

## TREATMENT TRENDS, INC. PREA POLICIES AND PROCEDURES

POLICY – Treatment Trends, Inc. (Keenan House) operations seek to lessen suffering caused by addiction and other drugs by providing compassionate treatment services in partnership with the criminal justice and human service systems. Our goal is to help individuals gain long term recovery from their addiction and related self-destructive behavior.

Consistent with our mission, Keenan House has a “zero tolerance policy” relative to sexual misconduct. The Keenan House program and facility will comply with federal and state law as they pertain to the Prison Rape Elimination Act (PREA). If there is any variation in the laws, the stricter regulation will apply. (115.211 A-1)

It is the policy of Keenan House to provide training to all staff and residents to prevent sexual misconduct. Keenan House will fully investigate and prosecute any staff, resident, contractor, volunteer, intern, or visitor involved in such conduct. Keenan House has designated Tom Ritter, Clinical Support Staff and Contract Coordinator Supervisor, as the PREA Compliance Officer to ensure compliance with all standards across all agency programs and facilities. (115.211 a-2, a-4, b-1, b-2)

### DEFINITIONS (115.211 a-3)

Gender Expression – The physical expression of one’s gender identity, usually expressed through clothing, mannerisms, and chosen names.

Gender Identification – the conviction of belonging to a particular sex, regardless of if it corresponds to his or her anatomical sex.

Gender Non-Conforming – Gender characteristics and/or behaviors that do not conform to those typically associated with a person’s biological sex.

Institutional Sexual Conduct – that act of any employee, contract employee, volunteer, or individual who performs work or a volunteer function for Keenan House that involves sexual assault/rape or sexual misconduct with a resident.

Intersex – An individual born with external genitalia, internal reproductive organs, chromosome patterns and/or endocrine systems that do not seem to fit typical male or female definitions.

Mental Health Care Practitioner (related to PREA Policy) – Persons who shall be considered as qualified to provide mental health services to the community.

Resident (related to PREA policy) – The clientele at the facility or program to include inmates, detainees, parolees, supervised offenders, or private pay individuals living at Keenan House seeking treatment.

Sexual Abuse – Active or passive contact or fondling between genitals, hand(s), mouth, buttocks, anus, or breast and the genitals, hand(s), mouth, buttocks, anus, or breast of another person. Contact can be with or without clothing being worn by one or both parties.

Sexual Assault/Rape – the act of unwanted sexual intrusion, sexual contact, or sexual penetration by any person on another by force, threat, coercion, or intimidation.

Sexual Assault/Rape Victim – A person who reports having been subjected to sexual assault/rape.

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

Sexual Misconduct – Any behavior or act of a sexual nature directed toward anyone by another person. Sexual misconduct includes, but is not limited to: acts, threats, requests for sexual acts, or attempts to commit acts such as sexual contact, obscenity, behavior of a sexual nature or implications of the same, taking or soliciting photographs/pictures of a person’s nude breasts, genitalia or buttocks, indecent exposure, invasion of privacy for sexual gratification, inappropriate touching or incidents of intentional touching of the genital, anus, groin, breast, inner thigh, or buttocks or other body parts with the intent to abuse, arouse, or gratify sexual desire or incidents of indecent exposure of breasts, genital areas, or other body parts, even with consent in an institution. Any procedure such as, but not limited to: taking pictures/photographs, pat searches, or medical exams that are required by department policy, procedure, or process are not defined as sexual misconduct.

Transgender – Persons whose gender identity differs from their gender assigned at birth.

Zero Tolerance Policy – In no case will the notion of “consensual sex” in a custodial or supervisory relationship be allowed. Any sexual assault/rape or sexual misconduct between employees or agents of Keenan House and residents violates professional and ethical principles, and Keenan House policies. All allegations of sexual assault/rape or sexual misconduct will be investigated. If applicable, criminal charges will be filed and/or a professional standard investigation will be conducted which may result in corrective and/or disciplinary action, including termination. Failure of staff members to report incidents of sexual assault/rape or sexual misconduct may result in corrective and/or disciplinary action up to and including termination.

#### TYPES OF SEXUAL ASSAULT/RAPE or SEXUAL MISCONDUCT

Resident on Resident – One or more residents engaging in, attempting to engage in, or the completion of a sexual act with another resident. The use of threats, intimidation, force, or other actions and /or communications reasonably calculated to cause submission of another resident to engage in a sexual act against that resident’s will. Any sexual touching, attempt or “consensual” act is prohibited by Keenan House under a zero tolerance policy.

Resident on Staff – All cases involving sexual assault/rape or sexual misconduct will be referred to the PREA Compliance Officer, Program Director, and Executive Director, along with local law enforcement pursuant to State Statute.

Staff on Resident – Acts of sexual assault/rape or sexual misconduct against resident, retaliation against residents who refuse to submit to sexual activity, or intimidation of a witness of such.

