

TITLE: RI 200-30 PRISON RAPE ELIMINATION ACT (PREA) FOR WELLPATH RECOVERY SOLUTIONS FACILITIES

PAGE: 1 OF 34

CATEGORY: RIGHTS AND RESPONSIBILITIES

VERSION: 4

APPROVER: Genna Brisson (VP Operations)

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1. PURPOSE

The purpose of this policy is to set guidelines that ensure all Wellpath Recovery Solutions, LLC facilities comply with Section 28 C.F.R. Part 115, the Department of Justice final rule adopting national standards to prevent, detect, and respond to prison rape, as required by the Prison Rape Elimination Act of 2003 (PREA).

2. SCOPE

This policy provides all facilities with guidance on the Wellpath Recovery Solutions, LLC Prison Rape Elimination Act (PREA) Standards.

3. POLICY

3.1. All Wellpath Recovery Solutions, LLC Facilities that fall within the scope of the Prison Rape Elimination Act of 2003 (PREA) and the National Standards to Prevent, Detect and Respond to Prison Rape will adhere to the following requirements:

- The National Standards to Prevent, Detect and Respond to Prison Rape (PREA Standards) are appropriately incorporated into policy;
- Employees, Contractors and Volunteers are informed of Wellpath Recovery Solutions, LLC's zero tolerance policy regarding Sexually Abusive behavior;
- Residents in a Wellpath Facility or Program are informed of Wellpath's zero tolerance policy regarding Sexually Abusive Behavior;
- Standard procedures are in place to detect and prevent Sexually Abusive Behavior at all Wellpath Facilities;
- Victims of Sexually Abusive Behavior receive a prompt and effective response to their physical, psychological and security needs;
- Allegations of Sexually Abusive Behavior receive prompt intervention upon report; and, Perpetrators of Sexually Abusive Behavior are disciplined and, when appropriate, referred for prosecution in accordance with Wellpath policy and Federal, State or Local laws.

4. INTERPRETATION

It is the responsibility of the Director of Security Operations to define, interpret, and administer this policy.

5. PROCEDURE

5.1. GUIDELINES

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5.1.1. Policy Statements

- **Zero Tolerance (§115.11)**

- Each Facility is required to have a current policy mandating zero tolerance towards all forms of Sexual Abuse and Sexual Harassment and outlining Wellpath Recovery Solutions, LLC’s approach to preventing, detecting, and responding to such conduct.
- Due to client contract requirements, some Facilities may be required to follow client specific PREA policy. If for some reason, client policy is less restrictive than Section 28 C.F.R. Part 115 of the National PREA Standards, the PREA Standards shall prevail and a site specific supplemental policy shall be developed.

5.1.2. Policies to Ensure Referrals of Allegations for Investigations (§115.22)

- Each Facility shall have a policy in place to ensure that all allegations of Sexual Abuse or Sexual Harassment are referred for investigation to a law enforcement Agency with legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. Facilities shall document all referrals.
- Wellpath Recovery Solutions, LLC shall publish its corporate investigations policy on its website.

5.1.3. Ability to Protect Residents from Contact with Abusers (§115.66)

- In every case where the potential perpetrator is an Employee, Contractor or Volunteer, there shall be no contact between the potential perpetrator and the victim pending the outcome of an investigation.
- Wellpath Recovery Solutions, LLC shall not enter into or renew any collective bargaining agreement or other agreement that limits a Facility’s ability to remove Employee sexual abusers from contact with any Resident in a Wellpath Recovery Solutions, LLC Facility or Program pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

5.1.4. Coordinated Response (§115.65)

- Each Facility shall develop written Facility plans to coordinate the actions taken in response to incidents of Sexual Abuse.

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- The plans shall coordinate actions of staff first responders, Medical and Mental Health Practitioners, investigators, and Facility leadership.
- The local PREA Compliance Manager shall be a required participant and the Corporate PREA Coordinator (Director of Security Operations) may be consulted as part of this coordinated response.

5.1.5. Contracting With Other Entities/Residents (§115.12)

- Wellpath Recovery Solutions, LLC shall adhere to all contracts with other entities for the confinement of residents that require its obligation to adopt and comply with the PREA standards.
- Contractors providing services who have direct contact with Residents in Wellpath Recovery Solutions, LLC Facility or Program shall be obligated to comply with applicable PREA standards and this obligation shall be incorporated into their new contract or contract renewal. Contractors shall be monitored to ensure compliance with these PREA standards.

5.2. PREA Personnel

5.2.1. PREA Coordinator (§115.11)

Wellpath Recovery Solutions, LLC shall designate a PREA Coordinator (Director of Security Operations), at the corporate level with sufficient time and authority to develop, implement, and oversee the Company's efforts to comply with the PREA standards in all of its required Facilities. PREA Coordinator duties include:

- PREA oversight for Wellpath Recovery Solutions, LLC Facilities;
- Developing the corporate PREA policy to comply with standard requirements;
- Work on the refinement of the PREA survey process preparation and audit tools;
- Work with Facilities if an incident occurs;
- Review the results of every investigation of Sexual Abuse;
- Compile an annual report on findings and corrective actions for the Company; and,
- Develop and implement best practices in training, identification, treatment and reporting.

5.2.2. PREA Compliance Manager

Each Facility Administrator shall appoint a local PREA Compliance Manager for each Wellpath Recovery Solutions, LLC Facility with sufficient time and

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authority to coordinate the Facility’s efforts to comply with the PREA standards. PREA Compliance Manager duties include:

- Gathering of Facility statistics and reports on incidents of Sexual Activity and Sexual Abuse;
- Assist with development/revision of any site specific PREA policies;
- Assist with PREA Facility assessments;
- Prepare an annual report on findings and corrective actions for the Facility;
- Monitoring for retaliation in accordance to Section M (2) of this policy

Note: This may be a collateral duty position, depending on the Facility.

5.2.3. A local PREA Compliance Manager is not required for each Facility; however, a PREA Compliance Manager may be designated and may oversee one or multiple Facilities in the same region.

5.3. Facility Staff and Physical Plant

5.3.1. Supervision and Monitoring (§115.13)

- Each Facility shall develop, and document a staffing plan that provides adequate levels of staffing and where applicable, video monitoring, to protect Residents in a Wellpath Recovery Solutions, LLC Facility or Program against Sexual Abuse.
- In circumstances where the staffing plan is not complied with, Facilities shall document and justify all deviations from the plan.
- Facilities shall assess, determine and document no less frequently than once each year, whether adjustments are needed to:
 - The staffing plan;
 - The Facility’s deployment of video monitoring systems and other monitoring technologies; and
 - The resources the Facility has available to commit to ensure adherence to the staffing plan.
 - Community Confinement Facilities shall also assess, determine and document prevailing staffing patterns.
- The staffing plan, to include all deviations and the Facility assessment, shall be completed and submitted to the local PREA Compliance Manager and Corporate PREA Coordinator annually as determined by each division.

