

NEW OPPORTUNITIES, INC.

Corporate Address
232 North Elm Street- Waterbury, CT 06702
203.575.9799 - 203.755.8254 (fax)

Bishop House
31 Bishop Street- Waterbury, CT 06704
203.236.9990 - 203.754.7260 (fax)

PRISON RAPE ELIMINATION ACT-PREA

1. POLICY 115.211(a)-1

The Bishop House program of New Opportunities, Inc. shall maintain a zero tolerance towards all forms of sexual assault/harassment. Any person who becomes aware of or suspects sexual assault/abuse or sexual harassment must report it immediately to the Program Manager or higher authority.

2. AUTHORITY AND REFERENCE

- A. Prison Rape Elimination Act
28 C.F.R. Part 115
- B. New Opportunities Bishop House
Policy and Procedure Manual
- C. Bishop House Program Description
- D. Bishop House Resident Handbook

3. DEFINITIONS 115.211(a)-3

- A. Abusive Sexual Contact. The intentional touching, either directly or through the clothing, or the genitalia, anus, inner thigh or buttocks of another person with his consent, or of a person who is unable to consent or refuse. Abusive sexual contact shall also include any unwanted and/or forced kissing and hugging.
- B. Nonconsensual Sexual Act. The intentional contact between the penis and the anus including penetration, however slight; OR contact between the mouth and penis, or person by a hand, finger, or another object without his or her consent, or of a person who is unable to consent or refuse.
- C. PREA. Prison Rape Elimination Act.
- D. Sexual Assault. For the purposes of this Directive, sexual assault shall be a collective term encompassing the definitions of sexual assault, sexual abuse, sexual contact, nonconsensual sexual act, staff sexual harassment and/or staff sexual misconduct.

- E. Staff Sexual Harassment - Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, official visitor, or other agency representative, to include sexual relationships of a romantic nature between staff and residents.
- F. Staff Sexual Misconduct - Behavior that includes repeated verbal statements, comments or gestures of a sexual nature to a resident by an employee, volunteer, official visitor, or other agency representative.
- G. DOC- CT Department of Correction

4. PREVENTION PLANNING 115.211 (a)-2 115.211 (a)-5

PREA COORDINATOR:

The Program Manager is the designated PREA coordinator. The PREA coordinator responsibilities include:

- (A) Ensure compliance with the Prison Rape Elimination Act policies and standards
- (B) Point of contact for reporting of any acts or allegations of sexual abuse or harassment.
- (C) Work with available resources to develop and implement a training plan that fulfills PREA training standards. Complete appropriate investigation training as available.
- (D) Monitor resident/client screening procedures.
- (E) Ensure all incidents of sexual abuse are referred to the appropriate law enforcement authorities.
- (F) Ensure investigations are conducted on all incidents of sexual abuse or harassment that are determined to be non-criminal. Ensure investigation and report is completed.
- (G) Maintain data collection and coordinate reporting of incidents of sexual abuse and sexual harassment to DOC.
- (H) Review all incidents and investigations of sexual assault, abuse or harassment taking appropriate actions to prevent any future occurrences.

SUPERVISION AND MONITORING: 115.213 ©-1

The Bishop House is staffed 24/7. Resident supervision is maintained by hourly staff tours/counts of all areas. Video monitoring is also utilized by staff to monitor and supervise residents. (See program description for staffing plan) The staffing plan will be reviewed yearly and adjustments made as needed.

CROSS GENDER VIEWING AND SEARCHES:

Cross gender strip searches and body cavity searches are prohibited. Resident showers, bathroom and changing areas are conducted in private without cross gender viewing. Female

staff shall announce their presence before entering area where residents are changing showering or using bathroom.

Transgender Residents: (115.215 e)

The facility shall not search or physical examine a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be determined during conversation with the resident, 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.

RESIDENTS WITH DISABILITIES AND RESIDENTS WHO ARE LIMITED ENGLISH, PROFICIENT: 115.216(a)-1 &(b)-1 115.233(c)-1

All residents of the Bishop House will have every opportunity to participate in all aspects of sexual abuse/harassment prevention, detection and response. Interpretation services will be provided as needed. Resident interpreters will not be utilized for any investigation aspects of reported sexual abuse or harassment except where an extended delay in obtaining an effective interpreter could compromise residents safety or performance of first responders or investigation of residents allegation. Any use of resident interpreters must be noted in Incident report/investigation.

