

Policy:

The Southeastern Council on Alcoholism and Drug Dependence, Inc., has zero tolerance toward all forms of sexual abuse and sexual harassment, particularly in its residential facilities. All SCADD employees are responsible for helping keep SCADD's facilities free of sexual abuse and sexual harassment. All incidents of sexual abuse and sexual harassment will be reported and investigated thoroughly. Any SCADD employee who engages in the sexual abuse or sexual harassment of an individual in one of SCADD's facilities or who is found to be negligent in pursuing these responsibilities, will be subject to disciplinary action up to including termination and/or arrest and prosecution.

Any SCADD volunteer or intern who engages in the sexual abuse or sexual harassment of an individual in a SCADD program will be terminated.

Any contractor who engages in the sexual abuse or sexual harassment of an individual in a SCADD program may be subject to contract cancellation.

Purpose:

To abide by the Prison Rape Elimination Act of 2003, 425 U.S.C. § 15601, et seq., was signed into law to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.” The Act created the National Prison Rape Elimination Commission and charged it with developing “standards for the elimination of prison rape.” The Commission made recommendations for the elimination of sexual abuse and sexual harassment in confinement facilities, including lockups, juvenile detention facilities and community confinement facilities.

Third Parties: To ensure all persons including third parties can report sexual abuse and/or sexual harassment. Third parties may report directly to any staff person via phone 24 hours a day/ 7 days a week by calling the main number at 860-447 -1717, choose “9” and dial “241” for the See Something Say Something line. Or you may email through the “contact” link noted on the website. Emails will be responded to within seventy-two (72) business hours.

Procedure:

Definitions

Agency- means the Southeastern Council on Alcoholism and Drug Dependence, Inc.

Agency head- means the Executive Director of the Southeastern Council on Alcoholism and Drug Dependence, Inc.

Community confinement facility - means Lebanon Pines as it applies to CSSD residents.



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

CSSD- *the* Court Support Services Division of the Judicial Branch.

CSSD Client – An individual referred to the Lebanon Pines program in keeping with the CSSD contractual process.

Criminal Background Check - SCADD performs criminal background checks for all job classifications upon hire, transfer, and promotion. A criminal background check includes criminal convictions that have not been erased.

Direct staff supervision means that staff are in the same room with, and within reasonable hearing distance of, the resident.

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 to combat a threat to the security of the facility.

Facility means the Lebanon Pines campus.

Facility head means the Director of Lebanon Pines.

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

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

Judicial Branch PREA Coordinator - The individual appointed by the Chief Court Administrator responsible for overseeing the Judicial Branch's efforts to comply with the PREA standards.

Lebanon Pines Client (LP Client) – means any person identified as receiving services under the DMHAS provision of the collaborative contract between the Department of Mental Health and Addiction Services and the Southeastern Council on Alcoholism and Drug Dependence, Inc

Lebanon Pines CSSD Client (LP CSSD Client) - means any person identified as receiving services under the CSSD provision of the collaborative contract between the Department of Mental Health and Addiction Services and the Southeastern Council on Alcoholism and Drug Dependence, Inc.

Lebanon Pines PREA Coordinator – the individual appointed by the SCADD Executive Director to oversee the treatment and contractual requirements outlined with CSSD.

Medical practitioner means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

A mental health practitioner means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Pat-down search means a running of the hands over the clothed body of an inmate, detainee, or client by an employee to determine whether the individual possesses contraband. SCADD employees are prohibited from conducting any form of pat down searches.

Prison means an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

Reference Check - SCADD performs reference checks of candidates for all positions upon hire. The reference checks are not limited to personal or professional references, educational institutions, and prior employers.

Retaliation - Any covert or overt action or threat of action taken against an employee, contractor, volunteer, intern or LP or LP CSSD client in response to their complaint of sexual abuse or sexual harassment or cooperation in the reporting or investigation of sexual abuse or sexual harassment, regardless of the merits or the disposition of the complaint. Examples of acts of retaliation are unnecessary discipline, intimidation, unnecessary changes in work or program assignments, unjustified transfers or placements and unjustified denials of privileges or services.

