

Lakes Area Teaching Family Homes
Prison Rape Elimination Act Policy
(PREA)

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SECTION 115.311-115.318 PREVENTION PLANNING

PREA Standard 115.311- Zero Tolerance of Sexual Abuse and Sexual Harassment

POLICY

Lakes Area Teaching Family Homes has a zero tolerance policy against all forms of sexual abuse and sexual harassment. Lakes Area Teaching Family Homes prohibits all sexual activity between or with any resident(s) under our care and supervision. No staff may work at LATFH before completing PREA training.

PROCEDURES AND DEFINITIONS

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

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) 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;
- (4) 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;
- (5) 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;
- (6) 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;
- (7) 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
- (8) Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of a resident for reasons unrelated to official duties, such as peering at a resident who is using a toilet to perform bodily functions; requiring a resident to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a resident's naked body or of a resident performing bodily functions.

(9) Any act of photographing, videotaping, filming, digitally recording or otherwise viewing, with or without a device, a resident with the intent to arouse or gratify sexual desire.

Staff that has been found to have participated in any of the above behaviors will be terminated from employment and the matter will be reported to law enforcement and social services agencies. Volunteers and contractors found to have participated in activity in this policy will be reported to law enforcement and social services agencies. Volunteers and contractors will also be prohibited from any further contact with any resident and be denied access to any program.

Sexual abuse of a resident by another resident is defined as:

1. Any completed, threatened, or requested touching of the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks with the intent to arouse or gratify sexual desire.
2. Any act of exposing the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks.
3. Any act of intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person.

Residents that have been found to have participated in any of the above behaviors will be reported to social services program and law enforcement for formal investigation.

An immediate response to any resident who is under investigation for any alleged sexual abuse will be subject to the following:

1. Immediately remove the alleged perpetrator away from victim (both sight and sound)
2. Determine if the perpetrator is a risk to others; if yes, they must be isolated from all residents immediately.
3. Preserve and protect the scene until appropriate steps can be taken to collect any evidence.
4. An incident report should be completed.
5. All sexually abusive behavior allegations, investigations, etc., including information and documents pertinent to the allegation, will be handled with sensitivity and the appropriate level of confidentiality.
6. Information will normally only be revealed on a “need to know” basis or in defense of disciplinary and/or legal action.
7. Breaches of confidentiality may result in administrative, disciplinary, civil and/or criminal action.

Sexual harassment of a resident by a staff member, contractor, volunteer or other resident is defined as:

1. Any sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive nature by one resident directed towards another resident; and

2. Any verbal comments or gestures of a sexual nature to a resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Staff sanctions for participating in sexual harassment can include disciplinary action up to and including termination. Sanctions for volunteers and contractors include prohibition from any further contact with any resident and denial of access to any program.

PREA Standard 115.311- PREA Coordinator

POLICY

The agency will assign and train an upper level, staff member to assume the duties of PREA Coordinator. The responsibilities of this assignment include (but are not limited to) assisting in the development, implementation and oversight of the PREA standards within the agency. The PREA Coordinator will be afforded the sufficient time and authority to develop, implement and oversee the organization's efforts to comply with PREA standards.

PROCEDURE

In addition to above responsibilities, the PREA Coordinator will develop and oversee the implementation of training to all staff on PREA standards (*PREA Standards 115.331, 115.332, 115.334 & 115.335*).

The PREA Coordinator will ensure that PREA Site Compliance Managers, along with LATFH Directors, will conduct an annual assessment to determine if staffing patterns, video monitoring systems, other technologies and resources are adequate to ensure the protection of residents against sexual abuse.

In secure programs staffing patterns must take into account the resident population, the composition of the resident population and applicable Federal, State and local laws.

LATFH will maintain a staffing plan that provides for adequate levels of staffing to ensure for the protection of each resident against sexual abuse. When with a resident, staff is to remain in an area that can be observed by another staff member directly or through video monitoring system. In situations where additional staffing is needed, LATFH Director/ Manager will be notified and additional staff will be made available (*PREA Standard 115.313*).

When LATFH is calculating the appropriate staffing ratios and need for video monitoring, the following items must be considered (*PREA Standard 115.313*):

- a. Generally accepted juvenile detention and correctional/secure residential practices
- b. Any judicial findings of inadequacy
- c. Any findings of inadequacy from federal investigative bodies
- d. Any findings of inadequacy from internal or external oversight bodies (ie- CQI processes, QA audits).
- e. All components of LATFH's physical plant (including "blind spots" or areas where staff or residents may be isolated)

- f. The composition of the resident population (ie- gender ratios, risk/need of residents, physical size, Sexual Aggressive Behavior (SAB), Vulnerability to Victimization (VV))
- g. The number and placement of supervisory staff
- h. 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

PREA Standard 115.312 Contracting With Other Entities

Not applicable to Lakes Area Teaching Family Homes

PREA Standard 115.313- Supervision and Monitoring

POLICY

Lakes Area Teaching Family Homes will conduct unannounced rounds on all shifts, including overnight shifts, to ensure adequate supervision, and to identify and deter staff from sexual misconduct and sexual abuse. All staff are prohibited from alerting other staff members that these rounds are being conducted. Lakes Area Teaching Family Homes will maintain a staffing plan that provides for adequate levels of staffing to ensure for the protection of each resident against sexual abuse.

