**Andrew B. Ferrari Argus House**

**Prison Rape Elimination Act**

**Policy and Procedure Manual**

# 1.1 Purpose:

The Prison Rape Elimination Act of 2003 (Public Law No.108-79) (PREA) was signed into law in 2003 to "provide for the analysis of the incidence and effects of prison rape in Federal, State and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape." Meeting the objectives of PREA is a priority of the Andrew B. Ferrari Argus House. Argus House has a zero tolerance toward any incident involving the sexual assault, sexual harassment, or rape of a resident. The purpose of this policy is to ensure residents are protected from sexual assault and sexual harassment and to outline the agency's approach to preventing, detecting, and responding to such conduct.

# 1.2 Scope:

This policy applies to all residents, Argus House employees, contractors, volunteers, visitors, and all persons who conduct business with the agency. Sexual contact between residents and sexual contact between residents and employees, contractors, volunteers and visitors is prohibited by Code of Virginia §18.2-64.2 and §18.2-67.4.

# 1.3 Definitions:

**GENERAL DEFINITIONS:**

***Abuse*** -The improper use or treatment of an individual, a corrupt practice or application of policy or procedure that directly or indirectly affects an individual in an unjust manner, or any intentional act that causes physical, mental, or emotional injury to an individual.

***Agency*** *–* the local Arlington government authority with direct responsibility for the operation of any facility that houses residents (for Argus House, this agency is the Court Services Unit of the Juvenile and Domestic Relations District Court).

***Agency head*** *–* means the principal official of an agency (for Argus House the Agency Head is the Director of Court Services).

***Carnal Knowledge***-The acts of sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, and animate and inanimate object sexual penetration. (Code of Virginia §18.2-64.2)

***Contractor*** - A person who provides services on a recurring basis pursuant to a contractual agreement with the agency (e.g., exterminating service, mechanical services, etc.) Contractors are never left alone with residents and are escorted by staff when on facility grounds.

***Direct Staff Supervision***- Awareness of a resident's location and/or behavior through direct observation or other means such as security cameras. Argus House staff are in the same room with, and within reasonable hearing distance of the resident during waking hours and 30-minute bed checks during sleeping hours.

***Employee*** - A person who works directly for the agency or the facility.

***Exigent Circumstances***- Any set of temporary or unforeseen circumstances that require immediate action in order to combat a threat to the security or order of a facility.

***Fraternization***- An employee association with residents, or their family members, outside of employee job functions that extends to unacceptable, unprofessional and prohibited behavior. Examples include non-work related visits between residents and employees, non-work related relationships with family members of residents, discussing employee personal matters (marriage, children, work, etc.) with residents, and engaging in romantic or sexual relationships with residents.

***Gender Nonconforming*** *-* A person whose appearance or manner does not conform to traditional societal gender expectations.

***Intersex***- 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.

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

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

***Pat Down Search*** - means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.

***Physical Evidence Recovery Kit (PERK)***-The kit administered by specially trained professional medical practitioners to collect forensic evidence for criminal investigations of sexual assaults and other sexual violations. PERK examinations should be administered within seventy-two (72) hours of an alleged incident of sexual intercourse. The Arlington County Police, as part its duties to comply with PREA in its memorandum with the Court Services Unit, follows the practices ensuring that the PERK is administered.

***Qualified Mental Health Professional (QMHP)***- A psychiatrist, psychologist, social worker, or nurse, who is qualified, by virtue of appropriate training and experience, to render mental health services within their discipline. Only a QMHP who has successfully completed specialized training for treating sexual abuse victims shall provide treatment for these victims.

***Rape*** *- Prison Rape Elimination Act 0 ( 2003 , 42 U.S.C. § 15609* defines rape as "the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person's will; or not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth, or his or her temporary or permanent mental or physical incapacity; or . . . the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury." The Code of Virginia § 18.2-61 defines rape as any person who has "sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat or intimidation of or against the complaining witness or another person; or (ii) through the use of the complaining witness's mental incapacity or physical helplessness; or (iii) with a child under age 13 as the victim, he or she shall be guilty of rape."

***Sexual Abuse Reporting Line -***The number provided to any third party reporter or staff to report any incident of sexual abuse of a resident. (In Arlington this number is 911 for emergencies and the Police non-emergency number 703-558-2222 in all other cases.) Note: Although we may additionally call Child Protective Services, it is important to note that CPS’s authority does not extend to cases of peer-on-peer abuse and non-caretaker abuse.

***Staff*** *-* For purposes of this procedure, staff refers to all employees, volunteers and contractors.

***Strip Search*** *–* A search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person’s breasts, buttocks, or genitalia. Argus House does not conduct strip searches on residents.

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

***Substantiated Allegation*** *-* An allegation that was investigated and determined to have occurred.

***Unfounded Allegation*** *-* An allegation that was investigated and determined not to have occurred.

***Unsubstantiated Allegation*** - An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

***Volunteer*** *-* An individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency. A volunteer does not include an individual who is at the facility for a tour or meeting or invited for a special event. The use of “staff” in this document includes volunteers.

**SEXUAL ABUSE DEFINITIONS:**

***Sexual Abuse*** *includes:*

1. Sexual abuse of a resident by another resident; and
2. Sexual abuse of a resident by a staff member, contractor, or volunteer.

