



Four Oaks

Policy Name: **Prison Rape Elimination Act of 2003 (PREA)**

Policy: Administrative

Effective Date of Policy: January 2016

POLICY STATEMENT/ PURPOSE

Four Oaks has zero tolerance for sexual abuse and/ or sexual harassment of clients either by staff or other client's. This policy establishes this zero tolerance standard for the incidence of sexual abuse/assault in accordance with the Prison Rape Elimination Act of 2003 (PREA) and the National Standards to Prevent, Detect and Respond to Prison Rape.

Four Oaks has established this policy to help prevent, detect, and respond to any incident of sexual abuse or sexual harassment within Four Oaks. This policy establishes guidelines for action including, but not limited to: staff training and education; reporting and investigative standards, detainee victim services and support; and data collection measures related to sexual abuse in Four Oaks.

All reported incidents of sexual abuse by staff/contractors or other clients will be documented and investigated. Employees, contractors, or volunteers who perpetrate, or fail to report, any sexual abuse or sexual harassment as outlined in this policy, will be subject to disciplinary action up to and including termination of employment or services. All substantiated criminal cases will be referred to the appropriate local/state authority for review and prosecution.

DEFINITIONS

Agency means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that treats clients, including

the implementation of policy as set by the governing, corporate, or nonprofit authority.

Agency head means the principal official of an agency.

Contractor means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

Direct staff supervision means that security staff is in the same room with, and within reasonable hearing and visual distance of the client.

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

Exigent circumstances mean any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Facility means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the housing of individuals.

Facility head means the principal official of a facility.

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

Juvenile means any person under the age of 18, unless under adult court supervision.

Juvenile facility means a facility primarily used for the housing of juveniles pursuant to the juvenile justice system or criminal justice system.

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

Client means any person housed in a juvenile facility.

Secure juvenile facility means a juvenile facility in which the movements and activities of individual clients may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows client's access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.

Residential staff means employees primarily responsible for the supervision and control of clients, detainees, or clients in housing units, recreational areas, dining areas, and other program areas of the facility.

Sexual abuse includes:

- Sexual abuse of a client by another client; and
- Sexual abuse of a client by a staff member, contractor, or volunteer.

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

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

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

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above;
- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a client, and;
- Voyeurism by a staff member, contractor, or volunteer.

Sexual harassment includes:

- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one client directed toward another; and
- Repeated verbal comments or gestures of a sexual nature to a detainee 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.

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

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

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

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

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

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of a client by staff for reasons unrelated to official duties, such as peering at a client who is using a toilet in his or her cell to perform bodily functions; requiring a client to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a client's naked body or of a client performing bodily functions.

AUDIT FREQUENCY

This policy will be reviewed as needed, but no less than annually.

APPLICABILITY

This policy is applicable to all staff, volunteers, contract employees and clients of Four Oaks.

PROTOCOL

I. Prevention Planning

A. §115.311 PREA Coordinator.

1. Four Oaks has designated an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and ensure consistent compliance with PREA standards.

B. §115.312 Contracting with other entities for the services of clients.

1. Any new contract or renewal contract Four Oaks enters into for its services will include the entity's obligation to adopt and comply with the PREA Standards as well as a contract monitoring provision to ensure that the contractor is in compliance.

C. §115.313 Supervision and monitoring.

1. Four Oaks will maintain security staff ratios of a minimum of 1:8 during client waking hours and 1:16 during client sleeping hours, except during limited and discrete exigent circumstances, which will be fully documented. According to the PREA standards these are the appropriate ratios. Four Oaks does comply with those standards and has smaller ratios than required.
2. Four Oaks will ensure that its facility develops, implements, and documents a staffing plan that provides for adequate levels of staffing to protect clients against sexual abuse. This is done daily in shift change, through management meetings and the overall scheduling of staff weekly. In calculating adequate staffing levels and determining the need for video monitoring, this agency will take into consideration:
 - a. DHS or State Licensure Requirements
 - b. Any judicial findings of inadequacy;
 - c. Any findings of inadequacy from Federal investigative agencies;
 - d. Any findings of inadequacy from internal or external oversight bodies;
 - e. All components of the facility's physical plant (including "blind spots" or areas where staff or clients may be isolated)
 - f. The composition of the client population
 - g. The number and placement of supervisory staff
 - h. Facility programs occurring on a particular shift
 - i. Any applicable State or local laws, regulations, or standards
 - j. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
 - k. Any other relevant factors
3. Four Oaks will comply with the staffing plan except during limited and discrete exigent circumstances, and will fully document deviations from the plan during such circumstances.
4. Whenever necessary, but no less frequently than once each year Four Oaks, in consultation with the PREA Coordinator, will assess, determine, and document whether adjustments are needed to:

- a. The staffing plan established pursuant to paragraph (1) of this section;
 - b. Prevailing staffing patterns;
 - c. Four Oaks deployment of video monitoring systems and other monitoring technologies; and
 - d. The resources the facility has available to commit to ensure adherence to the staffing plan
5. Four Oaks has implemented a policy and practice of having intermediate-level or higher lever supervisors (identified programmatically) conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. This policy and practice is implemented for night shifts as well as day shifts. This agency has a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.

D. §115.315 Limits to cross gender viewing and searches.

1. Four Oaks will not conduct cross-gender strip searches or cross-gender visual body cavity searches.
2. Four Oaks will not conduct cross-gender pat-down searches except in exigent circumstances.
3. Clients will be permitted to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine bedroom checks.
4. Staff of the opposite gender of the client(s) will announce their presence when entering a client housing unit or any area where clients are likely to be showering, performing bodily functions, or changing clothing.
5. Four Oaks will not search or physically examine a transgender or intersex client for the sole purpose of determining the client's genital status. If the client's genital status is unknown, it may be determined during conversations with the client, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

E. §115.316 Clients with disabilities and clients who are limited English proficient.

1. Four Oaks will take appropriate steps to ensure clients with disabilities and clients with limited English language skills are aware of its zero tolerance for any form of sexual abuse by staff or other clients or sexual harassment by staff or other clients. Reasonable steps will also be taken to ensure meaningful access to all aspects of efforts to prevent, detect, and respond, including steps to provide professional interpreters who can interpret effectively, accurately, and impartially.
2. Four Oaks will not rely on client interpreters, client readers, or other types of client assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the client's safety, the performance of first-response duties or the investigation of the client's allegation.

F. §115.317 Hiring and promotion decisions.

1. A person, who has engaged in sexual abuse or sexual harassment, as defined by this policy, will not be hired. Employees, who have engaged in sexual abuse or sexual harassment, as defined by this policy, will not be eligible for promotion.
2. Before hiring new employees who may have contact with clients, Four Oaks will perform a criminal background check, consult any child abuse registry maintained by the State of Iowa, and make its best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of sexual abuse.
3. Four Oaks will ask all applicants and employees who may have contact with clients directly about previous misconduct related to sexual abuse or sexual harassment in written applications or interviews for hiring or promotion and in any interviews or written self-evaluations conducted as part of reviews of current employees. Four Oaks will also impose upon employees a continuing affirmative duty to disclose any such misconduct.
4. Four Oaks will perform a criminal background check before enlisting the services of any contractor who may have contact with clients. The agency will consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with clients.
5. Four Oaks will conduct criminal background checks of current employees and contractors who may have contact with clients. The agency follows state licensure

requirement/COA standards and frequency of checks are managed for current employees.

6. Four Oaks will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

G. §115.318 Upgrades to facilities and technologies.

1. The protection of clients from sexual abuse will be considered when modifications are planned for the facility. Video and other monitoring technology can be considered as a means of protecting clients from sexual abuse. At this time video monitoring is not planned.

II. Responsive Planning

A. §115.321 Evidence protocol and forensic medical examinations.

1. Four Oaks will support a uniform evidence protocol that is developmentally appropriate for youth, which will be based on: to maximize the potential for obtaining physical evidence for administrative proceedings and criminal prosecution. This protocol is supported by the investigative agency taking over the reporting of abuse.
2. In cases requiring medical examination, all examinations will be performed by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE). While the investigating agency will set this up, Four Oaks will ensure that they are performed by qualified entities.
The examinations will be conducted, without cost to the client victim, for evidentiary and medical purposes related to the allegation of sexual abuse.
3. Four Oaks will offer advocacy services from a sexual assault service provider to the client victim. If requested by the victim, the victim advocate will be asked to accompany and support the victim through the forensic medical exam and investigatory interview to provide emotional support, crisis intervention, information, and referrals.

B. §115.322 Policies to ensure referrals of allegations for investigations.

1. Four Oaks will ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
2. Four Oaks has a place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. This policy will be published on the agencies website for the public's information. All such referrals will be documented.
3. Since a separate entity is responsible for conducting criminal investigations, the publication will describe the responsibilities of both the agency and the investigating agency.