PROCEDURE

- (a) Unannounced rounds will be conducted by a Shift Supervisor (or designee) at least once per shift.
- (b) Site Vulnerability Assessments using the “Unannounced Rounds Log- Form 5830” will be conducted by a Shift Supervisor (or designee) at least once per quarter.
- (c) All rounds shall be random and unannounced.
- (d) Documentation of these rounds will be maintained in a log in the Shift Supervisor or designee’s office.

POLICY

The PREA Site Compliance Manager, along with LATFH Directors, will conduct an annual assessment to determine if staffing patterns, video monitoring systems, other technologies and resources are adequate to ensure the protection of residents against sexual abuse.

In secure programs staffing patterns must take into account the resident population, the composition of the resident population and applicable Federal, State and local laws. By October 1, 2017 every secure LATFH program must maintain a staffing ratio of 1:8 during resident waking hours and 1:16 during resident sleeping hours.

PROCEDURE

Lakes Area Teaching Family Homes programs will maintain a staffing plan that provides for adequate levels of staffing to ensure for the protection of each resident against sexual abuse. When with a resident, staff is to remain in an area that can be observed by another staff member directly or through video monitoring system. In situations where additional staffing is needed, LATFH Director/ Manager will be notified and additional staff will be made available.

When LATFH is calculating the appropriate staffing ratios and need for video monitoring, the following items must be considered:

- a. Generally accepted juvenile detention and correctional/secure residential practices

- b. Any judicial findings of inadequacy
- c. Any findings of inadequacy from federal investigative bodies
- d. Any findings of inadequacy from internal or external oversight bodies (ie- Continuous Quality Improvement (CQI) processes, Quality Assurance (QA) audits).
- e. All components of LATFH's physical plant (including "blind spots" or areas where staff or residents may be isolated)
- f. The composition of the resident population (ie- gender ratios, risk/need of residents, physical size, Sexual Aggressive Behavior (SAB), Vulnerability to Victimization (VV))
- g. The number and placement of supervisory staff
- h. 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

PREA Standard 115.315- Limits to Cross-Gender Viewing and Searches

POLICY

Lakes Area Teaching Family Homes prohibits cross-gender strip and visual body cavity searches, except in exigent circumstances. If required, the cross-gender strip or visual body cavity search will be conducted by a qualified medical practitioner and a same gender witness in the room.

Lakes Area Teaching Family Homes prohibits cross-gender pat down searches.

Lakes Area Teaching Family Homes prohibits staff of the opposite sex to view residents showering, changing clothes or performing bodily functions except when such view is incidental during routine cell (bed) checks.

Lakes Area Teaching Family Homes program shall not search or physically examine a transgender or intersex residents for the sole purpose of determining the resident's genital status.

PROCEDURE

If required in exigent circumstances, when a cross-gender strip or visual body cavity search is conducted, it will be done by a staff member, with a same gender witness. It will be conducted in a private setting and documented in the resident's medical file.

Residents shall notify staff verbally prior to changing their clothes, showering or using the restroom. When staff are entering opposite sex housing units, they will announce their presence.

If a resident's genital status is unknown, it may be determined during conversations with the residents, 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.

PREA Standard 115.316- Residents with disabilities and residents who are limited English proficient

POLICY

LATFH shall take appropriate steps to ensure that residents with disabilities (including, for example, residents who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of LATFH's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

PROCEDURE

- (a) When necessary to ensure effective communication with residents who are deaf or hard of hearing, LATFH will provide access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, LATFH 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.

Note: A program is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.

- (b) LATFH shall take reasonable steps to ensure meaningful access to all aspects of LATFH's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to residents who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
- (c) LATFH shall not rely on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under § 115.364, or the investigation of the resident's allegations.

PREA Standard 115.317- Hiring requirements and promotion decisions

POLICY

Lakes Area Teaching Family Homes will require every candidate for employment, as well as contractors, within LATFH to undergo and pass background checks, to include state and federal, prior to hiring. Every staff is required to undergo an additional background check every five years, or more frequently per state, licensing or contractual requirements.

Every volunteer will have background checks conducted prior to volunteering in LATFH. The background checks will be conducted in accordance with state, licensing or contractual requirements.

A volunteer is never to be left alone with a resident without at least sight observation by staff.

LATFH shall 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, who:

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

PROCEDURE

(a) LATFH shall 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.

(b) Before hiring new staff who may have contact with residents, LATFH shall:

- (1) Perform a criminal background records check;
- (2) Consult any child abuse registry maintained by the State or locality in which the staff would work; and
- (3) 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.

(c) LATFH shall also perform a criminal background records check, and consult applicable child abuse registries, before enlisting the services of any contractor who may have contact with residents.

(d) LATFH shall either conduct criminal background records checks of current staff and contractors may have contact with residents or have in place a system for otherwise capturing such information for current staff. Criminal background checks will occur at least every five years, or more often as required by licensing, regulatory or contractual requirements.

(e) LATFH shall also ask all applicants and staff who may have contact with residents directly about previous misconduct described in paragraph (a) 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 staff. LATFH shall also impose upon staff a continuing affirmative duty to disclose any such misconduct.

(f) Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

(g) Unless prohibited by law, LATFH shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former staff upon receiving a request from an institutional employer for whom such staff has applied to work.

PREA Standard 115.318- Upgrades to facilities and technologies

POLICY

LATFH will consider the effect of the design, acquisition, expansion, or modification of facilities upon LATFH's ability to protect residents from sexual abuse.