***Sexual Abuse of a Resident by another Resident*** *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:*

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

***Sexual Abuse of a Resident by a Staff Member, Contractor, or Volunteer***includes any of the following acts, with or without consent of the resident:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in this section;
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a resident, and
8. Voyeurism by a staff member, contractor, or volunteer.

***Voyeurism by a Staff Member, Contractor, or Volunteer*** *-* An invasion of privacy of a resident by staff for reasons unrelated to official duties, such as peering at a resident who is using the toilet or bathing; requiring a resident to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a resident's naked body or of a resident performing bodily functions.

***Sexual Harassment***includes:

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one resident directed toward another; and
2. Repeated verbal comments or gestures of a sexual nature to a resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

# 1.4 General Procedures

**1.4.1 Zero Tolerance Policy** § 115.311 (PREA Standards for Juvenile Facilities)

Argus House has a Zero Tolerance Policy for any form of sexual abuse, sexual misconduct or sexual harassment. Sexual activity between staff and juveniles, volunteers, or contract personnel and juveniles, regardless of consensual status, is prohibited and may be subject to administrative disciplinary action and/or criminal prosecution.

1. Any behavior of a sexual nature between employees and residents, including harassment, is prohibited. Employees shall be subject to a disciplinary action under the Standards of Conduct and shall be subject to prosecution under the *Code of Virginia.* All staff, contractors and volunteers shall report any suspicion of fraternization or sexual misconduct between staff, contractors, volunteers, and residents. Staff are not only required to report, but also may be subjected to disciplinary actions if they do not.
2. Resident-to-resident sexual activity, sexual assault, rape, sexual conduct and sexual contact as defined in this policy and within the Code of Virginia are also prohibited. All residents are expected to have a clear understanding that Argus House strictly prohibits any type of sexual activity with another resident, staff member, volunteer or contract personnel which includes sexual abuse, sexual harassment and sexual misconduct. Any form of founded sexual activity is considered to be a serious breach of this policy and will not be tolerated. Engaging in a romantic and/or sexual relationship may result in program related discipline and/or possible criminal prosecution.
3. In order to prevent, detect, and respond to such conduct as described in sections 1 through 2, Argus House requires that all staff, contractors, volunteers, and residents receive the proper training with all of the required elements as mandated by PREA Regulations for Juvenile Facilities. Additionally, Argus House shall screen each resident for vulnerabilities upon intake and take allowable preventative measures against sexual abuse and sexual harassment (115.341 and 115.342). Criminal background checks are required for all staff, contractors, and volunteers prior to having contact with residents and every 5 years thereafter (115.317). Regular reviews of staffing patterns are conducted to ensure proper supervision (115.313). Additionally, video recording systems have been installed and are monitored on a daily basis, to further expand prevention and detection measures. Any upgrades to facilities and technologies are assessed so that residents are always protected from sexual abuse (115.318). Staff have been trained in First Responder Duties (115.364). Residents are given access to reporting alleged incidents either directly to facility staff, through anonymous third party hotlines, as well as to the local Victim Services Agency, Doorways for Women and Families. (115.351). Residents are afforded proper assessments and treatment in response to incidents of sexual abuse victimization and can also access outside support and legal representation (115.353, 115.382, 115.383). Argus House conducts incident reviews for all reported allegations in order to assess for any modifications to areas that may have contributed to an incident (115.386).

This policy applies to all Argus House employees, independent contractors, and volunteers who may work directly with residents in the program.

Given the size of the facility, Argus House shall only require the designation of a PREA Coordinator, which will be served by the Group Home Manager (115.311)

**1.4.3 Contracting with other entities for the confinement of residents** § 115.312

Argus House does not contract for the confinement of its residents with private agencies or other entities.

**1.4.4 Supervision and Monitoring of Residents** § 115.313

The program is located at 1527 Clarendon Blvd., Arlington, Virginia, 22202. It began operation in 1976 and opened its current facility in 1991. Upstairs, it houses three triple and three double rooms, although but is licensed for 12 beds, which is the maximum capacity. The bedrooms are on two hallways which open to common areas at one end and fire stairwells at the other. Each hall has its own bathroom with two toilets, a double sink and two private showers. The common areas upstairs include include: a living room, a study hall area and two staff offices. The ground level includes a kitchen, dining room, a recreation room, a reception area/foyer and two staff offices. There is a separate multifunction space that houses the Young Achievers Program that operates independently of Argus House and has a separate staff. Young Achiever’s staff undergo the same background checks as Argus House staff.

Argus House is a highly structured program designed to meet specific needs of adolescent boys aged 13-17 who are chronic status offenders and/or delinquents, with behaviors such as running away, truancy, burglary, shoplifting, auto theft, property crimes, etc. Argus House offers individual, family, and group counseling services to address the array of needs presented including trauma and victimization. Residents and staff follow a daily schedule. Residents attend their home schools daily, participate in the therapeutic milieu and are responsible for active participation in a positive, supportive environment.

Argus House maintains an adequate staffing plan that includes one staff person for every eight residents. The program maintains a minimum of two direct care staff on duty at any given time. During the overnight hours, there is one awake overnight counselor on duty. The program will comply with the aforementioned staffing plan except during limited and discrete exigent circumstances, and shall document any deviations from the plan during such circumstances. At all times the maximum client to staff ratio will be 8:1. The program utilizes video monitoring and surveillance system to assist in the prevention, detection, and response to allegations of sexual abuse.

