

# CREATE HOUSE



# PREA POLICY

Hogar CREA International of Pennsylvania, Inc., “CREATE HOUSE”

Prison Rape Elimination Act (PREA) Policy – Community Confinement

**PURPOSE** (PREA 115.211)

Hogar CREA International of Pennsylvania, Inc., CREATE House is committed to **zero** tolerance of any form of sexual abuse and sexual harassment in the facilities it operates directly or with which it holds contracts for the confinement of Reentrants.

The purpose of this policy is to describe Hogar CREA, CREATE House mandate of zero tolerance toward all forms of sexual abuse and sexual harassment; and to outline Hogar CREA, CREATE House approach to preventing, detecting and responding to sexual abuse and harassment.

**ZERO TOLERANCE POLICY**

Hogar CREA, CREATE House **mandates zero tolerance** toward all forms of sexual abuse and sexual harassment and retaliation for report or cooperating with investigations into sexual abuse and sexual harassment.

Sexual abuse of a reentrant and sexual harassment of a reentrant are prohibited.

**Definitions** (PREA 115.211 (a) 3)

1. “Reentrant” means any person sent by the DOC from prison, program or home plan;
2. “Staff” means an agency employee;
3. “Contractor” means a person who provides services on a recurring basis pursuant to a Contractual agreement with the agency; and
4. “Volunteer” means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.
5. “Consent” refers to cooperation in act or attitude pursuant to an exercise of free will and with full understanding of the nature of the act. Reentrants cannot consent to sexual contact with staff members, volunteers or contractors.

## **Sexual Abuse**

1. "Sexual abuse" includes—

- (a) Sexual abuse of a reentrant by another reentrant; and
- (b) Sexual abuse of a reentrant by a staff member, contractor, or volunteer.

2. Sexual abuse of a reentrant by another reentrant includes any of the following acts, if the victim does not consent, is coerced into such an 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.

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

- (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) 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;
- (d) 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;
- (e) 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;

(f) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (a) through (e) of this section;

(g) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a reentrant; and

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

### **Sexual Harassment**

1. "Sexual harassment" includes—

(a) Sexual harassment of a reentrant by another reentrant; and

(b) Sexual harassment of a reentrant by a staff member, contractor, or volunteer.

2. Sexual harassment of a reentrant by another reentrant includes: Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by a reentrant directed toward another.

3. Sexual harassment of a reentrant by a staff member, contractor, or volunteer includes: Repeated verbal comments or gestures of a sexual nature to a reentrant 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

### **PREA COORDINATOR** (PREA115.211 (b))

Hogar CREA, Create House has designated a PREA Coordinator with sufficient time and authority to develop, implement, and oversee its efforts to comply with the PREA standards. Create House PREA Coordinator is Michelle Ramirez, Project Director.

## **PREVENTING AND DETECTING SEXUAL ABUSE AND HARASSMENT**

Hogar CREA, Create House shall adopt and implement the following measures to prevent and detect sexual abuse and sexual harassment in its facility.

### **Supervising and Monitoring** (PREA115.213)

Hogar CREA, Create House has a video monitoring system all throughout the building which is recording 24/7.

(a) We will have 1 Center Director, 2 Case Managers and 2 Monitors during our day shifts and will have at minimum 2 Monitors/Security Staff at all times and during the overnight shifts to ensure the safety of our facility. (PREA 115.213 (b)-1)

(b) In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan.

(c) Whenever necessary, but no less frequently than once each year, the facility shall assess, determine, and document whether adjustments are needed to: (PREA115.213 (c))

(1) The facility's deployment of video monitoring systems and other monitoring technologies; and

(2) The resources the facility has available to commit to ensure adequate staffing levels.

## **Unannounced Rounds**

1. Supervisors shall conduct and document unannounced rounds covering all shifts, and all areas of the facility, to identify and deter staff sexual abuse or harassment. Hogar CREA, Create House policy prohibits staff members who are aware of these rounds from alerting other staff as to when or where these rounds are occurring, unless related to the legitimate operational needs of the facility.
2. The PREA Coordinator shall determine how and when the unannounced rounds will be conducted and shall review all documentation from the rounds.