PROCEDURE

When designing or acquiring any new program and in planning any substantial expansion or modification of existing facilities the Division of Juvenile Justice Director and Director of LATFH will consider and document the effect of the design, acquisition, expansion or modification upon the organization's ability to protect residents from sexual abuse.

When installing or updating a video monitoring system, the electronic surveillance system or other monitoring technology, the Division of Juvenile Justice Director, Director of LATFH, Program Director/Manager and IT Director will consider how such technology may enhance the organization's ability to protect residents from sexual abuse.

SECTION 115.321-115.322 RESPONSIVE PLANNING

PREA Standard 115.321- Evidence protocol and forensic medical examinations

POLICY

The PREA Compliance Manager will establish a written Memorandum Of Understanding (MOU) with a medical facility that has Sexual Assault Forensic Examiners (SAFE) or Sexual Assault Nurse Examiners (SANE) personnel and with a Rape Crisis Center. LATFH programs will refer victims of sexual abuse to an agency that follows evidence protocols for forensic medical examinations.

PROCEDURE

- (a) To the extent LATFH is responsible for investigating allegations of sexual abuse, LATFH shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- (b) The protocol to be used is the “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents.”
- (c) LATFH shall offer all residents who experience sexual abuse access to forensic medical examinations whether on-site or at an outside program, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners informed on the protocols listed above. LATFH shall document its efforts to provide SAFEs or SANEs medical practitioners and place in the resident’s medical file.
- (d) LATFH shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, LATFH shall make available to provide these services a qualified staff member from a community-based organization or a qualified program staff member. LATFH shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. LATFH may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement program) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.
- (e) As requested by the victim, the victim advocate, qualified program staff member, or qualified community-based organization staff member shall accompany and support the victim

through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

(f) To the extent LATFH itself is not responsible for investigating allegations of sexual abuse, LATFH shall request that the investigating program follow the requirements of paragraphs

(a) through (e) of this section.

(g) The requirements of paragraphs (a) through (f) of this section shall also apply to:

(1) Any State entity outside of LATFH that is responsible for investigating allegations of sexual abuse in juvenile facilities; and

(2) Any Department of Justice component that is responsible for investigating allegations of sexual abuse in juvenile facilities.

(h) For the purposes of this standard, a qualified program staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

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

PREA Standard 115.322- Policies to ensure referrals of allegations for investigations

POLICY

LATFH shall ensure that an administrative investigation is completed for all allegations of sexual abuse and sexual harassment.

PROCEDURE

- (a) Allegations of sexual abuse or sexual harassment will be referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior.
- (b) The organization shall publish such policy on its website.
- (c) All referrals shall be documented.
- (d) If a criminal investigation is conducted, LATFH will provide the following:
 - 1. Incident/ Information Reports
 - 2. Access to program and location of the incident
 - 3. Access to residents and / or staff involved
 - 4. Access to all records deemed necessary to complete the investigation

SECTION 115.331-115.335 TRAINING AND EDUCATION

PREA Standard 115.331- Employee training

POLICY

Lakes Area Teaching Family Homes programs will provide the following appropriate training to all staff at pre-service and then every six months from the last site training.

PROCEDURE

(a) The PREA Compliance Manager, Site Trainer, or Human Resources Manager shall train all staff (full time, part time and contracted mental health care practitioners):

1. Its zero-tolerance policy for sexual abuse and sexual harassment;
2. How to fulfill their responsibilities under program sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
3. Residents' right to be free from sexual abuse and sexual harassment;
4. The right of residents and staff to be free from retaliation for reporting sexual abuse and sexual harassment;
5. The dynamics of sexual abuse and sexual harassment in juvenile facilities;
6. The common reactions of juvenile victims of sexual abuse and sexual harassment;
7. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents;
8. How to avoid inappropriate relationships with residents;
9. How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents; and
10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;

11. Relevant laws regarding the applicable age of consent.
12. There is no age of consent for juveniles in confinement.

(b) Such training shall be tailored to the unique needs and attributes of residents in LATFH's and to the gender of the residents in LATFH's. The staff shall receive additional training if the staff is reassigned from a program that houses only male residents to a program that houses only female residents, or vice versa.

(c) LATFH shall provide each staff with refresher training every six months to ensure that all staff know LATFH's current sexual abuse and sexual harassment policies and procedures.

(d) LATFH shall document, through attendance sheet which must include staff signature or electronic verification that staff understand the training they have received. Documentation will be kept in employee files.

(e) The training will be added to LATFH's annual training calendar.

PREA Standard 115.332- Volunteer and contractor training

POLICY

All volunteers and contractors who have contact with residents will be trained on their responsibilities under LATFH's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

PROCEDURE

- (a) The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with residents, but all volunteers and contractors who have contact with residents shall be notified of LATFH's zero- tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
- (b) LATFH shall maintain documentation confirming that volunteers and contractors understand the training they have received.