III. Training and Education

A. §115.331 Employee training.

1. Four Oaks trains all new employees who may have contact with clients on:
 - a. Four Oaks has a zero-tolerance policy for sexual abuse and sexual harassment;
 - b. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
 - c. Clients' right to be free from sexual abuse and sexual harassment;
 - d. The right of clients and employees to be free from retaliation for reporting sexual abuse or harassment;
 - e. The dynamics of sexual abuse and harassment in juvenile facilities;
 - f. The common reactions of juvenile victims of sexual abuse and sexual harassment;
 - g. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between agreed upon sexual contact and sexual abuse between clients;
 - h. How to avoid inappropriate relationships with clients;
 - i. How to communicate effectively and professionally with all clients, including lesbian, gay, bisexual, transgender, intersex, and gender non-conforming clients; and

- j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
 - k. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
2. Such training is tailored to the suit the needs, attributes, and gender of the clients of Four Oaks. Employees will receive additional training if they are reassigned from a unit that houses only male clients to a facility that houses only female clients, or vice versa.
3. All current employees will receive PREA training as detailed in section 1 above within six months of the effective date of this policy and will be provided with refresher training every two years to ensure that all employees know the current sexual abuse and sexual harassment policies and procedures. In the years in which an employee does not receive refresher training, the agency will provide refresher information on current sexual abuse and sexual harassment policies. The training curriculum “Client Safety” ensures that employees recertify in the concepts, policies and procedures annually.
4. Four Oaks will document, through employee signature or electronic verification that employees understand the training they have received.

B. §115.332 Volunteer and contractor training.

1. Four Oaks will ensure that all volunteers and contractors who have contact with clients have been trained on their responsibilities under the agency’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
2. The level and type of training provided to volunteers and contractors will be based on the services they provide and the level of contact they have with clients, but all volunteers and contractors who have contact with clients will be notified of the agency’s zero tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
3. Four Oaks will maintain documentation confirming that volunteers and contractors understand the training they have received.

C. §115.333 Client education

1. During the intake process, clients will receive information explaining, in an age appropriate fashion, the agency's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
2. Within 10 days of intake, Four Oaks will provide comprehensive age-appropriate education to clients either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.
3. Current clients who have not received such education will be educated within two weeks of the effective date of this policy, and will receive education upon transfer to a different facility to the extent that the policies and procedures of the client's new facility differ from those of the previous facility.
4. Four Oaks will provide client education in formats accessible to all clients, including those who are limited in anyway. Resources will be determined if interpretation is needed or other means to share the education with them.
5. Four Oaks will maintain documentation of the client participation in these education sessions.
6. In addition to providing such education, Four Oaks will ensure that key information is continuously and readily available to clients through posters, client handbooks, or other written formats.

D. §115.334 Specialized training: Investigations.

E. NA The agency does not conduct administrative or criminal sexual abuse investigations.

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F. §115.335 Specialized training: Medical and mental health care.

1. Four Oaks will ensure that all medical and mental health care practitioners who work regularly in its facilities have been trained to do the following. By definition of role these practitioners may include Health Services Staff, Clinicians and Therapists:
 - 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 juvenile victims of sexual abuse and sexual harassment; and
 - d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
2. Four Oaks does not have medical staff that conducts forensic examinations.

IV. Screening for Risk of Sexual Victimization and Abusiveness

A. §115.341 Obtaining information from clients

1. Within 72 hours of the client's arrival at the facility and periodically throughout a client's placement, Four Oaks will obtain and use information about each client's personal history and behavior to reduce the risk of sexual abuse by or upon a client.
2. Such assessments will be conducted using an objective screening instrument.
3. At a minimum, Four Oaks will attempt to ascertain information about:
 - a. Prior sexual victimization or abusiveness;
 - b. Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the client may therefore, be vulnerable to sexual abuse;
 - c. Current charges and offense history;
 - d. Age;
 - e. Level of emotional and cognitive development;
 - f. Physical size and stature;
 - g. Mental illness or mental disabilities;
 - h. Intellectual or developmental disabilities;
 - i. Physical disabilities;
 - j. The client's own perception of vulnerability; and
 - k. Any other specific information about individual clients that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other clients
4. This information will be ascertained through conversations with the client during the intake process and medical and mental health screenings, during classification assessments, and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the client's files.

