



**Prison Rape Elimination Act (PREA) Policy**  
***Community Confinement Facilities Standards***

**Policy Statement**

Liberation Programs has zero tolerance toward all forms of sexual abuse and sexual harassment. All Liberation Programs' employees who may have contact with individuals undergoing treatment by Liberation Programs are responsible for helping keep facilities free of sexual abuse and sexual harassment. All incidents of sexual abuse and sexual harassment will be reported and investigated thoroughly. Any Liberation Programs' employee who engages in the sexual abuse or sexual harassment of an individual undergoing treatment by Liberation Programs will be subject to disciplinary and/or corrective action. Arrest and prosecution may also be pursued when conduct requires such response.

Any Liberation Programs' volunteer or intern who engages in the sexual abuse or sexual harassment of an individual undergoing treatment by Liberation Programs will be terminated.

Any contractor who engages in the sexual abuse or sexual harassment of an individual undergoing treatment by Liberation Programs will be subject to contract cancellation.

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## § 115.5 General definitions.

- **Agency** – Liberation Programs, Inc. For the purposes of this document, “Liberation”, “Liberation Programs” or “LPI” will all relate to the agency
- **Agency head** - the principal official of an agency, Liberation Programs’ CEO
- **Contractor** - A person who provides services for the agency, pursuant to a contractual agreement with Liberation Programs.
- **Confinement Facilities** – The agency’s men’s residential program, Liberation House.
- **Criminal Background Check** -A criminal background check includes criminal convictions which have not been erased pursuant to C.G.S. §§ 46b-146, 54-76o or 54-142a.
- **Direct Staff Supervision** –staff who are in the same room with, and within reasonable hearing distance of, the recoveree
- **Employee** – a person who works directly for the agency or facility
- **Exigent Circumstances** - 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
- **Facility** - a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals
- **Facility Head** - the principal official of a facility, which is the Program Director unless another individual is designated on a temporary basis
- **Full Compliance** - compliance with all material requirements of each standard except for de minimis violations, or discrete and temporary violations during otherwise sustained periods of compliance
- **Gender nonconforming** - a person whose appearance or manner does not conform to traditional societal gender expectations
- **Individual undergoing treatment at Liberation Programs**- Any individual who is participating in one of our clinical programs, specifically those individuals referred by the criminal justice system through the collaborative contract with the Court Support Services Department (CSSD).
- **Intersex** - 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
- **Liberation Programs PREA Coordinator** - The individual appointed by the Executive Director/CEO to oversee Liberation Programs’ efforts to comply with the PREA standards, which is the Chief Administrative Officer (CAO)

- **Medical Practitioner** - a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims
- **Mental Health Practitioner** - a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims
- **Pat Down Searches** - a running of the hands over the clothed body of a resident by an employee to determine whether the individual possesses contraband
- **Recoveree** - Any individual who is participating in any of the agency’s clinical programming, including those referred by the criminal justice system through the collaborative contract with the Court Support Services Department (CSSD)
- **Reference Check** – verification of employee or potential employee information which would include personal or professional references, educational institutions, and prior employers.
- **Residents** - Any individual who is participating in any of the agency’s clinical programming, including those referred by the criminal justice system through the collaborative contract with the Court Support Services Department (CSSD)
- **Retaliation** - Any covert or overt action or threat of action taken against an employee, contractor, volunteer, intern or individual in treatment at Liberation Programs in response to their complaint of sexual abuse or sexual harassment or cooperation in the reporting or investigation of sexual abuse or sexual harassment, regardless of the merits or the disposition of the complaint. Examples of acts of retaliation are unnecessary discipline, intimidation, unnecessary changes in work or program assignments, unjustified transfers or placements and unjustified denials of privileges or services.
- **Staff** – employees, interns, counselors in training or clinical contract workers
- **Transgender** - 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** - 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
- **Volunteer** - an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency

## § 115.6 Definitions related to sexual abuse (& harassment):

Sexual abuse will include the following areas:

- I. Sexual abuse of an individual in treatment at Liberation Programs by another individual in the treatment and/or custody of the Judicial Branch; and
- II. Sexual abuse of an individual in treatment at Liberation Programs by an employee, contractor,

intern or volunteer.

- III. Sexual abuse of an individual in treatment at Liberation Programs by another individual in treatment at Liberation Programs includes any of the following acts: a) if the victim does not consent, b) if the victim is coerced into such act by overt or implied threats of violence, or c) is unable to consent or refuse.