PREA Standard 115.333- Resident education

POLICY

Residents shall receive information explaining LATFH's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

PROCEDURE

- (a) During the intake process, residents shall receive LATFH PREA Orientation, explaining LATFH's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
- (b) During the intake process, residents shall receive and sign LATFH PREA "Resident Acknowledgment of Zero Tolerance". The signed acknowledgment form will be maintained in the Case Management file.
- (c) Within 10 days of intake during the Orientation Program, LATFH shall provide comprehensive age-appropriate education to residents regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding program policies and procedures for responding to such incidents.
- (d) Residents shall receive education upon transfer to a different program to the extent that the policies and procedures of the resident's new program differ from those of the previous program.
- (e) LATFH shall provide resident education in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to residents who have limited reading skills.
- (f) LATFH shall maintain documentation of resident participation in these education sessions in the resident file.
- (g) In addition to providing such education, LATFH shall ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats.

PREA Standard 115.334 Specialized Training: Investigations

POLICY

Any Lakes Area Teaching Family Homes administrative investigations shall be conducted by personnel who in addition to the general training provided to all employees pursuant to *PREA Standard 115.331*, have received training in conducting such investigations in confinement settings.

PROCEDURE

(a) In addition to the general training provided to all employees pursuant to *PREA Standard 115.331*, Lakes Area Teaching Family Homes shall ensure that, to the extent the agency itself conducts sexual abuse administrative investigations, its investigators have received training in conducting such investigations in confinement settings.

(b) Specialized training shall include techniques for interviewing juvenile sexual abuse victims, proper use of Garrity warnings, sexual abuse evidence preservation, and the criteria and evidence required to substantiate a case for administrative action or law enforcement referral.

(c) Lakes Area Teaching Family Homes Human Resources and/or Site Trainer shall maintain documentation that Lakes Area Teaching Family Homes investigators have completed the required specialized training in conducting sexual abuse administrative investigations.

PREA Standard 115.335 Specialized Training: Medical and Mental Health Care

POLICY

Lakes Area Teaching Family Homes medical and mental health care practitioners who work regularly in its facilities will receive specialized training in how to detect and assess signs of sexual abuse and harassment, how to preserve physical evidence of sexual abuse, how to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment, and how/to whom to report allegations or suspicions of sexual abuse and harassment.

PROCEDURE

(a) Lakes Area Teaching Family Homes shall ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in:

- (1) How to detect and assess signs of sexual abuse and sexual harassment;
- (2) How to preserve physical evidence of sexual abuse;
- (3) How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment
- (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

(b) Lakes Area Teaching Family Homes Human Resources and/or Site Trainer shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from Lakes Area Teaching Family Homes or elsewhere.

(c) Medical and mental health care practitioners shall also receive the training mandated for employees under *PREA Standard 115.331* or for contractors and volunteers under *PREA Standard 115.332*, depending upon the practitioner's status at the agency.

SECTION 115.341-115.342 SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

PREA Standard 115.341-Obtaining information from residents

POLICY

All residents will be screened for risk of sexual victimization and abusiveness.

PROCEDURE

- (a) Within 24 hours of the resident's arrival at LATFH and periodically throughout a resident's stay, they shall complete with staff Form 5606- PREA Screening Tool and document it in case notes.
- (b) Information should include:
 - (1) Prior sexual victimization or abusiveness;
 - (2) Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the residents may therefore be vulnerable to sexual abuse;
 - (3) Current charges and offense history;
 - (4) Age;
 - (5) Level of emotional and cognitive development;
 - (6) Physical size and stature;
 - (7) Mental illness or mental disabilities;
 - (8) Intellectual or developmental disabilities;
 - (9) Physical disabilities;
 - (10) The resident's own perception of vulnerability; and
 - (11) Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents.
- (c) This information shall be ascertained through conversations with the residents during the intake process and medical and mental health screenings; during classification assessments;

and by reviewing court records, case files, program behavioral records, and other relevant documentation from the resident's files.

(d) During the intake phase of a resident's participation in LATFH, assigned staff will review all documentation collected during the intake process and revise the PREA Screening Tool as needed. As further information is collected during the resident's ongoing treatment in LATFH the PREA Screening Tool will be revised.

(e) LATFH shall implement appropriate controls on the dissemination within LATFH of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents.

PREA Standard 115.342- Placement of residents in housing, bed, program, education, and work assignments

POLICY

Residents who are transgender or intersex shall be allowed to shower separately from other residents.

PROCEDURE

If a resident is identified as transgendered or intersex, he/she will be offered a separate time to shower from the other residents.

A transgender or intersex resident's own views with respect to his or her own safety shall be given serious consideration.

POLICY

Lakes Area Teaching Family Homes programs shall use all information obtained pursuant to § 115.341 and subsequently to make housing, bed, program, education, and work assignments for resident with the goal of keeping all resident safe and free from sexual abuse.

Any resident who is alleged to have suffered sexual abuse may be provided alternative housing subject to the requirements of *PREA Standard 115.342*.

PROCEDURE

(a) Residents may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other resident safe, and then only until an alternative means of keeping all residents safe can be arranged. During any period of isolation, programs shall not deny residents daily large-muscle exercise and any legally required educational programming or special education services. Residents in isolation shall receive daily visits from a medical or mental health care clinician. Residents shall also have access to other programs and work opportunities to the extent possible.

(b) Lesbian, gay, bisexual, transgender, or intersex residents shall not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor shall programs consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive.

(c) In deciding whether to assign a transgender or intersex residents to a program for male or female residents, and in making other housing and programming assignments, LATFH shall consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether the placement would present management or security problems.

(d) Placement and programming assignments for each transgender or intersex resident shall be reassessed at least twice each year to review any threats to safety experienced by the

residents.