## **Cross Gender Viewing and Searches/Searches of Inmates**

### **Searches (PREA 115.215 (a))**

1. The facility shall not conduct cross-gender strip searches (meaning a search that requires a person to remove or arrange clothing so as to permit a visual inspection of their breasts, buttocks, or genitalia) or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.

*Note: "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.*

2. No staff member shall conduct a search of a transgender or intersex reentrant solely for the purpose of determining genital status. If the reentrants genital status is unknown, it may be determined during conversations with the reentrants, 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.

### **Viewing (PREA 115.215 (d))**

1. The facility shall enable reentrants to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine room checks.
2. Staff members of the opposite gender shall announce their presence when entering a Reentrant housing unit.

### **Reentrants Who Have Limited English Proficiency** (PREA115.216 (a))

Hogar CREA, Create House shall take reasonable steps to ensure meaningful access to all aspects of its efforts to prevent, detect, and respond to sexual abuse and sexual harassment to reentrants who have limited English proficiency, including by providing interpreters who can interpret effectively, accurately, and impartially

### **Use of Reentrants Interpreters** (PREA 115.216)

Hogar CREA, Create House shall not rely on reentrants interpreters, reentrants readers, or other types of reentrant assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise a reentrants safety, the performance of first responder duties, or the investigation of an reentrants allegations.

### **Upgrades to Facilities and Technologies** (PREA115.218)

Whenever we update our video monitoring system, electronic surveillance system, or other monitoring technology, Hogar CREA, Create House shall consider how such technology may enhance the agency's ability to protect residents from sexual abuse.

### **Screening for Risk of Victimization and Abusiveness** (PREA 115.241)

1. All reentrants shall be assessed using an objective PREA Screening tool (unless required differently by state regulations) and upon transfer from another facility for their risk of being sexually abused by other reentrant or sexually abusive toward other reentrants.

2. Intake PREA Risk Assessment Tool (PRAT) screening shall ordinarily take place within 72 hours of arrival at the facility.

(PREA 115.241a.b.)

**Reentrants for risk of sexual victimization:** (PREA 115.241.d.)

1. Whether the reentrant has a mental, physical, or developmental disability;
2. The age of the reentrant;
3. The physical build of the reentrant;
4. Any of the reentrants previous incarceration;
5. Whether the reentrants criminal history is exclusively nonviolent;
6. Whether the reentrant has prior convictions for sex offenses against an adult or child;
7. Whether the reentrant is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
8. Whether the reentrant has previously experienced sexual victimization;
9. The reentrant's perception of his or her own vulnerability to sexual abuse or sexual harassment; and
10. The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to Hogar CREA, Create House, in assessing reentrants for risk of being sexually abusive. Within 30 days, the facility shall reassess the reentrant's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.
11. A reentrant'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 resident's risk of sexual victimization or abusiveness.
12. Reentrants may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked.
13. Hogar Crea, Create House shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents.



### **Use of Information Obtained from Screening** (PREA 115.242 (a))

Hogar CREA, Create House shall use information from the risk screening to inform housing, bed, work, education and program assignments. Hogar CREA, Create House shall make individualized determinations about how to ensure the safety of each reentrant. We shall also utilize the PRAT screening tool to establish work assignments within the facility.

### **Housing and Bed Assignments** (PREA115.342)

Hogar CREA, Create House shall use all information obtained during the screening and reassessment processes to make housing, bed, program, education and work assignments for residents with the goal of keeping all residents safe and free from sexual abuse (PREA 115.342.a)

1. 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 agencies consider lesbian, gay, bisexual, transgender, or intersex identifications or status as an indicator of likelihood of being sexually abusive (PREA 115.242.c)
2. In deciding whether to assign a transgender or intersex resident to a facility for male or female residents, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether the placement would ensure the reentrant's health and safety, and whether the placement would present management or security problems (PREA 115.342.d).
3. A transgender or intersex resident's own views with respect to his or her own safety shall be given serious consideration (PREA 115.342.f).
4. Transgender and intersex residents shall be given the opportunity to shower separately or at separate times from other residents (PREA 115.242.e).