*Sexual abuse will be defined as any one of the following occurrences:*

- (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 client, employee, contractor, intern or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (d) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the client, employee, contractor, intern 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 client, employee, contractor, intern or volunteer has the intent to abuse, arouse or gratify sexual desire;
- (f) Any attempt, threat or request by an employee, contractor, intern or volunteer to engage in the activities described in sections (a)-(e) of this section;
- (g) Any display by an employee, contractor, intern or volunteer of his or her uncovered genitalia, buttocks, or breasts in the presence of an individual in treatment at Liberation Programs.
- (h) Any other conduct or behavior that is prohibited under Connecticut General Statutes §§53a-70, 53a-70a, 53a-70b, 53-70c, 53a-71, 53a-72a, 53a-72b, or 53a-73a; and,
- (i) Voyeurism by any client, employee, contractor, intern or volunteer. means an invasion of privacy of an individual in treatment at Liberation Programs by an employee, contractor, intern or volunteer for reasons unrelated to official duties, such as peering at an individual who is using a toilet to perform bodily functions; requiring an individual to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an individual's naked body or of an individual performing bodily functions.

*Sexual Harassment will be defined as any one of the following occurrences:*

- (a) Repeated and unwelcomed sexual advances, requests for sexual favors or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one individual in treatment at Liberation Programs toward another individual in treatment;
- (b) Verbal comments or gestures of a sexual nature to an individual in treatment at Liberation Programs by an employee, contractor, intern or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures;
- (c) The display of sexually suggestive pictures or objects;
- (d) Any other conduct of a sexual nature that would constitute a violation of Liberation Program's sexual harassment policy as determined by the Sexual Harassment in the Workplace section of Liberation Programs' Policies and Procedures Manual.

### **§ 115.211 Zero tolerance of sexual abuse and sexual harassment; PREA coordinator.**

- (a) LPI has a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment, which includes a proactive process for preventing, detecting, and responding to

such conduct.

- (b) LPI will designate an upper-level, agency-wide PREA coordinator, with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its community confinement facilities. The Chief Administrative Officer will be the PREA coordinator at LPI

### **§ 115.212 Contracting with other entities for the confinement of residents.**

- (a) LPI does not contract with other agencies for the confinement of our recoverees
- (b) Only in emergency circumstances will LPI utilize another agency for temporary recoveree confinement, such as in the case that the facility is uninhabitable because of fire or natural disaster. Every effort will be made to ensure that the emergency confinement contractor will follow PREA standards but if all reasonable attempts to find a private agency or other entity in compliance with the PREA standards have failed, the agency may enter into a contract with an entity that fails to comply with these standards. In such a case, LPI will document its unsuccessful attempts to find an entity in compliance with the standards
- (c) LPI does utilize contract workers in specific cases, such as major facility repairs. All contractors, who may have contact with individuals in treatment at Liberation Programs must be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment.

### **Contracts and Contractors**

- (a) Any contracts entered into or renewed after June 1, 2014 will (1) include language that the contractor agrees to comply with the PREA standards and (2) permits Liberation Programs to monitor their compliance with the PREA standards.
- (b) Liberation Programs will not enlist the services of any individual contractor who may have contact with individuals in treatment at Liberation Programs who has a documented history of engaging in, or attempting to engage in, sexual abuse.
- (c) Liberation Programs will consider any incidents of documented sexual harassment in determining whether to enlist the services of any individual contractor who may have contact with individuals in treatment at Liberation Programs.

### **§ 115.213 Supervision and monitoring.**

- (a) For each facility, LPI's Director of Residential Services will develop and document a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect residents against sexual abuse. The plan will be submitted to the Chief Program Officer and CEO for approval and inclusion in the annual budget. In calculating adequate staffing levels and determining the need for video monitoring, LPI will take into consideration:
  - i. The physical layout of each facility;
  - ii. The composition of the resident population;
  - iii. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
  - iv. Any other relevant factors.
- (b) In circumstances where the staffing plan is not complied with, the program director will document and justify all deviations from the plan.
- (c) Whenever necessary, but no less frequently than once each year, the facility will assess, determine, and document whether adjustments are needed to:
  - i. The staffing plan established pursuant to paragraph (a) of this section;
  - ii. Prevailing staffing patterns;
  - iii. The facility's deployment of video monitoring systems and other monitoring

- technologies; and
- iv. The resources the facility has available to commit to ensure adequate staffing levels.