## PROCECURES:

### Staff Training

Upon hire, staff members shall receive comprehensive training in the prohibition, identification, reporting, and prevention of sexual assault/rape and/or sexual misconduct. (115.211 a-5)

Periodic in-service trainings and policy sign offs (no less than annually) on sexual assault/rape and/or sexual misconduct will be conducted. (115.231)

All PREA training shall be tailored to both genders as long as Keenan House admits each into the same program. Any changes in the admission policies would result in gender specific PREA training. Effective March 1, 2016 Keenan House will be a male only inpatient non hospital treatment facility.

All volunteers, inters, and contractors who have repeated contact with residents must be trained in their responsibilities under PREA. The level and type of training shall be based upon the services they provide and the level of contact that they have with residents. All will be notified of the agency's zero tolerance policy regarding sexual abuse, sexual assault/rape, sexual misconduct and sexual harassment and informed how to report such incidents. Keenan House shall maintain documentation confirming the volunteer/intern/contractor understands the training.

Volunteers and contractors who do not have repeated contact with residents shall sign the Visitor's Log which shall have a statement such as "This facility has zero-tolerance for all forms of sexual abuse and harassment. If you are involved or witness and incident of sexual abuse or harassment of our residents, you must report such immediately to a facility supervisor or director. (115.232)

All training shall be documented. This is to include that via their signature, all employees are confirming that they understand the material regarding PREA they have been trained in. Refresher training shall be documented through a signature of understanding as well. (115.231)

### SPECIALIZED TRAINING (115.234)

Medical staff shall be trained to not conduct forensic examinations.

All training shall be documented. Confirmation of understanding the training shall be confirmed through staff signatures.

Medical contractors will receive the training mandated for volunteers/interns/contractors.

### RESIDENT ORIENTATION TRAINING (115.233)

Upon admission, all residents will receive an orientation that includes Keenan House zero tolerance policy relating to sexual assault/rape or sexual misconduct and how to report it. This will also include information about sexual misconduct, including background information on PREA, prevention, intervention, self-protection, reporting, treatment, counseling, and confidentiality. This training will be provided in orientation and is in addition to what is provided in the rules and expectations sign offs and the resident handbook. (115.233 a, b)

Keenan House will take appropriate steps to ensure that residents with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's PREA efforts. The information

will be communicated in a manner that is clearly understood by the resident. This includes those who are limited in English-speaking proficiency, visually impaired, deaf, limited reading skills, or otherwise disabled. Residents will be required to sign an acknowledgement of receipt and understanding of the training material. (115.233 c, d) (115.216)

Keenan House shall provide a more comprehensive education to residents within the first 30 days of their intake. This is to include their rights to be free from sexual abuse and harassment and to be free from retaliation for reporting such incidents. How to report these incidents will also be covered.

Along with additional training, TTI, Inc. will ensure that information is continuously and readily available to residents via signs, posters, handbooks, or other written formats. (115.233 e)

#### RESIDENT ASSESSMENT (115.241)

New residents to Keenan House shall be screened prior to the admission process, unless required differently by state regulations. Trained staff will review the screening within 72 hours of its completion for potential vulnerabilities or tendencies with regard to sexually aggressive behavior. Bed assignments shall be made accordingly. (115.241 a.b.c)

Residents' identified as at risk for sexual victimization shall be monitored, segregated if necessary, and counseled accordingly. For the purposes of this policy, "high risk" shall also be defined as those residents with a history of sexually assaultive behavior.

The bio-psychosocial interview shall include the following criteria to assess residents on-going risk for sexual victimization: If a resident has a mental, physical, or developmental disability; the age of the resident; the physical build of the resident; the incarceration history of the resident; prior acts of sexual abuse or prior convictions for violent offenses against adults or children and a history of institutional violence or sexual abuse; whether the resident is or perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; whether the resident has previously experienced sexual victimization, and the resident's own perception of vulnerability. (115.241 f, g)

Residents may not be disciplined for refusing to answer or for not disclosing complete information in response to assessment questions. (115.241.h)

Keenan House shall implement appropriate controls on the dissemination within the facility or responses to questions asked pursuant to the assessment section of the bio-psychosocial interview in order that sensitive information is not exploited to the resident's detriment by staff or other residents. (115.261.b)

This initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and a history of prior institutional violence or sexual abuse in assessing risk of a residents' propensity to become sexually abusive. (115.241.h)

If a screening indicates that a resident has either experienced or perpetrated prior sexual victimization of any type in any venue, staff shall ensure that the resident is offered trauma specific counseling with a qualified mental health clinician as soon as it is able to be arranged. (115.283 a1)

All information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to inform on "a need to know" basis. This includes to inform treatment planning,

security decisions including housing and bed assignments, and all other programming as otherwise required by federal, state, or local law.

Informed consent forms are to be completed for all exchanges of information regarding prior sexual victimization that occurred either in an institutional or community setting. Any resident identified as vulnerable to sexual victimization or as having predatory tendencies will be reported to all clinical staff.