Security staff means employees primarily responsible for the supervision of residents in housing units, recreational areas, dining areas, and other program areas of the facility.

Sexual abuse includes sexual abuse of an inmate, detainee, LP CSSD client or LP client by another inmate, detainee, LP CSSD client or LP client; and sexual abuse of an inmate, detainee, LP CSSD client or LP client by a staff member, contractor, volunteer, or visitor.

Sexual abuse of an inmate, detainee, LP CSSD client, or LP client by another inmate, detainee, or LP CSSD client or LP 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:

- (a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.

- (b) Contact between the mouth and the penis, vulva, or anus.
- (c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (d) 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 an inmate, detainee, LP CSSD client, or LP client by a staff member, contractor, visitor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, LP CSSD client or LP client:

- (e) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
- (f) Contact between the mouth and the penis, vulva, or anus.
- (g) 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.
- (h) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, which is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
- (i) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, which is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (j) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section.
- (k) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- (l) Voyeurism by a staff member, contractor, visitor, volunteer, or resident. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or client by staff for reasons unrelated to official duties, such as peering at a client who is using a toilet to perform bodily functions; requiring a client to expose his buttocks, genitals, or breasts; or taking images of all or part of a resident's naked body or of a client performing bodily functions.

Sexual harassment includes—

- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or client directed toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or client by a staff member, contractor, visitor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures. Individual in the Custody of the Judicial Branch - Any individual who by court order or arrest status is in the care and oversight of the Judicial Branch.
- (3) The display of sexually suggestive pictures or objects in a confinement facility.
- (4) Any other conduct of a sexual nature that would constitute a violation of SCADD's sexual harassment policy.

Definitions

Staff means employees of Lebanon Pines.

Strip search means a search that requires a person to remove or arrange some or all clothing to permit a visual inspection of the person's breasts, buttocks, or genitalia. Medical staff are permitted to provide a visual inspection of clients upon admission. Non-medical staff are prohibited from conducting strip searches. The admitting nurse will document the search in a progress note in the client's medical record.

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

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 the event occurred.

Visitor Any non-SCADD employee or volunteer who is temporarily on the Lebanon Pines campus for legitimate purposes.

Volunteer means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency, who has gone through the volunteer orientation process.

Prevention Planning

SCADD shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct.

SCADD shall designate a PREA coordinator to oversee agency efforts to comply with the PREA standards in all applicable facilities.

All employees, contractors, interns, and volunteers who may have contact LP CSSD clients must be notified of the Branch's zero-tolerance policy regarding sexual abuse and sexual harassment.

During the admission process, all LP CSSD clients are provided information about SCADD's zero-tolerance policy along with instructions for reporting a complaint. This information is delivered both verbally and in writing. Brochures are available for CSSD clients in both English and Spanish.

During the pre-admission period, potential clients are assessed to ensure the program meet the standards for § 115.216 and can safely treat individuals who have disabilities and/or who are

limited English proficient to ensure an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

If an individual who meets the criteria of disability and/or limited English proficient is admitted to the program, the program will ensure effective communication with residents who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency shall ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities, including residents who have intellectual disabilities, limited reading skills, or who are blind or have low vision.

SCADD will take reasonable steps including providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. SCADD will only rely on qualified interpreters except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the client safety, the performance of first-response duties under § 115.264, or the investigation of the resident's allegations.

Clients sign a receipt document regarding being informed of the PREA policy which is placed in the client chart. PREA information flyers are posted throughout the facility in both English and Spanish.

SCADD staffing plan provides for adequate levels of staffing to protect residents against sexual abuse. In calculating adequate staffing levels agencies shall take into consideration:

- (1) The adequacy of funding provided by the contracting agency
- (2) The physical layout
- (3) The composition of the client population.
- (4) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- (5) Any other relevant factors.

Whenever necessary, but no less frequently than once each year, per § 115.213 SCADD shall assess, determine, and document the Annual Assessment Plan Staffing/Video Surveillance, including whether adjustments are needed to mitigate areas of potential risk.

