

Prison Rape Elimination Act (PREA) Policies and Procedures

Chrysalis House will make every effort to comply with the Prison Rape Elimination Act of 2003. This policy applies to all clients, full-time employees, part-time employees, interim employees, interns, students, volunteers, and contractors doing business with Chrysalis House.

PREA standard 115.211

Chrysalis House has zero tolerance toward all forms of sexual assault and sexual harassment, including but not limited to: any type of romantic relationship between a Chrysalis House employee and client; sexual activity between a Chrysalis House employee and client; romantic and/or sexual relationship with a family member of a client; verbal comments or gestures of a sexual nature to a client, including demeaning references regarding gender and/or sexual orientation, sexually suggestive comments regarding body or clothing of a client or obscene language or gestures.

Chrysalis House shall appoint the Clinical Director as the PREA Coordinator. The PREA Coordinator is responsible for all reporting documentation including training of new staff.

Failure to abide by PREA standards may result in personnel action up to and including termination and/or criminal prosecution. Chrysalis House staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual harassment or sexual abuse policies. Criminal acts committed by staff, contractors, or volunteers shall be reported to law enforcement. Other violations of code of ethics or dual relationship policies shall follow Chrysalis House policy and may be reported to any relevant licensing or certification boards.

Chrysalis House clients will have access to the PREA reporting line and are provided with information regarding compliance with PREA at program intake. Clients have 24 hour access to forms to complete grievances against agency staff. Clients and staff also have access to a clinician 24 hours per day in the event of an emergency or crisis situation.

Per the agency's corporate compliance policies, Chrysalis House will maintain locked boxes at each facility for staff and employees to provide anonymous complaints regarding any sexual harassment or abuse. Boxes are checked one time per week by the Director of Risk Management. Complaints and suggestions are forwarded to the needed agency head.

PREA standard 115.213

Chrysalis House shall develop a staffing plan that provides for adequate levels of supervision to protect residents against sexual abuse. Each residential facility will be staffed 24 hours per day, seven days per week. At minimum, one staff person will be present with clients at all times at the Chrysalis Court, Maxwell and Hill Rise facilities. Due to contractual obligations, there will be two staff persons present at the Bull Lea facility. Staff will provide awake supervision and make rounds throughout the facility during the shift to ensure client and staff safety.

Support Staff work three eight hour shifts Monday-Friday and two 12-hour shifts Saturday and Sunday. Other clinical staff is also present during business hours Monday-Friday, and at times during the evenings. Clinical staff includes trained mental health therapists, registered nurse and

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case managers. The agency will employ PRN staff to cover shifts as needed, or to provide double coverage if an incident occurs; there is suspicion of inappropriate behaviors or in the event of another emergency.

Staffing plans are discussed as needed with administrative staff to determine if changes in schedules of employees or employee to client ratio are needed.

PREA standard 115.215

Clients shall be provided facilities that enable them to shower, perform bodily functions and change clothing in a private area. A staff member, volunteer or contract employee of the opposite gender shall announce his or her presence before entering a restroom area or a client's bedroom. There shall be no pat down searches, strip searches or visual body cavity searches conducted at Chrysalis House, regardless of gender. Clothing checks must be done female to female and at no time should a staff person touch a client. Clothing checks would be defined as client turning her pockets inside out and/or shaking clothing. Shoes are to be removed and searched.

PREA standard 115.216

Upon admission to Chrysalis House, clients will receive education including but not limited to the following: zero-tolerance policy regarding sexual abuse and sexual harassment; how to report incidents or suspicions of sexual abuse or sexual harassment; expectations for appropriate behavior; residents' rights, how to access support services, etc. This material shall be presented to the client in both verbal and written form with special consideration for those who have limited reading ability or who are hearing and/or vision impaired or with limited English proficiency. Screening assessments will be read to clients for completion if it suspected that reading comprehension is problematic for the client.

Chrysalis House prohibits clients from providing interpretive services to other clients with limited English proficiency except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the client's safety, the performance of first-response duties under §115.264, or the investigation of the client's allegations. As soon as emergent issues are addressed, an independent interpreter will be contacted for services.

Current and potential clients may utilize bilingual staff, paid interpreters, or Language Line Services. When individual interpreter services are necessary, they will be made available free of charge. Interpreters and Language Line Services will be made available to persons served while taking into consideration any undue hardship on the agency.