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- Wellpath Recovery Solutions, LLC in consultation with the Corporate PREA Coordinator shall review all Facility assessments and take appropriate actions necessary to protect Residents in a Wellpath Recovery Solutions, LLC Facility or Program from Sexual Abuse at its Facilities. Any findings and corrective actions taken shall be documented by the Corporate PREA Coordinator.
- Facilities shall implement a policy and practice requiring department heads, Facility management staff and supervisors to conduct and document unannounced rounds within their respective areas to identify and deter Employee Sexual Abuse and Sexual Harassment. Such policy and practice shall be implemented for all shifts.
- Employees are prohibited from alerting other Employees that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the Facility.

5.3.2. Hiring and Promotion (§115.17)

- Wellpath Recovery Solutions, LLC Facilities are prohibited from hiring or promoting anyone (who may have contact with Residents in a Wellpath Recovery Solutions, LLC Facility or Program) who has engaged in, been convicted of, or been civilly or administratively adjudicated for engaging in Sexual Abuse in confinement settings or the community.
- Facilities shall consider any incidents of Sexual Harassment in determining whether to hire or promote anyone who may have contact with Residents in a Wellpath Recovery Solutions, LLC Facility or Program.
- Each Facility shall conduct criminal background checks, and make its best efforts to contact prior institutional employers to obtain information on substantiated allegations of Sexual Abuse or any resignation pending investigation of an allegation of Sexual Abuse, prior to hiring new Employees. Background checks shall be repeated for all Employees at least every five years.
- Wellpath Recovery Solutions, LLC shall ask all applicants and Employees who may have contact with Residents in a Wellpath Recovery Solutions, LLC Facility or Program directly about previous Sexual Abuse misconduct as part of its hiring and promotional processes, and during annual performance reviews for current Employees. Wellpath Recovery Solutions, LLC Facilities shall also impose upon Employees a continuing affirmative duty to disclose any such conduct.

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- Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
- Unless prohibited by law, Wellpath Recovery Solutions, LLC shall provide information on substantiated allegations of Sexual Abuse or Sexual Harassment involving a former Employee upon receiving a request from an institutional employer for whom such Employee has applied to work.
- See Section G for Volunteer requirements and Section H for Contractor requirements.

5.3.3. Facility Upgrades and Technology (§115.18)

Facilities shall consider the effect any (new or upgrade) design, acquisition, expansion or modification of physical plant or monitoring technology might have on the Facility’s ability to protect Residents in a Wellpath Recovery Solutions, LLC Facility or Program from Sexual Abuse.

5.4. Screenings

5.4.1. Screening for Risk of Victimization and Abusiveness (§115.41)

- All Residents in a Wellpath Recovery Solutions, LLC Facility or Program shall be assessed during intake and upon transfer for their risk of being sexually abused by another Resident in a Wellpath Recovery Solutions, LLC Facility or Program or being sexually abusive towards another Resident in a Wellpath Recovery Solutions, LLC Facility or Program.
- This screening shall take place within 24 hours of arrival at all Facilities utilizing an objective screening instrument. In addition to the screening instrument, persons tasked with screening shall conduct a thorough review of any available records (i.e. medical files or investigation reports, etc.) which can assist them with risk assessment.
- The intake screening shall consider, at a minimum, the following criteria to assess Residents in a Wellpath Recovery Solutions, LLC Facility or Program risk for sexual victimization:
 - Mental, physical or developmental disability;
 - Age;
 - Physical build;
 - Previous incarceration;
 - If criminal history is exclusively nonviolent;
 - Prior convictions for sex offenses against an adult or child;
 - If perceived to be LGBTI or Gender Nonconforming;
 - If previously experienced sexual victimization;
 - His/her own perception of vulnerability; and,

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- WELLPATH Facilities shall also assess whether he or she is detained solely for civil immigration purposes.
- The intake screening shall also consider prior acts of Sexual Abuse, prior convictions for violent offenses, and history of prior institutional violence or Sexual Abuse, as known to the Facility, in assessing the risk of being sexually abusive.
- Facilities shall ensure that within a set time period, not to exceed 30 days from arrival at the Facility, staff shall reassess the Resident's in a Wellpath Recovery Solutions, LLC Facility or Program risk for victimization or abusiveness based upon any additional, relevant information received by the Facility since the intake screening.
- Disciplining Residents in a Wellpath Recovery Solutions, LLC Facility or Program for refusing to answer or not providing complete information in response to certain screening questions is prohibited.
- Facilities shall implement appropriate controls on dissemination of responses to questions asked related to sexual victimization or abusiveness in order to ensure that sensitive information is not exploited by Employees or other Residents in a Wellpath Recovery Solutions, LLC Facility or Program.
- Sensitive information shall be limited to need-to-know Employees only for the purpose of treatment, programming, housing and security and management decisions.
- At any point after the initial intake screening, a Resident in a Wellpath Recovery Solutions, LLC Facility or Program may be reassessed for risk of victimization or abusiveness.

5.4.2. Medical and Mental Health Screenings; History of Sexual Abuse (§115.81)

- If during the intake assessment, persons tasked with screening determine that a Resident in a Wellpath Recovery Solutions, LLC Facility or Program is at risk for either sexual victimization or abusiveness, the resident shall be referred to Mental Health for further evaluation.
- Any Resident in a Wellpath Recovery Solutions, LLC Facility or Program who is identified (pursuant to the screening conducted in Section D 1) who has previously experienced prior sexual victimization or has previously perpetrated Sexual Abuse, whether in an institutional setting or the community

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shall be offered a follow-up meeting with a Medical or Mental Health Practitioner within 14 days of the initial intake screening.

- Information related to sexual victimization or abusiveness in an institutional setting is limited only to Medical and Mental Health Practitioners and other Employees as necessary to inform treatment plans, security and management decisions or otherwise required by Federal, State or local law.
- Medical and Mental Health Practitioners are required to obtain informed consent from Residents in a Wellpath Recovery Solutions, LLC Facility or Program before reporting information about prior sexual victimization that did not occur in an institutional setting (unless the resident is under the age of 18).

5.4.3. Use of Screening Information (§115.42)

- Screening information from standard Section D (1) shall be used to determine housing, bed, work, education, and programming assignments within the Facility in order to keep potential victims away from potential abusers.
- In making housing and programming assignments for Transgender or Intersex Residents in a Wellpath Recovery Solutions, LLC Facility or Program, the Facility shall consider on a case-by- case basis whether the placement would present management or security problems.
- In Wellpath Recovery Solutions, LLC Facilities, these housing and programming assignments for each Transgender and Intersex resident shall be reassessed every six (6) months to determine any threats to safety experienced by the resident. Serious consideration shall be given to the resident’s own views with respect to his/her own safety.
- LGBTI Residents in a Wellpath Recovery Solutions, LLC Facility or Program shall not be placed in housing units solely based on their identification as LGBTI, unless such a dedicated unit exists in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such residents.
- Transgender and Intersex Residents in a Wellpath Recovery Solutions, LLC Facility or Program shall be given an opportunity to shower separately from other residents.

