

Liberty Place Recovery Center for Women's Policy for Compliance with Prison Rape Elimination Act of 2003 (PREA)

Liberty Place will make every effort to comply with the Prison Rape Elimination Act of 2003. This policy applies to all residents, full time employees, part-time employees, interim employees, interns, students, volunteers, and contractors doing business with Liberty Place. (PREA Community Confinement Standards 28 C. F. R. Part 115)

Procedure:

Liberty Place has zero tolerance toward all forms of sexual assault and sexual harassment in this program (PREA standard 115.211). Liberty Place designates the Facility Director as the PREA Coordinator. The Phase II Coordinator and the MT Coordinator are the designated PREA Investigators and backup PREA Coordinator. The PREA Coordinator and Investigators are responsible for all reporting documentation including training of new staff. Employees, volunteers, interns, and other affiliated persons completing training shall sign a document acknowledging that they understand the training they have received. All training documentation shall be maintained on site (PREA standard 115.211). Additionally, the PREA Coordinator will coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and will keep the agency leadership team updated (PREA standard 115.265).

General Definitions

- 1) Sexual Acts; Sexual Contact – Any sexual act or sexual contact between residents, to include kissing, shall be investigated to determine the extent of the relationship between them.
- 2) Sexual Misconduct – sexual contact or sexual activity that is not forced or coerced.
- 3) Non-consensual sexual Acts – sexual activity that involves threats, coercion, and or force requires that State Police be contacted.
- 4) Sexual contact – any touching of the sexual or other resident parts of a person done for the purpose of gratifying the sexual desire of either party.
- 5) Sexual Assault/Rape – forced or non-consensual sexual intrusion, sexual contact or sexual penetration.
- 6) Sexual Intercourse – means sexual intercourse in its ordinary sense and includes penetration of the sex organs of one person by a foreign object manipulated by another person. Sexual intercourse occurs upon any penetration, however slight' emission is not required. Sexual intercourse does not include penetration of the sex organ by a foreign object in the course of the performance of generally recognized health-care practices.
- 7) Deviant Sexual Intercourse – any act of sexual gratification involving the sex organs of one person and the mouth or anus of another; or penetration of the anus of one person by a foreign object manipulated by another person. Deviate sexual intercourse does not include penetration of the anus by a foreign object in the course of the performance of generally recognized health-care practices.
- 8) Staff Sexual Harassment – includes repeated verbal statements or comments of a sexual nature to a resident by an employee, volunteer, contractor, official visitor, or other agency representative (excluding resident family, friends, or other visitors); demeaning references to gender or derogatory comments about body or clothing; OR repeated profane or obscene language or gestures.
- 9) Staff Sexual Misconduct crosses all gender lines – male/female staff on resident; also occurs at all levels within an organization and can happen to new employees, or employees with 25 years of service.

Prevention Planning

- 1) Employees must maintain proper self-care, have a support system away from work such as friends, family, sponsor, pastor, etc. Employee Assistance Program is available through the MCCC Human Resources offices.
- 2) Liberty Place, in conjunction with MCCC Human Resources, has a zero tolerance toward all forms of sexual assault and sexual harassment and provides training, conducts criminal background checks and responds to allegations of sexual abuse incidents as trained by Kentucky Department of Corrections and applies the agency's discipline policy. Refresher training will occur on an annual basis.

Contracting with other entities for the confinement of residents

This policy applies to all residents, full time employees, part-time employees, interim employees, interns, students, volunteers, and contractors doing business with Liberty Place. (PREA Community Confinement Standards 28 C. F. R. Part 115)

Supervision and Monitoring

Liberty Place has a staffing plan that provides for adequate levels of supervision to protect residents against sexual abuse. This plan took into consideration the physical layout of the facility, that Liberty Place is an all-female program, Liberty Place staff make rounds per DOC contract and prevalence of substantiated and unsubstantiated incidents of sexual abuse at the facility, and the presence of video monitoring in the facility. Liberty Place's staffing plan shall be reviewed at least once per year and approved by DOC as part of DOC's semi-annual inspection of Liberty Place (PREA standard 115.213)