### **§ 115.215 Limits to cross-gender viewing and searches.**

- (a) Liberation does not permit strip searches or visual body cavity searches (meaning a search of the anal or genital opening)
- (b) Liberation does permit pat down searches, ensuring that any staff member who may conduct such a search receives adequate specialized training
- (c) The agency will train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs
- (d) Liberation will document all cross-gender searches including any cross-gender pat-down searches of female residents.
- (e) Liberation will not allow opposite gender staff members to view the breasts, buttocks, or genitalia of our recoverees, either in the shower, while performing bodily functions, or changing clothing., except in exigent circumstances. In addition, Liberation will require staff of the opposite gender to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing
- (f) Liberation does not permit any staff member to search or physically examine a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner

### **§ 115.216 Residents with disabilities and residents who are limited English proficient.**

- (a) Liberation will take appropriate steps to ensure that residents with disabilities (including, for example, residents who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps will include, when necessary to ensure effective communication with residents who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency will ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities, including residents who have intellectual disabilities, limited reading skills, or who are blind or have low vision. An agency is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.
- (b) Liberation will take 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 residents 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.
- (c) Liberation will not rely on 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.

- (d) During the admission process, all individuals entering treatment at Liberation Programs are provided information about Liberation Programs' zero-tolerance policy along with instructions for reporting a complaint.

### **§ 115.217 Hiring and promotion decisions.**

- (a) Liberation Programs will not hire, appoint, or promote anyone who may have contact with individuals in treatment who has engaged in, or has attempted to engage in, sexual abuse.
- (b) Liberation not enlist the services of any contractor who may have contact with residents, who:
  - i. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. § 1997);
  - ii. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
  - iii. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.
- (c) Liberation Programs will consider any prior reported incidents of sexual harassment in determining whether to hire, appoint, or promote anyone who may have contact with individuals in treatment at Liberation Programs.
- (d) Before hiring new employees or contract workers who may have contact with residents, the agency will:
  - i. Perform a criminal background records check; and
  - ii. Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse
  - iii. Criminal background checks will include, at minimum, a review of the individual's criminal record obtained from criminal justice agencies and/or criminal/motor vehicle databases, except those records that have been erased pursuant to C.G.S. §§ 46b-146, 54-76o, or 54-142a
  - iv. The results of the criminal background check will be reviewed by the Human Resource Dept. At a minimum, any conviction of Connecticut General Statutes §§ 53a-70, 53a-70a, 53a-70b, 53-70c, 53a-71, 53a-72a, 53a-72b, or 53a-73a, or any other state law prohibiting this same conduct will be considered prior to the appointment or promotion of any candidate
- (e) Liberation will conduct criminal background records checks at least every five years of current employees and contractors who may have contact with residents or have in place a system for otherwise capturing such information for current employees
- (f) Liberation will 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 will also impose upon employees a continuing affirmative duty to disclose any such misconduct.
- (g) Material omissions regarding such misconduct, or the provision of materially false information, will be grounds for termination
- (h) Unless prohibited by law, the agency will 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

### **§ 115.218 Upgrades to facilities and technologies.**

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

### **§ 115.221 Evidence protocol and forensic medical examinations.**

- (a) Liberation Programs will use the Stamford Police Department and/or the CT State Trooper Division to conduct all criminal investigations. Liberation Programs will institute the initial investigation so as to ascertain whether a criminal investigation is warranted and to ensure that potential evidence is safeguarded and the referral sources properly informed. Liberation will contact the SPD in all cases in which an individual requests a criminal investigation into sexual misconduct, regardless of the results of the agency's initial investigation.
- (b) To the extent the agency is responsible for investigating allegations of sexual abuse, the agency will follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- (c) Liberation Programs will offer all victims of sexual abuse access to forensic medical examinations whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate. Such examinations will be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency will document its efforts to provide SAFEs or SANEs.
- (d) Liberation Programs will attempt to make available to the victim a victim advocate from a rape crisis center, either in person or by other means. If a rape crisis center is not available to provide victim advocate services, the agency will make available to provide these services a qualified staff member from a community-based organization or a qualified agency staff member, documenting efforts to secure services from rape crisis centers.
- (e) As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member will accompany and support the victim through the forensic medical examination process and investigatory interviews and will provide emotional support, crisis intervention, information, and referrals
- (f) Liberation Programs will request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section
- (g) For the purposes of this standard, a qualified agency staff member or a qualified community-based staff member will be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general

### **§ 115.222 Policies to ensure referrals of allegations for investigations.**

- (a) Liberation Programs will ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
- (b) All criminal investigations will be referred to the Stamford Police Department and/or State

Trooper Division as they have the legal authority to conduct criminal investigations. The agency will publish this policy on its website, including their responsibilities, and document all such referrals.