HIRING AND PROMOTION DECISIONS: 115.217(a)-1, 115.271 (b), 115.217d, 115.217b, 115.217g

All employees (including NOI maintenance staff) shall have a criminal background check completed. All new employees will be appropriately screened by human resources staff before starting employment. Criminal background checks will be completed every five years on Bishop House and NOI maintenance employees.

The agency shall consider any incident 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.

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

UPGRADE TO FACILITIES AND TECHNOLOGIES:

New Opportunities Inc will ensure any substantial modification of existing facility will consider effect of design in protecting clients from sexual abuse.

Any video equipment upgrade will also consider enhancement and protection of clients from sexual abuse.

5. RESPONSE PLANNING 115.221 (a), 115.252€-2, 115.265a

EVIDENCE PROTOCOL AND MEDICAL EXAMINATIONS:

Staff will follow and complete the PREA incident check sheet (See Attached) on any reported or suspected incidents of sexual abuse/assault.

Upon notification of any incident of sexual abuse/assault the PREA coordinator or designee will contact appropriate law Enforcement (Waterbury PD) who will handle and coordinate investigation and appropriate medical and victim services.

Community Victim Services will be made available to victims in addition to Department of Correction Medical and Mental Health Services as needed.

POLICIES TO ENSURE REFERRALS OF ALLEGIATIONS FOR INVESTIGATION:

All reported incidents of sexual assault/abuse will be immediately reported to local law Enforcement (Waterbury PD) for investigation.

The PREA coordinator shall ensure any report of sexual assault/abuse, or harassment determined to be a non-criminal matter by Law Enforcement will be investigated.

The PREA coordinator will also ensure the Department of Correction (Parole) is notified of any incidents of sexual abuse/assault or sexual harassment.

6. Exhaustion of Administrative Remedies 115.252 (f) (1)

The agency shall establish procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk or imminent sexual abuse. Issues related to any form of related to any form of sexual abuse will be handled as an Administrative Investigation not a Grievance investigation and should be reported immediately to any appropriate staff member including the Residential Manager, Parole or the Waterbury PD.

7. TRAINING AND EDUCATION

EMPLOYEE TRAINING:

- 1) During employee orientation and annually, staff must be trained in, and must sign a statement that they understand, the following:
 - a) The Agency's zero tolerance for all forms of sexual assault/abuse and harassment,
 - b) The resident's right to be free from sexual assault/abuse and harassment,
 - c) The dynamics of sexual assault/abuse and harassment in residential settings, including determining which residents are most vulnerable,
 - d) The right of residents and staff to be free from retaliation for reporting sexual assault/abuse or harassment

- e) How to detect and respond to signs of threatened and actual abuse,
- f) How to communicate effectively and professionally with all residents, and
- g) How to comply with relevant laws related to the mandatory reporting of sexual abuse to authorities.

VOLUNTEER AND CONTRACTOR TRAINING:

Any volunteer or contractors who will have contact with residents will receive training as noted in previous section-Employee Training. Contractors who have not had background checks conducted will not have contact with clients and will be escorted and supervised by staff at all time when in client access areas.

RESIDENT EDUCATION:

During orientation all residents will receive information and sign off that they have received the following information; Agency's zero tolerance policy regarding sexual assault/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 agency policy and procedures for responding to such incidents.

SPECIALIZED TRAINING: INVESTIGATIONS

It is the policy of New Opportunities- Bishop House that any criminal act is referred and reported to local Law Enforcements (Waterbury PD) and the Department of Correction (Parole).

SPECIALIZED TRAINING: MEDICAL AND MENTAL HEALTH CARE

All medical and mental health services are referred to local hospital (St. Mary's Hospital) or the Department of Correction.