(e) A transgender or intersex resident's own views with respect to his or her own safety shall be given serious consideration.

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

(g) If a resident is isolated pursuant to paragraph (b) of this section, LATFH shall clearly document:

(1) The basis for LATFH's concern for the resident's safety; and

(2) The reason why no alternative means of separation can be arranged.

(h) Post-allegation decisions regarding resident housing will be reviewed by the treatment team.

(i) Every 30 days, the treatment team shall afford each resident described in paragraph (g) of this section a review to determine whether there is a continuing need for separation from the general population.

SECTION 115.351-115.354 REPORTING

PREA Standard 115.351- Resident reporting; Reporting of allegations

POLICY

Lakes Area Teaching Family Homes encourages residents to report sexual abuse and sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.

PROCEDURE

- (a) LATFH shall provide multiple internal ways for residents to privately report sexual abuse and sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
- (b) LATFH shall also provide at least one way for residents to report abuse or harassment to a public or private entity or office that is not part of LATFH and that is able to receive and immediately forward resident reports of sexual abuse and sexual harassment to program officials, allowing the resident to remain anonymous upon request.
- (c) Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports in an Incident Report.
- (d) LATFH shall provide residents with access to tools necessary to make a written report. This *could* include (but not limited to) the following:
 - 1. Resident Grievance Form
 - 2. Resident Statement Form
 - 3. Medical Request Form
- (e) LATFH shall provide a method for staff to privately report sexual abuse and sexual harassment of residents. Staff shall adhere to the following:
 - 1. Regardless of its source, staff, contractors and/or volunteers who receive information concerning a resident and sexually abusive behavior, or who observe an incident of sexually abusive behavior, or who have a reasonable cause to suspect that resident has been or is being subject to sexually abusive behavior **must immediately report such to his/her supervisor and the shift supervisor and/or designee.**

PREA Standard 115.352- Exhaustion of administrative remedies

POLICY

Lakes Area Teaching Family Homes programs will follow the Resident Grievance Process to address allegations of sexual abuse. Lakes Area Teaching Family Homes will provide upon admission of the resident, a copy of the resident's rights and privileges which includes freedom from sexual abuse and harassment.

PROCEDURE

- (a)
 - (1) LATFH shall not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse.
 - (2) LATFH may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
 - (3) LATFH shall not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
 - (4) Nothing in this section shall restrict LATFH's ability to defend against a lawsuit filed by a resident on the ground that the applicable statute of limitations has expired.
- (b) LATFH shall ensure that:
 - (1) A resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
 - (2) Such grievance is not referred to a staff member who is the subject of the complaint.
- (c)
 - (1) LATFH shall issue a final program decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
 - (2) Computation of the 90-day time period shall not include time consumed by residents in preparing any administrative appeal.
 - (3) LATFH may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. LATFH shall notify the resident in writing of any such extension and provide a date by which a decision will be made.
 - (4) At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, the resident may consider the absence of a response to be a denial at that level.

- (d) (1) Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing

requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of residents.

(2) If a third party, other than a parent or legal guardian, files such a request on behalf of a resident, LATFH may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

(3) If the resident declines to have the request processed on his or her behalf, LATFH shall document the resident's decision.

(4) A parent or legal guardian of a resident shall be allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such resident. Such a grievance shall not be conditioned upon the resident agreeing to have the request filed on his or her behalf.

(e) (1) LATFH shall establish procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse.

(2) After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, LATFH shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final program decision within 5 calendar days. The initial response and final program decision shall document LATFH's determination whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

(f) LATFH may discipline a resident for filing a grievance related to alleged sexual abuse only where LATFH demonstrates that the resident filed the grievance in bad faith.

PREA Standard 115.353- Resident access to outside support services and legal representation

POLICY

Lakes Area Teaching Family Homes shall provide residents access to outside victim advocates for emotional support services related to sexual abuse.

PROCEDURE

- (a) Lakes Area Teaching Family Homes will provide access to support via postings, or otherwise making accessible mailing addresses and telephone numbers, including toll free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. LATFH shall enable reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible.
- (b) Lakes Area Teaching Family Homes shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide residents with confidential emotional support services related to sexual abuse. LATFH shall maintain copies of agreements or documentation showing attempts to enter into such agreements.
- (c) LATFH shall inform residents, 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.
- (d) LATFH shall also provide residents with reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians.
- (e) When residents request phone calls of this nature, reasonable privacy measures will be taken, while maintaining visual observation.

PREA Policy 115.354- Third-party reporting

POLICY

Lakes Area Teaching Family Homes will accept third-party reports of sexual abuse and sexual harassment.

PROCEDURE

- (a) LATFH will display a poster in the lobby/ reception/visiting areas (and any other area deemed appropriate) outlining to third parties how to report an incident of sexual abuse or harassment in regards to a resident within LATFH.
- (b) LATFH will have third party reporting forms available upon request from LATFH receptionist.

Any reports of sexual abuse or harassment from a third party should be immediately referred to the PREA Compliance Manager.

SECTION 115.361-115.368 OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

PREA Standard 115.361- Staff and program reporting duties; Reporting of allegations

POLICY

Lakes Area Teaching Family Homes is required to report to law enforcement and/ or social services agencies as appropriate, immediately and according to program policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse.