5. Four Oaks will implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the client's detriment by staff or other clients.

B. §115.342 Placement of clients in housing, bed, program, education, and work assignments.

1. Four Oaks will use all information obtained through the intake screening to make housing, bed, program, education, and work assignments for clients with the goal of keeping all clients safe and free from sexual abuse and sexual harassment.
2. The facility does not have a policy on isolation as defined by PREA. Clients may be separated from others only as a last resort when less restrictive measures are inadequate to keep them and other clients safe, and then only until an alternative means of keeping all clients safe can be arranged. During any period of separation, Four Oaks will not deny clients daily large-muscle exercise and any legally required educational programming or special education services. Clients in separation will receive daily visits from a medical or mental health care clinician. Clients will also have access to other programs and work opportunities to the extent possible.
3. Lesbian, gay, bisexual, transgender, or intersex clients will not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor will agencies consider lesbian, gay, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive.
4. In deciding whether to assign a transgender or intersex client to a housing unit for male or female clients, and in making other housing and programming assignments, the agency will consider on a case-by-case basis whether a placement would ensure the client's health and safety, and whether the placement would present management or security problems.
5. Placement and programming assignments for each transgender or intersex client will be reassessed at least twice each year to review any threats to safety experienced by the client.
6. A transgender or intersex client's own view with respect to his or her own safety will be given serious consideration.

7. Transgender and intersex clients will be given the opportunity to shower separately from other clients.
8. If a client is separated pursuant to paragraph 2 of this section, the Four Oaks will clearly document:
 - a. The basis for the facility's concern for the client's safety; and
 - b. The reason why no alternative means of separation can be arranged.
9. The agency does not anticipate it will ever separate a client for 30 days. If the event this would happened a thorough review would occur.

V. Reporting

A. §115.351 Client reporting

1. Four Oaks will provide multiple internal ways for clients to privately report sexual abuse and sexual harassment, retaliation by other clients or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
2. Four Oaks will also provide at least one way for clients to report abuse or harassment to a public or private entity or office that is not part of the same agency and that is able to receive and immediately forward client reports of sexual abuse and sexual harassment to agency officials, allowing the client to remain anonymous upon request.
3. Staff will accept reports made verbally, in writing, anonymously, and from third parties and will promptly document any verbal reports.
4. Four Oaks will provide clients with access to tools necessary to make a written report.
5. Four Oaks will provide a method for staff to privately report sexual abuse and sexual harassment of clients. These reports need to be completed within 24 hours.

B. §115.352 Exhaustion of administrative remedies

- N/A

C. §115.353 Client access to outside support services and legal representation

1. Four Oaks will provide clients with access to outside victim advocates for emotional support services related to sexual abuse, by providing, posting, or otherwise making accessible mailing addresses and telephone numbers, including toll-free hotlines where available, of local, State, or national victim advocacy or rape crisis organizations. The facility will enable reasonable communication between clients and these organizations and agencies, in as confidential a manner as possible.
2. Four Oaks will inform clients, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.
3. Four Oaks will maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide clients with confidential support services related to sexual abuse. The agency will maintain copies of agreements or documentation showing attempts to enter into such agreements.
4. Four Oaks will also provide clients with reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians.

D. §115.354 Third-party reporting.

1. Four Oaks has established a method to receive third-party reports of sexual abuse and sexual harassment and will distribute publicly the information on how to report sexual abuse and sexual harassment on behalf of a client.
 - a. When Four Oaks receives a report of sexual abuse and/or sexual harassment, the PREA Coordinator will be notified and will respond within the guidelines outlined by the PREA rules and regulations. The PREA Coordinator will review the information provided and respond appropriately to the allegation. The PREA Coordinator is responsible for notifying any outside agency deemed necessary to investigate the allegation, as well as maintain proper documentation of the event.

VI. Official Response Following a Client Report**A. §115.361 Staff and agency reporting duties.**

1. Four Oaks staff, contractors, and volunteers will report, to their supervisor, immediately any knowledge, suspicion, or information regarding:
 - a. an incident of sexual abuse or sexual harassment that occurred in the agency or another facility;
 - b. retaliation against clients or staff who reported such an incident; and
 - c. any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
2. Staff will comply with applicable mandatory child abuse reporting laws, including WI State Statute 48.981(2).
3. Apart from reporting to their supervisor, Four Oaks staff will not reveal any information related to a sexual abuse or sexual harassment report to anyone other than to the extent necessary to make treatment or investigation decisions.
4. Medical and mental health practitioners will be required to inform clients at the initiation of services of their duty to report and the limitations of confidentiality.
5. Upon receiving any allegation of sexual abuse, the agency designee will promptly report the allegation to the appropriate agency office and to the client victim's parents or legal guardians; unless there is official documentation showing the parents or legal guardians should not be notified. If the client victim is under the guardianship of the child welfare system, the report will be made to the client victim's social worker instead of the parents or legal guardians.