Limits to cross-gender viewing and searches

There will be no cross-gender strip searches, pat downs or visual body cavity searches conducted by Liberty Place staff. Any cross-gender pat down searches will be conducted by DOC probation officer in accordance with established DOC policy CPP 9.8 and should be limited to searches necessary for officer safety. Liberty Place prohibits staff from searching or physically examining a transgender or intersex resident for the sole purpose of determining the resident's genital status. (PREA standard 115.215).

Residents who are limited English proficient

For non-English speaking, hard of hearing, deaf or mentally disabled residents, Liberty Place will contact LanguageLine Solutions (Translations & Interpretation), and Eastern Kentucky University Department of American Sign Language and Interpreter Education (hard of hearing or deaf), and bluegrass.org (mentally disabled). Fees incurred for use of these services will be paid for by Liberty Place. Liberty Place prohibits the use of resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under §115.264, or the investigation of the resident's allegations. (PREA standard 115.216)

Hiring and promotion decisions

Prior to employment, all Liberty Place employees will submit to a routine background check. The check shall include employment histories, references, and NCIC data obtained by designated DOC personnel. Background checks will be used to screen for prior convictions for sex offenses. Criminal background check requests will be performed every 5 years. Prior to hiring and promoting decisions, Liberty Place will also 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. Contact with prior institutional employers will be made if applicable. Applicants will also be asked about previous misconduct. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination. (PREA standard 115.217).

Background checks will be the responsibility of Mountain Comprehensive Care Center's Human Resource department.

Upgrades to facilities and technologies

- 1) Reviews of allegations/investigations will be conducted by Liberty Place management team, unless the allegation has been determined to be unfounded. The purpose is to determine 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 the recommendations and submit this to Liberty Place's Program Administration, MCCC Director of Program Development, and PREA Coordinator. Liberty Place will implement the recommendations for improvement or will document the reasons for not doing so (PREA standard 115.286). When designing or upgrading new facilities or expanding existing facilities, Liberty Place will consider the effect of the building design or modification on the center's ability to protect residents from sexual abuse. This consideration should also be made when installing or upgrading video monitoring technology (PREA standard 115.218).

Evidence protocol and forensic medical examinations

- 1) Upon receiving a report of an alleged incident, the staff on duty will 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.
- 2) If the alleged crime scene cannot be secured, the crime scene will be photographed (PREA standard 115.264) using a camera made available by the Liberty Place program. No cell phones will be used to photograph the alleged crime scene.
- 3) Investigations 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.
- 4) Liberty Place will decide in favor of one side over another based on the more convincing evidence and its probable truth or accuracy, and not necessarily based on the amount of evidence. (PREA standard 115.272)
- 5) A report made in good faith based upon a reasonable belief that the alleged conduct occurred will not constitute a false report or lying even if an investigation does not establish evidence sufficient to substantiate the allegation.
- 6) In the event of a situation requiring collection of evidence (PREA standard 115.221), Liberty Place will refer to DOC "Search, Seizure, and Processing of Evidence" policy and the Kentucky State

Police (KSP) “Physical Evidence Collection Guide” as a guide.

