the student's health and safety, and whether the placement would present management or security problems.
  14. A.R.C. will reassess the placement and programming assignments for each transgender or intersex student twice each year during the Director's Meeting. (See Appendix P) The review will assist in determining if there are any safety threats towards the transgender or intersex student and will take into consideration the student's own views with respect to his or her own safety.
  15. Transgender and intersex students shall be given the opportunity to shower separately from other students.
- O. Student Reporting ( §115.351)

A.R.C. provides several different ways for a student to report any incidents of sexual abuse and sexual harassment, any retaliation by other students or staff for reporting sexual abuse and sexual harassment, and any type of staff neglect or violations of responsibilities that may have contributed to such incidents.

Methods for Students to Report:

1. Students are able to report either verbally, in writing, and/or confidentially through anonymous communication of any incident concerning sexual misconduct to a trusted staff member, volunteer, medical personnel, any non-employee, or the Program Director.
2. Students are able to make a report, in writing, by utilizing the anonymous PREA reporting mailbox. Each A.R.C. program has an anonymous PREA reporting mailbox located in the dining area.  
Staff members are also able to utilize the anonymous PREA reporting mailbox to privately report sexual abuse or sexual harassment of students.  
For A.R.C. at Schaffner, the anonymous PREA reporting mailbox is located on each living unit.  
For A.R.C. at Zimmerman, the PREA Program Compliance Manager must check the PREA reporting mailbox daily. If the Program Compliance Manager is not working, the supervisor or senior staff will check the PREA reporting mailbox. The A.R.C. at Zimmerman program also has a sign-off sheet located next to the PREA reporting mailbox where the person checking the mailbox must initial the documentation to verify that the PREA reporting mailbox was checked daily.

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

3. A student may call the local Victim Advocate/Rape Crisis Center to report. (See Appendix F). The local Victim Advocate/Rape Crisis Center is a separate entity and is not part of A.R.C.  
This process includes:
    - a. The student notifies the staff that he/she would like to use the phone to contact the local Victim Advocate/Rape Crisis Center.
    - b. The staff member will accommodate the student's request as quickly as possible and will utilize a program phone that gives privacy for the student to make his/her report.
    - c. The staff member will dial the phone number for the student to the local Victim Advocate/Rape Crisis Center utilizing appendix F, which is posted by all phones in the student accessed areas. Each program has phones located in various student accessed areas including the activity room, dining room, visitation room, living unit, and classroom.
    - d. The staff member will remain in visual eyesight to ensure the student's safety and to ensure that the student does not attempt to dial another phone number.
    - e. The student will give his/her report and may remain anonymous if he/she chooses when filing a report.
    - f. After the student has completed his/her report, the staff member will return the student to the regularly scheduled program unless immediate action is necessary to protect the student from sexual abuse, sexual harassment and/or retaliation. If immediate action is needed, the staff member will initiate the First Responder Procedure outlined below. (See Appendix G First Responder Checklist)
    - g. If a student makes a report to the local Victim Advocate/Rape Crisis Center, the staff member will contact the Program Director and Agency PREA Coordinator to determine whether the report meets requirements of PREA Standards allegations for reporting to the local investigative agency.
  4. Third parties are permitted to make reports of sexual abuse and sexual harassment of students. Standard procedures for follow up will be followed when these reports are received. All reports will be documented.
- P. Exhaustion of Administrative Remedies ( §115.352)
1. A.R.C. does not impose a time limit on when a student may submit a grievance regarding an allegation of sexual abuse, despite the regular statute of limitations claim defense.
  2. Students are not required to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual misconduct.
  3. A student that alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint. Such grievance shall not be referred to a staff member who is the subject of the complaint.
- Q. Access to outside support services and legal representation ( §115.353)
1. Anytime that a student alleges sexual misconduct, staff will contact the local Victim Advocate/Rape Crisis Center. The victim advocate/rape crisis center employees provide emotional support services to the student that alleges sexual misconduct appropriate based on their training. See Appendix F for a complete listing.