The established staffing plan will be assessed a minimum of once per year in consultation with the PREA Coordinator/Group Home Manager and Residential Supervisor. The review will consider the current staffing plan, any changes to staffing patterns, and the program's use of video monitoring systems or other monitoring technologies, and any resources available to commit to adherence to the staffing plan.

The facility has been surveyed by staff for “blind spots” and the following areas have been identified and the following remedies made:

1. ###########

It is the responsibility of the Group Home Manager and Residential Supervisor to conduct and document unannounced rounds, either in person or by video surveillance, to identify and deter staff sexual abuse and harassment. In-person checks will be conducted on a quarterly basis. Review of video surveillance shall be conducted on a monthly basis, be 30 minutes or less in duration, and cover all shifts including day and night. Staff shall not alert other staff when supervisory rounds are occurring.

**1.4.5 Limits to Cross-Gender Viewing and Searches** § 115.315

Argus House staff shall not conduct cross-gender strip searches or cross gender visual body cavity searchers on any resident.

Argus House staff, in accordance with the PREA Policy and Procedure Manual, shall not conduct pat-down searches. In exigent circumstances, the local police would be called to address security and contraband concerns in order to avoid pat-down searches. Each resident has the potential to share a room with one other same sex peer and can share a bathroom with up to five other residents. Residents receive instructions at intake regarding the importance of personal boundaries, privacy, and the importance of being able to shower, perform bodily functions, and change clothing without having or other residents viewing their exposed bodies, buttocks, or genitalia.

**FEMALE STAFF:** Staff of the opposite sex are required to announce their presence when entering the residents’ living unit.

In accordance with the PREA, Argus House shall not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident’s genital status. If a resident’s genital status is unknown, it may be determined during conversations 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.

Male staff who collect urine samples must do so following the standard operating procedure. The male staff person will escort the resident to the downstairs bathroom to provide reasonable privacy, and the sample is taken outside the presence or observation of clients or of staff other than the person witnessing the sample. The staff person is present to witnesses the client urinate into the specimen bottle or other sanitary collector provided.  This is to ensure that the client submits an unadulterated urine specimen.  When safety and security are an issue, an additional witness of the same gender as the client may be present.

**1.4.6 Residents with Disabilities and who are limited English proficient § 115.316**

All written and video material that is designed to prevent, detect, and respond to sexual abuse and harassment shall be provided in a way that residents can understand either in English, Spanish, or another language. Additionally, Argus House has access to Spanish-speaking staff for purposes of interpretation and translation. In the event staff is unavailable, a paid interpreter is accessible over telephone, called the “Language Line”, which Arlington County has contracted for the purposes of interpretation and translation. This paid service is also utilized for languages other than English and Spanish. For deaf, hard of hearing, or visually impaired residents, resources are available through Arlington County including: providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the Argus House will ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities, including residents who have intellectual disabilities, limited reading skills, or who are blind or have low vision. These services will be put in place before the resident is placed. Argus House shall not rely on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident’s safety, the performance of first-response duties under 115.364, or the investigation of the resident’s allegations.

**1.4.7 Hiring and promotion decisions** **§ 115.317**

1. Argus House considers any incidents of sexual harassment in determining whether or hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents.
2. Argus House does not permit the hiring or promoting of anyone who may have contact with residents, who:
3. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)
4. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt, or implied threats of fore, or coercion, or if the victim did not consent or was unable to consent or refuse; or
5. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph 1 and 2 of this section
6. Prior to hiring, promoting, or entering into any agreements with employees, volunteers, and contractors, the Group Home Manager and/or Residential Supervisor ensure that the following is completed:
* VCIN, NCIC, and Fingerprint background checks.
* Virginia Department of Social Services Central Registry of Child Abuse/Neglect background check.
1. Best efforts are made to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. This is covered in the standard reference check form that is used for all employees prior to their start date. All applicants complete “PREA Acknowledgement Form for Applicants New Hire and Promotion” in order to allow the hiring manager to ask about previous misconduct described in paragraph A of PREA regulation § 115.317.
2. All current employees have a continuing affirmative duty to disclose any misconduct as described in paragraph A of PREA regulation § 115.317. When an employee elects to complete a self-evaluation as a part of a performance review, the employee will be required to report any previous misconduct as described in paragraph A of PREA regulation § 115.317.
3. The Court Services Unit authorizes the Group Home Manager and Residential Supervisor to 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.

**1.4.8 Facility Upgrades and Technologies. (115.318)**

1. Any new facility or facility upgrade shall consider the effects of designs, acquisitions, expansions, or modifications on Argus House’s ability to protect residents from sexual abuse.
2. When installing or updating any video monitoring system, electronic surveillance system, or other monitoring technology, Argus House considers how such technology may enhance the agency’s ability to protect residents from sexual abuse.

**1.4.9 Evidence Protocol and Forensic Medical Examinations § 115.321**

The first staff member (regardless of that staff member's position within the facility) to receive an allegation of sexual abuse shall:

1. Immediately contact the Administrator duty or on call (The Group Home Managers or Residential Supervisor).
2. Call local law enforcement and rescue, if needed.
3. Take immediate steps to protect the alleged victim by separating the alleged victim and abuser.
4. Maintain constant one to one supervision of the alleged resident victim and alleged abuser.
5. Prevent the alleged victim from taking any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating
6. Prevent the alleged abuser from taking any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating.
7. Preserve and protect any potential crime scene until appropriate steps can be taken to collect any evidence.