Keenan House will coordinate mental health evaluations of all known resident on resident abusers within fourteen days when deemed appropriate by clinical staff. Residents assessed to be at further risk for victimization shall be identified, counseled and monitored. (115.283 h)

All information regarding a resident's risk for sexual victimization or predatory behaviors shall be received by the resident's counselor for further assessment. This information will be a part of the residents' case plan which travels with the person throughout their term of supervision and serve as a method of information sharing between facilities and field service staff.

Within a period to not exceed 30 days from the resident's arrival, the counselor will reassess a resident's risk of sexual victimization or abusiveness based upon any additional relevant information acquired through the bio-psychosocial screening tool. This will be accomplished using a full chart review. A full reassessment will be completed if deemed necessary by the clinical team. A resident's risk level shall also be reassessed when warranted due to a referral, request, incident of sexual abuse, or the receipt of additional information that bears on the resident's risk of sexual victimization or abusiveness. (115.241 f, g).

If during the reevaluation of the resident's initial screening results need to be modified, the counselor will write a progress note, complete a case consultation, and possibly reflect on an updated treatment plan the change in the resident's potential victim/abuser status.

Keenan House will use information from the screening, intake, bio psychosocial, and individual counseling sessions to make housing, bed, work, education, and program assignments with the general goal of safety for those residents at high risk of being sexually victimized from those who are assessed at high risk for being sexually abusive. (115.242 a)

Keenan House shall make individualized determinations about how to ensure the safety of each resident. The facility makes housing and program assignments for transgender or inter-sex residents on a case by case basis. (115 242 b)

When Keenan House learns that a resident is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the resident. (115 262)

#### SEARCHES

Keenan House shall not conduct cross-gender strip searches or cross-gender visual body cavity searches. (115.215 a.c)

Keenan House shall not permit pat searches of any type. The facility does not restrict any residents' access to regularly available programming or other outside opportunities in order to comply with this provision. (115.215 b.c)

## TRANSGENDER AND INTERSEX RESIDENTS

Keenan House will not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident's genital status. When 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 a part of a broader medical exam conducted in private by the facility medical director. (115.215 e)

In deciding where to assign a transgender or intersex resident, the facility shall consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and if a placement would present management or security problems. (115.242 c)

A transgender or intersex resident's own views with respect to their own personal safety shall be given consideration at all times by all facility staff. (115.242 e)

Transgender and intersex residents shall be given the opportunity to shower separately from other residents. (115.242 e)

Keenan House will not place lesbian, gay, bisexual, transgender, or intersex residents in dedicated rooms solely on the basis of such identification or sexual orientation. (115. 242 f)

## PREVENTION (115.213)

Keenan House empowers the Clinical Program Director along with the facility PREA Compliance Officer to take all necessary steps to prevent rapes, assaults, and other violent behaviors in the facility. Preventive measures may include, but are not limited to physical plant strategies, staff training, constant communication and staffing levels on each shift.

Educational posters, cameras and video monitoring, and staff supervision are all used to ensure safety from sexual assault/rape and sexual misconduct.

The shift supervisor will make at least one unannounced round of all areas on each shift, each month, in an effort to deter staff abuse and sexual harassment. Staff is prohibited from alerting on duty staff when these rounds are to occur. These rounds are to be documented in the monthly PREA report to the DOC.

Keenan House will enable residents to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender being able to view their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine room checks. This is to include video camera viewing as well (115.215 d 1).

Staff must announce their presence when entering a resident housing area and bathroom. Staff is prohibited from observing residents of the opposite gender while they are showering, performing bodily functions and/or changing clothing. This is to also include video surveillance. (115.215 d 2)

Keenan House staff is to be educated with regard to inmate rape, sexual assault, employee-resident behaviors, as well as a method of reporting these violations during their orientation to the facility. An

emphasis will be given on the recognition and prevention of these behaviors. Follow-up training is also available.

Keenan House will develop a staffing plan that provides for adequate levels of staffing which helps to protect residents against sexual abuse. In calculating adequate staffing levels, TTI, Inc. shall consider the physical layout of the facility, the composition of the resident population, the prevalence of substantiated and unsubstantiated incidents of sexual abuse, and any other relevant factors. (115.213 a)

In any circumstance where the staffing plan is not complied with, the facility will document and justify all deviations from the plan and document in the monthly PREA report to the DOC. The PREA Compliance Officer will also be notified. (115. 213 b)

Staffing analysis will be conducted no less than yearly. This is to include the facility Clinical Program Director, the PREA Compliance Officer, and Lead Clinical Technician. Other consultation is to include the Director of Operations for video monitoring, and the Chief Financial Officer. (115.213 c).