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

2. Phone numbers, hotline numbers, and mailing addresses are posted in the various student accessed areas including the activity room, dining room, visitation room, living unit, and classroom.
  3. A.R.C. maintains memoranda of understanding (MOU) or has attempted to develop memoranda of understanding with each local Victim Advocate/Rape Crisis Center. See Appendix F for the complete listing.
  4. A.R.C. gives the student access to meet privately with or call his/her attorney or legal representative privately in regards to the sexual misconduct allegation.
- R. Third Party Reporting ( §115.354)
1. Third parties, including fellow students, staff members, volunteers, contracted vendors, family members, attorneys, outside advocates and others, shall be accepted reporters of any sexual abuse and/or sexual harassment reports. Mandated reporting procedures apply for all staff members, volunteers, and contracted vendors of A.R.C.
  2. A.R.C. has established various methods to receive third-party reports of sexual abuse and sexual harassment.  
These include:
    - a. Reporting abuse forms located inside PREA Brochures that are provided to all third parties and are accessible in each program lobby/administrative area as well on A.R.C.'s website: [www.arcfamily.com](http://www.arcfamily.com).
    - b. Reporting forms may be given directly to a trusted staff, supervisor, or Program Director.
    - c. Reporting forms may also be placed in the Anonymous PREA Reporting mailbox located in dining area. For A.R.C. at Schaffner, there is an anonymous PREA reporting mailbox located in the lobby for third party reporting.
    - d. Third Party reports may also be made directly to the local Victim Advocate/Rape Crisis Center. Phone numbers, hotline numbers, and mailing addresses for the local Victim Advocate/Rape Crisis Center are located inside PREA Brochures that are provided to all third parties and are accessible in each program lobby/administrative area as well on A.R.C.'s website: [www.arcfamily.com](http://www.arcfamily.com).
- S. Official Response Following a Student Report ( §115.361)
- Staff and agency reporting duties:
1. A.R.C. requires all staff to report immediately and according to agency policy 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; retaliation against students or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
  2. A.R.C. requires all staff to comply with any applicable mandatory child abuse reporting laws.
  3. Medical and Mental Health Practitioners are required to report sexual abuse to designated supervisors and officials pursuant to section 1 above, as well as to the designate State or local services agency where required by mandatory reporting laws.
  4. Such medical and mental health practitioners are required to inform students at the initiation of services of their duty to report and the limitations of confidentiality.
  5. All reports of sexual misconduct must be taken seriously, considered credible, and promptly investigated without regard to whether:

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

- a. The student(s) named in the allegation are in custody or not
  - b. Staff member(s) named in the allegation are currently employed or not
  - c. The report of the allegation was made in a timely manner or not
  - d. The student(s) reporting the allegation is known to have made false allegations in the past
  - e. The source of the allegation recants the allegation
  - f. The employee receiving the complaint believes or does not believe the allegations
6. Staff must report any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether it is part of A.R.C. or not.
  7. Upon receiving any allegation of sexual abuse, the staff member will notify the shift supervisor, Program Director and PREA Compliance Manager at the program.
  8. The shift supervisor, in conjunction with the program PREA Compliance Manager, will assume responsibility for handling sexual misconduct allegations. Cases involving alleged sexual acts will be reported to the appropriate local investigative agency. See appendix F for a listing of the area investigative agency for each A.R.C. program. Any cases deemed to be non-criminal will be handled administratively by the PREA Compliance Manager and Program Director.
  9. The shift supervisor, in conjunction with the program PREA Compliance Manager, will report the allegation to the alleged victim's parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians should not be notified.
  10. If the alleged victim is under the guardianship of Children and Youth, the shift supervisor, in conjunction with the program PREA Compliance Manager will make a report to the student's Case Worker.
  11. If the alleged victim is under the jurisdiction of the juvenile court, the shift supervisor, in conjunction with the program PREA Compliance Manager will make a report to the alleged victim's Juvenile Probation Officer and the alleged victim's attorney or legal representative.
  12. All incidents fall under the mandated abuse reporting requirements and confidentiality as outlined in the Pennsylvania Title 55 Child Protective Service laws.
  13. Staff must also report any retaliation against students or staff who reported an incident of sexual abuse or sexual harassment that occurred in a facility, whether it is part of A.R.C. or not.
  14. Staff must report any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation that occurred in a facility, whether it is part of A.R.C. or not.
  15. Staff must immediately report any known or suspected act or allegation of sexual misconduct or retaliation to the shift supervisor and Program Director.
  16. Staff members, volunteers, and contracted vendors of A.R.C. must comply with all mandated reporting laws.
  17. Staff must provide complete cooperation and full disclosure during any inquiry or investigation into an alleged act of sexual misconduct or retaliation.