All residents who experience sexual abuse will be transported by staff or parent/legal guardian to the Virginia Hospital Center for a forensic medical SAFE/SANE examination when deemed evidentiarily or medically appropriate.

**1.4.10 Ensuring referrals of allegations for investigations** **§ 115.322**

The Arlington County Police Department (ACPD) has the legal authority and shall be the investigating authority for all allegations of sexual abuse or sexual harassment as defined by the Department of Justice (DOJ) referred for investigation by the Andrew B. Ferrari Argus House, unless the allegation does not involve potentially criminal behavior. The Arlington County Court Services Unit and the Arlington County Police Department have entered into a Memorandum of Understanding (MOU), which outlines the responsibilities of both the agency and the investigating entity and is posted on the County website for Argus House.

Argus House has designated the Group Home Manager and/or Residential Supervisor to respond to and conduct initial investigations into all allegations of sexual harassment or sexual abuse to determine if the issue is to be handled administratively, or referred to ACPD Special Victim’s Unit as a criminal matter.

In the event that a sexual abuse is referred to ACPD for criminal investigation, the following will apply:

1. Argus House or Arlington County Court Services Unit shall immediately notify the ACPD Dispatcher when an allegation of a sexual assault has been reported and a referral determination has been made.
2. Upon being notified of an incident ACPD Dispatch will dispatch patrol officers to identify the scene, identify witnesses, preserve evidence to be collected, and contact the ACPD on-call supervisor. During normal business hours, the Argus House or CSU may directly notify the ACPD on-call supervisor.
3. The lead detective assigned to the case will be responsible for notifying the Victim Witness Program of the Commonwealth’s Attorney’s Office to have a Victim Specialist assigned to the victim during the investigative process.
4. Upon conclusion of the criminal investigation, Arlington Police Department will provide a summary of the case file to the Group Home Manager for its administrative investigation. Law enforcement records concerning juveniles are confidential pursuant to Va. Code Ann. 16.1-301.

# 1.5 Training and Education

**1.5.1 Employee, Volunteer, and Contractor Training § 115.331, 115.332**

All Argus House employees, volunteers, and contractors who have contact with residents shall be trained on the following:

* 1. Its zero-tolerance policy for sexual abuse and sexual harassment
	2. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures
	3. The right of residents to be free from sexual abuse and sexual harassment
	4. The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment
	5. The dynamics of sexual abuse and sexual harassment in juvenile facilities
	6. The common reactions of juvenile victims of sexual abuse and sexual harassment
	7. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents
	8. How to avoid inappropriate relationships with residents
	9. How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender non-conforming residents;
	10. The role of staff as a first responder should a resident disclose sexual assault as detailed in PREA Response Protocol
	11. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities
	12. Relevant laws regarding the applicable age of consent

The content referenced in 1.5.1 (a-l) of this manual is covered in the “Staff Guide to Prevention Detection and Responding to: Sexual Assault, Sexual Abuse and Sexual Harassment”. All employees, volunteers, and contractors will read this document within 30 days of the start of their employment. This material will be reviewed annually with each employee, volunteer, and contractor.

Employees, volunteers, and contractors will also be required to complete (accessible online at *http://nicic.gov/training/prea* and any other training deemed appropriate by the agency).

Refresher training on current sexual abuse and sexual harassment policies and procedures will be conducted annually for all staff, volunteers, and contractors. Per agency policy, documentation of such training is maintained onsite at Argus House in the training record section in the personnel file of all staff persons, volunteers, and contractors.

**1.5.2 Resident Training § 115.333**

At intake, but no later that the first ten (10) days of arrival at the program, residents shall receive information explaining, in an age appropriate fashion, the agency’s zero tolerance policy regarding sexual abuse and sexual harassment, the right of residents to be free from sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse or harassment, and all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment. The information will be presented by a case manager using via a review of the “PREA: Resident Training at Intake” materials. Residents receive a brochure that summarizes the information and will a written acknowledgment that they have received the training and understand the educational material. The acknowledgment form will be kept in their files.

Information shall be provided on the following topics:

* Definition of sexual assault and sexual harassment and behavior prohibited by staff, contractors, volunteers, and other residents.
* Strategies to prevent sexual assault and sexual harassment
* Reporting sexual assault and sexual harassment
* Agency policies and procedures for responding to such incidents
* Their rights to be free from retaliation for reporting such incidents
* Availability of treatment and counseling
* Availability and use of Doorways’ 24-Hour Sexual Abuse and Domestic Violence Hotline (703) 237-0881.

Such information shall be provided in formats accessible to all residents, including residents who are deaf or hard of hearing; blind or visually impaired; have intellectual, psychiatric or speech disabilities or are otherwise disabled; or who have limited reading skills or are limited English proficient. Ensuring access shall include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary, for residents who are limited English proficient, deaf or hard of hearing.

The program shall not rely on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining another effective interpreter could compromise the safety of the resident, the performance of first-responder duties or the investigation of a resident’s allegations.

The Program shall ensure that key information is continuously and readily available or visible through posters displayed throughout the facility, resident manuals, or other written formats.

**1.5.3 Specialized Training: Investigations** **§ 115.334**

Argus House does not conduct its own sexual abuse investigations.