Lakes Area Teaching Family Homes is required to report to licensing and/ or regulatory agencies as appropriate, immediately and according to program policy any knowledge, suspicion, or information they receive regarding an incident of sexual harassment.

PROCEDURE

- (a) LATFH shall require all staff to report immediately and according to program policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a program, whether or not it is part of LATFH; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- (b) LATFH shall also require all staff to comply with any applicable mandatory child abuse reporting laws.
- (c) Apart from reporting to designated supervisors or officials and designated State or local services agencies, staff shall be prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in program policy, to make treatment, investigation, and other security and management decisions.
- (d)
 - (1) Medical and mental health practitioners shall be required to report sexual abuse to designated supervisors and officials pursuant to paragraph (a) of this section, as well as to the designated State or local services program where required by mandatory reporting laws.
 - (2) Such practitioners shall be required to inform residents at the initiation of services of their duty to report and the limitations of confidentiality.
- (e)
 - (1) Upon receiving any allegation of sexual abuse, LATFH Director/ Manager or designee shall promptly report the allegation to the appropriate program office and to the

alleged victim's parents or legal guardians, unless LATFH has official documentation showing the parents or legal guardians should not be notified.

(2) If the alleged victim is under the guardianship of the child welfare system, the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians.

(3) If a juvenile court retains jurisdiction over the alleged victim, LATFH Director/ Manager or designee shall also report the allegation to the resident's attorney or other legal representative of record within 14 days of receiving the allegation.

(f) LATFH shall report all allegations of sexual abuse and sexual harassment, including third- party and anonymous reports, to the PREA compliance manager.

PREA Policy 115.362- Program protection duties

POLICY

When the Lakes Area Teaching Family Homes learns that a resident is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the resident.

PROCEDURE

Follow PREA Coordinated Response Plan

PREA Standard 115.363- Reporting to other confinement facilities

POLICY

Lakes Area Teaching Family Homes will notify the appropriate law enforcement or social services program upon receiving an allegation that a resident was sexually abused while confined at another program.

Lakes Area Teaching Family Homes will notify the appropriate licensing or regulatory agency upon receiving an allegation that a resident was sexually harassed while confined at another program.

PROCEDURE

- (a) LATFH Director/ Manager shall notify the director of LATFH or appropriate office of LATFH where the alleged abuse occurred and shall also notify the appropriate law enforcement or social services program.
- (b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
- (c) LATFH shall document in the resident's case notes that such notification has been provided.
- (d) LATFH director or program office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

PREA Standard 115.364- Staff first responder duties PREA Standard 115.365- Coordinated response

POLICY

Lakes Area Teaching Family Homes will have a written plan to coordinate actions taken in response to an incident of sexual abuse. The written plan to coordinate actions will specify which entities within LATFH are responsible for which actions, how actions should be sequenced, and which actions can occur concurrently with other actions.

PROCEDURE

The first staff member to respond to an incident shall be required to:

1. Separate the alleged victim and abuser;
2. Preserve and protect the scene until appropriate steps can be taken to collect any evidence.
3. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim, and require that the alleged perpetrator, not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

At a minimum, the follow is to be determined in the plan:

1. Assessment of the victim's acute medical needs.
2. Informing the victim of his or her rights under relevant Federal or State law.
3. Explanation of the need for a forensic medical exam and offering the victim the option of undergoing one.
4. Offering the presence of a victim advocate or a qualified staff member to be present during the exam.
5. Providing crisis intervention counseling.
6. Interviewing the victim and any witnesses.
7. Collecting evidence.
8. Providing for any special needs the victim may have.

PREA Policy 115.367- Program protection against retaliation

POLICY

Residents, staff, contractors, volunteers or third party reporters who choose to file a report of sexual abuse or sexual harassment, or cooperate with an investigation, shall not be subject to any form of retaliation related to the reporting of or participation in an investigation of such.

PROCEDURE

- (a) (1) Lakes Area Teaching Family Homes Grievance Procedure protects all residents who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff. The Director or designee is charged with monitoring retaliation against residents.

(2) Lakes Area Teaching Family Homes Policy protects staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other staff. LATFH director or designee is charged with monitoring retaliation against staff.
- (b) LATFH shall employ multiple protection measures, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
- (c) For at least 90 days following a report of sexual abuse, LATFH shall monitor the conduct or treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff, and shall act promptly to remedy any such retaliation. Items LATFH should monitor include any resident disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. LATFH shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
- (d) In the case of residents, such monitoring shall be included in the treatment team meetings.

- (e) If any other individual who cooperates with an investigation expresses a fear of retaliation, LATFH shall take appropriate measures to protect that individual against retaliation.
- (f) A program's obligation to monitor shall terminate if LATFH determines that the allegation is unfounded.

PREA Standard 115.368 - Post-allegation protective custody.

POLICY

Lakes Area Teaching Family Homes shall use all information obtained pursuant to § 115.341 and subsequently to make housing, bed, program, education, and work assignments for resident with the goal of keeping all resident safe and free from sexual abuse.

Any resident who is alleged to have suffered sexual abuse may be provided alternative housing subject to the requirements of *PREA Standard 115.342*.