Keenan House shall not hire or promote anyone who may have contact with residents and shall not enlist the services of any contractor who has contact with residents who have been involved in the following; engaged in sexual abuse in a prison, jail, lockup, or community confinement center; 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 or was unable to consent; or has been civilly or administratively adjudicated to have engaged in any activity described in this section. (115.217 a)

Keenan House will consider 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 residents. (115.217 b)

Before hiring new employees, Keenan House will perform a criminal background records check, and within the confines of 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 such involving the new employee. This is also true for all contractors and volunteers who have contact with residents. (115.217 c)

All Keenan House employees who may have contact with residents will be subject to a criminal record check no less than once every five years. This is currently being performed by the Pennsylvania Department of Corrections, who then reports to Keenan House any findings. Current Keenan House employees found to have committed previous acts of sexual misconduct will be ineligible for promotions and may be subject to termination of their employment. All employees of Keenan House will follow TTI, Inc. personnel policies regarding rules of conduct. Keenan House employees have an ongoing obligation to disclose any sexual misconduct and may be terminated for material omissions or for providing materially false information regarding past conduct. (115 217 e)

Keenan House will ask all applicants and employees, contractors, and volunteers who may have direct contact with residents about previous misconduct described above in written applications and interviews for hiring and promotions and in any interviews or written self-evaluations conducted as part

of reviews for current employees. All Keenan House staff have a continuing affirmative duty to disclose any such misconduct. (115.217 d)

Material omissions regarding such misconduct, or the provision of materially false information shall be grounds for termination of employment from Keenan House. (115.217 g)

#### REPORTING PROCEDURES

Any resident of Keenan House may report sexual abuse, sexual harassment, retaliation by other residents or staff for reporting such behavior, and staff neglect or violation of responsibilities that may have contributed to such incidents to any staff member, either verbally or in writing. A resident may correspond directly with the facility Clinical Director, PREA Compliance Officer, or senior TTI, Inc. management. (115.251 a)

Keenan House shall also provide at least one way for residents 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 or sexual harassment to agency officials, allowing the resident to remain anonymous upon request. Residents will be given information on how to report to the Pennsylvania Department of Corrections through the resident handbook, PREA pamphlets and posters located in the facilities. (115.251 b)

Keenan House staff shall accept reports made verbally, in writing, anonymously, and from third parties and will promptly document any verbal reports. (115.251 c)

Keenan House staff shall be able to privately report sexual abuse and sexual harassment of residents in writing to the facility Clinical Director, PREA Compliance Officer, or senior corporate TTI, Inc. management staff. All staff will have access to the Keenan House Clinical Director who can be used as a means to report all alleged or perceived abuses, or suspected capricious or illegal acts committed by any Keenan House employee. (115.251 d)

The PREA Compliance Officer or designee must report any and all sexual misconduct to all regulatory and, when necessary, law enforcement agencies pursuant to contract, licensure, or statute.

All reports are to go to the Keenan House PREA Compliance Officer, who will then write the PREA incident report (DC-121) and forward to the regulatory authorities. All case records associated with claims of sexual abuse, including all PREA reports, investigative reports, offender information, case disposition, medical counseling, evaluation findings, and recommendations for treatment and counseling shall be maintained for a minimum of seven years.

#### GRIEVANCES (115.252)

Keenan House does not accept grievances regarding sexual harassment or sexual abuse.



#### STAFF FIRST RESPONDER DUTIES (115.264)

Upon learning of an allegation that a resident was sexually abused, the first staff member to respond to the report will request that the alleged victim not take any actions that could destroy physical evidence, and then notify the facility PREA Compliance Officer. (115.264 b1)

The first staff member to respond to the report shall be required to do the following: (115.264 a)

- Separate the alleged victim and abuser.
- Preserve and protect any crime scene until evidence is collected.
- Request that the victim not take any actions that could destroy physical evidence.
- Request that the alleged abuser not take any actions that could destroy physical evidence.

Keenan House shall not depend upon resident interpreters, readers, or other types of resident assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise any resident's safety, the performance of first responder duties, or the investigation of the resident's allegations. (115.216 c1)

Keenan House's written response plan to an incident of sexual abuse is as follows: Staff will immediately request the alleged victim and perpetrator to separate. After a request for further staff assistance is made, the crime area will be secured and 911 will be called. While waiting for EMS, clinical mental health staff will assist in the processing of the trauma from the victim and in the de-escalation of the perpetrator. After local first responders arrive on the scene, security of the crime area is turned over to them. Staff will notify the PREA Compliance Officer and/or the Clinical Director at the first opportunity. The victim will be asked if they would like emergency rape crisis counseling and if legal charges should be pursued against the perpetrator. Staff will assist all residents who choose to utilize any community resources as a result of any PREA incidents. (115.265)

#### STAFF REPORTING (115.261)

According to this policy, Keenan House staff shall immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the facility; 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. (115.261 a1, a2)

Any information regarding sexual misconduct that is received by any staff member, medical, mental health or treatment provider, chaplain, contractor, or volunteer shall be immediately reported to the PREA Compliance Officer/designee to initiate the appropriate follow up actions. Staff members, contract employees, volunteers, or employees of Keenan House who receive any information, regardless of the source, concerning sexual/assault /rape or sexual misconduct, are required to immediately report the information or incident directly to the PREA Compliance Officer or designee for subsequent investigation (115.261 a2).