Clients referred to Lebanon Pines will be screened for history of sexual abusiveness. Clients convicted of sexual abuse crimes will only be admitted with the approval of the Lebanon Pines Director who will determine that they are not a risk to our population or to the community.

Upon admission, all Lebanon Pines clients will receive a thorough Psycho-social assessment. Screening for risk for victimization and abusiveness for CSSD client receive a Risk Screening within 72 hours of their arrival and will be re-administered within 30 days after admission to ensure compliance with

§ 115.241. If the client scores positive for risk of victimization or perpetration, the CSSD Coordinator in consultation with the Director of Lebanon Pines will determine if any adjustments need to be made, including housing placement, to ensure client safety. If no changes are determined to be necessary, the justification for no action must be documented on the form. Throughout the

client's treatment episode, should further information become available indicating that the client poses a risk of sexual abusiveness, the treatment team will recommend a more appropriate treatment placement. A client's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the client's risk of sexual victimization or abusiveness.

Hiring and Promotion

SCADD will not knowingly hire, appoint, or promote anyone who may have contact with LP CSSD clients or LP clients, who has engaged in, or has attempted to engage in, sexual abuse.

SCADD will consider any known prior reported incidents of sexual harassment in determining whether to hire, appoint, or promote anyone who may have contact with LP CSSD clients or LP clients.

Criminal Background Check and hiring and promotion decisions.

SCADD will not hire or promote anyone who may have contact with residents and shall not enlist the services of any contractor who may have contact with residents, per § 115.217 who

- engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. § 1997).
- convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
- been civilly or administratively adjudicated to have engaged in the activity.

SCADD may consider any incidents of sexual harassment in determining whether to hire, or promote anyone, or to enlist the services of any contractor, who may have contact with residents.

Before hiring new employees, who may have contact with residents, the agency shall:

- (1) Perform a criminal background records check; and
- (2) Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

SCADD shall also perform a criminal background record check before enlisting the services of any contractor who may have contact with residents or request the contracted agency to submit a criminal background check to SCADD's Human Resource Department. SCADD can also accept the completing the background check form letter advising SCADD of the individual's name, demographics, has been cleared statement and date of clearance.

SCADD will conduct criminal background records checks at least every five years of current employees and contractors who may have contact with residents or receive such by contractual agreement.

SCADD applicants and employees who may have contact with residents directly will be asked about previous misconduct described in paragraph of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination. Unless prohibited by law, the agency shall 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.

Once the field of candidates has been narrowed through the interview process, the Human Resource Department will be responsible for conducting a criminal background check on any candidate for any position.

The criminal background check will consist of the following:

- 1) A signed Reference/Criminal Record Check Authorization and Release of Information
- 2) A review of the individual's criminal record obtained from criminal justice agencies and/or criminal/motor vehicle databases.

The results of the criminal background check will be reviewed by the Human Resource Dept. In the event a candidate is disqualified for hire because of the results of the criminal background check, the results will be forwarded to the Executive Director for review.

SCADD will utilize a system to capture new criminal record information on current employees who may have contact with LP CSSD clients or LP clients. SCADD performs criminal background checks for all job classifications upon hire, transfer, and promotion. SCADD will conduct a new criminal history check for all Lebanon Pines staff and volunteers every five years.

Reference Check - Once the field of candidates has been narrowed through the interview process, Human Resource Department will be responsible for conducting a reference check on all candidates for all positions. If the candidate has previously been employed with a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997), the previous employer will be contacted to determine if the candidate engaged in sexual abuse or resigned during a pending investigation of sexual abuse.

The reference check will utilize the signed Reference/Criminal Record Check Authorization and Release of Information and consist of the following:

- 1) Assessing the accuracy of information provided on the application/resume.
- 2) Personal or professional character references, when provided.
- 3) Educational institutions.

- 4) Motor vehicle departments, if applicable.
- 5) Prior employers.
- 6) Urine drug screen results
- 7) Licensure/certification validation with review of any licensure sanctions or restrictions
- 8) Medical clearances
- 9) Other relevant sources.