**1.5.4 Specialized Training: Medical and Mental health care** **§ 115.335**

In addition to the general training provided to all employees and contractors pursuant to 115.331 and 115.332, Argus House ensures that all full-and-part-time medical/mental health care practitioners who work regularly in the facility have been trained in:

1. How to detect and assess signs of sexual abuse and sexual harassment
2. How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment
3. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment

Items listed above are covered in the National Institute of Correction’s curriculum found at the following url: <https://www.prearesourcecenter.org/file/1970/specialized-training-prea-medical-and-mental-care-standards>

This online training is mandatory for all medical and mental health care staff employed at the facility.

Documentation of completed training will be maintained onsite at Argus House in the training record section of an employee’s personnel file.

# 1.6 Screening for Risk of Sexual Victimization and Abusiveness

* + 1. **Obtaining Information from Residents § 115.341**

A Mental Health Screening and a Vulnerability Assessment (see Appendix A) will be completed upon intake for each resident. Information to be gathered shall include:

* 1. Prior sexual victimization or abusiveness
	2. Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to sexual abuse
	3. Current charges and offense history
	4. Age
	5. Level of emotional and cognitive development
	6. Physical size and stature
	7. Mental illness or mental disabilities
	8. Intellectual or developmental disabilities
	9. Physical disabilities
	10. The resident’s own perception of vulnerability
	11. Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from specific residents.

Additionally, this information shall be ascertained through the referral submitted by the referring authority, conversations with the resident during the acceptance interview, during the intake process and medical and mental health screenings; and by reviewing court records, case files, facility behavioral records, and other relevant documentations from the resident’s files.

The information gathered relating to items listed above shall remain confidential. Information disseminated within the facility shall be done so in professional weekly staff meetings limited only to staff working directly with the residents so as not to subject this information to exploitation of any sort by staff or other residents. Additionally, any conversations between staff regarding this information that does not take place in the staff meetings shall take place in a confidential manner, out of earshot of the clients or any other person not professionally involved in the care of the resident. Information may also be disseminated on written material contained in the facility log, the client’s individual case record, through the associated screening and assessments instruments housed within the facility for each individual client, and on confidential, secure electronic communications. Contact is made with the probation officer and client’s family by the Group Home Manager and/or Residential Supervisor prior to the client’s placement. This is also to ensure proper and comprehensive information gathering regarding potential vulnerabilities and sexually aggressive behavior.

Argus House staff shall submit a referral to the Department of Human Services’ Child and Family Services Division if, through the use of assessment and screening instruments and practices, vulnerabilities and tendencies for sexual aggression are identified <<**put information about the required referral in the intake paperwork>>** .

**1.6.2 Placement of residents in housing, bed, program, education, and work assignments § 115.342**

1. Argus House shall use the information gathered pursuant to **§** 115.341 or any time during placements to make housing, bed, program, education and work assignments for residents with the goal of keeping all residents safe from sexual abuse.
2. As a community based program, Argus House does not use isolation as a means to keep residents safe. Residents have contact with each other and staff at all time. In cases when this is not possible, the resident is discharged from the program and referred to placements with a higher level of support.
3. A resident shall not be placed in any housing or programming based solely on the resident’s identification as lesbian, gay, bisexual, transgender, or intersex. A resident’s identification as a lesbian, gay, bisexual, transgender, or intersex shall not be considered as an indicator of the likelihood of being sexually abusive.
4. Decisions to place transgender or intersex residents in a male or female facility, along with other housing and programming decisions and assignments, shall be made on a case-by-case basis ensuring each resident’s health and safety and considering the impact of the placement on population management and security concerns. Placement decisions are typically made via court-order. Housing and programming decisions and assignments are made at Argus House by the Group Home Manager, Residential Supervisor and in conjunction with the mental health clinician as needed.
5. Placement and programming decisions for transgender or intersex residents shall be reassessed every 90 days for any threats to the resident’s safety. The resident’s perception of his or her own safety shall be considered.
6. All showering accommodations shall always provide separate and private showering for all residents in Argus House.

# 1.7 Reporting

**1.7.1 Resident Reporting of Sexual Abuse or Sexual Harassment § 115.351**

1. Residents in Argus House shall be provided multiple internal ways to privately report sexual abuse and sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents, to include:
	1. Filing a grievance
	2. Calling the PREA and National Sexual Assault 24 hour Crisis Hotline at 1 (800) 656 HOPE (4673).
	3. Contacting administrative offices
	4. Reporting to staff
	5. Written complaint
	6. Contacting school personnel, the Student Resources Officer or the Arlington Police.
2. Residents shall also be provided at least one way to report abuse or harassment to a public or private entity or office that is not part of the agency and that is able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials, allowing the resident to remain anonymous upon request. This method will be to call the PREA hotline or e-mail them directly. Contact information shall be posted throughout the facility.
3. Argus House staff shall accept reports made verbally, in writing, anonymously, and from third parties. Verbal reports shall be documented promptly. Residents shall be provided the tools necessary to make a written report at their request.
4. Argus House provides the following methods for staff to privately report sexual abuse and sexual harassment of others
	1. Group Home Manager/PREA Coordinator
	2. Residential Supervisor
	3. Arlington County Police
	4. PREA Reporting Hotline
5. Argus House does not detain residents and serves clients regardless of their civil immigration purposes.