## **Protection of Reentrants Facing Substantial Risk**

### **Upon Learning of Substantial Risk** (PREA 115.264.b.)

When Hogar CREA, Create House learns that a reentrant is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the reentrant.

### **Hiring and Promotion Practices** (PREA 115.217 (a))

1. Hogar CREA, Create House, shall not hire or promote anyone who may have contact with reentrants, or retain the services of any contractor who may have contact with reentrants, who—

(a) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; or

(b) Has been convicted of, or civilly or administratively adjudicated for, engaging or attempting to engage in sexual activity in the community facilitated by force, threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse.

2. Hogar CREA, Create House, shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to retain the services of any contractor, who may have contact with reentrants. (PREA 115.217 (b))

Before hiring new employees, who may have contact with reentrants Hogar CREA, Create House, shall: (PREA 115.217 (c))

(a) Perform a criminal background records check; and

(b) 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.

3. Hogar CREA, Create House, shall also perform a criminal background records check before retaining the services of any contractor who may have contact with reentrants. (PREA 115.217 (d))

4. Hogar CREA, Create House, shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with reentrants, or have in place a system for otherwise capturing such information for current employees. (PREA

5. Hogar CREA, Create House, shall ask all applicants and employees who may have direct contact with reentrants about previous misconduct described in this section, in: (PREA 115.217(f))

(a) Written applications and/or interviews for hiring or promotion; and

(b) Interviews or written self-evaluations conducted as part of reviews of current employees.

6. Hogar CREA, Create House, shall impose on its current employees a continuing affirmative duty to disclose any of the misconduct described in this section.

7. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination. (PREA 115.217 (g))

8. Unless prohibited by law, Hogar CREA, Create House, shall provide information on substantiated allegation 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.

9. Neither Hogar CREA, Create House nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

10. Nothing in this standard shall restrict the entering into or renewal of agreements that govern:

(1) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§ 115.272 and 115.276; or

(2) Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

## **Staff Reporting Rules**

Any staff member who has knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment; retaliation against reentrants or staff who reported such an incident; and any staff neglect that may have contributed to such incident or retaliation, shall immediately report such incident or retaliation, in the manner specified by Hogar CREA, Create House policy. (PREA 115.261.a.)

Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports. § 115.254 Third-party reporting

Hogar CREA, Create House shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of a resident.

Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone except as specified by Hogar CREA, Create House policy.

Hogar CREA, Create House, shall provide a method for staff to privately report sexual abuse and sexual harassment of reentrants.

Hogar CREA, Create House shall also provide at least one way for residents to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward resident reports of sexual abuse or sexual harassment to agency officials, allowing the resident to remain anonymous on request. (PREA 115.251.b) The program shall have a designated reporting mechanism which can be accessed by residents at any time to report abuse or harassment. Staff and reentrants can anonymously report a PREA case to:

- Any Staff on Duty
- Regional Director – Mrs. Michelle Ramirez
- National Director – Mr. Ricardo J. Colon
- Via email to [HCcreatehousePREA@gmail.com](mailto:HCcreatehousePREA@gmail.com)

- Send a letter to either:

Hogar CREA International of Pennsylvania, Inc.

1920 E. Market Street

Freemansburg, PA 18017

or

ATTN: PREA Coordinator

Office of State Inspector General

555 Walnut Street, 8th Floor

Harrisburg, PA 17101

- Have a family member call to notify the facility or contact PSP.