All reports by staff shall be made in writing through sending the information directly to the Keenan House PREA Compliance Officer/designee.

Staff may report directly to the Keenan House Clinical Director or the TTI, Inc. Executive Director whenever they may feel that following the chain of command would jeopardize the investigation. Staff will be requested to justify why the chain of command was superseded for the particular incident.

Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions. (115.261 b)

All reports will be documented on a DC-121 form and sent to the appropriate investigative body. The incident report is immediately submitted to the Compliance Officer and logged for the purpose of analysis and follow up.

Unless otherwise precluded by federal, state, or local law, medical and mental health practitioners shall be required to report sexual abuse and to inform the resident of the practitioner's duty to report the information and the limitations of confidentiality when services begin.

Regardless of any non-statutory confidentiality obligation, all staff have an affirmative obligation to report any resident who has reported to them a sexual assault allegation. The staff member must report the relevant information to include who, what, when and where, all of the allegation.

Keenan House will report all allegations of sexual abuse and sexual harassment, including third party and anonymous reports, to the facility's PREA Compliance Officer/designee or to the Pennsylvania Department of Corrections Operations Center.

#### PROTECTION AGAINST RETALIATION (115. 267)

Keenan House will protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse/harassment investigations from retaliation by other residents or staff. The PREA Compliance Officer or his designee shall be charged with monitoring retaliation. (115.267 a1, a2)

Several protection measures shall be used, such as bed changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. (115. 267 c1)

Within 72 hours of a report, the PREA Compliance Officer shall meet directly with the resident and document any retaliation reported. The PREA Coordinator will monitor the conduct of all residents and staff who report sexual abuse or sexual harassment, have suffered the alleged sexual abuse that was reported, and/or have cooperated with sexual abuse or sexual harassment investigations to see if there are changes that may suggest possible retaliation by residents or staff, and act promptly to remedy any such retaliation. This will occur during the entire episode of treatment. (115.267 c2, c3)

The above monitoring is only necessary if the individual involved is still in the facility.

In the event that the individual being monitored leaves the facility and then returns within 90 days of the incident being reported, monitoring for retaliation must be conducted as if the individual never left the facility.

Keenan House will continue such monitoring beyond 90 days if the initial time period indicates a continuing need. (115.267 c4)

If any other individual who cooperates with an investigation expresses a fear of retaliation, Keenan House shall take appropriate measures to protect that individual against retaliation.

The obligation to monitor shall terminate if the Director or designee determines that the allegation is unfounded.

#### RESIDENT ACCESS TO SUPPORT SERVICES/LEGAL REPRESENTATION (115.253)

Keenan House shall provide all residents with access to outside victim advocates for emotional support services related to sexual abuse, by providing posters throughout the facility, giving out pamphlets, and providing access to the local Crimes Victims Council office. Keenan House will allow reasonable communication between these organizations and agencies, in as confidential manner as possible by allowing these numbers to be dialed from all facility phones. (115.253 a1)

Keenan House shall inform residents, prior to giving them access, of the extent to which the communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. (115.253 b1, b2)

Keenan House shall maintain or attempt to enter into an agreement of understanding with other community service providers that are able to provide residents with confidential emotional support services related to sexual abuse. Keenan House shall maintain copies of such agreements or documentation demonstrating attempts to enter into such agreements. (115.253 c1, 2, 3, 4)

#### THIRD PARTY REPORTING (115.254)

Keenan House has a method to receive third-party reports of sexual abuse and sexual harassment and make available publicly (see TTI website) this information on how to report sexual abuse/harassment on behalf of a resident. (115.254 a1, a2)

Employees, residents, and residents' families may submit reports anonymously to [johndillensnyder@treatmenttrends.org](mailto:johndillensnyder@treatmenttrends.org), Executive Director, [tomritter@treatmenttrends.org](mailto:tomritter@treatmenttrends.org) PREA Compliance Officer 24 S. 5<sup>th</sup> St. Allentown, Pa. 18101, or BCI/PREA Reporting 1800 Elmerton Avenue Harrisburg, Pa. 17110. Posters indicating these third-party procedures are to be posted throughout Keenan House.