5.5. Orientation and Education

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5.5.1. Residents with Disabilities or who are Limited English Proficient (§115.16)

- Facilities shall ensure that Residents in a Wellpath Recovery Solutions, LLC Facility or Program with disabilities (i.e., those who are deaf, hard of hearing, blind, have low vision, intellectual, psychiatric or speech disabilities) have an equal opportunity to participate in or benefit from the Company’s efforts to prevent, detect, and respond to Sexual Abuse and Sexual Harassment.
- Wellpath Recovery Solutions, LLC shall ensure that all of its Facilities provide written materials to every Resident in a Facility or Program in formats or through methods that ensure effective communication with residents with disabilities, including those who have intellectual disabilities, limited reading skills or who are blind or have low vision.
- Residents in a Wellpath Recovery Solutions, LLC Facility or Program shall not be relied on as readers, or other types of 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 in Section L (2), or the investigation of the resident’s allegations. Any use of these interpreters under these type circumstances shall be justified and fully documented in the written investigative report.

5.5.2. Education for Residents in a Wellpath Recovery Solutions, LLC Facility or Program (§115.33)

- During the intake process, Facilities shall provide each Resident in a Wellpath Recovery Solutions, LLC Facility or Program with written information (i.e., handbooks, pamphlets, etc.) on the Company’s zero tolerance policy regarding Sexual Abuse and Sexual Harassment, how to report incidents or suspicions of Sexual Abuse or Sexual Harassment, their right to be free from Sexual Abuse and Sexual Harassment and to be free from retaliation for reporting such incidents, and regarding Facility policies and procedures for responding to such incidents.
- Facilities shall provide refresher information whenever a Resident in a Wellpath Recovery Solutions, LLC Facility or Program is transferred to a different Facility.
- During the intake process, Facilities shall provide each Resident in a Wellpath Recovery Solutions, LLC Facility or Program with written information (i.e., handbooks, pamphlets, etc.) on the Company’s zero

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tolerance policy regarding Sexual Abuse and Sexual Harassment and how to report incidents or suspicions of Sexual Abuse or Sexual Harassment.

- Within 30 days of intake, Facilities shall provide comprehensive education to all Residents in a Wellpath Recovery Solutions, LLC Facility or Program, either in person or through video.
- All current Residents in a Wellpath Recovery Solutions, LLC Facility or Program who have not received such education shall receive this comprehensive education within one year of the effective date of the PREA standards and shall receive education upon transfer to a different Facility if the policy and procedures are different from the previous Facility.
- The comprehensive education shall include information on resident’s right to be free from Sexual Abuse and Sexual Harassment and to be free from retaliation for reporting such incidents, and regarding Facility policies and procedures for responding to such incidents.
- In all Facilities, education shall be provided in formats accessible to all Residents in a Wellpath Recovery Solutions, LLC Facility or Program, including those with disabilities and those who are limited English proficient.
- In all Facilities, Residents in a Wellpath Recovery Solutions, LLC Facility or Program shall sign for receipt of written materials and participation in comprehensive education sessions which shall be retained in their resident files.
- Key information shall be provided to Residents in a Wellpath Recovery Solutions, LLC Facility or Program on a continuous basis through readily available, handbooks, brochures, or other written materials.

5.6. Training

5.6.1. Employee Training (§115.31)

- All Employees, Contractors and Volunteers shall receive training on Wellpath Recovery Solutions, LLC’s Sexually Abusive Behavior Prevention and Intervention Program prior to assignment. See Section G for Volunteer requirements and Section H for Contractor requirements.
- Each Facility shall train all Employees who may have contact with Residents in a Wellpath Recovery Solutions, LLC Facility or Program on:

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- Its zero tolerance policy for Sexual Abuse and Sexual Harassment;
- How to fulfill their responsibilities under agency Sexual Abuse and Sexual Harassment prevention, detection, reporting and response policies and procedures;
- Residents in a Wellpath Recovery Solutions, LLC Facility or Program right to be free from Sexual Abuse and Sexual Harassment;
- The right of Residents in a Wellpath Recovery Solutions, LLC Facility or Program and Employees to be free from retaliation for reporting Sexual Abuse and Sexual Harassment;
- The dynamics of Sexual Abuse and Sexual Harassment in confinement;
- The common reactions of Sexual Abuse and Sexual Harassment victims;
- How to detect and respond to signs of threatened and actual Sexual Abuse;
- How to avoid inappropriate relationships with Residents in a Wellpath Recovery Solutions, LLC Facility or Program;
- How to communicate effectively and professionally with Residents in a Wellpath Recovery Solutions, LLC Facility or Program, including LGBTI or Gender Non-conforming residents; and,
- How to comply with relevant laws related to mandatory reporting of Sexual Abuse to outside authorities.
- Employee training shall be tailored to the gender of the Residents in the Wellpath Recovery Solutions, LLC Facility or Program at the Employee's Facility, and Employees shall receive additional training if transferring between Facilities that house residents of different genders.
- Current Employees shall receive this training within one year of the effective date of the PREA standards.
- PREA refresher training shall be conducted each year thereafter for all Employees.
- Refresher training shall include updates to Sexual Abuse and Sexual Harassment policies.
- Employees shall document through signature or electronic verification that they understand the training they have received.

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5.6.2. Specialized Training: Medical and Mental Health Practitioners (§115.35)

- Each Facility shall train all full-time and part-time Medical and Mental Health Care Practitioners who work regularly in its Facilities on certain topic areas, including detecting signs of Sexual Abuse and Sexual Harassment, preserving physical evidence of Sexual Abuse, responding professionally to victims of Sexual Abuse and Sexual Harassment, and proper reporting of allegations or suspicions of Sexual Abuse and Sexual Harassment.
- Medical and Mental Health Care Practitioners shall receive this specialized training addition to the training mandated for Employees in Section F (1) or Contractors in Section H (1) depending upon their status at the Facility.
- Medical personnel conducting forensic exams shall receive appropriate training to conduct such examinations.
- Facilities shall maintain documentation of this specialized training.

5.6.3. Specialized Training: Investigators (§115.34)

- Investigators shall be trained in conducting investigations of Sexual Abuse in confinement settings. The specialized training shall include techniques for interviewing Sexual Abuse victims, proper use of Miranda and Garrity warnings, Sexual Abuse evidence collection and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
- Investigators shall receive this specialized training in addition to the training mandated for Employees in Section F (1). Facilities shall maintain documentation of this specialized training.
- Where the Facility does not conduct Sexual Abuse investigations and an outside Agency is responsible for investigating these type incidents, the Facility shall request documentation from the Agency that it has provided such training to its investigators who conduct such investigations. Training documentation shall be kept on file at the Facility.

5.7. Volunteers

5.7.1. Volunteer Training (§115.32)

- All Employees, Contractors and Volunteers shall receive training on Wellpath Recovery Solutions, LLC’s Sexually Abusive Behavior Prevention and Intervention Program prior to assignment.