### **Coordinated Response**

The facility shall develop a written plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

### **Immediate Steps After Receiving Report of Incident**

1. When a security staff first-responder learns that a reentrant has been sexually abused, they shall take immediate action to protect the reentrant. This includes:

(a) Separate the reentrants from the alleged perpetrator;

b) Preserve and protect any crime scene until appropriate steps can be taken to collect evidence; and

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim—and ensure that the alleged abuser—not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and

2. When the first staff responder is not a security staff member, they shall request that the alleged victim not take any actions that could destroy physical evidence, and then notify Security Staff.

(a) Reentrant 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) Reentrant victims of sexual abuse while incarcerated/housed shall be offered timely information about and timely access to sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

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

#### **Ongoing Medical and Mental Health Care** (PREA 115.282)

1. The facility shall offer medical and mental health evaluation through our Community Based Providers and, as appropriate, treatment to all reentrants who have been sexually abused in a prison, jail, lockup, community corrections facility, or juvenile justice facility.

2. The evaluation and treatment via our Community Based Providers of such victims shall include, as appropriate, follow-up services, treatment plans, and referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.

3. Our Community Based providers shall provide such victims with medical and mental health services consistent with the community level of care.

4. Our Community Based providers shall provide Inmate victims of sexual abuse while incarcerated/housed shall be offered tests for sexually transmitted infections, as medically appropriate.

5. Ongoing treatment services shall be provided to the victim without financial cost to the victim and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

## Support Services for Victims of Sexual Abuse

### **Victim Advocate** (PREA 115.221)

Hogar CREA, Create House Bethlehem, CCF

has an M.O.U. (Memorandum of Understanding) with “Crime Victims Council of Lehigh Valley” who has agreed to provide our reentrant with a Rape Crisis Advocate if needed at no cost to the reentrant.

The *Crime Victims Council of Lehigh Valley* has a **24 hotline** for anyone seeking help at 610-437-6611.

They are located at:

**801 Hamilton Street  
Allentown, PA 18101  
Tel 610-437-6610**

Hogar CREA, Create Lancaster, CCF

YWCA Lancaster Hotline provide our reentrants with a Rape Crisis Advocate if needed at no cost to the reentrant. It has a **24 hotline** for anyone seeking help at (717-392-7273)

They are located at:

**110 N. Lime Street  
Lancaster, PA 17602  
Tel. 1-800-654-1211 (Toll Free)**

## **Emotional Support Services**

1. The facility shall provide reentrants with access to outside victim advocates for emotional support services related to sexual abuse by giving reentrants 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. The facility shall enable reasonable communication between reentrants and these organizations and agencies, in as confidential a manner as possible.

Create House Bethlehem will direct reentrants to contact:

**Crime Victims Council of the Lehigh Valley  
24 Hour Hotline at 610-437-6611**

Create House Lancaster will direct reentrants to contact:

**YWCA Hotline  
24 Hour Hotline at 717-392-7273**

2. The facility shall inform reentrants, prior to giving them access to outside advocates, of the extent to which such communications shall be monitored and the extent to which reports of abuse shall be forwarded to authorities in accordance with mandatory reporting laws.

3. Hogar CREA, Create House shall maintain or attempt to enter into memorandum of understanding or other agreements with community service providers that are able to provide reentrants with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

4. As requested by the victim, the victim advocate, qualified agency 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.

5. To the extent Hogar CREA, Create House itself is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow all of the requirements. (PREA 115.221)

**Investigation of Incidents:** (PREA 115.222)



1. It is Hogar CREA, Create House policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. Hogar CREA, Create House shall publish this policy on its website at and make the policy available through other means. Hogar CREA, Create House shall document all such referrals.

2. Administrative investigations:

(a) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and

(b) Shall be documented in written reports that include a description of the testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

(c) Shall be referred for prosecution if there are substantiated allegations of conduct that appear to be criminal.

(d) Hogar CREA, Create House shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated in administrative investigations.

(e) Hogar CREA, Create shall submit any and all reports directly to our CFC and/or MOC with the DOC where they will conduct the investigations.

3. Hogar CREA, Create House shall retain all written reports required by this section for as long as the alleged abuser is incarcerated/housed or employed by the agency, plus five years.

4. 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.