#### REPORTING TO OTHER CONFINEMENT FACILITIES (115.263)

Upon receiving an allegation that a resident was sexually abused while confined at another facility/program, the PREA Compliance Officer or designee shall notify the head of the facility or appropriate official of the agency/facility where the alleged abuse occurred. (115.263 a1)

Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. It is the responsibility of the Keenan House to document such notification. (115.263 b1, c1)

The Director/designee that receives such notification shall ensure that the allegation is investigated in accordance with this policy. (115.263 d1)

#### INVESTIGATIONS (115.271)

Keenan House shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. Should Keenan House conduct its own investigations into allegations of sexual harassment and sexual abuse, it will do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. (115.221 a1)

Keenan House will offer all victims of sexual abuse access to forensic medical examinations through an outside agency or hospital without financial cost, when evidentiary or medically appropriate. All residents will be referred to Lehigh Valley Hospital Network (LVHN). Such examinations shall 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. Keenan House will document its effort to provide SAFEs or SANEs. (115.221 c1, 2, 3, 4, 5)

Keenan House will attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency shall make available a qualified staff member internally or from a community based organization. Keenan House will document its efforts to secure services from a rape crisis center. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance to victims of sexual assault of all ages. Keenan House may use a rape crisis center that is part of a government unit as long as the center is NOT part of the criminal justice system and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services. (115.221 d1, 2, 3)

If requested by the victim, the victim advocate, qualified Keenan House 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 shall provide emotional support, crisis intervention, information, and referrals. (115.221 e1)

If Keenan House is responsible for investigations of allegations of sexual abuse, the agency will request that the investigating agency follow the above requirements. (115.221 f1)

For the purposes of this standard, a qualified Keenan House staff member or a qualified community-based staff member is an individual who has both received proper screening to serve in this role and education concerning sexual assault and forensic examination issues.

Any State entity or Department of Justice component that investigates sexual abuse in a confinement setting shall provide such training to its employed investigators who do the work.

Appropriate security procedures will be followed, to include at a minimum separating the perpetrator and victim, isolation of witnesses, and securing the crime scene.

Keenan House shall ensure that the allegations of sexual abuse or sexual harassment are referred to the Pennsylvania Department of Corrections to conduct criminal investigations, and to document all such referrals. The Pennsylvania Department of Corrections is responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in the facility, and shall have in place a policy governing the conduct of such investigations. If an external agency conducts the investigation, Keenan House shall be responsible to follow up with the agency and document requests to gain access to final reports. (115.271 a1)

Pennsylvania Department of Corrections investigators shall gather and preserve all direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall conduct all interviews with alleged victims, suspected perpetrators, and all witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.

Administrative investigations will include an effort to determine if staff actions or failures to act contributed to the abuse shall be documented in written reports that will include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all evidence when possible.

All substantiated allegations of conduct that appear to be of a criminal nature shall be referred for prosecution. (115.271 h)

Keenan House will retain all written reports regarding the investigation for as long as the alleged abuser is incarcerated or employed by the agency plus five years. (115.271 i)

The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for the termination of an investigation.

Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.

When outside agencies investigate sexual abuse, the facility will cooperate with the outside investigators and shall endeavor to remain informed about the progress of the investigation. (115.273 b1)

Upon completion of the investigation, the resident shall be informed via written communication, whether the allegations/incident were substantiated by the Pennsylvania Department of Corrections.

Within five days of the receipt of the final written report, the PREA Compliance Officer/designee, in conjunction with the Treatment Trends Executive Director/designee, shall initiate appropriate disciplinary action and/or legal action against the staff member accused of any sexual misconduct.

Upon completion of an investigation where a staff member is accused of sexual abuse, Keenan House shall inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

Following a resident's allegation that a staff member has committed sexual abuse against the resident, the Keenan House shall subsequently inform the resident (unless the allegation has been determined to be unfounded) whenever the staff member is present in the facility, if the staff member remains employed at the Keenan House, if the agency learns that the staff member has been indicted on a charge related to sexual abuse within the Keenan House, and if the staff member has been convicted on a charge related to sexual abuse within the Keenan House. (115.273 c1)

Following a resident's allegation that he or she has been sexually abused by another resident, Keenan House shall inform the alleged victim whenever the agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the Keenan House, and/or the agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility. (115.273 d1)

All of the above notifications or attempts to notify shall be documented. Keenan House's obligation to report all of the above under this standard shall terminate if the resident is released or removed from the agency's custody. (115.273 e1)

Keenan House shall not impose a standard higher than a preponderance of evidence in the determination whether allegations of sexual abuse or sexual harassment are substantiated. (115.272 a1)

All final determinations of all PREA investigations will be logged by the PREA Compliance Officer for the purpose of analysis and follow up. (115.286)

#### INTERM PROCEDURES DURING AN INVESTIGATION (115.271)

As approved by the Treatment Trends, Inc. Executive Director or designee, the PREA Compliance Officer may place an accused staff member on administrative leave with or without pay pending the outcome of an investigation.

A Keenan House staff member placed on administrative leave shall be prohibited from having any contact with residents of the facility.

It is strictly prohibited to transfer a resident involuntarily in retaliation for reporting sexual misconduct.

Keenan House will make every effort to minimize the disturbance of the resident's treatment program activities.

#### INCIDENT REVIEWS (115.286)

Keenan House shall conduct a PREA incident review at the conclusion of every sexual abuse investigation. This is to be done whether the investigation was conducted by an external agency or trained internal staff. This will also include circumstances when the allegation has not been substantiated. This standard does not apply to allegations that have been determined to be unfounded. (115.286 a1)

Such reviews shall normally occur within thirty days of the conclusion of the investigation.