All appropriate releases of information will be obtained for interpreter services. The current or potential person served will be consulted prior to assignment of interpreter services. If telephonic interpreting is acceptable to the client, contracted language line services will be used by staff. Should the current or potential person served have a preference for in person interpreting, request for interpreter services will be made to the Central Kentucky Interpreter Referral, Inc. at 859-236-9888; the University of Kentucky Foreign Language Department at 859-257-6698; or Kentucky School for the Deaf at 859-239-7017.

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PREA standard 115.217

Prior to hiring, Chrysalis House will make a reasonable attempt to determine if the candidate has been civilly or administratively adjudicated to have engaged in inappropriate sexual conduct as described in the PREA standard. A careful reference check shall be made into the background of any applicant under active consideration of employment. At least three (3) professional references must be secured and verified before a candidate can be recommended for employment. Contact with prior institutional employers will be made if applicable. Applicants will also be asked about previous misconduct.

Prior to employment, all potential employees and contract employees will submit to a routine background check. The check shall be conducted using Administrative Office of the Courts (AOC) or NCIC data if applicable. Background checks will be used to screen for prior convictions of sexual offenses. If the criminal record check returns a criminal conviction, or plea of guilty to a sex crime, violent crime, criminal offense against a minor, or a Class A felony, the potential employee will not be hired. In addition, criminal background checks will be completed annually on a random sample of at least 25% of all personnel.

PREA standard 115.218

When designing or upgrading new facilities or expanding existing facilities, Chrysalis House will consider the effect of the building design or modification on the center's ability to protect clients from sexual abuse and harassment. Staff and client ease of movement throughout the facility will be considered with any additions or modifications. This consideration should also be made when installing or upgrading video monitoring technology.

PREA standard 115.221

Chrysalis House may take responsibility initiating investigation of client to client or staff to client allegations of sexual abuse in an effort to protect the crime scene and provide support; however, as per KY DOC protocol, all PREA investigations involving staff on client complaints will be referred to KY DOC for investigation. Lexington Police Department will be contacted immediately once a crime scene is discovered to ensure evidence is preserved and the victim is safe. The PREA Coordinator will take measures to ensure that statements from witnesses are provided in writing to preserve and document the investigation.

Investigations conducted by Chrysalis House for staff to client allegations of harassment will comply with guidelines set forth in the Human Resources Policies and Procedures and client rights (in accordance with 908 KAR 1:370 and CARF standards) and will also be forwarded to KY DOC per DOC protocol. Incidents of client to client allegations will follow the steps outlined in the client grievance procedure and will be reviewed in terms of all client rights and program guidelines. Client to Client allegations will also be referred to KY DOC.

Staff will contact the PREA Coordinator immediately should a PREA incident be reported. Staff will make every attempt to ensure the immediate safety of the victim and to arrange immediate crisis counseling through the use of agency therapists or referral to Ampersand. Clients shall be informed of their right to have a forensic medical examination conducted by a Sexual Assault Forensic Examiner or Sexual Assault Nurse Examiner, as well as the right to have a rape crisis advocate remain with the client throughout the exam for support and advocacy services.

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The victim and alleged perpetrator should be separated immediately if both are present in the facility. If a sexual crime is alleged to have occurred, staff should ensure that all residents and staff are removed from the area and that no one is allowed to enter the area until law enforcement advises that is permissible to do so. Clients believed to be involved in the incident will be encouraged to refrain from showering, toileting, brushing teeth or changing clothes.

Staff will be directed to follow the PREA first responder duties checklist to ensure client safety and to preserve the crime scene and to notify the PREA Coordinator. The PREA Coordinator will immediately notify Lexington Police Department to commence investigation of the crime scene; Kentucky Department of Corrections will be notified of the incident.

All incidents of sexual assault and reporting should be documented as a miscellaneous note in the client chart with the time and date the incident was made known to Chrysalis House staff and the date and time the incident was reported to a facility head if the abuse occurred outside of Chrysalis House. A critical incident form should also be completed and forwarded to the Chrysalis House Safety Officer.

PREA standard 115.222

Allegations of sexual abuse and sexual harassment shall be promptly, thoroughly and objectively investigated. Sexual abuse investigations alleging force, coercion, or possible criminal behavior shall be conducted by specially trained investigators from the Kentucky Department of Corrections, Kentucky State Police, or Lexington Police Department. KY DOC will be notified of all allegations.