PROCEDURE

- (a) Residents may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other resident safe, and then only until an alternative means of keeping all residents safe can be arranged. During any period of isolation, programs shall not deny residents daily large-muscle exercise and any legally required educational programming or special education services. Residents in isolation shall receive daily visits from a medical or mental health care clinician. Residents shall also have access to other programs and work opportunities to the extent possible.
- (b) Lesbian, gay, bisexual, transgender, or intersex residents shall not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor shall programs consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive.
- (c) In deciding whether to assign a transgender or intersex residents to a program for male or female residents, and in making other housing and programming assignments, LATFH shall consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether the placement would present management or security problems.
- (d) Placement and programming assignments for each transgender or intersex resident shall be reassessed at least twice each year to review any threats to safety experienced by the residents.
- (e) A transgender or intersex resident's own views with respect to his or her own safety shall be given serious consideration.
- (f) Transgender and intersex residents shall be given the opportunity to shower separately from other residents.
- (g) If a resident is isolated pursuant to paragraph (b) of this section, LATFH shall clearly document:
 - (1) The basis for LATFH's concern for the resident's safety; and
 - (2) The reason why no alternative means of separation can be arranged.

(h) Post-allegation decisions regarding resident housing will be reviewed by the treatment team members.

(i) Every 30 days, the treatment team shall afford each resident described in paragraph (g) of this section a review to determine whether there is a continuing need for separation from the general population.

SECTION 115.371-115.373 CRIMINAL AND ADMINISTRATIVE AGENCY INVESTIGATIONS

PREA Standard 115.371 – Criminal and Administrative Agency Investigations

POLICY

Lakes Area Teaching Family Homes does not conduct criminal investigations. When a Program Director (or designee) conducts his/her own administrative investigation into allegations of sexual abuse and sexual harassment, s/he shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

PROCEDURE

- (a) When sexual abuse is alleged, Lakes Area Teaching Family Homes shall use administrative investigators who have received special training in sexual abuse investigations involving juvenile victims pursuant to *PREA Standard 115.334*.
- (b) Investigators or first responders shall preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data
- (c) Investigators shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- (d) Lakes Area Teaching Family Homes shall not terminate an investigation solely because the source of the allegation recants the allegation.
- (e) 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. Lakes Area Teaching Family Homes shall not require a resident 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.
- (f) Administrative investigations:
 - (1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse;
 - (2) Shall 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.
- (g) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- (h) Lakes Area Teaching Family Homes shall retain all written reports referenced in paragraphs (c) and (f) of this section for as long as the alleged abuser is incarcerated or employed by the Lakes Area Teaching Family Homes, plus five years, unless the abuse was committed by a juvenile resident and

applicable law requires a shorter period of retention.

(i) The departure of the alleged abuser or victim from the employment or control of the facility or Lakes Area Teaching Family Homes shall not provide a basis for terminating an investigation.

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

(k) 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.

PREA Standard 115.372 Evidentiary standard for administrative investigations.

POLICY

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

RECANTATION

POLICY

LATFH shall not terminate an investigation solely because the source of the allegation recants the allegation.

PREA Standard 115.373- Reporting to residents

POLICY

Lakes Area Teaching Family Homes will report the outcomes of internal and external investigations to the resident victim.

PROCEDURE

- (a) Following an investigation into a resident's allegation of sexual abuse suffered in a program, LATFH shall inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
- (b) If LATFH did not conduct the investigation, it shall request the relevant information from any applicable law enforcement agency in order to inform the resident.
- (c) Following a resident's allegation that a staff member has committed sexual abuse against the resident, LATFH shall subsequently inform the resident (unless LATFH has determined that the allegation is unfounded) whenever:
 - (1) The staff member is no longer posted within the resident's unit;
 - (2) The staff member is no longer employed at LATFH;
 - (3) LATFH learns that the staff member has been indicted on a charge related to sexual abuse within LATFH; or
 - (4) LATFH learns that the staff member has been convicted on a charge related to sexual abuse within LATFH.
- (c) Following a resident's allegation that he or she has been sexually abused by another resident, LATFH shall subsequently inform the alleged victim whenever:
 - (1) LATFH learns that the alleged abuser has been indicted on a charge related to sexual abuse within LATFH; or
 - (2) LATFH learns that the alleged abuser has been convicted on a charge related to sexual abuse within LATFH.
- (e) All such notifications or attempted notifications shall be provided to the resident in writing and signed by LATFH Director (or designee), and kept in the resident file.

Note: Obligation to report outcomes to the resident shall terminate if the resident is released from LATFH.

SECTION 115.376-115.378 DISCIPLINE

PREA Standard 115.376- Disciplinary sanctions for staff

POLICY

Staff shall be subject to disciplinary sanctions up to and including termination for violating program sexual abuse or sexual harassment policies.

PROCEDURE

- (a) Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
- (b) Disciplinary sanctions for violations of program policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- (c) All terminations for violations of program 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 and social services agencies.

PREA Standard 115.377- Corrective action for contractors and volunteers

POLICY

Volunteers and contractors found to have participated in activity in this policy will be reported to law enforcement and social services agencies. Volunteers and contractor will also be prohibited from any further contact with any resident and be denied access to any program.

PROCEDURE

LATFH shall take appropriate remedial measures and prohibit further contact with residents and be denied access to any program.

PREA Standard 115.378- Interventions and disciplinary sanctions for residents

POLICY

Lakes Area Teaching Family Homes promotes a safe environment with established rules that are designed to protect the residents and staff. Residents shall understand LATFH rules, as well as the consequences for not meeting them. Rule violations shall be addressed through a consistent and fair process.