- 7) If an outside entity conducts any or all of an investigation, Liberty Place will request the relevant information from the investigative entity in order to inform the resident of the outcome of the investigation (PREA standard 115.273).
- 8) If staff learns of an incident by direct observation, they must immediately separate those involved. Staff is to request that the alleged victim not take any actions that could destroy physical evidence and staff will notify a facility PREA Investigator (or PREA Coordinator).
- 9) Forensic Evidence – often in cases of sexual assault, forensic evidence can be located on the victim’s person. In these situations, try to prevent the victim from changing clothing, using the restroom, showering, eating or drinking.
- 10) The alleged victim will be offered victim advocate services (PREA standard 115.253). If requested the advocate service will be contacted and given the appropriate information.
- 11) If staff doesn’t learn of an incident by direct observation, it could be by one of several other methods. Often rumors about the incident spread and should be treated as legitimate allegations until proven otherwise. Third parties may also approach staff and inform them of a past incident. Do not ignore or assume rumors or third party reports are insignificant.
- 12) Some PREA incidents may involve **physical evidence**. The agency will not hold evidence for any significant amount of time, if possible. All evidence should be turned over to Probation and Parole or the law enforcement agency handling the investigation. If staff discovers evidence, the ideal action is leaving it where it is and protecting the scene for law enforcement. If this is not an option, staff should secure the evidence in an evidence bag (wear gloves) and turn it over to the PREA Coordinator, who will immediately request law enforcement respond to retrieve it. Make sure to seal the evidence bag and fill out required information such as date, time and initials.
- 13) Forensic medical examinations are offered without financial cost to the victim. If requested by the victim, a victim advocate, qualified agency staff member, or qualified community-based organization staff member accompanies and supports the victim throughout the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information, and referrals. Residents who have been victims of sexual abuse will be offered referrals for emergency medical and mental health evaluations and as deemed appropriate, any necessary treatment related to the sexual abuse, to include timely and comprehensive information about lawful pregnancy-related medical services and be referred for test for sexually transmitted infections if requested. Medical and mental health services will be available on an ongoing basis as well as access to outside victim advocates for emotional support services. (PREA standard 115.221, 115.282, and 115.283).
- 14) Resident victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of such services will be determined by medical and mental health practitioners according to their professional judgement. Treatment services will be provided to every victim without financial cost and regardless of whether the victim names the abuse or cooperates with any investigation arising out of the incident (PREA standard 115.282).
- 15) Liberty Place will arrange for medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.
- 16) Victims of sexually abusive vaginal penetration while incarcerated will be offered pregnancy tests. If pregnancy results from sexual abuse while incarcerated, victims will receive timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services.
- 17) Resident victims of sexual abuse while incarcerated will be offered tests for sexually transmitted infections as medically appropriate.
- 18) Liberty Place will attempt to arrange for a mental health evaluation of all known resident- on-resident abusers within 60 days of learning of such abuse history and will arrange treatment when

- deemed appropriate by mental health practitioners (PREA standard 115.283).
- 19) If mental health issues are identified, the victim/resident will be referred for appropriate mental health services. Residents will be given mailing addresses and telephone numbers for local, state, or national victim advocacy or rape crisis organizations; staff will enable reasonable communication between residents and these organizations in as confidential a manner as possible. Prior to giving residents access to outside support services, staff will inform the residents of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply to disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant federal, state, or local law. (PREA standard 115.253)
 - 20) Liberty Place has established a relationship with the Ampersand Sexual Violence Resource Center to ensure residents have access to support services, including victim advocate services. If requested by the victim, the advocate will be allowed to accompany the victim through the forensic medical examination process (which be offered at no cost to the victim) and investigative interviews (PREA standard 115.221).