5. When other agencies investigate sexual abuse, Hogar CREA Create House shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

### **Evidence Protocol and Forensic Medical Exams**

1. To the extent Hogar CREA, Create House is responsible for investigating allegations of sexual abuse; it shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. (PREA 115.221 (a))

2. Hogar CREA, Create House shall offer all victims of sexual abuse access to forensic medical examinations, without financial cost to the victim, 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. St. Luke's University Hospital located at: 801 Ostrum Street, Bethlehem, PA 18015 shall conduct all forensic investigations for Create House reentrants. (PREA 115.221 (c))

3. Following an investigation into a reentrants allegation that he or she suffered sexual abuse, Hogar CREA, Create House shall inform the reentrant as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

4. Hogar CREA, Create House shall request the relevant information from the investigative agency in order to inform the reentrant.

5. Following a reentrants allegation that a staff member committed sexual abuse against him or her, Hogar CREA, Create House shall subsequently inform the reentrants whenever:

(a) The staff member is no longer posted within the reentrants unit;

(b) The staff member is no longer employed at the facility;

(c) Hogar CREA, Create House learns that the staff member has been charged with or indicted on a charge related to sexual abuse within the facility; or

(d) When Hogar CREA, Create House learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

6. Following a reentrants allegation that he has been sexually abused by another reentrant, Hogar CREA, Create House shall subsequently inform the alleged victim whenever:

(a) Hogar CREA, Create House learns that the alleged abuser has been charged with or indicted on a charge related to sexual abuse within the facility; or

(b) Hogar CREA, Create House learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

7. All such notifications or attempted notifications shall be documented. It is Hogar CREA, Create House obligation to report under this standard shall terminate if the reentrant is released from the agency's custody.

## **Sexual Abuse Incident Reviews**

- (a) Hogar CREA, Create House shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- (b) The review shall ordinarily occur within 30 days of the conclusion of the investigation.
- (c) The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
- (d) The review team shall:
  - (d1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - (d2) 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;
  - (d3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  - (d4) Assess the adequacy of staffing levels in that area during different shifts;
  - (d5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
  - (d6) Prepare a report of its findings, including determinations made pursuant to this section, and any recommendations for improvement and submit the report to the facility head and the PREA Compliance manager or agency PREA Coordinator.
- (e) Hogar CREA, Create House shall implement the review team's recommendations for improvement, or document its reasons for not doing so.

***Note: For rules regarding reporting by reentrants and staff of retaliation after it has occurred; see (Procedures for Reporting Sexual Abuse/Sexual Harassment) above.***

19. Hogar CREA, Create House policy is to protect all reentrants and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other reentrants or staff.

20. Hogar CREA, Create House shall employ multiple protection measures, such as housing changes or transfers for reentrants victims or abusers, removal of alleged staff or reentrant abusers from contact with victims, and emotional support services for reentrants or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

21. For at least 90 days following a report of sexual abuse, Hogar CREA, Create House shall monitor the conduct and treatment of reentrants or staff who reported sexual abuse, and of reentrant who were reported to have suffered sexual abuse, to see if there are changes that may suggest possible retaliation by reentrant or staff, and shall act promptly to remedy any such retaliation.

22. Hogar CREA, Create House shall continue such monitoring beyond 90 days if the initial monitoring indicates an ongoing need. Monitoring shall include:

- (a) Periodic in-person conversations with reentrant and/or staff;

## **Sanctions for Individuals Found to have participated in Sexual Abuse or Harassment**

### **Disciplinary Sanctions for Staff** (PREA 115.276)

- (a) Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. (PREA 115.276.a.)

(b) Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse.

(c) Disciplinary sanctions for violations of Hogar CREA, Create House policies relating to sexual abuse or sexual harassment 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. (PREA 115.762.c.)

(d) 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. (PREA 115.276.b.)

#### **Corrective Action for Contractors and Volunteers** (PREA 115.277)

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

2. The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with reentrants, in the case of any other violation of Hogar CREA, Create House sexual abuse or sexual harassment policies by a contractor or volunteer. (PREA 115.277.b.)