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- Each Facility shall ensure that all Volunteers who have contact with Residents in a Wellpath Recovery Solutions, LLC Facility or Program are trained on their responsibilities under Wellpath Recovery Solutions, LLC’s Sexual Abuse and Harassment prevention, detection, and response policies and procedures.
- The level and type of training provided to Volunteers shall be based on the services they provide and level of contact they have with Residents in a Wellpath Recovery Solutions, LLC Facility or Program, but all Volunteers who have contact with these residents shall be notified of Wellpath Recovery Solutions, LLC’s zero tolerance policy regarding Sexual Abuse and Sexual Harassment and informed how to report such incidents.
- Volunteers who have contact with Residents in a Wellpath Recovery Solutions, LLC Facility or Program shall receive annual PREA refresher training.
- Volunteers shall document through signature or electronic verification that they understand the training they have received.

5.7.2. Volunteer Reporting Duties (§115.61)

- Volunteers are required to immediately report any of the following:
 - Knowledge, suspicion, or information regarding an incident of Sexual Abuse or Sexual Harassment that occurred in a Facility whether or not it is a Wellpath Recovery Solutions, LLC Facility;
 - Retaliation against Residents in a Wellpath Recovery Solutions, LLC Facility or Program or Employees who reported such an incident; and
 - Any Employee neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- Apart from reporting to designated supervisors or officials; Volunteers shall not reveal any information related to a Sexual Abuse report to anyone.

5.7.3. Corrective Action for Volunteers (§115.77)

- Any Volunteer who engages in Sexual Abuse or Sexual Harassment shall be prohibited from contact with Residents in a Wellpath Recovery Solutions, LLC Facility or Program and shall be reported to law enforcement, unless the activity was clearly not criminal and relevant licensing bodies. Wellpath Recovery Solutions, LLC is committed to

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investigating, and referring for prosecution, any Volunteer that engages in such behavior.

- In the case of any other violation of Wellpath Recovery Solutions, LLC Sexual Abuse or Sexual Harassment policies by the Volunteer, the Facility shall notify the applicable Wellpath Recovery Solutions, LLC Contracting Authority who will take remedial measures, and shall consider whether to prohibit further contact with Residents in a Wellpath Recovery Solutions, LLC Facility or Program.

5.8. Contractors

5.8.1. Contractor Training (§115.32)

- All Employees, Contractors and Volunteers shall receive training on Wellpath Recovery Solutions, LLC’s Sexually Abusive Behavior Prevention and Intervention Program prior to assignment.
- Each Facility shall ensure that all Contractors who have contact with Residents in a Wellpath Recovery Solutions, LLC Facility or Program are trained on their responsibilities under Wellpath Recovery Solutions, LLC’s Sexual Abuse and Harassment prevention, detection, and response policies and procedures.
- The level and type of training provided to Contractors shall be based on the services they provide and level of contact they have with Residents in a Wellpath Recovery Solutions, LLC Facility or Program, but all Contractors who have contact with these residents shall be notified of Wellpath Recovery Solutions, LLC’s zero tolerance policy regarding Sexual Abuse and Sexual Harassment and informed how to report such incidents.
- Contractors who have contact with Residents in a Wellpath Recovery Solutions, LLC Facility or Program shall receive annual PREA refresher training.
- Contracted Medical and Mental Healthcare Practitioners shall receive the specialized training required in Section F (2).
- Contractors shall document through signature or electronic verification that they understand the training they have received.

5.8.2. Contractor Reporting Duties (§115.61)

- Contractors are required to immediately report any of the following:

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- Knowledge, suspicion, or information regarding an incident of Sexual Abuse or Sexual Harassment that occurred in a Facility whether or not it is a Wellpath Recovery Solutions, LLC Facility;
- Retaliation against Residents in a Wellpath Recovery Solutions, LLC Facility or Program or Employees who reported such an incident; and,
- Any Employee neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- Apart from reporting to designated supervisors or officials; Contractors shall not reveal any information related to a Sexual Abuse report to anyone.

5.8.3. Corrective Action for Contractors (§115.77)

- Any Contractor who engages in Sexual Abuse or Sexual Harassment shall be prohibited from contact with Residents in a Wellpath Recovery Solutions, LLC Facility or Program and shall be reported to law enforcement, unless the activity was clearly not criminal, and relevant licensing bodies. Wellpath Recovery Solutions, LLC is committed to investigating, and referring for prosecution, any Contractor that engages in such behavior.
- In the case of any other violation of Wellpath Recovery Solutions, LLC Sexual Abuse or Sexual Harassment policies by the Contractor, the Facility shall notify the applicable Wellpath Recovery Solutions, LLC Contracting Authority who will take remedial measures, and shall consider whether to prohibit further contact with Residents in a Wellpath Recovery Solutions, LLC Facility or Program.

5.8.4. Hiring Contractors (§115.17)

- Wellpath Recovery Solutions, LLC Facilities are prohibited from contracting with anyone (who may have contact with Residents in a Wellpath Recovery Solutions Facility or Program) who has engaged in, been convicted of, or been civilly or administratively adjudicated for engaging in Sexual Abuse in confinement settings or in the community.
- Facilities shall consider any incidents of Sexual Harassment in determining whether to enlist the services of any Contractor who may have contact with Residents in a Wellpath Recovery Solutions Facility or Program.
 - Each Facility shall conduct criminal background checks, and make its best efforts to contact prior institutional employers to obtain information on substantiated allegations of Sexual Abuse or any



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resignation pending investigation of an allegation of Sexual Abuse, prior to enlisting the services of any Contractor. Background checks shall be repeated for all Contractors at least every five years.

5.8.5. Searches and Observation(§115.15)

- Cross-gender strip searches and cross-gender visual body cavity searches (meaning a visual search of the anal or genital opening) are prohibited except in Exigent Circumstances or when performed by Medical Practitioners.
- Facilities shall not permit cross-gender pat-down searches of female Residents in a Wellpath Recovery Solutions, LLC Facility or Program, absent Exigent Circumstances.
- Facilities shall not restrict female Residents in a Wellpath Recovery Solutions, LLC Facility or Program access to regularly available programming or other outside opportunities in order to comply with this provision.
- Facilities shall document and justify all cross-gender pat-down searches of female Residents in a Wellpath Recovery Solutions, LLC Facility or Program.
- Facilities shall document and justify all cross-gender strip searches and cross-gender visual body cavity searches of Residents in a Wellpath Recovery Solutions, LLC Facility or Program.
- Facilities shall not search or physically examine a Transgender or Intersex Resident in a Wellpath Recovery Solutions, LLC Facility or Program solely to determine their genital status. If the genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or by learning that information as part of a broader medical examination conducted in private by a Medical Practitioner.
- Security Staff shall be trained to conduct cross-gender pat-down searches and searches of Transgender and Intersex Residents in a Wellpath Recovery Solutions, LLC Facility or Program in a professional and respectful manner.
- Each Facility shall implement policies and procedures that allow Residents in a Wellpath Recovery Solutions, LLC Facility or Program to shower, change clothes, and perform bodily functions without Employees of the opposite gender viewing them, absent Exigent Circumstances or instances when the viewing is incidental to routine cell checks.
- Facility policies and procedures shall require Employees of the opposite gender to announce their presence when entering housing units

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or any areas where Residents in a Wellpath Recovery Solutions, LLC Facility or Program are likely to be showering, performing bodily functions, or changing clothes.