If a juvenile court retains jurisdiction over the client victim, Four Oaks or designee will also report the allegation to the juvenile's attorney or other legal representative within 14 days of receiving the allegation.

6. Four Oaks will report all allegations of sexual abuse; including third-party and anonymous reports, to the agencies' designated investigators.

B. §115.362 Agency protection duties.

1. Four Oaks will take immediate action to protect a client who is subject to substantial risk of imminent sexual abuse within its facility.

C. §115.363 Reporting to other facilities.

1. Upon receiving an allegation that a client was sexually abused while at another facility, the agency's contact will notify, as soon as possible but no later than 72 hours after receiving the allegation, the head of the facility or appropriate office of the agency where the alleged abuse occurred and will also notify the appropriate investigative agency. This may be done by the Investigative Agency, however, Four Oaks will document that this notification was made.

D. §115.364 Staff first responder duties.

1. Upon learning of an allegation that a client was sexually abused, the first staff member to respond will immediately separate the client victim and alleged abuser while protecting and preserving the crime scene until appropriate steps can be taken to collect any evidence.
2. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the client victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
3. If the abuse occurred within a period of time that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
4. If the first staff responder is not a residential staff member, the responder will be required to request that the client victim not take any actions that could destroy physical evidence, and then notify security staff.

E. §115.365 Coordinated response.

1. Four Oaks has developed a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

F. §115.366 Preservation of ability to protect clients from contact with abusers.

1. The agency will not enter into a collective bargaining agreement that limits the agencies ability to remove alleged staff sexual abusers from contact with clients pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

G. §115.367 Agency protection against retaliation.

1. Four Oaks has zero-tolerance for retaliation of any kind against client victims or staff members who report sexual abuse and sexual harassment or cooperate with sexual abuse or sexual harassment investigations. Immediately following the report of such an incident, a staff member or outside department will be charged with monitoring retaliation.
2. Four Oaks will employ multiple protection measures, such as housing changes or transfers for client victims or abusers, removal of alleged staff or client abusers from contact with victims, and emotional support services for clients or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
3. For at least 90 days following a report of sexual abuse or sexual harassment, the agency will monitor the conduct and treatment of clients or staff who have reported sexual abuse and sexual harassment, as well as of client victims who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by clients or staff, and will promptly act to remedy any such retaliation. Items the agency should monitor include any client disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The agency will continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

In the case of clients, such monitoring will also include periodic status checks.

VII. Investigations

A. §115.371 Criminal and administrative agency investigations.

1. Four Oaks will ensure prompt, thorough, and objective investigations into all allegations of sexual abuse or sexual harassment. This is done by the investigative agency. This could be the Department of Human Services or the Police Department. Where sexual abuse has been alleged, investigators who have been specially trained in sexual abuse investigations involving juveniles will be utilized.
2. Investigators that are responsible will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; will interview client victims, suspected perpetrators, and witnesses; and will review prior complaints and reports of sexual abuse involving the suspected perpetrator.
3. Four Oaks will not terminate an investigation solely because the source of the allegation recants the allegation.
4. The departure of the alleged abuser or client victim from the employment or control of the agency will not provide a basis for terminating an investigation.
5. When the quality of evidence appears to support criminal prosecution, the agency will conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacles for subsequent criminal prosecution.
6. The credibility of a client victim, alleged abuser, or witness will be assessed on an individual basis and will not be determined by the person's status as client or staff. Four Oaks will not require a client who alleges sexual abuse to submit to a polygraph examination or other truth-telling devise as a condition for proceeding with the investigation of such an allegation.
7. Four Oaks Administrative Investigator for PREA does seek outside assistance if it believes it cannot conduct the investigation according to the guidelines set forth and will cooperate fully with the outside agency authorized to conduct the investigation.
8. In all cases where criminal charges have been substantiated through investigation, such charges will be referred for prosecution.
9. The alleged abuser will not be permitted contact with clients until the investigation is complete, and the allegations have been determined to be unfounded or unsubstantiated.