### **§ 115.231 Employee training.**

- (a) Liberation will train all employees who may have contact with residents, at minimum, on:
  - a. Its zero-tolerance policy for sexual abuse and sexual harassment
  - b. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures
  - c. Recoverees' right to be free from sexual abuse and sexual harassment
  - d. The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment
  - e. The dynamics of sexual abuse and sexual harassment in confinement
  - f. The common reactions of sexual abuse and sexual harassment victims
  - g. How to detect and respond to signs of threatened and actual sexual abuse
  - h. How to avoid inappropriate relationships with residents
  - i. How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents
  - j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities
- (b) Such training will be tailored to the gender of the residents at the respective facility. The employee will receive additional training if the employee is reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa
- (c) All current employees who have not received such training will be trained within one year of the effective date of the PREA standards, and Liberation will provide each employee with refresher training annually to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures.
- (d) Liberation will document, through employee signature or electronic verification, that employees understand the training they have received

### **§ 115.232 Volunteer and contractor training.**

- (a) Liberation will ensure that all volunteers and contractors who have contact with residents have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
- (b) The level and type of training provided to volunteers and contractors will be based on the services they provide and level of contact they have with residents, but all volunteers and contractors who have contact with residents will be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
- (c) Liberation will maintain documentation confirming that volunteers and contractors understand the training they have received by having a signed form included in the Volunteer Orientation Packet.

### **§ 115.233 Resident education.**

- (a) During the intake process, residents will receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse or sexual harassment, their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.
- (b) Liberation Programs will provide resident education in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as residents who have limited reading skills.
- (c) Liberation will maintain documentation of resident participation in these education sessions.
- (d) In addition to providing such education, the agency will ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats.

### **§ 115.234 Specialized training: Investigations.**

- (a) In addition to the general training provided to all employees pursuant to § 115.231, the agency will ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.
- (b) Specialized training will include techniques for interviewing sexual abuse victims, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral
- (c) Liberation will maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations

### **§ 115.235 Specialized training: medical and mental health care.**

- (a) Liberation will ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in:
  - i. How to detect and assess signs of sexual abuse and sexual harassment;
  - ii. How to preserve physical evidence of sexual abuse;
  - iii. How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
  - iv. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- (b) Medical staff employed by the agency will not conduct forensic examinations, regardless of specified training. Medical staff will, when available, make initial assessments and refer to the local hospital for any medical tests
- (c) The agency will maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.
- (d) Medical and mental health care practitioners will also receive the training mandated for employees under § 115.231 or for contractors and volunteers under § 115.232, depending upon the practitioner's status at the agency.

## **§ 115.241 Screening for risk of victimization and abusiveness.**

- (a) All residents will be assessed during their intake screening for their risk of being sexually abused by other residents or sexually abusive toward other residents.
- (b) Intake screening will take place prior to being admitted to the facility, unless exigent circumstances exist and then the intake process must be completed within 24 hours of admission
- (c) The screening will be standardized and included in the agency's assessment package
- (d) The screening questions will consider the following elements:
  - i. Whether the resident has a mental, physical, or developmental disability;
  - ii. The age of the resident;
  - iii. The physical build of the resident;
  - iv. Whether the resident has previously been incarcerated;
  - v. Whether the resident's criminal history is exclusively nonviolent;
  - vi. Whether the resident has prior convictions for sex offenses against an adult or child;
  - vii. Whether the resident is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
  - viii. Whether the resident has previously experienced sexual victimization; and
  - ix. The resident's own perception of vulnerability.
- (e) The intake screening will take into account prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing residents for risk of being sexually abusive
- (f) At the first treatment plan review (30 days from admission), the primary counselor shall reassess the resident's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening
- (g) A resident's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the resident's risk of sexual victimization or abusiveness
- (h) Residents may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked. However, the agency may refuse to admit a resident if it cannot properly assess a recoveree's risk status based on the unwillingness to provide information.
- (i) Liberation will maintain appropriate controls on the dissemination of collected information, per the agency's confidentiality policies. Only authorized personnel will have access to the electronic medical record. The agency will take all appropriate steps to ensure that the information collected is not exploited to the resident's detriment by staff or other residents