PROCEDURE

- (a) A resident will be subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse.
- (b) Any disciplinary sanctions shall be commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories. In the event a disciplinary sanction results in the isolation of a resident, programs shall not deny the resident daily large- muscle exercise or access to any legally required educational programming or special education services. Residents in isolation shall receive daily visits from a medical or mental health care clinician. Residents shall also have access to other programs and work opportunities to the extent possible.
- (c) The disciplinary process shall consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
- (d) If LATFH offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, LATFH shall conduct an MDT meeting to consider whether to offer the offending resident participation in such interventions. LATFH 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.
- (e) LATFH will discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- (f) 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 shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

SECTION 115.381-115.383 MEDICAL AND MENTAL CARE

PREA Standard 115.381- Medical and mental health screenings; History of sexual abuse; Information Management

POLICY

Lakes Area Teaching Family Homes will screen for prior sexual victimization or perpetration and provide mental health services.

PROCEDURE

- (a) If the screening pursuant to *PREA Standard 115.341* indicates that a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, LATFH shall ensure that the resident is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.
- (b) If the screening pursuant to *PREA Standard 115.341* indicates that a resident has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, LATFH shall ensure that the resident is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.
- (c) Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall 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.
- (d) Medical and mental health practitioners shall obtain informed consent from residents before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the resident is under the age of 18.
- (e) Programs will conduct a mental health evaluation of all known resident on resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by qualified mental health practitioners (*115.383*).

PREA Standard 115.382- Resident access to emergency medical and mental health services

POLICY

Resident victims will have access to emergency medical and mental health services.

PROCEDURE

- (a) Resident victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
- (b) If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim pursuant to § 115.362 and shall immediately notify the appropriate medical and mental health practitioners.
- (c) Resident victims of sexual abuse while in LATFH shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
- (d) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
- (e) A written MOU will be established by site PREA Compliance Manager for outside services for emergency and mental health services.

PREA Standard 115.383- Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers; Victim Services

POLICY

Lakes Area Teaching Family Homes offers medical and mental health evaluations for residents who have been sexually abused.

PROCEDURE

Ongoing medical and mental health care will be available for sexual abuse victims and abusers.

- (a) LATFH shall offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse.
- (b) The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from LATFH.
- (c) LATFH shall provide such victims with medical and mental health services consistent with the community level of care.
- (d) Resident victims of sexually abusive vaginal penetration while in LATFH shall be offered pregnancy tests.
 - (e) If pregnancy results from conduct specified in paragraph (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy- related medical services. Program Director will notify parent/guardian of test results in accordance with state and local laws.
- (f) Resident victims of sexual abuse while in LATFH shall be offered tests for sexually transmitted infections as medically appropriate. Program Director will notify parent/guardian of test results in accordance with state and local laws.
- (g) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
- (h) LATFH shall attempt to conduct a mental health evaluation of all known resident-on- resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

SECTION 115.386-115.389 DATA COLLECTION AND REVIEW

PREA Standard 115.386- Sexual abuse incident reviews

POLICY

Lakes Area Teaching Family Homes upper-level staff will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation.

PROCEDURE

(b) Complete Form 5818- PREA Incident Review Form

- (1) Such review shall be completed within 30 days of the conclusion of the investigation.
- (2) The PREA Compliance Manager shall report findings to upper-level management.

(c) The management team and PREA Compliance Manager shall:

- (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
- (2) 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 LATFH;
- (3) Examine the area in LATFH where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- (4) Assess the adequacy of staffing levels in that area during different shifts;
- (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
- (6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (b)(1)-(b)(5) of this section, and any recommendations for improvement and submit such report to Executive Director.

PREA Standard 115.387- Data collection

POLICY

Lakes Area Teaching Family Homes will collect accurate, uniform data for every allegation of sexual abuse at programs under its direct control.

PROCEDURE

- (a) The PREA Compliance Manager shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- (b) Data collected by the PREA Compliance Managers 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.
- (c) Each PREA Coordinator or designee shall aggregate the incident-based sexual abuse data at least annually.
- (d) Upon request, the Business Department shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

PREA Standard 115.388- Data review for corrective action

POLICY

Lakes Area Teaching Family Homes shall review data collected and aggregated pursuant to *PREA Standard 115.387* in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training.

PROCEDURE

Data reviewed shall include the following:

- (a) Identifying problem areas;
 - (1) Taking corrective action on an ongoing basis; and
 - (2) Preparing an annual report of its findings and corrective actions for each program, as well as the organization as a whole.
- (b) Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the organization's progress in addressing sexual abuse.
- (c) The organization's report shall be approved by the CEO and made readily available to the public through its website or, if it does not have one, through other means.
- (d) The organization may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a program, but must indicate the nature of the material redacted.

PREA Standard 115.389- Data storage, publication, and destruction

POLICY

Lakes Area Teaching Family Homes will ensure that data collected pursuant to *PREA Standard 115.387* is securely retained in the site Human Resources Department.

PROCEDURE

- (a) The organization shall make all aggregated sexual abuse data, from programs under its direct control readily available to the public at least annually through its website.
- (b) Before making aggregated sexual abuse data publicly available, the organization shall remove all personal identifiers.
- (c) The organization shall maintain sexual abuse data collected pursuant to § 115.387 for at least 10 years after the date of its initial collection unless Federal, State, or local law requires otherwise.

Approved: 10/2025, DK