Agency Protection Duties:

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

1. When A.R.C. staff learn that a student is subject to a substantial risk of imminent sexual abuse, staff shall take immediate action to protect the student. ( §115.362)
- T. Reporting to Other Facilities ( §115.363)
1. If a student reports that he/she was sexually abused while residing at another facility, the Program Director shall notify the Agency PREA Coordinator.
  2. Staff members, volunteers, and contracted vendors of A.R.C. must comply with all mandated reporting laws.
  3. Within 72 hours, the Agency PREA Coordinator shall notify the administrator of the facility where the alleged abuse occurred and shall also notify the Department of Human Services.
  4. The Agency PREA Coordinator shall document the notification. (See Appendix M)
  5. Any report filed by another agency towards an A.R.C. program shall be investigated the same as any other incident that pertains to the PREA policy and procedures.
- U. First Responder Procedures ( §115.364)
- All staff members, contracted vendors, and volunteers are obligated to immediately report to the PREA Coordinators and Administration any knowledge, suspicion or information regarding sexual misconduct involving a student and/or any retaliation or neglect in violation of this policy.
1. A student may report sexual misconduct or threats of sexual misconduct to any staff member, contracted vendor, or volunteer. Any staff member, contracted vendor, or volunteer who receives a report of sexual misconduct, whether verbally or in writing, shall immediately notify the shift supervisor or most senior staff on shift.
  2. The first responder must ensure that the alleged victim and aggressor are physically separated.
  3. The first responder will immediately notify the shift supervisor or most senior staff.
  4. The first responder must advise the victim not to shower or otherwise clean themselves, not to eat, drink, brush their teeth, urinate, defecate, or otherwise take any action that could damage or destroy evidence.
  5. The first responder must make all reasonable efforts to ensure that the alleged abuser does not leave the premises or take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
  6. If the situation involves a physical sexual act, the shift supervisor will contact the police/local investigative agency. See appendix F for a listing of the area investigative agency for each A.R.C. program.
  7. The alleged victim must be taken immediately to the Medical Department for initial evaluation and any immediate first aid treatment.
  8. If the Medical Department is the first to be made aware of a sexual assault by the victim, it is to be immediately reported to the shift supervisor or most senior staff.
  9. The Medical Department at the facility is not permitted to gather forensic evidence from the victim or alleged perpetrator. The Medical Department's role is to provide initial evaluation and any immediate first aid treatment.
  10. If the program does not have a medical department on site, the shift supervisor shall take preliminary steps to protect the victim from harm. At no time will the victim be left alone. The victim will be transported to the local hospital where he/she can be examined by a