## **§ 115.242 Use of screening information.**

- (a) Liberation Programs will use the information from the risk screening required by § 115.241 to decide whether an admission is appropriate at the time of the screening. If the assessment personnel believe that a recoveree is either at risk for being sexually abused or sexually abusing another resident, the supervisor on duty will be immediately notified.
- (b) At all time, the agency will assess the situation and make individualized determinations about how to ensure the safety of each resident.
- (c) In deciding whether to assign a transgender or intersex resident to a facility for male or female residents, and in making other housing and programming assignments, the agency will consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether the placement would present management or security problems.
- (d) A transgender or intersex resident's own views with respect to his or her own safety will be

given serious consideration.

- (e) Transgender and intersex residents will be given the opportunity to shower separately from other residents.
- (f) Liberation Programs does not have dedicated facilities, units, or wings for lesbian, gay, bisexual, transgender, or intersex residents.

### **§ 115.251 Resident reporting.**

- (a) Liberation will provide multiple internal ways for residents to privately report sexual abuse and sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
- (b) Liberation will inform residents of at least one way to report abuse or harassment to a public or private entity or office that is not part of the agency and that is able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials, allowing the resident to remain anonymous upon request.
- (c) Staff will accept reports made verbally, in writing, anonymously, and from third parties and will promptly document any verbal reports and report the findings to their direct supervisor within 1 hour.
- (d) Liberation will provide a method for staff to privately report sexual abuse and sexual harassment of residents through use of a third party company, utilizing a toll free 800 number

### **§ 115.252 Exhaustion of administrative remedies.**

- (a) Liberation does not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse, nor does it require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
- (b) Liberation will ensure that:
  - i. 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
  - ii. Such grievance is not referred to a staff member who is the subject of the complaint.
- (c) Liberation will ensure that a final agency decision on the merits of the grievance alleging sexual abuse (not counting any potential outside criminal investigation, which is outside the agency's sphere of influence) will be reported to the resident within 10 days of the initial filing of the grievance.
- (d) A resident may choose to have third party representation, if they so desire. The resident will sign an authorization form to allow communication between the agency and the representative
- (e) If a resident believes they are at imminent risk, they may contact the Program Director and PREA Coordinator immediately for an emergency grievance. The resident will be removed from the situation and placed in a safe location within the facility while the grievance is being reviewed. The review will begin immediately and a resolution will be reached within 24 hours, which may include a transfer to a different community confinement location should safety be an ongoing concern.
- (f) Liberation will discharge any resident who files a false claim

### **§ 115.253 Resident access to outside confidential support services.**

- (a) Liberation will provide residents with access to outside victim advocates for emotional support services related to sexual abuse by giving residents mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and by enabling reasonable communication between residents and these organizations, in as confidential a manner as possible.
- (b) Liberation will inform residents, prior to giving them access, that the agency will not monitor communications in the above section but that all reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. A cell phone or agency phone, located in a secure area, will be provided in order to ensure that the resident can discuss his issue in private
- (c) Liberation will maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide residents with confidential emotional support services related to sexual abuse. The agency will maintain copies of agreements or documentation showing attempts to enter into such agreements.

### **§ 115.254 Third-party reporting.**

- (a) Liberation staff can receive third party information on allegations of resident sexual abuse at any time, through any means, and must report the findings to their immediate supervisor within 24 hours
- (b) The agency's website will have details on Liberation Programs' PREA policy and ways to report allegations

### **§ 115.261 Staff and agency reporting duties.**

- (a) Liberation requires that all staff report to their direct supervisor immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. The PREA Coordinator, who is also the lead investigator, must be contacted immediately by the supervisor
- (b) Apart from reporting to designated supervisors or officials, staff will not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions.
- (c) Liberation programs will train all staff who may have contact with residents the necessity to report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to all state agencies that are required to be informed of such an incident, including any adult considered "vulnerable".

### **§ 115.262 Agency protection duties.**

- (a) Liberation Programs will take every measure to assure resident safety. Should the agency learn that a resident is subject to a substantial risk of imminent sexual abuse, it will take immediate action to protect the resident.