Policies to ensure referrals of allegations for investigations

- 1) Liberty Place staff members are required and will immediately report to their supervisor all knowledge, suspicions or information of an incident of a sexual offense within a Kentucky or other correctional facility.
- 2) Staff may privately report sexual abuse and sexual harassment of residents either in writing or verbally to their supervisor, the Facility Director, the agency's Human Resources Director, or any upper management staff.
- 3) Liberty Place staff will also report any knowledge of staff who neglects to report the above incidents.
- 4) Liberty Place staff may also make reports to the PREA hotline (PREA standard 115.261).
- 5) Staff is required to report immediately any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency (PREA 115.261).
- 6) PREA related allegations will be reported to the Kentucky Department of Corrections (DOC) as well as law enforcement personnel if the allegation involves force, coercion, or threats. Report to DOC will occur within 24 hours of an allegation. Liberty Place will provide allegations and dispositions of sexual offenses on a monthly report. All case records associated with claims of sexual offenses, including incident reports, investigation reports, resident information, case disposition, medical and counseling evaluation findings and recommendations for aftercare or counseling will be retained in accordance with the records retention schedule (PREA standard 115.287 and 115.289). This data will be reviewed on an ongoing basis in an effort to identify problem areas and take corrective action. Liberty Place will maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- 7) Notifications for the purpose of an investigation will be immediately made to the designated facility investigator (Liberty Place Phase II Coordinator, MT Coordinator or Facility Director). In addition, all allegations of sexual assaults that involve potentially criminal behavior will be referred for criminal investigation to the Kentucky State Police (PREA standards 115.221, 115.222 and 115.271).
- 8) All criminal investigations will be handled by the Kentucky State Police.
- 9) Within 72 hours of receiving an allegation that a resident was sexually abused while confined at another facility, the Liberty Place Facility Director shall notify the Head of the facility where the alleged incident occurred. The notification will be documented (PREA standard 115.263).
- 10) All allegations received from other facilities are required to be investigated (PREA standard

115.263).

- 11) Sexual abuse investigations alleging force, coercion, or possible criminal behavior will be conducted by specially trained investigators from the Kentucky Department of Corrections or Kentucky State Police (PREA standards 115.221, 115.222 and 115.271).

Employee training

- 1) All current and new employees, volunteers, interns, persons and any contract entity affiliated with Liberty Place and its residents on a regular or recurring basis will receive training regarding PREA standards, laws, and Liberty Place policies related to Code of Ethics and Dual Relationships.
- 2) Notifications for the purpose of an investigation will be immediately made to the designated facility investigator (Phase II Coordinator, MT Coordinator or Facility Director). In addition, all allegations of sexual assaults that involve potentially criminal behavior will be referred for criminal investigation to the Kentucky State Police (PREA standards 115.221, 115.222 and 115.271).
- 3) Employees previously trained on the PREA standards and who worked in a facility housing the opposite gender will be given additional training. (PREA standard 115.231 and 115.232). Refresher training will occur on an annual basis.
- 4) Training shall be tailored to be gender specific to the facility.
- 5) Completion of training will be documented by signatures attesting that they have received and understand the training material.
- 6) It is mandatory that staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties.
- 7) Allegations of sexual abuse and sexual harassment will be promptly, thoroughly and objectively investigated.
- 8) All forms of reports made to staff are required to be documented within 24 hours of receiving the report (PREA standard 115.251).
- 9) Apart from reporting to designated supervisors or officials and designated state or local services agencies, staff is prohibited from revealing 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. (PREA standard 115.261)
- 10) Liberty Place will have limited ability to discipline a resident for filing a grievance alleging sexual abuse to occasions where the agency demonstrates that the resident filed the grievance in bad faith (PREA standard 115.252). Liberty Place prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation (PREA standard 115.278).
- 11) Liberty Place staff will be subject to disciplinary action up to and including termination for violating Recovery Kentucky, DOC or Liberty Place's sexual harassment or sexual abuse policies. Criminal acts committed by staff, contractors, or volunteers will be reported to law enforcement. Other violations of code of ethics or dual relationship policies will be reported to any relevant licensing or certification boards (PREA standard 115.276 and 115.277).
- 12) Training will include the following:
 - a) Liberty Place's zero-tolerance policy for sexual abuse and sexual harassment.
 - b) Their responsibilities of sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
 - c) Residents' 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 a residential setting.

- 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 a resident, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming residents. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- j) Failure to abide by PREA standards may result in personnel action up to and including termination and/or criminal prosecution. (PREA standard 115.211)
- k) Employees, volunteers, interns, and other affiliated persons completing training shall sign a document acknowledging that they understand the training they have received. All training documentation shall be maintained on site (PREA standard 115.211).