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

- Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE). See appendix F for a listing of the area hospitals for the programs. ( §115.321)
11. The shift supervisor will contact the local victim's advocate/rape crisis center so that they may offer assistance to the alleged victim including accompanying him/her through the forensic medical examination process and investigatory interviews. The victim advocate shall provide emotional support, crisis intervention, information, and referrals. See appendix F for a listing of the area victim's advocate/rape crisis centers for each A.R.C. program. ( §115.321)
  12. The victim may also request a staff member to accompany him/her for support. All agency staff members receive training regarding how to provide emotional support to victims of sexual assault, crisis intervention, information, and referrals for victim of sexual misconduct. The agency will make all reasonable efforts to adjust staffing as needed to accommodate the victim's request. ( §115.321)
  13. The shift supervisor or most senior staff must notify the Program Director, Director On-Call, Director of Operations, CEO, the Agency PREA Coordinator, and the Agency Nurse.
  14. The shift supervisor or most senior staff must secure the scene of the alleged assault, if possible and secure any video footage of the alleged incident, if video footage is available.
  15. The shift supervisor, in conjunction with the program PREA Compliance Manager, will assume responsibility for handling sexual misconduct allegations. Cases involving alleged sexual acts will be reported to the appropriate local investigative agency. See appendix F for a listing of the area investigative agency for each A.R.C. program. Any cases deemed to be non-criminal will be handled administratively by the PREA Compliance Manager and Program Director. The PREA Compliance Manager must also complete the notifications listed above in section 10. ( §115.322)
  16. The shift supervisor, in conjunction with the program PREA Compliance Manager, will report the allegation to the alleged victim's parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians should not be notified.
  17. If the alleged victim is under the guardianship of Children and Youth, the shift supervisor, in conjunction with the program PREA Compliance Manager will make a report to the student's Case Worker.
  18. If the alleged victim is under the jurisdiction of the juvenile court, the shift supervisor, in conjunction with the program PREA Compliance Manager will make a report to the alleged victim's Juvenile Probation Officer.
  19. The shift supervisor will complete a child line report. The phone number to complete a child line report is 1-800-932-0313 and the website is: [www.compass.state.pa.us/cwis](http://www.compass.state.pa.us/cwis). The shift supervisor will also communicate with the agency HCSIS coordinator to ensure that a HCSIS report is completed within the required timeframes.
  20. The shift supervisor or senior staff must complete an incident report and coordinate a plan with the Program Director to ensure the student's safety.
  21. Upon receiving any allegation of sexual abuse, the PREA Compliance Manager at the facility shall promptly report the allegation to the Department of Public Welfare, BHSL- Bureau of Human Services Licensing by calling 1-800-882-1885.
  22. The first responder and supervisor/most senior staff on duty will complete the First Responder Documentation Checklist. (See Appendix G). Once complete, this form must

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

be given to the program PREA Compliance Manager. The program PREA Compliance Manager must send a copy to the agency PREA Coordinator to be maintained on file for auditing purposes.

23. In every case where the alleged aggressor is an employee, there will be no contact between the alleged aggressor and the alleged victim under any circumstances unless the investigation outcome is received and is unfounded.
  24. A.R.C. has endeavored to establish written memorandums of understanding with local hospitals, victim advocate centers, and investigative agencies for a coordinated response towards allegations of sexual abuse with an A.R.C. facility. ( §115.365)
  25. A.R.C. will not enter into a collective bargaining unit agreement that limits the ability of the agency to remove alleged staff sexual abusers from contact with any students pending the outcome of an investigation or a determination of whether and to what extent discipline is warranted. ( §115.366)
  26. In cases where the alleged aggressor is another student, the Program PREA Compliance Manager, in conjunction with the Program Director, will develop a safety plan to move the student to an alternate unit or program and will take into consideration the student's own view with respect to his/her own safety. If an alternative unit or program is not available, the facility administrator and/or PREA Coordinator shall develop a written plan of action to ensure that the alleged victim is protected from additional abuse or retaliation.
- V. Protection from Retaliation ( §115.367 and §115.368)
1. A.R.C. shall protect all students and staff who report sexual abuse or sexual harassment or cooperate with investigations pertaining to sexual abuse and sexual harassment from retaliation by other staff or residents. The PREA Compliance Manager at each program is responsible to monitor for retaliation for at least 90 days following a report of sexual abuse.
  2. Measures may include, but are not limited to, the following:
    - a. Unit or program transfer of student(s), both alleged victims and alleged abusers
    - b. Removal of staff from contact with victim
    - c. Coordinate emotional support services for students through the local Victim Advocate/Rape Crisis Center
    - d. Coordinate emotional support services for staff through the agency's employee assistance program
    - e. Monitor for any changes by staff or residents that suggest possible retaliation
  3. The PREA Compliance Manager will continue to monitor for retaliation beyond 90 days if the initial monitoring indicates a continuing need.
- W. Investigations ( §115.371)
1. Any reports (direct, indirect, third party) received involving sexual misconduct will be taken seriously, considered credible, and promptly investigated by the program PREA Compliance Manager, Program Director, and/or PREA Coordinator to determine if an incident meets the definition of sexual misconduct under the guidelines established by Prison Rape Elimination Act.
  2. If it is determined that the allegation meets the definition of sexual misconduct the allegation shall be reported to the local investigative agency. (See Appendix F)



POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

3. The determination of credibility by the investigative agency of an alleged victim, suspect or witness shall be assessed on an individual basis and shall not be determined based on status as a student or staff member.
  4. A.R.C. will not subject any student who alleges sexual abuse to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the allegation.
  5. The local investigative agency shall gather and preserve evidence; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior reports if any of sexual abuse involving the suspected perpetrator.
  6. A.R.C. shall cooperate with the investigative agency and shall endeavor to remain informed about the progress of the investigation.
  7. The investigative agency shall not terminate an investigation if the source of the allegation recants the allegation.
  8. Any departure of the alleged abuser or victim from employment or custody/care of A.R.C. shall not provide a basis for termination of the investigation.
  9. The investigative agency shall document in a written report thorough descriptions of physical, testimonial, and documentary evidence and attach copies of all documentary evidence, when feasible.
  10. Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution.
  11. If the investigative agency deems the act to be of a non-criminal nature, then an administrative investigation will occur and will include the following:
    - a. The administrative investigation will involve the program PREA Compliance Manager, Program Director, and Agency PREA Coordinator.
    - b. The administrative investigation shall determine whether the staff actions or inactions contributed to the incident.
    - c. The administrative investigation shall be documented in a written report that includes a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. (See Appendix N)
    - d. A.R.C. shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. ( §115.372)
  12. A.R.C. shall retain all written reports from local investigative agencies and administrative investigations for as long as the alleged abuser is in custody/care or employed by the facility, plus (5) five years, unless the abuse was committed by a juvenile student and applicable law requires a shorter period of retention.
- X. Reporting to Students ( §115.373)
1. Students who are in the care and custody of A.R.C. are entitled to know the outcome following the investigation of their allegation.
  2. The Program PREA Compliance Manager in conjunction with the Agency PREA Coordinator shall inform the student whether the allegation was determined to be substantiated, unsubstantiated, or unfounded.
  3. All notifications or attempted notifications shall be documented. (See Appendix O)

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

4. If the allegation involved a staff member, the PREA Compliance Manager shall inform the student whenever:
  - a. The staff member is no longer posted within the student's unit
  - b. The staff member is no longer employed at the facility
  - c. The staff member has been indicted on a charge related to sexual abuse within the facility
  - d. The staff member has been convicted on a charge related to sexual abuse within the facility.
5. If the allegation involved another student, the PREA Compliance Manager shall inform the alleged victim when the alleged abuser has been:
  - a. Indicted on a charge related to sexual abuse within the facility
  - b. The alleged abuser has been convicted on a charge related to sexual abuse within the facility

Y. Discipline

Disciplinary sanctions for staff ( §115.376)