PREA standard 115.231-.232

All new employees, volunteers, interns, and persons affiliated with Chrysalis House and its clients on a regular or recurring basis will receive training regarding PREA standards, laws, and Chrysalis House policies related to Code of Ethics and Dual Relationships. Those completing the PREA training shall sign a document acknowledging that they understand the training, which is a part of the online course taken by all staff. Refresher training will occur on an annual basis. All training documentation shall be maintained on-site.

Training will include the following:

1. Zero-tolerance policy for sexual abuse and sexual harassment.
2. Their responsibilities of sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
3. Clients' right to be free from sexual abuse and sexual harassment.
4. The right of clients and employees to be free from retaliation for reporting sexual abuse and sexual harassment.
5. The dynamics of sexual abuse and sexual harassment in a residential setting.
6. The common reactions of sexual abuse and sexual harassment victims.
7. How to detect and respond to signs of threatened and actual sexual abuse.
8. How to avoid inappropriate relationships with clients.
9. How to communicate effectively and professionally with a client, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming residents.

10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

PREA standard 115.233

All clients will receive PREA education at the time of intake, including the agency's compliance with PREA guidelines and reporting mandates; zero-tolerance policy of all sexual harassment and abuse; reporting procedures through written and verbal reports, utilization of the confidential PREA hotline and anonymously through the corporate compliance boxes located at each facility; client rights; and agency response to such incidents. Documentation of education must be maintained in the client's file. Key information shall be posted so that it is visible and readily available to all clients by means of posters and signage throughout the house and in client recovery handbooks.

PREA standard 115.234

The agency PREA Coordinator will attend the "Investigating Sexual Abuse in Correctional Setting (Community Confinement Settings) as it is made available by the Kentucky Department of Corrections. The PREA Coordinator will ensure that agency staff follows reporting procedures in compliance with PREA. Documentation of the training will be maintained by Human Resources.

PREA standard 115.235

All full and part-time employees who are medical and mental health care practitioners shall receive specialized training on the following:

- a. How to detect and assess signs of sexual abuse and sexual harassment.
- b. How to preserve physical evidence of sexual abuse.
- c. How to respond effectively and professionally to victims of sexual abuse and sexual harassment.
- d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

PREA standard 115.241

Clients shall be assessed for risk of sexual abuse victimization and/or predatory behaviors within 24 hours of admission and re-assessed as needed (update of collateral information, incident of abuse, high risk factors at time of admission).

PREA standard 115.242

Information obtained from the risk assessment shall be used to determine appropriate housing and/or bed placement or appropriateness for Chrysalis House programming. Access to information obtained during assessment shall be limited to staff necessary to make program and housing placement decisions.

PREA standard 115.251

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Clients shall be able to report incidents of sexual abuse and/or harassment in various ways to ensure that appropriate investigation and action is taken. Clients may report incidents to any staff member who will then immediately contact the PREA Coordinator with information concerning the incident. Clients may file written grievances against staff members of the agency and will not be required to resolve any incidents with alleged perpetrator before filing such a grievance.

Phone numbers to the PREA reporting hotline will be posted near client phones in each residential facility so that clients may have privacy in reporting allegations of PREA incidents.

Clients and staff will have available to them an anonymous means of reporting through the use of corporate compliance reporting boxes located at each residential facility and the Chrysalis Community Center.

Third party reporting, including those reported anonymously, will be reported to the PREA Coordinator for documentation and follow up investigation, if necessary.

PREA standard 115.252

Clients shall also be informed of how to make a complaint and/or grievance related to sexual harassment or abuse. Procedures for filing a grievance are outlined in the client Recovery Handbook received at admission. There shall be no time limits imposed for making grievances and/or complaints. Grievances are investigated within three (3) days; should a grievance allege that a client is at risk of imminent abuse, the investigation will begin immediately and client safety will be ensured.

Third parties may assist clients in filing grievances and/or file on their behalf, with written permission from the client. Any further proceedings shall be actively pursued by the client, including formal interviewing of client who is alleged victim.

PREA standard 115.253

Clients will be able to access services through Ampersand for confidential advocacy and support services. If a client elects to leave the facility, referral information will be provided to the client for the rape crisis center nearest her.