Contracts and Contractors

SCADD will not enlist the services of any individual contractor who may have contact with LP CSSD clients or LP clients who have engaged in, or has attempted to engage in, sexual abuse.

SCADD will consider any incidents of sexual harassment in determining whether to enlist the services of any individual contractor who may have contact with LP CSSD clients or LP clients.

Contractors will be required to provide evidence that they perform criminal history checks for all staff who will have contact with Lebanon Pines clients and that crimes related to sexual abuse would exclude the person from providing any services to SCADD.

Employee Responsibility to Report

Employees who may have contact with LP CSSD clients or LP clients must report to their immediate supervisor immediately (not more than 3 hours after) if they have engaged in or attempted to engage in sexual assault or have observed an engagement or attempt to engage in sexual assault. Omitting or providing false information regarding sexual abuse and sexual harassment will be grounds for termination.

Training

SCADD will provide PREA training upon hire and annually train all employees who may have contact with Lebanon Pines CSSD clients to be able to fulfill their responsibilities under this policy. In addition to § 115.235 Specialized Training will be mandatory of all Medical and Mental Health Care (professionally Licensed Clinical staff) and 115.235 Specialized Training for specific individuals who are deemed “both Medical and Mental Health Care Professionals who are by credential or appointment must complete the training provided by the National Institute of Corrections training and must pass competency test.

SCADD will identify specific person(s) to conduct sexual abuse investigations, its investigators will have received training in conducting such investigations in confinement settings.

Specialized training shall include techniques for:

- interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. Investigators will not

collect any evidence in a criminal case of sexual abuse, nor conduct Miranda & Garrity warnings, nor conduct prosecution referrals, the training is to provide general knowledge of investigators role.

Specialized Medical and Mental Health Care training will include how to detect and assess signs of sexual abuse and sexual harassment; preserve physical evidence of sexual abuse; effectively and professionally response to victims; reporting allegations or suspicions.

Medial staff persons will not conduct forensic examinations, victims shall receive the appropriate by local hospital. Any emergent care to sustain life, securing of the victim and/or observations by the staff persons including Medical Staff shall be documented in the client medical record.

Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.231 or for contractors and volunteers under § 115.232, depending upon the practitioner's status at the agency.

Medical and Mental Health Care who constantly work in the facility must completed and acknowledge they understood the training and records of the training must be sent to the Human Resource Department.

Investigator must have completed the required specialized training in conducting sexual abuse investigations and records of such training must be sent to Human Resource Department.

Reporting Incidents and Complaints

SCADD will take all reports of sexual abuse and sexual harassment seriously, regardless of who made the report or the way the report was made.

SCADD will not impose a time limit on when a client may submit a grievance regarding an allegation of sexual abuse per § 115.252. Any client, SCADD employee and or any contractor/vendor who expresses a client is subject to a substantial risk of imminent sexual abuse will ensure emergency grievance will be immediately communicated to PREA Coordinator and/or his/her designee. If there is concern that the client is at risk of imminent sexual abuse, the client will immediately be brought to a safe place with staff present, and supervisory staff will determine a plan to establish the client's safety during the investigation.

The agency may discipline a client for filing a grievance related to alleged sexual abuse under §115.278 only where the agency demonstrates that the client filed the grievance in bad faith. For disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. (g) An agency may, in its discretion, prohibit all sexual activity between residents and may discipline residents for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

Reports of sexual abuse, sexual harassment, or retaliation may come from a variety of sources including, but not limited to employees, individuals in treatment, family members of individuals in treatment, other agencies and facilities, and members of the public. These reports can be made verbally and/or in writing and/or anonymously. Anyone who wishes to make a report to a public or private office that is not part of the agency may make their report directly to the State of Connecticut Department of Mental Health and Addiction Services Client Rights Division.

All SCADD employees, regardless of title, are under a duty to report any knowledge, suspicion, or information regarding incidents and complaints of sexual abuse, sexual harassment. All SCADD employees are also under a duty to report any act of retaliation against any individual for reporting an incident of sexual abuse or sexual harassment or for participating in an investigation of an allegation of sexual abuse or sexual harassment. All SCADD employees, regardless of title, are also under a duty to report any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Staff should not reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

The PREA Incident Report form, and the PREA Incident Investigation form were developed to facilitate the proper reporting and investigation of all incidents of sexual abuse and/or sexual harassment involving LP CSSD clients. All verbal, written and anonymous reports will be documented on the PREA Incident Report form.