1. A.R.C. has zero tolerance for sexual misconduct between students and any employee.
2. There is no consensual sex in a custodial or supervisory relationship as a matter of law. A sexual act with a student by a person in a position of authority over the student is a felony offense and is subject to criminal prosecution.
3. Any sexual misconduct perpetrated by an employee is contrary to the A.R.C. policies and professional ethical principles. Any such conduct is cause for disciplinary action up to and including termination.
4. Retaliation against a student who refuses to submit to sexual activity, or retaliation against individuals (including witnesses) because of their involvement in the reporting or investigation of sexual misconduct, is also prohibited and possible grounds for disciplinary action including termination and criminal prosecution.
5. Failure of employees to report incidents of sexual misconduct is cause for disciplinary action up to and including termination.
6. Cases involving sexual misconduct shall be reported to the local investigative agency. If it is determined that the activity was criminal, charges shall be filed and the Department of Public Welfare shall be notified.

Disciplinary Sanctions/Corrective Action for Contractors and Volunteers ( §115.377)

1. Any contractor or volunteer who engages in sexual abuse will be prohibited from contact with A.R.C. students, shall be reported to the local investigative agency for further investigation, and is subject to criminal prosecution.

Disciplinary Sanctions for Students ( §115.378)

1. Students are subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative and/or criminal finding that the student engaged in student-on-student sexual abuse.
2. A.R.C. prohibits all sexual activity between students.
3. A.R.C. disciplines any students that are engage in sexual activity. If the sexual activity is coerced, it shall be considered sexual abuse and referred to the investigative agency for investigation and follow up.
4. Any student that violates these policies is subject to the following:

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

- a. Disciplinary sanctions appropriate based on the nature and circumstances of the incident. Consideration will be taken into the nature and circumstances of the incident, student history, mental health or disabilities, and precedence of sanctions imposed under similar circumstances.
  - b. If criteria are met presenting criminal actions, reports may be referred to the local investigative agency for prosecution.
  - c. The Program Director will initiate a safety plan to ensure that the student does not continue to violate others. A.R.C. shall not deny any student their rights under the 3800 regulations.
5. Students are subjected to disciplinary sanctions for contact with staff if upon investigation it is determined that the staff member did not consent to such contact.
  6. No student will be subject to disciplinary sanctions for filing any report or incident. A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident even if that report is unsubstantiated by the local investigative agency.
- Z. Medical and Mental Health Care
- Follow Up By a Mental Health Provider ( §115.381)
1. If a student’s vulnerability screening indicates that he/she has experienced any prior sexual victimization or has perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, the student will be offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening
  2. Documentation of such shall be noted on the student’s Vulnerability Screening.
  3. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to necessary A.R.C. employees maintaining strict confidentiality.
- Access to Emergency Medical and Mental Health Services ( §115.382)
1. Student victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of such services are determined by medical and mental health practitioners according to their professional judgment.
  2. Medical and mental health staff maintain secondary materials (e.g., form, log) documenting the timeliness of emergency medical treatment and crisis intervention services that were provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported; and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis.
  3. Victims of sexual abuse are transported to the local hospital to receive emergency medical care including an examination by a SAFE or SANE nurse, crisis intervention services, emergency contraception, and sexually transmitted infections prophylaxis.
  4. Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperated with any investigation arising out of the incident.
- Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers ( §115.383)

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

1. Upon return from the local hospital, the Agency Nurse and Mental Health Practitioner in conjunction with the Program Director will assess the victim for any lingering acute or non-acute physical injuries, as well as any psychological impact of the victimization.
2. A.R.C. offers medical and 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.
3. 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.
4. The facility shall provide such victims with medical and mental health services consistent with the community level of care.
5. Follow up medications, treatment, testing, etc. will be coordinated and completed as ordered. This may include ongoing pregnancy testing, repeat HIV/STD testing and follow-up medication as needed/ordered for pregnancy prevention and STD prophylaxis.
6. Student victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
7. If pregnancy results from sexually abusive vaginal penetration, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
8. All findings and behaviors must be documented in the student's medical record and strict confidentiality shall be maintained at all times.
9. The student will be offered mental health treatment services by the Program Director, Agency Nurse, or PREA Compliance Manager. These services may be provided by the local Victim Advocate/Rape Crisis Center 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. A.R.C. will make arrangements for these services and appointments to take place.
10. A.R.C. shall attempt to coordinate 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.