Chrysalis House has entered into a memorandum of understanding with the local rape crisis center to provide continuity of services to clients who experience sexual abuse.

PREA standard 115.254

Information regarding reporting of sexual abuse/harassment by third parties will be posted in the facilities and on the agency website.

PREA standard 115.261

Staff members shall immediately report to the PREA Coordinator all knowledge, suspicions or information of an incident of a sexual offense within a Kentucky or other correctional facility. They shall report any retaliation against someone who has reported such an incident. They shall also report any knowledge of staff who neglects to report the above incidents. Staff members may also make reports to the PREA hotline at 1-855-700-7732.

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A PREA Reporting log will be maintained by the PREA Coordinator that documents the date and time of an alleged incident to Chrysalis House staff, date and time reported to the agency head of a Kentucky Correctional facility (if necessary) and/or date and time incident was reported to law enforcement.

PREA standard 115.262

If at any time it is learned that a client is subject to a substantial risk of imminent sexual assault, immediate action shall be taken to protect the client, including but not limited to, moving the client to another room or agency residential facility.

PREA standard 115.263

Reports of sexual abuse that occurred at a facility outside of Chrysalis House shall be reported by the PREA Coordinator to the agency head of the other facility. All reports will be recorded in the PREA reporting log and must be reported to the other facility within 72 hours of the initial report to Chrysalis House.

PREA standard 115.264

Upon receiving the report, the first responder shall ensure the separation of the alleged victim and perpetrator and if possible secure and protect any crime scene to keep potential evidence in place for examination and investigation, including but not limited to: discouraging brushing teeth, handwashing, bathing, changing clothes, or otherwise disturbing the physical place where the incident is alleged to have occurred. If the crime scene cannot be secured, the crime scene shall be photographed or videotaped. The agency first responder shall notify the PREA Coordinator as soon as the victim's safety is ensured.

PREA standard 115.265

Chrysalis House will have a coordinated response to ensure that all reported incidents of alleged sexual abuse or harassment are handled efficiently and appropriately. A first responder checklist is located in the staff binder at all facilities.

When an alleged incident is reported to a staff member, the incident should be reported immediately to the PREA Coordinator. Client safety will be the primary objective addressed by ensuring physical separation of victim and perpetrator; immediate crisis intervention by trained mental health staff; securing the crime scene (if necessary and possible); and ensuring transportation of the victim for forensic services and access to advocacy services.

The PREA Coordinator will notify the Executive Director of any reported PREA incidents. If the incident alleges staff to client abuse, Human Resources will be notified immediately so that agency policy and procedure can be followed regarding investigation and disciplinary actions.

PREA standard 115.267

Clients and staff who report sexual abuse or harassment shall be protected from retaliation. These clients and staff will be monitored for at least 90 days following a report by the PREA Coordinator. Changes in housing assignment or work schedules may be necessary to ensure client safety. Chrysalis House also has a whistleblower policy in place to protect staff who report

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violations of the agency's Code of Ethics. Obligation to monitor can be terminated if it is determined that an allegation of retaliation is unfounded.

All information in a report or investigation of a sexual offense shall be kept confidential except to the extent necessary to report to an appropriate supervisor, adequately investigate the incident, provide treatment, or make security or management decisions. An individual interviewed in the course of resolving the complaint shall be cautioned to treat the information as confidential. Breach of this confidentiality shall be grounds for disciplinary action.

PREA standard 115.271

Alleged incidents of criminal abuse shall be immediately forwarded to the Department of Corrections and the Lexington Police Department. Chrysalis House will cooperate with the investigating agency to ensure that evidence is preserved and the investigation is begun promptly.

Administrative investigations of sexual harassment not meeting the criminal statutes of abuse will be conducted by the PREA Coordinator and Human Resources (if the alleged perpetrator is an employee); KY DOC will also be notified of any allegations. Investigators will make every effort to determine if staff action or failures to act contributed to harassment. Investigations will be documented in written reports, including all evidence and facts and findings.

Reports of alleged abuse shall be maintained by the agency for the duration of residency or employment, plus five years.

Departure of the alleged perpetrator from treatment or from employment will not provide a basis for terminating the investigation.

PREA standard 115.272

The agency will not impose a standard beyond a preponderance of the evidence in determining whether allegations of abuse are substantiated.