- In Facilities, residents who are placed on constant observation status by Mental Health Providers shall be provided visual supervision by a Security Staff member of the same gender.

5.9. Housing and Youthful Inmates

5.9.1. Protective Custody (§115.43)

- Involuntary segregated housing may be used only after an assessment of all available housing alternatives has shown that there are no other means of protecting the Resident in a Wellpath Recovery Solutions, LLC Facility or Program.
- If the Facility cannot conduct such assessment immediately, the resident may be placed in involuntary segregated housing for no more than 24 hours while completing the assessment.
- Facilities shall document the assessment. All completed forms shall be reviewed and signed by the Facility Administrator or Assistant Facility Administrator upon completion.
- If segregated housing is used, the resident shall have all possible access to programs and services for which he/she is otherwise eligible, and the Facility shall document and justify any restrictions imposed.
- Involuntary segregated housing shall not ordinarily exceed a period of 30 days.
- In cases where involuntary segregated housing is needed for longer than the initial 30 days, the Facility shall review the status every 30 days to determine if ongoing involuntary segregated housing is needed.

5.9.2. Youthful Inmates (§115.14)

- Youthful Inmates shall be placed in housing units that have sight, sound, and physical contact separation from adult inmates/detainees.
- In areas other than housing units, sight and sound separation shall be maintained between Youthful Inmates and adult inmates/detainees unless the Facility can provide direct Employee supervision over inmates/detainees in the area.
- Facilities shall not use isolation or denial of exercise, education, or other program/work opportunities in order to comply with these requirements.



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5.10. Reporting of Sexual Abuse

5.10.1. Reporting Options for Residents in a Wellpath Recovery Solutions, LLC Facility or Program (§115.51)

- Each Facility shall provide multiple ways for Residents in a Wellpath Recovery Solutions, LLC Facility or Program to privately report Sexual Abuse and Sexual Harassment, retaliation by other Residents in a Wellpath Recovery Solutions, LLC Facility or Program or Employees for reporting Sexual Abuse and Sexual Harassment and staff neglect or violation of responsibilities that may have contributed to such incidents.
- Facilities shall provide contact information to residents detained solely for civil immigration purposes for relevant consular officials and officials at the Department of Homeland Security.
- Facilities shall provide Residents in a Wellpath Recovery Solutions, LLC Facility of Program contact information on how to report abuse or harassment to a public or private entity or office that is not part of Wellpath Recovery Solutions, LLC (i.e. contracting agency ICE, USMS, BOP, etc.).
- Facilities shall provide Residents in Wellpath Recovery Solutions, LLC Facility or Program contact information on how to report Sexual Abuse incidents to the Facility PREA Compliance Manager.
- Employees shall accept reports made verbally, in writing, anonymously and from third parties and shall promptly document any verbal reports.

5.10.2. Exhaustion of Administrative Remedies (§115.52)

- Facility grievance policies shall include the following procedures regarding Sexual Abuse grievances:
 - No time limit on when a Resident in a Wellpath Recovery Solutions, LLC Facility or Program may submit a grievance regarding an allegation of Sexual Abuse.
 - Residents in a Wellpath Recovery Solutions, LLC Facility or Program right to submit grievances alleging Sexual Abuse to someone other than the potential perpetrator.
 - Third parties (e.g. Fellow Residents in a Wellpath Recovery Solutions, LLC Facility or Program, Employees, family members, attorneys and outside advocates) may assist Residents in a Wellpath Recovery Solutions, LLC Facility or Program in filing requests for administrative remedies relating to allegations of Sexual Abuse, and

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may file such requests on behalf of Residents in a Wellpath Recovery Solutions, LLC Facility or Program.

- The victim must agree to have the request filed on his or her behalf; however, he/she is not required to personally pursue any subsequent steps in the administrative remedy process.
- Residents in a Wellpath Recovery Solutions, LLC Facility or Program are not required to use any informal grievance process or attempt to resolve with Employees an incident of Sexual Abuse.
- A final decision shall be issued on the merits of any portion of the grievance alleging Sexual Abuse within 90 days of the initial filing of the grievance.
- Facilities may claim an extension of time to respond (for good cause), of up to 70 days and shall notify the resident of the extension in writing.

● **Emergency Grievances:**

- Residents in a Wellpath Recovery Solutions, LLC Facility or Program may file an emergency grievance if he/she is subject to a substantial risk of imminent Sexual Abuse.
- After receiving an emergency grievance of this nature, the Facility Administrator or designee shall ensure that immediate corrective **action** is taken to protect the victim.
- An initial response to the emergency grievance to the resident is required within 48 hours and a final decision shall be provided within five (5) calendar days.
- Residents in a Wellpath Recovery Solutions, LLC Facility or Program may receive a disciplinary report for filing a grievance relating to Sexual Abuse in bad faith.
- The PREA Compliance Manager shall receive copies of all grievances related to Sexual Abuse, Sexual Harassment or Sexual Activity, for monitoring purposes.

5.10.3. Third-Party Reporting (§115.54)

Wellpath Recovery Solutions, LLC shall post publicly, third-party reporting procedures on its public website to show its method of receiving third-party reports of Sexual Abuse and Sexual Harassment on behalf of Residents in a Wellpath Recovery Solutions, LLC Facility or Program.

5.10.4. Employee and Wellpath Recovery Solutions, LLC Reporting Duties (§115.61)

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Employees are required to immediately report any of the following:

- Knowledge, suspicion, or information regarding an incident of Sexual Abuse or Sexual Harassment that occurred in a Facility whether or not it is a Wellpath Recovery Solutions, LLC Facility;
- Retaliation against Residents in a Wellpath Recovery Solutions, LLC Facility or Program or Employees who reported such an incident; and,
- Any Employee neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- Apart from reporting to designated supervisors or officials, Employees shall not reveal any information related to a Sexual Abuse report to anyone.
- Employees reporting Sexual Abuse or Sexual Harassment shall be afforded the opportunity to report such information to the Chief of Security or Facility management privately if requested.
- Unless precluded by Federal, State or local law, Medical and Mental Health Practitioners are required to report allegations of Sexual Abuse in which the victim is under the age of 18 or considered a vulnerable adult to designated state or local services Agencies under applicable mandatory reporting laws.
- Practitioners shall inform Residents in a Wellpath Recovery Solutions, LLC Facility or Program of the practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services.
- Facilities shall report all allegations of Sexual Abuse and Sexual Harassment, including third-party and anonymous reports, to the Facility’s designated investigators or outside agency responsible for investigating these type incidents.