#### AA. Data Collection and Review

##### Incident Review ( §115.386)

1. A.R.C. shall conduct an incident review of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
2. This review will occur within 30 days of the conclusion of the investigation.
3. The incident review team will include the Program Director, Program PREA Compliance Manager, Agency PREA Coordinator, and Director of Operations with input from supervisors, staff, investigators, and medical staff involved.
4. The following factors will be examined during the incident review:
  - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse.
  - b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification,

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the program.

- c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
  - d. Assess the adequacy of staffing levels in that area during different shifts.
  - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
5. A.R.C. will prepare a report of its findings and any recommendations for improvement. (See Appendix Q) A.R.C. will implement the recommendations for improvement or shall document its reasons for not doing so. The report will be given to the CEO, Director of Operations, Program Director, Program PREA Compliance Manager, and Agency PREA Coordinator.

#### Data Collection ( §115.387)

1. A.R.C. shall collect uniform data for every allegation of sexual abuse using the Survey of Sexual Violence conducted by the Department of Justice. (See Appendix R)

The following data shall be collected:

- a. The number of incidents that met the definition of sexual abuse and/or sexual harassment as outlined in the PREA Standards;
  - b. The area where the incident occurred;
  - c. The time of the incident;
  - d. The victim's age, ethnicity, and gender;
  - e. The type of abuse or injury;
  - f. How the incident was reported;
  - g. If the incident was youth on youth, staff on youth, or youth on staff;
  - h. The perpetrator's age, ethnicity, and gender;
  - i. The nature of the incident;
  - j. Sanctions imposed on the perpetrator.
2. The data shall be collected, reviewed annually, and maintained from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
  3. Upon request, all such data from the previous calendar year shall be provided to the Department of Justice no later than June 30<sup>th</sup>.
  4. The data collected shall be securely maintained and retained for at least 10 years after the date of initial collection.
  5. All aggregated sexual abuse data will be readily available to the public at least annually through the website located at [www.arcfamily.com](http://www.arcfamily.com). Before making the data available, A.R.C. shall remove all personal identifiers. Some information may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the facility, but will indicate the nature of the material redacted. (See Appendix S)

#### Data Review for Corrective Action ( §115.388)

1. A.R.C. shall review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training including:
  - a. Identifying problem areas
  - b. Taking corrective action on an ongoing basis

POLICY NO/NAME: PREA-Prison Rape Elimination Act # 201		
RELATED STANDARD: PREA Juvenile Standards	EFFECTIVE DATE: 1/1/17	REVISED DATE: 8/11/17, 2/19/18

- c. Preparing an annual report of its findings and corrective actions for the facility
2. Such report shall include a comparison of the current year's data and corrective actions with those from the prior years and provide an assessment of A.R.C.'s progress in addressing sexual abuse. (See Appendix P)
3. The report shall be approved by the CEO and made available to the public through the agency website: [www.arcfamily.com](http://www.arcfamily.com). (See Appendix P)

Data Storage, Publication, and Destruction ( §115.389)

1. All data collected will be securely retained.
2. All sexual abuse data shall be made available to the public on the agency website [www.arcfamily.com](http://www.arcfamily.com) and in the annual reports. (See Appendix P)
3. All personal identifiers shall be removed as defined by the PA Juvenile Act and Department of Public Welfare Child Protective Service as it pertains to confidentiality.
4. All data collected shall be maintained no less than (10) ten years from the initial date of collection.

**VIII. Applicability**

This facility procedure applies to all A.R.C employees, contracted vendors, and volunteers.

**IX. Access To Policy**

This policy shall be maintained within the policy and procedures manual located on the A.R.C. S:drive, specifically the SOP Folder.