**1.7.2 Administrative Remedies § 115.352**

1. Argus House shall not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse. The facility may apply otherwise applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
2. Argus House shall not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
3. Argus House shall ensure that a resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint. Such a grievance is never referred to a staff member who is the subject of the complaint.
4. Argus House issues a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. This 90-day period shall not include time consumed by residents in preparing any administrative appeal.
5. Argus House may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the resident in writing of any such extension and provide a date by which a decision will be made.
6. At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, the resident may consider the absence of a response to be a denial at that level.
7. Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of residents.
8. If a third party, other than a parent or legal guardian, files such a request on behalf of a resident, Argus House may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. If the resident declines to have the request processed on his or her behalf, Argus House shall document the resident’s decision.
9. A parent or legal guardian of a resident shall be allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such resident. Such a grievance shall not be conditioned upon the resident agreeing to have the request filed on his or her behalf.
10. After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, Argus House staff on duty shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to the Group Home Manager or Residential Supervisor, who shall authorize immediate corrective action, shall provide an initial response within 48 hours. The final agency decision on the merits of any portion of a grievance alleging sexual abuse will be made within 90 days of the initial filing of the grievance. The initial response and final agency decision shall document the agency’s determination whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
11. Argus House may authorize a disciplinary response to a resident for filing a grievance related to alleged sexual abuse only where the facility administration demonstrates that the resident filed the grievance in bad faith.

**1.7.3 Resident access to outside support services and legal representation § 115.353**

Argus House shall provide residents with access to outside victim advocates for emotional support services related to sexual abuse. Arlington County contracts with [Doorways for Women & Families](https://search.yahoo.com/local/s;_ylt=A0LEVjGSeYZYHSkAqkAnnIlQ;_ylu=X3oDMTEyZWlvZGQ5BGNvbG8DYmYxBHBvcwMxBHZ0aWQDQjI2MTdfMQRzZWMDc2M-?p=doorways+for+women&addr=Arlington%2C+VA&loc=woeid%3A2355942&selectedId=990136153831&fr=yhs-mozilla-002&hspart=mozilla&hsimp=yhs-002) (4600 Fairfax Dr., #600, Arlington, VA · (703) 522-2970) to provide and array of victim services. The phone number to access Doorways, along with the PREA hotline and associated addresses shall always be visibly posted in each facility. This information shall also be available on the Court Services Unit’s public website. Argus House shall enable reasonable communication between residents and this and other organizations and agencies, in as confidential a manner as possible.

1. Argus House shall inform residents, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwardedto authoritiesin accordance with mandatory reporting laws. Argus House reserves the right to monitor phone calls if there is a reason to believe there is a potential threat to a resident’s safety. Residents have the right to receive and send mail. Staff on duty may, in the presence of the resident, search incoming mail for money or contraband. Staff cannot read residents’ mail unless so allowed by the Court or the Group Home Manager has determined that there is a threat to the security of the program.
2. Residents shall have access, by phone or in writing, to their attorney, court worker, case manager/probation officer, parent(s) or guardian(s). Residents are offered opportunities to make daily phone calls in confidential settings, if requested. Additionally, the program provides postage for residents to mail letters out of the program. Private meeting rooms are available for in person communication between residents and professionals and/or parent(s) or guardians(s). Visitation is offered regularly for families to visit. There is no limit on professional visits with residents.

**1.7.4 Third Party Reporting of Sexual Abuse or Sexual Harassment § 115.354**

Argus House shall accept third-party reports of sexual abuse and sexual harassment on behalf of its residents by phone, e-mail, in writing, and through the PREA Hotline. Instructions regarding how to make such reports available on the Argus House and Court Services Unit’s website.

# 1.8 Official Response Following a Resident Report

* + 1. **Staff and Agency Reporting Duties § 115.361**
		2. **Staff Reporting of Sexual Abuse or Sexual Harassment**
1. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports in accordance with program policy.
2. Staff shall immediately report any knowledge, suspicion or information of any type regarding any incident of sexual abuse or harassment that occurred in the facility; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation shall be reported to an Administrator on call or Supervisor on duty. If either are the subject of the complaint, it will be reported to the one not involved.
3. Staff shall comply with mandatory child abuse reporting laws in accordance with facility policy and in compliance with the Virginia Department of Juvenile Justice Regulatory Authority.
4. Mental health clinicians shall be required to report sexual abuse to designated supervisors and officials pursuant to paragraph (2) of this section, as well as to the designated state or local services agency where required by mandatory reporting laws. Such practitioners shall be required to inform residents at the initiation of services of their duty to report and the limitations of confidentiality.
5. Upon receiving any allegation of sexual abuse, the Group Home Manager/Residential Supervisor shall promptly report the allegation to the alleged victim’s parent or legal guardian, unless the facility has official documentation showing the parent(s) or legal guardian should not be notified. In the event that the alleged victim is under the guardianship of child welfare or court system, the allegation would be reported to the alleged victim’s caseworker or legal representative, respectively within 14 days of receiving the allegation.
6. Argus House shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the Arlington Police Department as specified in § 115.322 .
7. Staff is prohibited from revealing any information related to sexual abuse or sexual harassment report to anyone outside the reporting chain of command.
8. Staff shall provide residents the tools necessary to make a written report at their request and shall assist residents who cannot complete a written report themselves.
9. Staff may use the state Child Abuse Hotline (1-800-552-7096) as well as the PREA Reporting Hotline (1-855-602-7001) to privately report sexual abuse and sexual harassment of residents.