10. Administrative investigations will include an effort to determine whether staff actions or failures to act contributed to any sexual abuse or sexual harassment and 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.
11. Four Oaks will retain all written reports related to criminal and administrative investigations (that are provided to us) of any incidents of sexual abuse or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

B. §115.372 Evidentiary standard for administrative investigations

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

C. §115.373 Reporting to clients

1. Following an investigation into a client's allegations of sexual abuse suffered in its facility, Four Oaks will inform the client as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. This process may be completed through the investigative entity.
2. If Four Oaks did not conduct the investigation, it will request the relevant information from the investigative agency in order to inform the client.
3. Following a client's allegation that a staff member has committed sexual abuse against the client, the agency will subsequently inform the client (unless the allegation was determined to be unfounded) whenever:
 - a. The staff member is no longer posted within the client's housing unit;
 - b. The staff member is no longer employed at Four Oaks;
 - c. Four Oaks learns that the staff member has been charged with a crime related to sexual abuse within the facility; or
 - d. Four Oaks learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

4. Following a client's allegation that he or she was sexually abused by another client, the agency will subsequently inform the alleged victim whenever:
 - a. Four Oaks learns that the alleged abuser has been charged with a crime related to sexual abuse within the facility; or
 - b. Four Oaks learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility
5. All such notification or attempts will be documented.
6. Four Oaks obligation to report under this section will terminate if the client is released from the agency's custody.

VIII. Discipline

A. §115.376 Disciplinary sanctions for staff.

1. Employees will be subject to disciplinary action up to and including termination of employment for violations of this policy. Disciplinary action that results in termination for criminal behavior, or a resignation preceding termination, will be reported to law enforcement agencies and any relevant licensing bodies.
2. Termination will be the presumptive disciplinary sanction for staff who has engaged in sexual abuse.

B. §115.377 Corrective action for contractors and volunteers.

1. Any contractor or volunteer who engages in sexual abuse or sexual harassment will be prohibited from contact with clients and will be reported to law enforcement, unless the activity was clearly not criminal, and to relevant licensing bodies.
2. Four Oaks will take appropriate remedial measures, and will consider whether to prohibit further contact with clients, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

C. §115.378 Interventions and disciplinary sanctions for clients.

Disciplinary actions are very limited. They will not be punitive or correctional, rather educational or therapeutic.

1. A client may be subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that the client engaged in

- client-on –client sexual abuse or following a criminal finding of guilt for client-on-client sexual abuse.
2. Any disciplinary sanctions will be commensurate with the nature and circumstances of the abuse committed, the client’s disciplinary history, and the sanctions imposed for comparable offenses by other clients with similar histories.
 3. In the event a disciplinary sanction results in the separating the client from others, Four Oaks will not deny the client daily large-muscle exercise or access to any legally required educational programming or special education services. Clients will receive daily visits from medical or mental health care clinicians as needed. Clients will also have access to other programs and work opportunities to the extent possible.
 4. The disciplinary process will consider whether a client’s mental disabilities, mental illness or trauma contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
 5. If Four Oaks offers therapy, counseling, or other interventions to address and correct underlying reasons or motivations for the abuse, the agency will consider whether to offer the offending client participation in such interventions. Four Oaks may require participation in such interventions as a condition of access to any rewards-based behavior management system or other behavior-based incentives, but not as a condition to access to general programming or education.
 6. Four Oaks may discipline a client for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
 7. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred will not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
 8. Four Oaks prohibits all sexual activity between clients and may discipline clients for such activity. However, Four Oaks does not deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

IX. Medical and Mental Care

A. §115.381 Medical and mental health screening; history of sexual abuse.

1. If the intake screening indicates that a client has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff will ensure that the client is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.
2. If the intake screening indicates that a client has previously perpetrated sexual abuse; whether it occurred in an institutional setting or in the community, staff will ensure that the client is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.
3. Any information related to a sexual victimization or abusiveness that occurred in an institutional setting will be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.
4. .

B. §115.382 Access to emergency medical services.

1. Victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services provided by the Investigating agency. .
2. Treatment services will be provided to the client victim without financial cost and regardless of whether the client victim names the abuser or cooperates with any investigation of the incident.