The review team shall include the PREA Compliance Officer or designee, the Clinical Director or designee, the Clinical Supervisor or designee, and input from trained counseling staff, the Pennsylvania

Department of Corrections investigators, and other involved medical or mental health providers when available. (115.286 b1)

The review team shall consider if the allegation or investigation indicated a need to change policy or practice to better prevent, detect, or respond to sexual abuse. The team will consider if the incident or allegation was motivated by race, gender identity, ethnicity, lesbian gay bisexual transgender or intersex identification, gang affiliation, or otherwise motivated by other Keenan House group dynamics. (115.286 c1)

The review team will examine the area in the facility where the incident allegedly occurred to assess if physical barriers in the area may enable abuse.

The review team will assess the adequacy of staffing levels in the area during all shifts, and if the monitoring technology is sufficient as an abuse deterrent.

Any recommendations as a result of the Keenan House review team findings will be placed in the monthly report and presented to the Treatment Trends, Inc. Executive Director before their implementation. Any Improvements not acted upon will include a list of reasons for not doing so. (115.287 e1).

#### SANCTIONS (115.276)

Sexual misconduct at the Keenan House is prohibited and will be sanctioned. Sexual misconduct, either resident on resident or staff on resident is prohibited regardless of whether either or both participants believed the act was consensual. (115.276 a1) (115.278 g1)

Violators of the sexual misconduct policy are subject to administrative discipline, criminal sanctions, or both. All allegations of sexual staff misconduct with residents will be investigated, with all substantiated cases being turned over to the local county's attorney's office for possible criminal prosecution.

Keenan House prohibits all sexual activity between residents and may discipline residents for such activity. However, sexual activity between residents may not be deemed to constitute sexual abuse for the purposes of this policy and reporting of sustained PREA sexual abuse incidents if it is determined that the activity was not coerced.

Keenan House staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Additionally, staff may be subject to criminal sanctions.

Disciplinary sanctions for violations of Keenan House policies relating to sexual abuse or harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. (115.276 c1)

Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. All terminations for violations of Keenan House's sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. (115.276 d1)

#### CORRECTIVE ACTION FOR CONTRACTORS AND VOLUNTEERS (115.277)

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to law enforcement agencies and to relevant licensing bodies, unless the activity was clearly not criminal. (115.277 a1)

Keenan House shall take appropriate remedial measures and will consider whether to prohibit further contact with residents in the case of any violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. (115.277 a2 b1).

#### DISCIPLINARY SANCTIONS FOR RESIDENTS (115.278)

Keenan House residents are subject to sanctions under the administrative Code of Conduct for the Pennsylvania Department of Corrections, the Pennsylvania Board of Probation and Parole or other applicable administrative discipline. Additionally, residents may be subject to criminal sanctions. (115.278 a1)

Residents shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident on resident sexual abuse following a criminal finding of guilt for resident on resident sexual abuse. (115.278 a2)

Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories, or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. (115.278 e1)

The disciplinary process shall consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. (115.278 e1).

Keenan House may discipline a resident for contact with staff only upon a finding that the staff member did not consent to such contact. (115.278 e1)

For the purpose of disciplinary action, a report of sexual abuse that is made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. (115.278 f1).

#### CONFIDENTIALITY

All Keenan House staff and residents sexual misconduct complaints will be handled in a confidential manner.



All information and documentation related to the complaint shall be made available to only those individuals on a need to know basis. This is to include the Clinical Director, PREA Compliance Officer, and the TTI, Inc. Executive Director.

Any Keenan House resident who reports an act of staff sexual misconduct may request and be treated as an anonymous informant. Pending resolution of the allegations, the resident shall only be provided sufficient information to explain any immediate administrative action that is taken or as necessary for investigative purposes.

Any Keenan House staff member or resident contacted during the investigation of the allegation shall be advised that any intimidation, retaliation or breach of confidentiality will result in a separate investigation being initiated.

#### TREATMENT FOR VICTIMS (115.282)

Keenan House residents who are victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention service, the nature and scope are to be determined by the medical and mental health practitioners according to their professional judgment. (115.282 a1 a2)

At Keenan House when a report of recent abuse is made, operations staff first responders shall take the preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners. When medical staff is not available, the PREA Compliance Officer or designee will contact the local medical facility (115.264).

Keenan House staff member victims will be immediately transported to the Lehigh Valley Health Network for necessary medical care and the collection of evidence.

Resident victims of sexual abuse will be offered timely information about access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. (115.282 c1)

Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. (115.282 d1)

Keenan House residents who have been victims of sexual misconduct shall be informed that psychological counseling by a mental health professional is available and will be made accessible to the individual. This will be provided by the Crime Victims Council. (115.283 a1)

Keenan House shall offer medical and mental health evaluations and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, or community corrections facility. (115.283 a1)

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 discharge from probation and/or parole.