SCREENING FOR RISK OF VICTIMIZATION AND ABUSIVENESS: 115.241(A)-1 115.441 (f), 115.241 (f)

Upon referral the resident referral package is reviewed for indicators of. Either a history or indicators of previous sexual assault/abuse or predatory behavior. Upon arrival the Case Manager will also conduct an intake screening risk assessment. Risk factors are considered in housing the resident upon arrival. Residents will not be disciplined for refusing to answer or discuss information related to mental/physical disability, sexual orientation, previous victimization or resident's perception of vulnerability. Clients will be reassessed after 14 business days and no later than 30 days of arrival by Case Managers and reassessment will be noted in client case notes. In the event of any new information or incident related to a client's safety or risk of victimization the Program Manager will conduct a reassessment immediately taking appropriate action to ensure Clients safety.

Risk Factors for victimization include clients that are:

- Transgender/transsexual.
- Sex offenders
- Homosexual
- Bisexual
- Younger than the general population.
- Frail, small of stature of petite.
- Mentally ill.
- Developmentally disabled.
- Physically, mentally, cognitively or communicatively impaired.
- First time offender.
- Has a history of sexual abuse/victimization.

Risk factor for predation:

- History of previous behavior.
- Long history of incarceration.
- Large physical size.
- Aggressive demeanor.

Identification of any risk factors at intake will be reported to the program manager for evaluation and further action as needed. If at any time, new information or incident involving new risk factors being identified the Program manager will be advised immediately. The resident will then be reassessed and appropriate action taken as needed.

Within a set time period, not to exceed 30 days from the resident's arrival at the facility, the facility will reassess the resident's risk of victimization or abusiveness based upon any additional information that bears the resident's risk of sexual victimization or abusiveness.

RESIDENT REPORTING (115.251 C):

At intake residents will be advised of all reporting options available to report sexual assault/abuse or harassment. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

EXHAUSTION OF ADMINISTRATIVE REMEDIES: 115.252€-1, 151,252 b

Residents have access to file grievances via Bishop House grievance procedures as described in Resident Handbook.

RESIDENT ACCESS TO OUTSIDE CONFIDENTIAL SUPPORT SERVICES: 115.253(A)

Residents will be provided contact information to outside victim advocates and support services.

Residents shall not impose a time limit on when a resident may submit a grievance regarding an

allegation of sexual abuse.

THIRD PARTY REPORTING:

Any third-party reports of sexual abuse will be investigated and follow reporting procedures as appropriate.

8. OFFICIAL RESPONSE FOLLOWING RESIDENT REPORT 115.252(a)-1

STAFF AND AGENCY REPORTING DUTIES:

All staff are required to report any instance of alleged or actual sexual assault/abuse or harassment to the duty officer /program manager immediately. The PREA coordinator or designee will ensure appropriate law enforcement (Waterbury PD) is contacted on all criminal matters for investigation. The Department of Correction (Parole) shall also be notified of any incidents or allegations of sexual abuse or sexual harassment.

AGENCY PROTECTION DUTIES: 115.262 a-1 115.266 A

Upon receiving any information that a resident is subject to any risk of sexual abuse the program manager will be notified and appropriate action will be taken to protect the resident.

Neither the agency 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 limit's 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 extend discipline is warranted.

REPORTING TO OTHER CONFINEMENT FACILITIES: 115.263 a-1, c-1, d-1

Upon receiving information or allegation that a resident was sexually abused while confined at a prior DOC facility or another DOC program the Department of Correction (Parole) will be notified immediately and an Incident report completed documenting notification.

STAFF FIRST RESPONDERS: 115.264A - 115.265a-1, 115.251d

Upon learning of an allegation that a resident was sexually abused or harassed, the first security staff will make appropriate notifications and complete PREA incident check list. Allegations may be reported verbally, in writing, anonymously or from 3rd parties. Staff may report privately to the Program Manager or the Division Manager if needed. (See attached PREA check list)

COORDINATED RESPONSE:

The Bishop House PREA policy outlines program response to any incident or allegation of sexual assault/abuse or harassment.

PRESENTATION OF ABILITY TO PROTECT RESIDENTS FROM CONTACT WITH ABUSERS:

Pending outcome of an investigation of alleged staff sexual assault/abuse or harassment, contact between alleged staff and victim will be reviewed and appropriate action taken.