3. Any and all Contractor or Volunteer must pass an extensive PREA training with Hogar CREA, Create House and have cleared Department of Corrections background check before entering the building.

#### **Disciplinary sanctions for residents** (PREA 115.278)

(a) Reentrants shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the reentrant engaged in reentrant-on-reentrant sexual abuse or following a criminal finding of guilt for reentrant-on-reentrant sexual abuse.

(b) Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the reentrant's disciplinary history, and the sanctions imposed for comparable offenses by other reentrants with similar histories.

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

(d) Hogar CREA, Create House may discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

(e) 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.

(f) Hogar CREA, Create House prohibits all sexual activity between reentrants and may discipline reentrants for such activity.

#### **Notifying Other Confinement Agencies** (PREA 115.263)

Upon Hogar CREA, Create House receiving an allegation that a reentrant was sexually abused while confined at another facility, the head of Hogar CREA, Create House shall notify the head of the facility or agency where the alleged abuse occurred.

Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.

Hogar CREA, Create House shall document that it has provided such notification.

#### **Training and Education** (PREA 115.231)

Hogar CREA, Create House is committed to communicating to the reentrants, to its employees, and to contractors and volunteers, the following information through the training, education and orientation programs described in this section:

- Hogar CREA, Create House has a **ZERO tolerance policy**;
- Hogar CREA, Create House policies to prevent, detect, and respond to sexual abuse and sexual harassment; and
- Other rights and obligations under this policy.

#### **Employee Training** (PREA 115.231)

Hogar CREA, Create House shall train all employees who may have contact with reentrants on:

- (a) Its zero-tolerance policy for sexual abuse, sexual harassment and retaliation;
- (b) How to fulfill their responsibilities regarding prevention, detection, reporting, and response to sexual abuse and sexual harassment;
- (c) Reentrant's right to be free from sexual abuse and sexual harassment;
- (d) The right of the reentrants and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- (e) The dynamics of sexual abuse and sexual harassment in confinement;
- (f) The common reactions of sexual abuse and sexual harassment victims;
- (g) How to detect and respond to signs of threatened and actual sexual abuse;
- (h) How to avoid inappropriate relationships with reentrants;
- (i) How to communicate effectively and professionally with reentrants, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming reentrants;
- (j) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Security staff employees shall be trained in how to conduct cross-gender pat-down searches, and how to conduct searches of transgender and intersex reentrants, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Training shall be tailored to the gender of the reentrants at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male reentrant to a facility that houses only female reentrants, or vice versa.

All current employees shall receive this training, and Hogar CREA, Create House shall provide each employee with a refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, Hogar CREA, Create House shall provide refresher information on current sexual abuse and sexual harassment policies.

### **Reentrant Orientation and Education** (PREA 115.233)

1. During the intake process, reentrants shall receive information explaining the agency's **zero-tolerance** policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse or sexual harassment, their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.
2. Current reentrant shall be educated and receive education upon transfer to a different facility to the extent that the policies and procedures of the reentrant in the new facility differ from those of the previous facility.
3. Hogar CREA, Create House shall provide reentrant education in formats accessible to all reentrants including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to reentrants who have limited reading skills.
4. Hogar CREA, Create House shall maintain documentation of reentrant participation in these education sessions. In addition to providing such education, Hogar CREA, Create House shall ensure that key information is continuously and readily available or visible to inmates through posters, reentrant handbooks, or other written formats.

### **Volunteer and Contractor Training** (PREA 115.232)

1. Hogar Crea, Create House shall ensure that all volunteers and contractors who have contact with reentrants have been trained on their responsibilities under Hogar CREA, Create House sexual abuse and sexual harassment prevention, detection, and response policies and procedures. All volunteers and contractors will have watched the PREA video and training with Hogar CREA, Create House prior to having access to the Center.
2. The level and type of training provided to volunteers and contractors shall be based on the services they provide and the level of contact they have with reentrants, but all volunteers and contractors who have contact with reentrants shall be notified of Hogar CREA, Create House zero tolerance policy regarding sexual abuse and sexual harassment and how to report such incidents.
3. Hogar CREA, Create House shall maintain documentation confirming that volunteers and contractors understand the training they have received.