Keenan House will provide such victims with medical and mental health services consistent with the community level of care.

Resident victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate (115.283 f1).

#### NEW FACILITIES AND UPGRADES (115.218)

When designing or acquiring any new facility and in planning any substantial expansion or modifications of the Keenan House, consideration will be given to the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect residents from sexual abuse (115.218 a1)

When installing or updating a video monitoring system, electronic surveillance system, or any other monitoring technology, Keenan House will consider how such technology may enhance the facility's ability to protect residents from sexual abuse (115.218 b1).

#### AUDITS

Starting in 2016, The Keenan House PREA Compliance Officer shall ensure that the facility is audited by an external certified auditor at least once. The PREA Compliance Officer or designee shall work with the facility to prepare for and schedule this external audit. Internally, the PREA Compliance Officer will conduct a yearly audit of the facility.

The PREA Compliance Officer shall choose an auditor that is Department of Justice PREA Certified to conduct audits of such nature. The auditor shall adhere to the DOJ guidelines for audits and auditors.

Keenan House shall bear the burden of demonstrating compliance with the standards. The PREA Compliance Officer will assist the facility in determining the documents needed based upon the Certified PREA Auditor's request. Keenan House will post required documents prior to the audit in a timeframe approved by the DOJ and/or requested by the auditor.

If corrective action is required, the PREA Compliance Officer will work with the Clinical Director to initiate/revise practices and policies and prepare documents for review by the auditor. Keenan House may appeal a decision by the auditor by contacting the DOJ within 90 days of the auditor's final determination.

The PREA Compliance Officer will ensure the final report is published on the Treatment Trends, Inc. website (115.288)

To avoid a conflict of interest, any employee of the Keenan House who wishes to become a Department of Justice Certified PREA auditor must receive specific permission for the Treatment Trends, Inc. Executive Director.

#### DATA COLLECTION (115.287)

Keenan House will collect accurate, uniform data for every allegation of sexual abuse in the program under its direct control using a standardized instrument (DOC DC-121). The standard set of definitions listed in this policy manual will also be used (115.287 a/c 1)

Upon the report of a PREA incident, the Keenan House PREA Compliance Officer will initiate a PREA incident report as soon as possible. The PREA Compliance Officer shall maintain logs and records of all allegations and investigations of sexual misconduct that will include information on the outcome of any criminal or disciplinary charges.

All case records associated with claims of sexual abuse, including incident reports, investigative reports, resident information, case disposition, medical and counseling evaluation findings and recommendations for post release treatment and/or counseling shall be retained in accordance with the contract agency requirements (115.287 d1)

The Keenan House PREA Compliance Officer shall review the incident based sexual abuse data at least annually.

The Keenan House PREA Compliance Officer shall maintain, review, and collect data as needed from all available incident based documents, including reports, investigation files, and sexual abuse incident reviews.

It will be the duty of the Keenan House PREA Compliance Officer to collect all necessary reports and information from the completed investigations on sexual assaults and misconduct required by the United States Department of Justice, Bureau of Justice Statistics (DOJ/BJS). If the DOJ/BJS requests a report from the Keenan House, the PREA Compliance Officer will immediately contact the facility Clinical Director and, as necessary, the Treatment Trends, Inc. Executive Director.

Upon request the Keenan House PREA Compliance Officer will report to the BJS on a yearly basis. The report shall include the specifications of the Survey on Sexual Violence required under PREA for BJS. Upon request, Keenan House shall provide all such data from the previous calendar to the DOJ no later than June 30 (115.287 f1)

#### DATA REVIEW (115.288)

At any point in time, the Clinical Director/designee may request data from the Keenan House through the PREA Compliance Officer. The PREA Compliance Officer will, on an annual basis, make the data collected available to all.

The Keenan House PREA Compliance Officer shall review data collected in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. This will be done through the identification of problem areas; taking on-going corrective actions when necessary; and corrective actions for the entire program (115.288 a1).

The agency will provide PREA information upon request.

If requested the agency data may redact specific material from all reports when publication would present a clear and specific threat to the safety and security of the facility, but shall indicate the nature of the material being redacted (115.288 d1)

#### DATA STORAGE, PUBLICATION, AND DESTRUCTION (115.289)

Keenan House shall ensure that data collected is securely retained (115.289 a1)

Keenan House shall make all aggregated sexual abuse data readily available to the public at least annually through its Web site (115.289 b1)

Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (115.289 c1).

Keenan House shall maintain sexual abuse data collected for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise (115.289 c2).

TREATMENT TRENDS, INC. MANDATE TO LEAD KEENAN HOUSE PROGRAM ADMINISTRATORS

This policy reflects the general policy of Treatment Trends, Inc. as a company. The Keenan House PREA Compliance Officer shall incorporate any additions or changes to this policy pursuant to state mandate (whether by law or regulation) or contractual requirement and, in addition, shall ensure that all staff, including contract, part-time or volunteers/interns are adequately trained on the specifics and procedures required by these policies.