All incidents or complaints of alleged sexual abuse, sexual harassment, or retaliation involving LP CSSD clients or LP clients will be immediately reported to the highest-level supervisor on duty. The Supervisor will contact the Lebanon Pines PREA Coordinator for any incidents involving as LP CSSD client. The Lebanon Pines PREA Coordinator will contact the Program Director and initiate an investigation into the complaint or reported incident in accordance with all appropriate policies and procedures.

If an employee learns that a CSSD client was sexually abused while confined at another facility, the employee must contact their PREA Coordinator as soon as practical but no later than 48 hours from the time of the report. The PREA coordinator must notify the head of the facility where the alleged sexual abuse occurred as soon as practical, but no later than 72 hours from the time of the report and contact the Judicial Branch PREA Coordinator. The allegation and report to the facility where the alleged sexual abuse occurred will be documented on the PREA Incident Report Form.

All incidents or complaints of alleged sexual abuse, sexual harassment, or retaliation by a SCADD employee will be reported in accordance with the procedures outlined in in this policy and in keeping with SCADD” s sexual harassment policy.

LP CSSD clients or LP clients who wish to file a complaint or report an incident of sexual abuse, sexual harassment, or retaliation may do so to any Lebanon Pines employee.

The reporting of incidents and complaints of sexual abuse and sexual harassment do not have to be reported pursuant to an established chain of command. Any employee who believes that an incident

involving sexual abuse, sexual harassment, or retaliation has occurred, or who received a complaint about such activity shall immediately contact any of the following: the SCADD PREA Coordinator, the Program Director, The Deputy Director, the Executive Director, the nursing staff, counseling staff, security staff or any other program staff. Employees must notify the appropriate personnel.

If there is concern that the client is at risk of imminent sexual abuse, the client will immediately be brought to a safe place with staff present, and supervisory staff will determine a plan to establish the client's safety during the investigation.

SCADD First Responder Duties

In the event of an allegation of recent sexual abuse, security, and nursing staff (if available) should be notified immediately. The first security staff to respond should ensure the alleged victim and perpetrator have been separated. Simultaneously, another staff member shall call Emergency Medical Services and the State Police who shall oversee the crime scene and investigation. Once client safety is established, security staff will restrict access to the scene. Medical staff will address any urgent needs of the alleged victim while requesting efforts to preserve the physical evidence if the alleged abuse was recent. This includes not: washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. Security staff will attempt to ensure the alleged abuser does not do the above actions that may destroy evidence as well. Any staff present before security arrives should attempt to preserve the evidence until the authorities arrive.

Criminal and Administrative Agency Investigations

When SCADD conducts its own administrative investigations into allegations of sexual abuse and sexual harassment, it shall follow. § 115.271 and do so promptly, thoroughly, and objectively for allegations, including third-party and anonymous reports. SCADD imposes a standard of a preponderance of evidence or a lower standard of proof when determining whether allegations of sexual abuse or sexual harassment can be substantiated according to § 115.272.

Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations pursuant to § 115.234.

Lebanon Pines PREA Coordinator shall initiate an administrative investigation into all complaints or incidents of sexual abuse, sexual harassment, or retaliation involving LP CSSD clients in accordance with SCADD policies and procedures. The administrative investigation will include whether the alleged incident of sexual abuse, sexual harassment, or retaliation was the result of employee misconduct or negligence. Administrative Investigations shall be conducted by an appointed staff person(s) who has completed Specialized Training in Investigations.

- include an effort to determine whether staff actions or failures to act contributed to the abuse; and
- 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.

ALL STAFF are to ensure the area of the alleged sexual abuse incident is secure for Law Enforcement.

Law enforcement shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.

When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff. No agency shall require a client who alleges sexual abuse to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an allegation.