Volunteer and contractor training

- 1) Liberty Place requires that any contractor or volunteer who engages in sexual abuse will be reported to law enforcement agencies (unless the activity was clearly not criminal) and to relevant licensing bodies. Any contractor or volunteer who engages in sexual abuse will be prohibited from contact with the residents. Liberty Place 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 (PREA standard 115.277).
- 2) All full and part-time human service practitioners who work regularly or are contracted to provide services at Liberty Place shall receive specialized training which will be documented and maintained showing training on the following (PREA standard 115.235):
 - 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.

Resident Education

- 1) Upon admission to Liberty Place, residents 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 resident 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 (PREA standard 115.216). This education will occur within 3 days of admission and the resident will be given the opportunity to ask questions.
- 2) Documentation of education will be maintained in the resident's file. If residents are transferred from a different community confinement facility, they will be provided with refresher training. Key information will be posted so that it is visible and readily available to all residents (PREA standard 115.233).
- 3) All sexual activity between residents is prohibited.
- 4) Residents will be provided multiple internal ways to privately report sexual abuse incidents. Residents will also have at least one way to report incidents to an outside agency. A resident or third party may report a sexual offense verbally or in writing. Reports may be made anonymously (PREA standard 115.251).
- 5) Information about how to make a third party report will be distributed publicly (PREA standard

- 115.254). If at any time it is learned that a resident is subject to a substantial risk of imminent sexual assault, immediate action will be taken to protect the resident (PREA standard 115.262).
- 6) If a resident engages in sexual conduct with staff and Liberty Place determines that the staff member did not consent to such contact, the resident will be discharged from the program and the facility (PREA standard 115.278).

Specialized training: Investigations

- 1) Designated Liberty Place staff (Phase II Coordinator, MT Coordinator or Facility Director) will also receive specialized training in conducting investigations. This training will be provided by DOC (PREA standard 115.234).
- 2) Sexual abuse investigations alleging force, coercion, or possible criminal behavior will be conducted by specially trained investigators from the Kentucky Department of Corrections or Kentucky State Police (PREA standards 115.221, 115.222 and 115.271).
- 3) Investigations 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.
- 4) Administrative investigations that result in a substantiated case of sexual abuse will include an effort to determine whether staff actions or failures to act contributed to the abuse.
- 5) Liberty Place residents and staff who report sexual abuse or harassment or cooperate with sexual abuse or sexual harassment investigations will be protected from retaliation from all other residents and staff. These residents and staff will be monitored for at least 90 days following a report. A member of Liberty Place management staff will be designated by the PREA Coordinator to monitor the situation. Monitoring checks will be documented weekly. Changes in housing assignment or work schedules may be necessary. Obligation to monitor can be terminated if it is determined that an allegation of retaliation is unfounded (PREA standard 115.267).
- 6) The departure of the alleged perpetrator or victim from the employment or control of the facility or department will not provide a basis for terminating an investigation (PREA standard 115.271).
- 7) Following a resident's allegation that she has been sexually abused by another resident in an agency facility, Liberty Place will inform the alleged victim whenever: Liberty Place learns that the alleged abuser has been indicted on a charge related to sexual abuse with the facility; or Liberty Place learns that the alleged abuser has been convicted on a charge related to sexual abuse with the facility (PREA standard 115.273)
- 8) Following a resident's allegation that a staff member has committed abuse against the resident, Liberty Place subsequently informs the resident (unless Liberty Place has determined that the allegation is unfounded) whenever (PREA standard 115.273):
 - a) The staff member is no longer posted within the department/program;
 - b) The staff member is no longer employed at the facility;
 - c) The agency learns that the staff member has been indicted on a charge related to sexual abuse with the facility; or
 - d) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- 9) The agency has a policy and procedure that allows a resident to submit a grievance which would include grievances regarding an allegation of sexual abuse. Grievances may be made regardless of when the incident is alleged to have occurred. Residents will not be required to use an informal grievance process, or otherwise attempt to resolve with staff, an alleged incident of sexual abuse. Residents are allowed to submit a grievance alleging sexual abuse without submitting it to the staff member who is the subject of the complaints and the grievance will not be referred to the staff member who is the subject of the complaint. A decision on the merits of any grievance or portion of a grievance alleging sexual abuse will be made within 90 days of the filing of the grievance. If,

and only when necessary, the agency will extend the 90-day period to respond to a grievance. Liberty Place will notify a resident in writing when the agency extends the 90-day period and will include the date by which a decision will be made. (PREA standard 115.252)