When Argus House learns that a resident is subject to a substantial risk of imminent sexual abuse, it shall immediately oversee, coordinate with, and follow up on action with administrative staff to protect the resident **§ 115.362**

* + 1. **Reporting to Other Facilities § 115.364**
1. Upon receiving an allegation that a resident was sexually abuse while at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigating authority, based on the locality in which the alleged abuse occurred.
2. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. The facility shall document that it has provided such notification and forward this documentation to the PREA Coordinator.
3. The facility head or agency office that receives such notification shall ensure that the allegation has been reported to the appropriate authorities, that all required services are provided, and that all protocols related to sexual victimization are followed.

## 1.8.4 First Responder Duties (PREA Response Protocol) § 115.364

1. The first staff member (regardless of that staff member's position within the facility) to receive an allegation of sexual abuse shall:
	1. Immediately contact the supervisor on call.
	2. Call local law enforcement and rescue if needed.
	3. Take immediate steps to protect the alleged victim by separating the alleged victim and abuser.
	4. Maintain constant one-to-one supervision of the resident victim.
		1. Prevent the alleged victim from taking any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; and
		2. Prevent the alleged abuser from taking any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating.
		3. Preserve and protect any potential crime scene until appropriate steps can be taken to collect any evidence.
		4. The PREA Response Protocol shall be posted in the living quarters and covered in training provided to all staff.

**1.8.6 Preservation of ability to protect residents from contact with abusers** § **115.366**

1. Argus House believes protection of the alleged victim from an alleged abuser(s) is of the utmost importance and may include several options while undergoing an administrative and/or criminal investigation.
2. If a staff member is the alleged abuser, options may include removing a staff member from having direct contact with residents and/or placing the staff member on administrative leave pending the outcome of the investigation. Staff members who are alleged abusers will not be permitted contact with the alleged victim as soon as any investigative efforts ensue.
3. If a resident is the alleged abuser, options may include keeping the alleged abuser and victim separated at all times. If that cannot be accomplished within the facility, the agency will assist the facility to find another placement for the alleged abuser pending the outcome of the investigation. The alleged abuser may be returned to the facility if the alleged victim is released from the facility.
	* 1. **Protection from Retaliation** § **115.367**
4. All residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation by other residents or staff.
5. Several options exist for protection against retaliation, which includes housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
6. The Facility Directors or his/her designee shall monitor retaliation against residents who report abuse:
	1. Monitoring of disciplinary reports, housing, or program changes
	2. Monitoring of residents shall include periodic status checks
	3. Monitoring for retaliation shall continue for 90 days or beyond if the initial monitoring indicates a continuing need
	4. The obligation to monitor retaliation terminates if the allegation is determined to be unfounded
7. The Facility Directors shall have the primary responsibility for monitoring staff who reported sexual abuse for at least 90 days following a report to see if there are changes that may suggest possible retaliation. Monitoring shall include negative performance reviews or reassignments. Staff persons who feel retaliated against may also call the PREA Coordinator, the Residential Supervisor, or the Director of Arlington Court Services. Should the agency determine that a neutral party be better suited to monitor retaliation, assistance may be sought through Human Resources.
8. If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.
9. Any identified instances of retaliation shall be acted on promptly under the Standards of Conduct or Resident Discipline Procedure, as appropriate.
10. Argus House’s obligation to monitor shall terminate if the allegation is determined to be unfounded.

**1.8.8 Post allegation protective custody.** § **115.368**

Any use of segregated housing to protect a resident who is alleged to have suffered abuse shall be subject to the requirements of PREA regulation § **115.342.**

# 9.1 Investigations

* + 1. **Criminal and administrative investigations.** § **115.371**
1. Argus House shall conduct its own investigations into allegations of sexual abuse only to the extent needed to determine whether or not it should be investigated as a criminal matter. Alleged sexual harassment incidents are investigated at an administrative level. Both criminal and administrative investigations shall be done so promptly, thoroughly, and objectively for all allegations, including third party and anonymous reports.
2. Where sexual abuse is alleged, Argus House shall use investigators who have received special training in sexual abuse investigations involving juvenile victims pursuant to PREA regulation § **115.334**.
3. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator. The investigators will keep Facility Administrators and PREA Coordinator informed of the information learned through investigation.
4. Argus House will not terminate an investigation solely because the source of the allegation recants the allegation.
5. When the quality of evidence appears to support a criminal investigation, the ACPD is dispatched per the MOU between the Department of Human Services, Arlington County Court Services and the ACPD. Argus House does not conduct interviews involving criminal matters. The ACPD may have the option to pursue prosecution at any point during a criminal investigation.
6. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person’s status as resident or staff. Argus House shall never require a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
7. Administrative investigations:
	1. Shall include an effort to determine whether staff actions or failures to act contributed to the abuse
	2. Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings
8. All written administrative and criminal investigative reports shall be retained for as long as the alleged abuser is incarcerated or employed by the agency, plus five years unless the abuse was committed by a juvenile resident for which Virginia law requires a shorter period of retention.
9. The departure of an alleged abuser or victim shall not be the basis for terminating an investigation.
10. Any entity of the Commonwealth of Virginia conducting investigations shall do so pursuant to the requirements listed above.
11. The agency shall cooperate with any outside agencies investigating sexual abuse and shall remain informed about the progress of the investigation.