C. §115.383 Ongoing medical and mental health care for sexual abuse victims and abusers.

1. Four Oaks will offer medical and mental health evaluation and, as appropriate, treatment to all clients who have been victimized by sexual abuse.
2. The evaluation and treatment of such victims will include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
3. The facility will provide such victims with medical and mental health services consistent with the community level of care, including pregnancy tests for client

- victims of sexually abusive vaginal penetration while incarcerated. If pregnancy results, such client victims will receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
4. Victims of sexual abuse that are clients will be offered tests for sexually transmitted infections as medically appropriate.
 5. Treatment services will be provided to the client victim without financial cost and regardless of whether the client victim names the abuser or cooperates with any investigation arising out of the incident.
 6. Four Oaks will attempt to conduct a mental health evaluation of all known client-on-client abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

X. Data Collection and Review

A. §115.386 Sexual abuse incident reviews.

1. All incidents of sexual abuse will be reviewed within 30 days of the conclusion of the investigation by a review team consisting of management officials, supervisors, investigators, and medical or mental health practitioners.
2. The review team will consist of upper-level management officials, with input from line supervisors and investigators. The review team will:
 - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent detect, or respond to sexual abuse;
 - b. Consider whether the incident or allegation was motivated by race, ethnicity, gender identity lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics;
 - c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - d. Assess the adequacy of staff levels in that area during different shifts;

- e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - f. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (1) (a)-(1) (e) of this section, and any recommendations for improvement and submit such report to the CEO/President or designee and agency PREA coordinator.
3. Four Oaks will implement recommendations for improvement, or will document its reasons for not doing so.

B. §115.387 Data collection.

1. The agency will collect accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions.
2. The agency will aggregate the incident-based sexual abuse data annually and provide it to the US Department of Justice via the Survey of Sexual Violence.
3. The agency will maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

C. §115.388 Data review for corrective action.

1. Data will be reviewed by the PREA Coordinator to identify problem areas and take corrective action. Identified problem areas and the corrective action for each will be documented in an annual report. This report will include a comparison of the current year's data and corrective actions with those from prior years and will provide an assessment of the agency's progress in addressing sexual abuse.
2. The report will be approved by the Four Oaks President/CEO or designee and made readily available to the public through its website. Four Oaks may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of Four Oaks, but must indicate the nature of the material redacted.

D. §115.389 Data storage, publication, and destruction.

1. Four Oaks will ensure that data collected pursuant to this policy is securely retained.

2. Four Oaks will make all aggregate sexual abuse data from its facilities readily available to the public at least annually through its website. Before making aggregate sexual abuse data publicly available, Four Oaks will remove all personal identifiers.
3. The Four Oaks will maintain sexual abuse data collected pursuant to this policy for at least 10 years after the date of the initial collection.

XI. Audits, Auditing, and Corrective Action

A. §115.393 Audits of standards.

1. Four Oaks will conduct audits pursuant to Section XII of this policy.

XII. Auditing, and Corrective Action

A. §115.401 Frequency and scope of audits.

1. Four Oaks will be audited at least once every three years.
2. During alternate years, the PREA coordinator will conduct an internal audit, utilizing a US DOJ issued audit instrument, to ensure compliance with the PREA standards and will document his/her findings in a report.
3. Four Oaks will utilize a US DOJ certified PREA auditor to conduct the audit and will supply the auditor with access to the detention facility, relevant documents, staff, and, if possible, clients to assist in determining compliance.
4. Clients will be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.

B. §115.402 Auditor qualifications.

1. Four Oaks will require certification from the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the agency.
2. No audit may be conducted by an auditor who has received financial compensation from the Four Oaks being audited (except for compensation received for conducting prior PREA audits) within the three years prior to retention of the auditor.

3. The agency will not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the agency's retention of the auditor, with the exception of contracting for subsequent PREA audits.

C. §115.403 Audit contents and findings.

1. Each audit will include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the agency.
2. Audit reports will state whether Four Oaks policies and procedures comply with relevant PREA standards.
3. Four Oaks will ensure that the auditor's final report is published on the agency's website if it has one, or is otherwise made readily available to the public.

D. §115.404 Audit corrective action plan.

1. If compliance is not met, Four Oaks will jointly develop a corrective action plan with the auditor to achieve compliance.

Effective Date:

Signature:

Index As: PREA Compliance, Strip Searches, Lockup Facility, Detention Facility, Procedures for Inspection and Control (any others identified)

Distribution: All Personnel