### **§ 115.263 Reporting to other confinement facilities.**

- (a) Upon receiving an allegation that a resident was sexually abused while confined at another facility, staff that acquire this knowledge will ensure that the Program Director and PREA Coordinator are made aware. The PREA Coordinator will conduct an investigation, understanding that the agency is limited in what it can investigate at another facility and, together with the CEO, will determine who will notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
- (b) Such notification will be provided as soon as possible, but no later than 72 hours after receiving the allegation.
- (c) Liberation will document that it has provided such notification.

### **§ 115.264 Staff first responder duties.**

- (a) Upon learning of an allegation that a resident was sexually abused, the first staff member to respond to the report will be required to:
  - i. Separate the alleged victim and abuser;
  - ii. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
- (b) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- (d) If the first staff responder has not received documented training in how to properly handle an being the first on the scene at an alleged incident, then the responder will wait for a trained staff member to arrive but will request that the alleged victim not take any actions that could destroy physical evidence.

### **§ 115.265 Coordinated response.**

- (a) Liberation programs will develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

## **§ 115.266 Preservation of ability to protect residents from contact with abusers**

- (a) Liberation Programs will remove any staff member who is alleged to have conducted sexual misconduct during the investigation process and will not sign a contract with any outside entity that limits the agency'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.

## **§ 115.267 Agency protection against retaliation.**

- (a) Liberation Programs will protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff. Any retaliation by staff will lead to disciplinary actions. The Program Director is in charge of ensuring that no retaliation occurs.
- (b) Any resident who feels they need protective measures will be temporarily placed in a single occupancy room until the situation can either be resolved to the recoveree's satisfaction or transferred to another CT program
- (c) For at least 90 days following a report of sexual abuse, the agency 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 will act promptly to remedy any such retaliation. Items the agency should monitor include any resident disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The agency will continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
- (d) In the case of residents, such monitoring will also include periodic status checks.
- (e) If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency will take appropriate measures to protect that individual against retaliation.
- (f) Liberation Programs will cease to monitor if it is determined that the allegation is unfounded

## **§ 115.271 Criminal and administrative agency investigations.**

- (a) Liberation will conduct initial investigations into allegations of sexual abuse and sexual harassment promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
- (b) All investigators will receive special training in sexual abuse investigations pursuant to § 115.234.
- (c) Investigators will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; will interview alleged victims, suspected perpetrators, and witnesses; and will review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- (d) Once an allegation of abuse is substantiated, or at the request of the victim, the Stamford Police Department will be notified for a criminal investigation. SPD will only conduct compelled interviews after consulting with prosecutors
- (e) The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as resident or staff. Polygraph exams are not

used as a prerequisite to filing a complaint

- (f) Administrative investigations:
  - i. Will include an effort to determine whether staff actions or failures to act contributed to the abuse; and
  - ii. Will 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.
  - iii. Will be given to the criminal authorities for prosecution
- (g) The agency will retain all written reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.
- (h) The departure of the alleged abuser or victim from the employment or control of the facility or agency will not provide a basis for terminating an investigation.
- (i) Liberation Programs will cooperate fully with any outside agencies that investigate sexual abuse and will endeavor to remain informed about the progress of the investigation.

### **§ 115.272 Evidentiary standard for administrative investigations.**

- (a) The agency will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

### **§ 115.273 Reporting to residents.**

- (a) Following an investigation into a resident's allegation of sexual abuse, the agency will inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
- (b) Liberation will request relevant information from the investigating agency
- (c) Following a resident's allegation that a staff member has committed sexual abuse against the resident, the agency will subsequently inform the resident (unless the agency has determined that the allegation is unfounded) whenever:
  - i. The staff member is no longer posted within the resident's unit;
  - ii. The staff member is no longer employed at the facility;
  - iii. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
  - iv. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- (d) Following a resident's allegation that he or she has been sexually abused by another resident, the agency will subsequently inform the alleged victim whenever:
  - i. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
  - ii. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- (e) All such notifications or attempted notifications will be documented.
- (f) An agency's obligation to report under this standard will terminate if the resident is released from the agency's custody.