### **Auditing and Corrective Action**



## **Frequency and Scope of Audits**

1. During the three-year period starting on August 20, 2019, and during each three-year period thereafter, Hogar CREA, Create House shall ensure that each facility operated by the agency, or by a private organization on behalf of the agency, is audited at least once.
2. During each one-year period starting on August 20, 2019 Hogar CREA, Create House shall ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited.
3. Hogar CREA, Create House shall bear the burden of demonstrating compliance with the standards.
4. Hogar CREA, Create House shall permit the auditor to:
  - (a) Review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations for each facility;
  - (b) Request and receive copies of any relevant documents (including electronically stored information).
  - (c) Conduct private interviews with reentrants.
5. Hogar CREA, Create House shall make available to the auditor, at a minimum:
  - (a) A sampling of relevant documents and other records and information for the most recent one-year period;
  - (b) A sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.
6. Hogar CREA, Create House shall ensure the auditor has access to all areas of the audited facilities.
7. Hogar CREA, Create House shall cooperate with the auditor to ensure a representative sample of reentrants and of staff, supervisors, and administrators can be interviewed by the auditor.
8. Hogar CREA, Create House shall ensure at least one way for reentrants to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.
9. Hogar CREA, Create House shall ensure that audits are conducted by a qualified auditor, which includes:

(a) A member of a correctional monitoring body that is not part of, or under the authority of, Hogar CREA, Create House;

(b) A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the agency; or

(c) Other outside individuals with relevant experience.

10. All auditors shall be certified by the Department of Justice.

11. No audit shall be conducted by an auditor who has received financial compensation from Hogar CREA, Create House except for compensation received for conducting prior PREA audits, within the three years prior to the agency's retention of the auditor.

12. Hogar CREA, Create House shall not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to Hogar CREA, Create House retention of the auditor, with the exception of contracting for subsequent PREA audits.

### **Audit Contents and Findings**

Hogar CREA, Create House shall ensure that the auditor's final report is published on Hogar CREA, Create House website if it has one, or is otherwise made readily available to the public.

### **Data Collection**

1. Hogar CREA, Create House shall collect accurate, uniform data for every allegation of sexual abuse its Facility under its direct control using a standardized instrument and set of definitions developed by the PREA Coordinator / Project Director (PREA 115.287.a)

2. The Project Director/PREA Coordinator shall aggregate the incident-based sexual abuse data at least annually. (PREA 115.287.b)

3. 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. (PREA 115.287.c)

4. The PREA Coordinator shall maintain, review, and collect data as needed from all available incident based documents, including reports, investigation files, and sexual abuse incident reviews. (PREA 115.287.d)

5. Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30. (PREA 115.287.f)

### **Data Review**

1. The PREA Coordinator shall review data collected and aggregated pursuant to, in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: (PREA 115.288.a)

(a) Identifying problem areas;

(b) Taking corrective action on an ongoing basis; and •

(c) Preparing an annual report of its findings and corrective actions for each facility/program, as well as the company as a whole.

2. 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 agency's progress in addressing sexual abuse. (PREA 115.288.b)

3. The report shall be approved by Executive staff and make readily available to the public through its Web site or, if it does not have one, through other means. (PREA 115.288.c)  
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4. The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted. (PREA 115.288.d)

### **Data Storage, Publication, and Destruction**

1. Hogar CREA, Create House shall ensure that data collected is securely retained. (PREA 115.289.a)

2. Hogar CREA, Create House shall make all aggregated sexual abuse data readily available to the public at least annually through its Web site or, if it does not have one, through other means. (PREA 115.289.b)

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

4. The agency shall maintain sexual abuse data collected for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise. (PREA 115.289.d)