- 10) Liberty Place will permit third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse and to file such requests on behalf of residents. If a resident declines to have third-party assistance in filing a grievance alleging sexual abuse, Liberty Place will document the resident's decision to decline. (PREA standard 115.252)
- 11) Liberty Place will participate in an independent PREA audit conducted once every three years as required by Kentucky Department of Corrections (PREA standards 115.293 and 115.401). Audits will be conducted by a qualified auditor (PREA standard 115.402). The auditor will provide a final report containing all findings of compliance and non-compliance with standards. The auditor's report will be made public (PREA standard 115.403). Any finding of "Does Not Meet Standard" will trigger a 180 day corrective action period. The auditor will work with Liberty Place to develop a corrective action plan. After 180 days the auditor will re-evaluate and make a final determination regarding compliance. Liberty Place may also request a subsequent audit once Liberty Place believes compliance has been met (PREA standard 115.404). Liberty Place may also appeal an audit finding to the Department of Justice (DOJ) within 90 days of the auditor's final determination. If DOJ determines good cause for re-evaluation, Liberty Place may commission a re-audit at Liberty Place's expense. Findings of the re-audit will be considered final (PREA standard 115.405).

FIRST RESPONDERS / STAFF PLAN OF ACTION

Liberty Place Recovery Center mandates a zero tolerance policy towards all forms of sexual abuse and sexual harassment. The following action plan describes Liberty Place's approach in dealing with allegations of abuse or harassment. It is vital that staff follows this action plan in order to ensure that all allegations are timely and thoroughly investigated.

Sexual Abuse/Assault – this includes abuse of a resident by another resident OR abuse of a resident by a staff member. Generally, contact between the sex organ of one person and the sex organ, mouth, or anus of another person, by use of force or threat of force.

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

Learning of a Possible PREA Incident:

Any reported or observed sexual contact or harassment involving a resident must be recognized as a possible PREA incident. Residents shall be able to report incidents directly to any staff member, anonymously, by letter, or by calling 1-833-DOC PREA (1-833-362-7732) to notify Department of Corrections (DOC). This includes learning of an incident by rumor or third party. When and how to report the incident (PREA standard 115.264):

1. If staff learns of an incident by direct observation, they must immediately separate those involved. Staff is to request that the alleged victim not take any actions that could destroy physical evidence

and staff will notify a facility PREA Investigator (Phase II Coordinator, MT Coordinator or Facility Director). Ideally, staff should direct the residents involved to accompany them to the Peer Mentor's Office. This serves several purposes:

- a) Separation – by separating the parties, staff has ended the immediate incident / possible threat.
 - b) Protection – until the incident can be investigated, it is unknown if the parties are consenting to the act, or if force or a threat of force is involved. Because of this, we don't want to leave them alone.
 - c) Investigation – the investigation begins when we learn of the incident. It's important that staff document what residents say and do, this is best achieved separately from each other.
 - d) Crime Scene Protection – most PREA incidents will not involve a crime scene. However, if they do we need to ensure the area is not disturbed until law enforcement arrives. Block the area off so no residents or staff can enter.
 - e) Forensic Evidence – often in cases of sexual assault, forensic evidence can be located on the victim's person. In these situations, try to prevent the victim from changing clothing, using the restroom, showering, eating or drinking.
2. If staff doesn't learn of an incident by direct observation, it could be by one of several other methods. Often rumors about the incident spread and should be treated as legitimate allegations until proven otherwise. Third parties may also approach staff and inform them of a past incident. Do not ignore or assume rumors or third party reports are insignificant.