AGENCY PROTECTION AGAINST RETAILIATION: 115.267a-1

It is the agency policy that all residents who report sexual assault/abuse or sexual harassment or cooperate with a sexual assault/abuse or sexual harassment investigation will be protected from retaliation by other residents or staff.

9. INVESTIGATIONS 115.222 (a)-1 (b)-1 115.272a

CRIMINAL AND ADMINISTRATIVE AGENCY INVESTIGATIONS:

Agency investigations will be conducted promptly and thoroughly by appropriate assigned staff.

All criminal matters will be referred and investigated by local law enforcement (Waterbury PD)

EVIDENTIARY STANDARD FOR ADMINISTRATIVE INVESTIGATIONS:

It is the agency policy that when conducting investigations, that all evidence is reviewed and considered when determining whether allegations of sexual assault/abuse or harassment are substantiated. The agency shall impose a standard of preponderance of evidence or a lower level of proof when determining whether allegations of sexual abuse or sexual harassment are substantiated.

REPORTING TO RESIDENTS: 115.273 c-1 e-1

It is the policy of Bishop House that residents who are victims of sexual assault/abuse or sexual harassment are informed of the investigation results and actions taken whenever possible. All victim notifications will be documented in an Incident Report.

10. DISCIPLINE 115.211 (a)-4 115.276a-1

DISCIPLINE SANCTIONS ON STAFF:

Any staff found in violation of sexual assault/abuse or sexual harassment will be subject to disciplinary action up to including dismissal.

CORRECTIVE ACTION FOR CONTRATORS AND VOLUNTEERS: 115.277a-1

Any contractor or volunteer who engages in sexual assault/abuse or harassment shall be prohibited from contact with residents and local law enforcement will be contacted unless activity determined to be non-criminal.

Appropriate action will be taken on violations of sexual abuse or harassment by contractors or volunteer on non-criminal incidents.

DISCIPLINARY SANCTIONS FOR RESIDENTS: 115.278 a-1

Residents will be subject to disciplinary sanctions or remanded back to the Department of Correction following an administrative finding that the resident engaged in sexual assault/abuse or harassment of another resident. Any resident criminally charged will be returned to the Department of Correction (remanded).

11. MEDICAL AND MENTAL HEALTH CARE 115.221©-5115.282 a-3 d-1, 115.283a-1 115.282a

ACCESS TO MEDICAL AND MENTAL HEALTH CARE:

Victims of sexual abuse will receive timely unimpeded access to emergency medical treatment and crisis intervention services at no cost to client.

Continued medical/mental health treatment will be provided by Department of Correction or local medical facilities as appropriate at no cost to the client.

Residents 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 judgement.

12. DATA COLLECTION AND REVIEW 115.286 a-115.286e-115.287a-1, 115.289a-1, 115.288 d. b-1 115.286a, 115.289d, 115.289b, 153.289c

SEXUAL ASSAULT/ABUSE, HARASSMENT INCIDENT REVIEWS:

The PREA Coordinator will conduct an incident review at the conclusion of all sexual abuse investigations including allegations that are found to be unsubstantiated.

DATA REVIEW FOR CORRECTIVE ACTION:

Based on review of incident, appropriate corrective actions shall be taken as needed.

DATA STORAGE, PUBLICATION AND DESTRUCTION

Bishop House will maintain records of all incidents related to incidents or allegations of sexual assault/abuse and sexual harassment. This information and data will be provided to the Department of Correction upon request.

Records will be maintained for 10 years after the date of sexual abuse data collected.

The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical and mental health practitioners along with having an after-review incident form.

The agency may redact specific material from the reports when publication would present a clear and specific threat to safety and security of a facility, but must indicate the nature of the material redacted.

The agency shall make all aggregated sexual abuse data, from the facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.

Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.

13. Staff and agency reporting duties: 115.261b – 115-263d

Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified policy, to make treatment, investigation, and other security and management decisions.

The facility head or agency's office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

14. Evidence protocol and forensic medical examinations 115.221A

To the extent the agency is responsible for investigating allegations of sexual abuse, along with reporting the matter to law enforcement for criminal prosecution. Law enforcement will collect all evidence that is discovered.

15. AUDITS

Audits will be scheduled every 3-year period starting August 20, 2013 and will follow Department of Justice Community Confinement Standards 115.401-405.