PREA standard 115.273

Alleged victims shall be informed when a report has been found to be substantiated, unsubstantiated, or unfounded. If the investigation is being conducted by an outside agency, Chrysalis House will request the information from the investigating agency to provide notification to the client/victim. If the alleged perpetrator was a staff person, the victim will be notified of the following: when the staff person is no longer at a particular facility; employment has ended; and any information pertaining to indictment/conviction of a criminal charge. Victims shall also be informed of any criminal indictments or convictions if the alleged perpetrator is another resident. All attempts to inform the victim will be documented in writing.

Obligations to report the above information to victims will be terminated if the victim is no longer a participant in the program.

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PREA standard 115.276 and 115.277

Staff shall be subject to disciplinary sanctions up to and including termination for violating Chrysalis House or DOC sexual harassment or sexual abuse policies. Chrysalis House has a detailed disciplinary policy found in the Employee Handbook.

Criminal acts committed by staff, contractors, interns, or volunteers shall be reported to law enforcement. Other violations of code of ethics or dual relationship policies shall be reported to any relevant licensing or certification boards.

PREA standard 115.278

A client may be discharged for reporting a false allegation of sexual abuse or sexual harassment only when Chrysalis House can demonstrate the false allegation was knowingly made in bad faith. A report made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute a false report or lying even if an investigation does not establish evidence sufficient to substantiate the allegation.

Clients are not to have consensual sexual relationships with one another and such a relationship may result in discharge from the program. Clients who commit acts of sexual harassment or sexual abuse, not meeting criminal elements, against another client will undergo a clinical review which may lead to discharge from the program. Acts of abuse constituting a criminal offense will be immediately reported to law enforcement.

PREA standard 115.282 and 115.283

Clients who have been victims of sexual abuse shall be offered referrals for emergency medical care and advocacy service. Chrysalis House employs qualified mental health practitioners to provide immediate crisis management and ongoing services for mental health needs. Emergency medical services will include timely access to emergency contraception, sexually transmitted infections prophylaxis information and access to all lawful pregnancy-related medical services. Medical and mental health services shall be available on an ongoing basis.

PREA standard 115.286

Within 30 days of the conclusion of an investigation, a review will be conducted by a Chrysalis House review team. The purpose of the review is to determine a whether there is a need to revise policy and/or procedures, adjust staffing levels, address behavioral norms within the facility, review and correct physical plant issues, employ monitoring technology, etc. The review team will prepare a written report of recommendations and submit this to the executive director and PREA compliance coordinator.

PREA standards 115.287, 115.288 and 115.289

PREA related allegations will be reported to the Kentucky Department of Corrections as well as law enforcement personnel if the allegation involves force, coercion, or threats. Reports to DOC should occur within 24 hours of an allegation. Each facility shall provide allegations and dispositions of sexual offenses on a monthly report submitted to Department of Corrections. Information collected annually will satisfy all requirements of the Survey of Sexual Victimization as required by the US Department of Justice. All case records associated with claims of sexual offenses, including incident reports, investigation reports, client information,

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case disposition, medical and counseling evaluation findings and recommendations for aftercare or counseling shall be retained for at minimum, 10 years.

Data will be utilized for improving services and preventing further incidents of abuse and discussed during annual review meetings with administration. Upon review by the agency head, the findings of annual reviews may be posted on the agency website.

PREA standards 115.293 and 115.401

There will be an independent PREA audit conducted once every three years as required by Kentucky Department of Corrections.

PREA standard 115.402

Audits shall be conducted by a qualified auditor.

PREA standard 115.403

The auditor shall provide a final report containing all findings of compliance and non-compliance with standards. The auditor's report shall be made public.

PREA standard 115.404

Any finding of "Does Not Meet Standard" will trigger a 180-day corrective action period. The auditor will work with Chrysalis House to develop a corrective action plan. After 180 days the auditor will re-evaluate and make a final determination regarding compliance. Chrysalis House may also request a subsequent audit once it believes compliance has been met.

PREA standard 115.405

Chrysalis House may also appeal an audit finding to the Department of Justice within 90 days of the auditor's final determination. If DOJ determines good cause for re-evaluation, Chrysalis House may commission a re-audit. Findings of the re-audit shall be considered final.