Reporting an Incident:

Reporting a possible PREA incident should be concluded immediately following separating and protecting resident(s) involved. There should be no delay or second guessing this. It's better to report an incident with good cause, which is later determined to be unfounded, than to conclude on your own that reporting is not needed. Remember, staff that fail to report PREA incidents could be subject to agency discipline, civil liability and even criminal liability.

1. IMMEDIATELY report when an incident is directly observed or you learn by other means of a possible incident. This means calling a PREA investigator (Phase II Coordinator, MT Coordinator or Facility Director) day or night, weekends, or holidays without delay. No text or email.

- a) Facility Staff – employees including, but not limited to SOS Monitors, Office Assistant, SOS Coordinator, MT Coordinator, Phase I Coordinator, Phase II Coordinator, and General Operations Manager, should call a PREA investigator immediately. The call should be followed by an email including the incident report during the shift the incident occurred/allegation reported. The following is a list of contact numbers:

Jennifer Jefferson	859-230-2007
Jessica Dunn	606-795-0075
Alisha Wilhoit	859-358-8161

- b) Interns & Volunteers – interns and volunteers may notify the Facility Director directly, however most will likely notify the facility staff that they are working with at the time. Once a staff member receives a report from an intern or volunteer, they are obligated to report immediately to the Facility Director and begin investigating.
- c) PREA Coordinator – the PREA Coordinator (Liberty Place Facility Director) will notify DOC that a possible PREA violation has occurred within 24 hours. Within 72 hours a finished

investigative report will be forwarded to the proper individuals at the Department of Corrections, state police, and/or Probation and Parole.

2. If the victim has suffered injury that requires medical attention, arrangements should be made so staff can transport them to the nearest urgent care or hospital. In most cases this will be Baptist Health Richmond in Richmond, Kentucky. If the injuries are serious/life threatening, an ambulance should be called.

Initial Documentation and Investigation

The Phase II Coordinator, MT Coordinator and the Facility Director are the designated PREA investigators and will conduct internal PREA investigations at the facility. However, any staff member can be the first responder to an incident or may become aware of a PREA allegation. The first responder will need to complete a thorough Progress Note, detailing the events. This initial information will serve an important role during the ongoing investigation and possible legal actions.

1. The following are things that should be documented in detail by facility staff. Remember that details are very important to the investigation.
 - a) Parties Involved – make sure to get full names, DOC numbers and contact information of all involved parties, this includes potential witnesses.
 - b) Location – the exact location where the violation occurred is important. Examples may include a resident room number, specific area of the building or off property. In addition to reporting that it occurred “in the laundry room”; include detail such as “the left rear corner behind the washing machine.” This is vital for reviewing the proper cameras, follow-up investigation, and possibly verifying or disproving statements.
 - c) General Observations – investigators will need to know information such as where in the room the parties were located, what positions were they in, how did they react when you arrived, and what comments did they make. These can help lead an investigator to determine if the incident was consensual or not and whether charges should be filed.
 - d) Statements – make sure to get statements from all parties involved, unless otherwise directed by the Facility Director. This should be done prior to those involved being able to get together and corroborate their stories. When you get statements from parties involved or witnesses, make sure you do this separately so they cannot hear each other. Witness statements are very important because they may give a nonbiased summary of events. Document all statements thoroughly and include all details, even if you think they may be insignificant at the time.
2. Some PREA incidents may involve **physical evidence**. Liberty Place will not hold evidence for any significant amount of time, if possible. All evidence should be turned over to Probation and Parole or the law enforcement agency handling the investigation. If staff discovers evidence, the ideal action is leaving it where it is and protecting the scene for law enforcement. If this is not an option, staff should secure the evidence in an evidence bag (wear gloves) and turn it over to the Facility Director, who will immediately request law enforcement respond to retrieve it. Make sure to seal the evidence bag and fill out required information such as date, time and initials.
 1. Transgender Residents – any time a resident arrives that identifies as transgender or intersex, let your supervisor know. Supervisors need to contact the PREA Coordinator. These residents must be treated with respect and fairly. Transgender residents will be given the opportunity to shower

privately if requested. This facility does not participate in pat down or strip searches of any residents on property.