5.11.Actions Required After Report of Sexual Abuse

5.11.1. Facility Protection Duties (§115.62)

- When a Facility learns that a Resident in a Wellpath Recovery Solutions, LLC Facility or Program is subject to substantial risk of imminent Sexual Abuse, it shall take immediate action to protect the victim. Employees shall report and respond to all allegations of Sexually Abusive Behavior and Sexual Harassment. Employees should assume that all reports of

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sexual victimization, regardless of the source of the report (i.e. “third party”) are credible and respond accordingly.

- Only designated Employees specified by policy should be informed of the incident, as it is important to respect the victim’s security, identity and privacy.
- All allegations of Sexual Abuse shall be handled in a confidential manner throughout the investigation.
- All conversations and contact with the victim should be sensitive, supportive and non-judgmental.

5.11.2. Staff First Responder Duties (§115.64)

Upon receipt of a report that a Resident in a Wellpath Recovery Solutions, LLC Facility or Program was Sexually Abused, or if the Employee sees abuse, the first Security Staff member to respond to the report shall:

- Separate the victim and abuser.
- Immediately notify the on duty or on call supervisor and remain on the scene until relieved by responding personnel.
- Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.
- Do not let the victim or abuser take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
- If the first responder is not a Security Staff member, the responder shall be required to request that the victim not take any actions that could destroy physical evidence; remain with the victim and notify Security Staff.
- Apart from reporting to designated supervisors, Employees shall not reveal any information related to the incident to anyone other than to staff involved with investigating the incident.

5.11.3. Responsibilities When Sexual Abuse is Reported

In cases where there is a serious allegation that an Resident in a Wellpath Recovery Solutions, LLC Facility or Program was Sexually Abused, responding supervisory staff shall:

- Ensure that the victim and abuser are properly separated. They should not be allowed to communicate and should be held out of sight and sound of each other.

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- Ensure the potential crime scene area is preserved until appropriate steps can be taken to collect any evidence by trained persons.
- A brief inquiry will be made to each resident separately and apart from each other to ascertain if the sexual contact was consensual or nonconsensual. The victim may be in shock, embarrassed to discuss the incident in detail, and even unable to give very much detail. If this is the case, it is important to be understanding and responsive. Opportunities to secure more details will occur later.
- Ensure that the Facility Administrator, PREA Compliance Manager, Facility investigator, Corporate PREA Coordinator, and other designated residents are notified within two (2) hours of the occurrence. Contracting Agencies shall be notified in accordance with contract requirements.
- For allegations of Sexually Abusive Behavior in which an Employee is the potential perpetrator, only the Facility Administrator and Facility investigator shall be notified of the specifics of the allegation. They shall make notifications and referrals to outside law enforcement and contracting officials as appropriate.
- If the abuse occurred within 96 hours, request that the victim and ensure that the potential perpetrator do not take any actions that could destroy physical evidence.
- The victim and abuser should be placed (separately) in a dry room or area where they will be discouraged from doing the following until the forensic examination can be performed: washing, brushing teeth, changing clothes, urinating, defecating,, drinking or eating.
- A Security Staff member of the same sex shall be placed outside the room or area for direct observation to discourage these actions and explain their role in preserving evidence and to ensure that the victim and potential perpetrator do not attempt to harm themselves. The victim and potential perpetrator must not be left alone until evaluated by Mental Health Staff for suicide risk.
- Ensure that all persons who played an active role in the response document their actions, providing as much detail as possible, and ensure that they remain on duty until properly debriefed and relieved as appropriate. Incidents shall be documented in accordance with Facility Incident Reporting Procedures.
- Facility investigators may be responsible for collecting information or evidence in accordance with Facility policy, contract requirements and coordination with the Agency to which the case may be referred.

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- Facility Administrators shall implement the written Facility plan in accordance with Section A (4) of this policy, to coordinate the necessary actions required in response to incidents of Sexual Abuse which include at a minimum:
 - Ensuring that both victim and abuser are referred to medical for further assessment and treatment as deemed necessary by the Healthcare Provider;
 - Ensuring that the victim is promptly referred to Mental Health (or on- call Mental Health personnel during non-business hours) for assessment of vulnerability and treatment needs.
 - Determining an appropriate method of safeguarding the victim.
 - Victims should not be housed in the same unit/area as the potential perpetrator. Victims should be housed in the least restrictive environment possible and allowed to retain personal property that does not present a legitimate security concern.
 - Coordinating other services that must be provided in accordance with this policy that meets both security and therapeutic needs.
 - After the sexual assault exam has been completed (or refused), the victim should be given access to a shower, food and drink. Telephone calls to family, visits from clergy, community victim services, etc., should be allowed whenever possible.

5.11.4. Responsibilities When Sexual Harassment/Sexual Activity is Reported

- **Sexual Harassment:** Some allegations may only rise to the level of Sexual Harassment between Residents in a Wellpath Recovery Solutions, LLC Facility or Program. For reports or allegations of this type of Sexual Harassment, responding supervisory staff shall:
 - Ensure that the victim and abuser are separated.
 - A brief inquiry will be made to each resident separate and apart from each other to ascertain if the sexual behavior was consensual or nonconsensual.
 - Ensure that the Facility Administrator, PREA Compliance Manager, Facility investigator, and other designated residents are notified.
 - Incidents of this sort shall be fully documented in accordance with Facility Incident Reporting Procedures.
 - The incident shall be investigated and the potential perpetratorpotential perpetrator may be segregated pending the outcome of the investigation.

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- The victim shall be referred to Mental Health for re-assessment to determine if any issues need to be addressed.
- If the investigation is determined substantiated, the abuser shall be referred for administrative disciplinary sanctions and re-assessed to determine if any issues need to be addressed. Staff shall remind the abuser of Wellpath Recovery Solutions, LLC’s zero tolerance policy on Sexual Harassment and inform him/her that continued violations may result in housing that is more restrictive, return to custody or discharge from the program, as applicable.
- **Sexual Activity:** Not all reports or allegations require a full response protocol. For reports or allegations of Sexual Activity where the involved Residents in a Wellpath Recovery Solutions, LLC Facility or Program independently report a non-coercive consensual sexual encounter, responding supervisory staff shall:
 - Ensure that the involved residents are separated.
 - A brief inquiry will be made to each resident independently to ascertain if the sexual contact was consensual or nonconsensual.
 - Notify the Facility Administrator, PREA Compliance Manager, Facility investigator, and other designated residents.
 - If the Facility Investigator and/or PREA Compliance Manager determine the behavior is in fact Sexual Activity, the involved Residents in a Wellpath Recovery Solutions, LLC Facility or Program shall be referred for administrative disciplinary sanctions. Incidents of this sort shall be fully documented in accordance with Facility Incident Reporting Procedures.
 - The involved residents shall be re-assessed to determine if any issues need to be addressed. Staff shall remind the involved residents of Wellpath Recovery Solutions, LLC’s zero tolerance policy on Sexual Activity and that continued violations may result in housing that is more restrictive, return to custody or discharge from the program, as applicable.
- In other cases, there may be insufficient reason to proceed (i.e., the victim credibly recanted, or the potential perpetrator was not in the Facility on the date of the allegation) and the response protocol may be terminated. Incidents of this sort shall still be reported and fully documented in accordance with Facility Incident Reporting Procedures.