Criminal Investigations - The Connecticut State Police shall serve as the investigating authority for allegations of sexual abuse that occur within Lebanon Pines. Allegations of sexual abuse that occur at Lebanon Pines either between LP CSSD clients or between LP CSSD and LP clients or by a SCADD employee must be reported to the Connecticut State Police. The Lebanon Pines Program Director, the Executive Director of SCADD, the Judicial Branch and the Lebanon Pines PREA Coordinator should all be notified of the incident report. Notification of the Connecticut State Police shall be done by the Director or his/her designee immediately following the above notifications. Sexual abuse investigations by the Connecticut State Police may occur concurrently with an administrative investigation by SCADD personnel. SCADD will assist the Connecticut State Police as needed.

Criminal investigations shall be documented by law enforcement in a written report containing a thorough description of:

- physical, testimonial, and documentary evidence and attach copies of all documentary evidence where feasible.

Substantiated allegations of conduct that appears to be criminal shall be referred for Prosecution:

- all written reports referenced in regulation shall be retained for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.
- the departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.
- any State entity or Department of Justice component that conducts such investigations shall do so pursuant to PREA requirements.
- when outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

Investigation Reports/Findings

The reports and/or findings of all investigations, whether substantiated or not, must be submitted to the Judicial Branch PREA Coordinator upon completion.

Findings Regarding Agency Staff, Volunteers or Contractors

Should the administrative investigation conclude there was employee sexual abuse, sexual harassment, or staff misconduct or neglect which contributed to the incident, the findings will be referred to the staff member's supervisor and Human Resources for disciplinary action up to and including employment termination. SCADD maintains a zero-tolerance policy regarding sexual abuse. The disciplinary actions should consider the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies (unless the activity was clearly not criminal) and to any relevant licensing bodies.

Should the administrative investigation determine that there was sexual abuse or sexual harassment perpetrated by a contractor or volunteer, the agency will terminate the relationship with the individual and notify the contracting agency, if applicable. If the sexual abuse was determined to be criminal and the incident was not already referred to the CT State Police, they will be notified as well as any relevant licensing bodies.

The agency shall inform the client as to whether the allegation was determined to be substantiated, unsubstantiated or unfounded. For allegations referred to the State Police, the PREA Coordinator will obtain the final police report determining their findings. Following a resident's allegation of being sexually abused by a staff member, the agency shall inform the client in writing (except when the allegations were determined to be unfounded) while still a SCADD client whenever:

- The staff member is no longer employed at Lebanon Pines.
- The staff member is no longer employed at SCADD.
- The agency learns the staff member has been indicted on a charge related to sexual abuse at Lebanon Pines.
- The agency learns the staff member has been convicted on a charge related to sexual abuse at Lebanon Pines.

Findings Regarding Other Residents

Should the findings of the Administrative or Criminal investigation find a client perpetrated sexual abuse of another resident, if the perpetrator is still a client at the time of the investigation's findings, they will be discharged from Lebanon Pines with a referral to a more appropriate provider. If the perpetrator is a CSSD client, they will be referred to court within one business day by the CSSD Coordinator. SCADD maintains a zero-tolerance policy regarding sexual abuse. The client's mental disabilities and behavioral health issues will be considered when making the referral.

When the allegation involved sexual abuse by another client and the alleged victim remains a client at Lebanon Pines, the agency shall inform the alleged victim in writing whenever the agency learns the alleged abuser has been indicted or convicted of charges related to sexual abuse at Lebanon Pines. All notifications shall be documented on the PREA Incident Investigation Form.

Reporting to Clients

Following § 115.273 for an investigation into allegation of sexual abuse SCADD shall inform the client as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. If SCADD did not conduct the investigation, it shall request the relevant information from the investigative agency to inform the resident. Following a client's allegation that a staff member has committed sexual abuse against the resident, SCADD shall subsequently inform the client promptly.

Following a resident's allegation that he or she has been sexually abused by another resident, the agency shall subsequently inform the alleged victim whenever SCADD learns the alleged abuser has been:

- indicted on a charge related to sexual abuse within the facility.
- convicted on a charge related to sexual abuse within the facility.