Reporting

1. Offense Reports will be filled out within 24 hours for PREA incidents involving state inmates.
2. Extraordinary Occurrence Reports (Incident Reports) should also be completed for any DOC resident involved in a PREA incident. This should also be within 24 hours.
3. PREA Reports will be completed by either the Coordinator or Administrator of the facility. PREA reports must be sent within 72 hours.
2. 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.

Follow-up and Incident Review

1. Liberty Place has established a policy to prevent retaliation for residents who report sexual abuse or harassment, or cooperate with investigations from retaliation by other residents or staff. Staff are responsible for designating retaliation monitors and are responsible for reporting any possible incidents to Senior Management. All employees need to remain vigilant for signs of retaliation and report immediately to the Facility Director or in the event she is not available, a PREA Investigator.
 - a) Signs of Retaliation – residents may self-isolate, residents may be shunned by other residents, verbal or physical abuse, anxiety, mood swings and fear could all be signs that a resident is experiencing retaliation and must be reported. Any rumor should be reported.
 - b) Prevention / Response – in the case of retaliation on a resident, the Facility Director will consider possible room changes or a transfer to another facility depending on the severity. Residents or staff members that are responsible for the abusive retaliation will be removed. Emotional support services will be made available to the victims through Ampersand Sexual Violence Resource Center.
2. Monitoring for retaliation will continue for at least 90 days. If no reports or rumors of retaliation after 90 days, monitoring can cease. However, if there are signs of retaliation, monitoring must continue. This will be a decision made by the Facility Director.
 - a) Documentation – Staff designated by the Facility Director are required to complete the retaliation monitoring form every month, for at least 90 days, and keep on file. Note, if the allegations are determined to be unfounded, monitoring for retaliation may end.
 - b) Transfer – in the event of the resident being transferred to another facility, the PREA Coordinator will notify the receiving agency of the retaliation monitoring status.
3. Reporting to residents will occur regardless, to the extent possible, of whether the resident is still in an agency facility or not. The PREA Coordinator will be responsible for making notifications

and will inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded.

- a) Contact Information –Liberty Place Phase II Coordinator, MT Coordinator or Facility Director is required to obtain full contact information from a resident involved in a PREA incident prior to leaving the facility. This should include a forwarding address, phone number and email if applicable.
 - b) Staff Involvement – in the event a staff member has committed sexual abuse or harassment against the resident, the Facility Director will subsequently inform the resident (unless unfounded) whenever: the staff member is no longer assigned within the resident’s facility, the staff member no longer is employed by the agency, the agency learns the staff member has been indicted on a charge related to sexual abuse, or the agency learns the staff member has been convicted on a charge related to sexual abuse within the facility.
 - c) Resident Involvement – in the event another resident has committed sexual abuse or harassment against the resident, the Facility Director will subsequently inform the resident whenever the agency learns that the alleged abuser has been indicted or convicted on a charge related to sexual abuse within the facility. All notifications must be documented (PREA standard 115.273).
4. An incident review of each sexual abuse incident will occur within 30 days, unless the allegations are determined to be unfounded. The team will include the agency PREA Coordinator (Liberty Place Facility Director), certified PREA investigator(s) (Facility Director, MT Coordinator, and Phase II Coordinator) and input from facility staff involved. A report will be filed and recommendations followed up on in a reasonable amount of time.
- a) Considerations – the review team will consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to abuse. Consider whether the incident was motivated by race, ethnicity, gender identity, LGBT identification, status or perceived status, or gang affiliation. Examine the area in the facility where the incident occurred to assess whether physical barriers may enable abuse. Assess staffing levels, monitoring technology and possible changes needed in either.