5.11.5. Reporting to Other Confinement Facilities (§115.63)

- In the event that an Resident in a Wellpath Recovery Solutions, LLC Facility or Program alleges that Sexual Abuse occurred while confined at

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another Facility, the Facility shall document those allegations and the Facility Administrator or Assistant Facility Administrator where the allegation was made shall contact the Facility Administrator or designee where the abuse is reported to have occurred as soon as possible, but no later than 72 hours after receiving the notification.

- The Facility shall maintain documentation that it has provided such notification and all actions taken regarding the incident. Copies of this documentation shall be forwarded to the PREA Compliance Manager and Corporate PREA Coordinator.
- Any Facility that receives notification of abuse is required to ensure that the allegation is investigated in accordance with PREA standards.

5.11.6. Post-allegation Protective Custody (§115.68)

Any use of segregated housing to protect a Resident in a Wellpath Recovery Solutions, LLC Facility or Program who is to have suffered Sexual Abuse shall be subject to the requirements of Section J (1) Protective Custody.

5.11.7. Access to Emergency Medical and Mental Health Services (§115.82)

- Victims of Sexual Abuse in custody shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services as directed by Medical and Mental Health Practitioners. Community Confinement Facilities shall utilize local community Facilities to provide emergency medical treatment and crisis intervention.
- This access includes offering timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, where medically appropriate. All services shall be provided 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.
- No attempt will be made by Facility medical staff to clean or treat the victim unless the injuries are such that not treating them would cause deterioration of the victim’s medical condition; however, visible injuries shall be documented both photographically and in writing, and placed in the victim’s medical record.
- Facility Medical staff shall not participate in sexual assault forensic medical examinations or evidence gathering. Victims/Abusers shall either be transported to a local community Facility for examination by a Sexual

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Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) or one shall report to the Facility to conduct the examination. All refusals of medical services shall be documented.

5.11.8. Access to Outside Confidential Support Services (§115.53)

- Facilities shall provide Residents in a Wellpath Recovery Solutions, LLC Facility or Program who allege Sexual Abuse while in custody with access to outside victim advocates and provide, post, or otherwise make accessible specific contact information for victim advocacy or rape crisis organizations. (This may be done by providing mailing addresses, telephone numbers, toll-free hotline numbers, etc.).
- Facilities shall enable reasonable communication between Residents in a Wellpath Recovery Solutions, LLC Facility or Program and these organizations as well as inform Residents in a Facility or Program (prior to giving them access) of the extent to which Wellpath Recovery Solutions, LLC policy governs monitoring of their communications and when reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.
- Facilities are required to maintain or attempt to enter into agreements with community service providers to provide Residents in a Wellpath Recovery Solutions, LLC Facility or Program with confidential emotional support services related to the Sexual Abuse while in custody.
- Facilities shall maintain copies of agreements or documentation showing unsuccessful attempts to enter into such agreements.

5.12. Ongoing Actions After Reports of Sexual Abuse

5.12.1. Ongoing Medical and Mental Health Care (§115.83)

- Each Facility shall offer medical and mental health evaluations (and treatment where appropriate) to all victims of Sexual Abuse that occurs in any prison, jail, lockup, or juvenile Facility.
- The evaluation and treatment should include follow-up services, treatment plans, and (when necessary) referrals for continued care following a transfer or release.
- These services shall be provided in a manner that is consistent with the level of care the resident would receive in the community and include pregnancy tests and all lawful pregnancy-related medical services where applicable.

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- Victims shall also be offered tests for sexually transmitted infections as medically appropriate. All services shall be provided without financial cost to the victim.
- The Facility shall attempt to conduct a mental health evaluation on all known Residents in a Wellpath Recovery Solutions, LLC Facility or Program abusers within 60 days of learning of such abuse history and offer treatment deemed appropriate by Mental Health Practitioners.
- All refusals for medical and mental health services shall be documented.

5.12.2. Protection Against Retaliation (§115.67)

- Facilities shall implement procedures to protect Residents in a Wellpath Recovery Solutions, LLC Facility or Program and Employees who report Sexual Abuse or Sexual Harassment or cooperate with investigations, from retaliation by other Residents in a Wellpath Recovery Solutions Facility or Program or Employees.
- The Facility PREA Compliance Manager or Mental Health personnel shall be responsible for monitoring retaliation.
- Facilities shall have multiple protection measures, such as housing changes or transfers for victims or potential perpetrators, removal of potential perpetrators from contact with victims, and emotional support services or staff who fear retaliation for reporting Sexual Abuse or Sexual Harassment or for cooperating with investigations.
- A Mental Health staff member or the PREA Compliance Manager shall meet weekly with the victim in private to ensure that sensitive information is not exploited by staff or others and to see if any issues exist.
- Any issues discussed shall be noted on the “Protection from Retaliation Log (see Attachment B)”, to include corrective actions taken to address the issue.
- For at least 90 days following a report of Sexual Abuse, the Facility shall monitor the conduct and treatment of Residents in a Wellpath Recovery Solutions, LLC Facility or Program or Employees who reported the Sexual Abuse to see if there are changes that may suggest possible retaliation by Residents in a Wellpath Recovery Solutions, LLC Facility or Program or staff, and shall act promptly to remedy such retaliation. Monitoring shall terminate if the allegation is determined unfounded.
- Items to be monitored for Residents in a Wellpath Recovery Solutions, LLC Facility or Program include disciplinary reports and housing or program changes.

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- Items to be monitored for Employees include negative performance reviews and Employee reassignments which shall be monitored by the Human Resources Department.
- If any other resident expresses a fear of retaliation, the Facility shall take appropriate measures to protect that resident as well.
- Completed Logs shall be retained in the investigative file of the corresponding PREA incident.

5.12.3. Sexual Abuse Incident Reviews (§115.86)

- Facilities are required to conduct a Sexual Abuse incident review at the conclusion of every Sexual Abuse investigation in which the allegation has been determine substantiated or unsubstantiated.
- Such review shall occur within 30 days of the conclusion of the investigation. The review team shall consist of upper-level management officials and the local PREA Compliance Manager, with input from line supervisors, investigators and Medical or Mental Health Practitioners. The Corporate PREA Coordinator may be consulted as part of this review.
- A PREA After Action Review Report of the team's findings shall be completed and submitted to the Corporate PREA Coordinator no later than 10 working days after the review. The Facility shall implement the recommendations for improvement, or document its reasons for not doing so.
- The PREA Compliance Manager shall maintain copies of all completed PREA After Action Review Reports and a copy shall also be maintained in the corresponding investigative file.

5.13. Data

5.13.1. Data Collection (§115.87)

- Each Facility shall collect and retain data related to Sexual Abuse as directed by the Corporate PREA Coordinator.
- This data shall be aggregated at least annually and is required to include, at a minimum, the data necessary to answer all questions on the most recent version of the Survey of Sexual Violence conducted by the Bureau of Justice Statistics (BJS).
- Upon request, Wellpath Recovery Solutions, LLC shall provide such data from the previous calendar year to the Department of Justice no later than June 30.