All such notifications or attempted notifications shall be documented.

If the client is released from the agency's custody the SCADD's obligation to report under this standard is terminated.

Records of PREA investigations will be maintained for the duration of the abuser's incarceration or employment plus five years.

Sexual Abuse Review Process

Following every investigation in which there is a substantiated or unsubstantiated finding that sexual abuse occurred the Executive Leadership of SCADD will initiate a review team per § 115.286.

The review team shall:

- review the incident within 30 days of the conclusion of the investigation.
- consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse.
- consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- assess the adequacy of staffing levels/area including different shifts.

- assess whether monitoring technology should be used or enhanced to supplement supervision by staff; and

Upon the conclusion of the review, the review team shall prepare a report of its findings, including the determinations made, and any recommendations for improvement, and submit such report to the CEO or directly to the Board of Directors and PREA compliance manager.

At the conclusion of the report recommendations review the actions for improvement or document its reasons for not doing so will be included in the final report.

Data will be compiled annually into a report to assess the agency's prevention, detection and response policies, practices, and training. The report should include identifying problem areas, taking corrective actions, and comparing current data to the prior year's data to determine progress in preventing sexual harassment and abuse. The report should be approved by the Executive Director. The report will maintain confidentiality in accordance with all state and federal regulations. Data will be maintained for 10 years.

Disciplinary Actions/Sanctions for Staff

Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies under the directions of § 115.276. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

Corrective action for contractors and volunteers

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies per § 115.277. SCADD shall take appropriate remedial measures and shall consider whether to prohibit further contact with client, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

Retaliation

Any employee, contractor, intern, volunteer, or individual under the supervision of CSSD who reports an incident of sexual abuse or sexual harassment or cooperates in a sexual abuse or sexual harassment investigation must not be retaliated against. Any complaint of retaliation by an employee, contractor, intern, volunteer, or individual under the supervision of CSSD will be reported

and investigated in accordance with the procedures and instruction provided in this policy. Any individual who is found to have been in violation of this policy per § 115.267 will be subject to appropriate disciplinary action or referred to the State Police for criminal investigation.

SCADD will enact multiple protection measures, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or client abusers from contact with victims, and emotional support services for client or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

SCADD PREA Coordinator and or the assigned designee is responsible for periodically monitoring for at least 90 days following a report of sexual abuse. SCADD shall monitor the conduct and treatment of client or staff who reported the sexual abuse and of client who were reported to have suffered sexual abuse to see if there are changes that may suggest retaliation by client or staff and shall act promptly to remedy any such retaliation.

Items the agency should monitor include any resident disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

The Clients Rights Officer or her or his designee is available for the client to report any retaliation. Clients and staff persons can report through the See Something Say Something Hotline.

If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall act appropriately to protect that individual against retaliation.

An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

This policy prohibits disciplining residents for refusing to answer (or for not disclosing complete information related to) the questions regarding:

- Whether or not the client has a mental, physical, or developmental disability.
- Whether or not the client is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming.
- Whether or not the client has previously experienced sexual victimization; and
- The resident's own perception of vulnerability. While discipline for refusing to answer or failure to disclose will not result in disciplinary action such as loss of privileges, it may disqualify a client from eligibility in this treatment setting.

Data Collection

In accordance with § 115.287 SCADD PREA Coordinator shall collect accurate uniform data for every allegation of sexual abuse. Written incident reports from all available sources including but not limited to reports, investigation files are reviewed analyzed, and documented at least annually. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the



Department of Justice. Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

SCADD shall review data collected and aggregated pursuant to § 115.287 and § 115.288 to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. SCADD PREA Coordinator will identify problem areas, take actionable steps to mitigate risk and prepare the annual report of its findings and corrective actions. The previous year's annual report shall remain posted for comparison of the current year's data.

The SCADD annual PREA report shall be approved by the agency head and made readily available to the public on the SCADD website.

Data storage, publication, and destruction. SCADD shall ensure that data collected pursuant to §115.287 and § 115.289 are securely retained. SCADD shall maintain sexual abuse data collected pursuant to for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

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