### **§ 115.276 Disciplinary sanctions for staff.**

- (a) Staff will be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
- (b) Termination will be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
- (c) Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) will 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.
- (d) All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

### **§ 115.277 Corrective action for contractors and volunteers.**

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

### **§ 115.278 Disciplinary sanctions for residents.**

- (a) Following an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse, the resident will be discharged from the program. There are no sanctions or disciplinary actions that the agency will undertake in lieu of discharge
- (b) While every attempt will be made to find appropriate placement for the resident, the priority will be the safety of the victim and the other residents

### **§ 115.282 Access to emergency medical and mental health services.**

- (a) Resident victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
- (b) If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders will take preliminary steps to protect the victim pursuant to § 115.262 and will immediately notify the appropriate medical and mental health practitioners.
- (c) Resident victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate
- (d) Treatment services will be provided to the victim at no financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

## **§ 115.283 Ongoing medical and mental health care for sexual abuse victims and abusers.**

- (a) Liberation Programs will offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse, whether the abuse took place at the agency or outside the agency. The resident will have the right to refuse this treatment, which will be documented in the EMR. A resident may change his mind at any time and be accommodated
- (b) The evaluation and treatment of such victims will 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.
- (c) The facility will provide such victims with medical and mental health services consistent with the community level of care.
- (d) Resident victims of sexual abuse while incarcerated will be offered tests for sexually transmitted infections as medically appropriate.
- (e) Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
- (f) Liberation does not admit residents with recent histories of sexual abuse. If a resident is found to have sexually abused another resident, the agency will discharge them back to the court system and remove them from the program

## **§ 115.286 Sexual abuse incident reviews.**

- (a) Liberation Programs will conduct a sexual abuse incident review 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.
- (b) Such review will occur within 30 days of the conclusion of the investigation.
- (c) The review team will include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
- (d) The review team will:
  - i. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - ii. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
  - iii. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  - iv. Assess the adequacy of staffing levels in that area during different shifts;
  - v. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
  - vi. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement, and submit such report to the facility head and PREA compliance manager.

- (e) The facility will implement the recommendations for improvement, or will document its reasons for not doing so.

### **§ 115.287 Data collection.**

- (a) The agency will collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
- (b) The agency will aggregate the incident-based sexual abuse data at least annually.
- (c) The incident-based data collected will 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) The agency will maintain, review, and collect data as needed from all available incident-based documents including reports, investigation files, and sexual abuse incident reviews.
- (e) The agency also will obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its residents.
- (f) Upon request, the agency will provide all such data from the previous calendar year to the Department of Justice no later than June 30.

### **§ 115.288 Data review for corrective action.**

- (a) The agency will review data collected and aggregated pursuant to § 115.287 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:
  - i. Identifying problem areas;
  - ii. Taking corrective action on an ongoing basis; and
  - iii. Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
- (b) Such report will include a comparison of the current year's data and corrective actions with those from prior years and will provide an assessment of the agency's progress in addressing sexual abuse.
- (c) The agency's report will be approved by the agency head and made readily available to the public through its website.
- (d) The agency will redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

### **§ 115.289 Data storage, publication, and destruction.**

- (a) Liberation Programs will ensure that data collected pursuant to § 115.287 are securely retained.
- (b) The agency will make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.
- (c) Before making aggregated sexual abuse data publicly available, the agency will remove all personal identifiers.
- (d) The agency will maintain sexual abuse data collected pursuant to § 115.287 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

### **§ 115.293 Audits of standards.**

- (a) The agency will conduct audits pursuant to §§ 115.401-405.

### **§ 115.401 Frequency and scope of audits.**

- (a) During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the agency will ensure that each facility operated by the agency, or by a private organization on behalf of the agency, is audited at least once.
- (b) During each one-year period starting on August 20, 2013, the agency will ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited.
- (c) The agency will bear the burden of demonstrating compliance with the standards.
- (d) Liberation will ensure that the auditor will:
  - i. have access to, and will observe, all areas of the audited facilities.
  - ii. be permitted to request and receive copies of any relevant documents (including electronically stored information).
  - iii. retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation will be provided to the Department of Justice upon request.
  - iv. Can interview a representative sample of residents, staff, supervisors, and administrators.
  - v. Be permitted to conduct private interviews with inmates, residents, and detainees.
  - vi. Receive confidential information from residents, if needed

### **§ 115.402 Auditor qualifications.**

- (a) Liberation will only utilize auditors certified by the Department of Justice for the review, ensuring that the auditor is not connected to the agency in any way (employed, have relatives in the program, receive payments for contract work, etc)
- (b) The agency will not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the agency's retention of the auditor, with the exception of contracting for subsequent PREA audits.
- (c) The agency will ensure that the auditor's final report is published on the agency's website if it has one, or is otherwise made readily available to the public.