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- Facility PREA Compliance Managers shall be responsible for compiling data collected on Sexual Activity, Sexual Harassment and Sexual Abuse incidents and forwarding statistical reports to the Corporate PREA Coordinator on a monthly basis.

5.13.2. Data Review for Corrective Action (§115.88)

- Wellpath Recovery Solutions, LLC shall review all data collected in order to assess and improve the effectiveness of its Sexually Abusive Behavior Prevention and Intervention Program.
- The Corporate PREA Coordinator shall prepare an annual report which shall include findings and corrective actions taken for each Wellpath Recovery Solutions, LLC Facility.
- All aggregated Sexual Abuse data shall be made readily available to the public upon approval, at least annually through Wellpath Recovery Solutions, LLC’s website or the client’s website as required by contract.

5.13.3. Data Storage, Publication, and Destruction (§115.89)

Data collected pursuant to this procedure shall be securely retained for at least 10 years or longer if required by state statute. Before making aggregated Sexual Abuse data publicly available, all personal identifiers shall be removed.

5.14. Audits (§115.401)

- 5.14.1. During the three-year period starting on August 20, 2013, and each three-year period thereafter, Wellpath Recovery Solutions, LLC’s Contract Compliance Department shall ensure that each Facility is audited at least once by a PREA Auditor who has been certified through the Department of Justice.

6. DEFINITIONS (Optional)

6.1. General Definitions (§115.5)

- 6.1.1. **Agency** means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees or Residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority. This includes Wellpath Recovery Solutions, LLC.

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- 6.1.2. **Facility** means a treatment center in which residents reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in treatment.
- 6.1.3. **Company** means Wellpath Recovery Solutions, LLC
- 6.1.4. **Contractor** means a person who provides services on a recurring basis pursuant to a contractual agreement with the Agency.
- 6.1.5. **Employee** means a person employed by Wellpath Recovery Solutions, LLC or any operational subsidiary. Sometimes referred to as **staff** or **staff member**.
- 6.1.6. **Exigent Circumstances** mean any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of the Facility.
- 6.1.7. **Facility** means a place, institution, building (or part thereof), set of buildings, structure, or area that is used by an Agency for the confinement of residents.
- 6.1.8. **Facility Administrator** means the principal official of a Facility.
- 6.1.9. **Gender Nonconforming** means a person whose appearance or manner does not conform to traditional societal gender expectations.
- 6.1.10. **Residents in a Wellpath Facility or Program** means inmate(s), detainee(s), client(s), patient(s) or individual(s) receiving services.
- 6.1.11. **Intersex** means a person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
- 6.1.12. **LGBTI** means Residents in a Wellpath Facility or Program who have identified themselves as lesbian, gay, bisexual, Transgender or Intersex.
- 6.1.13. **Medical Practitioner** means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and

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care for patients within the scope of his or her professional practice. A “**Qualified Medical Practitioner**” refers to such a professional who has also successfully completed training for treating Sexual Abuse victims.

6.1.14. **Mental Health Practitioner** means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “**Qualified Mental Health Practitioner**” refers to such a professional who has also successfully completed specialized training for treating Sexual Abuse victims.

6.1.15. **Patient, inmate, detainee, client or resident** means a person confined in Wellpath Facility.

6.1.16. **Security Staff means** Employees primarily responsible for the supervision and control in the units, recreational areas, dining areas, and other program areas of the Facility.

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

6.1.18. **Volunteer** means a resident, not an employee, who donates time and effort on a recurring basis to enhance the activities and programs of Wellpath Recovery Solutions, LLC.

6.1.19. **Youthful Inmate** means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

6.2. Definitions Related to Sexual Abuse (§115.6)

6.2.1. **Sexual Abuse by another Resident in a Wellpath Facility or Program** includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and,

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- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, excluding contact incidental to a physical altercation.

6.2.2. Sexual Abuse by an Employee, Contractor, or Volunteer includes:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Contact between the mouth and any body part where the Employee, Contractor, or Volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the Employee, Contractor, or Volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks that is unrelated to official duties or where the Employee, Contractor, or Volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any attempt, threat, or request by an Employee, Contractor, or Volunteer to engage in the activities described in paragraphs (a) – (e) of this section;
- Any display by an Employee, Contractor, or Volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a Resident in a Wellpath Facility or Program, and, Voyeurism by an Employee, Contractor, or Volunteer.

6.2.3. Sexual Harassment includes:

- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one Resident in a Wellpath Facility or Program directed toward another; and,
- Repeated verbal comments or gestures of a sexual nature to a Resident in a Wellpath Facility or Program by an Employee, Contractor, or Volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

6.2.4. Voyeurism by an Employee, Contractor, or Volunteer means an

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invasion of privacy of an Resident in a Correct Facility or Program by staff for reasons unrelated to official duties, such as peering at an Resident in a Wellpath Recovery Solutions, LLC Facility or Program who is using a toilet in his or her cell to perform bodily functions; requiring an Resident in a Wellpath Recovery Solutions, LLC Facility or Program to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an Resident in a Wellpath Recovery Solutions, LLC Facility or Program naked body or of an Resident in a Facility or Program performing bodily functions.

Note: Sexual acts or contact between Residents in a Wellpath Recovery Solutions, LLC Facility or Program and an Employee, Contractor or Volunteer even when no objections are raised by either party, are always forbidden and illegal. Accordingly, except in cases where the Employee, Contractor or Volunteer is clearly the victim of Sexually Abusive Behavior by an Resident in a Wellpath Recovery Solutions, LLC Facility or Program, sexual behavior between an Employee, Contractor or Volunteer and Residents in a Facility or Program is always the Employee’s, Contractor’ or Volunteer’s responsibility.

6.3. Additional Definitions

- 6.3.1. **Sexual Activity:** Physical contact between two or more Residents in a Wellpath Recovery Solutions, LLC Facility or Program of the same or opposite sex for the purpose of sexual arousal or gratification where all involved Residents in a Wellpath Recovery Solutions, LLC Facility or Program independently express or imply consent. Such contact includes the following: active or passive contact or fondling of genitals, hands, mouth, buttocks, anus, or breast.

Note: Sexual Activity between two or more Residents in a Wellpath Recovery Solutions, LLC Facility or Program is strictly prohibited. Good security operation practices can reduce, prevent and detect Sexual Activity. Avoiding a sexually charged atmosphere, conducting random cell or housing area checks, observing the behaviors of Residents in a Wellpath Recovery Solutions, LLC Facility or Program, taking extra precautions to protect Residents in a Facility or Program identified as high risk, and ensuring that Residents in a Wellpath Recovery Solutions, LLC Facility or Program are in correct bunk/bed assignments can reduce risk.



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6.3.2. **Sexually Abusive Behavior:** The term used in this policy to describe Sexual Abuse and Sexual Harassment as defined in this section.

7. REFERENCES

28 C.F.R. Part 115