**1.9.2 Evidentiary standard for administrative investigations § 115.372**

Argus House imposes no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated

**1.9.3** **Reporting Investigative Outcomes to Residents** § **115.373**

1. Residents who make allegations of sexual abuse suffered in Argus House shall be informed whether those allegations have been determined to be substantiated, unsubstantiated or unfounded. For those investigations that are conducted by outside entities, the agency shall request relevant information from the investigating agency and inform the resident.
2. Following a resident's allegation that a staff member has committed sexual abuse against a resident, Argus House shall subsequently inform the resident (unless the allegation has been determined to be unfounded) whenever:
	1. The staff member is no longer employed at the facility
	2. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility
	3. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
3. Following a resident's allegation that he or she has been sexually abused by another resident, the alleged victim shall be informed whenever:
	1. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility
	2. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
4. All such notifications or attempted notifications shall be documented.
5. The obligation to report under this policy shall terminate if the resident is released from the facility.

# 2.0 Disciplinary Sanctions

**2.1 Disciplinary Sanctions for Staff** § **115.376**

1. Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment procedures. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
2. Disciplinary sanctions for violations of agency procedures relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
3. All terminations for violations of agency sexual abuse or sexual harassment procedures, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

**2.2 Corrective Action for Contractors and Volunteers** § **115.377**

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

**2.3 Disciplinary Sanctions for Residents § 115.378**

1. Residents may be subject to disciplinary sanctions following an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse. The residents' due process rights shall be followed as described in program policy. (as written in the Resident’s Manual).
2. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories.
3. The disciplinary process shall consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
4. Residents may be offered participation in programs, services or interventions designed to address and correct underlying reasons or motivations for the abuse.
5. Residents may be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
6. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
	1. **Medical and Mental Care**

* + 1. **Medical and mental health screenings; history of sexual abuse** § **115.381**
1. Argus House residents who report prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall offer a follow-up meeting with a medical practitioner or mental health practitioner within 14 days of the intake screening. <<include instructions on intake documents>>
2. Residents who report having perpetrated sexual abuse shall be offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening. <<include instructions on intake documents>>
3. All offerings of follow-up meetings and outcomes of meetings shall be documented in the resident's medical record or permanent file as appropriate.
4. Information related to sexual victimization or sexual abusiveness that occurred within an institutional setting shall be limited to program administrators and staff, as necessary, to facilitate treatment planning, security, and other management decisions (including housing, bed, work, education, and program assignments).
5. Any alleged sexual victimization reported by any Argus House resident under the age of 18 that did not occur in an institution shall be reported in accordance with facility policy. Medical and mental health practitioners shall obtain informed consent from residents who are over the age of 18 before reporting information about prior sexual victimization that did not occur in an institutional setting.
	* 1. **Access to Emergency Medical and Mental Health Services** § **115.382**
6. Argus House resident victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services that will be coordinated by facility heads and administrators.
7. If no qualified mental health practitioner is on duty at the time a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim pursuant to PREA regulation § 115.362 and shall immediately notify the Administrator on Call or Supervisor on Duty. The Administrator on Call or Supervisor on Duty will make a determination about whether or not to call the CSB Mobile Crisis unit or to have the resident transported to the Mental Health Center and give direction accordingly.
8. Resident victims of sexual abuse while placed in Argus House shall be offered timely information about and timely access to emergency contraceptives, sexually transmitted infections, prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
9. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

**2.2.3 Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers** § **115.383**

1. Argus House shall offer any resident who is the victim of sexual abuse a medical and mental health evaluation and, as appropriate, treatment services while enrolled in the facility.
2. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from the facility.
3. The facility shall provide such victims with medical and mental health services consistent with the community level of care.
4. Resident victims of sexually abusive vaginal penetration while in Argus House shall be offered pregnancy tests.
5. If pregnancy results from conduct specified in paragraph (4) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
6. Resident victims of sexual abuse while in Argus House shall be offered tests for sexually transmitted infections as medically appropriate.
7. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
8. Argus House shall attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.
	1. **Data Collection and Review**

**2.3.2 Sexual Abuse Incident Reviews** § **115.386**

1. The Group Home Manager or designee shall initiate a final sexual abuse incident review to be conducted at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Such review shall occur within 30 days of the conclusion of the investigation. <<include this instruction in documentation and/or serious incident reports>>
2. The **review team** shall include the following staff and be led by the Group Home Manager:
	1. The Group Home Manager/PREA Coordinator
	2. The Residential Supervisor
	3. ACPD, if available
	4. Mental Health Practitioner
3. The **review team** shall:
4. Consider whether the allegation or investigation indicates a need to change procedures or practices to better prevent, detect, or respond to sexual abuse
5. Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility
6. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse
7. Assess the adequacy of staffing levels in that area during different shifts
8. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff
9. Document its findings, including but not necessarily limited to determinations made pursuant to (a) through (e) above, and any recommendations for improvement and submit to the Group Home Manager. The findings shall be maintained in accordance with the Library of Virginia retention schedule.
10. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

* 1. **Data Collection** § **115.38**
1. The PREA Coordinator is responsible for collecting accurate, uniform data for every allegation of sexual abuse at Argus House and keep on record for ten years.
2. Argus House shall aggregate the incident-based sexual abuse data at least annually.
3. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
4. Argus House shall maintain, review, and collect data as needed from all available incident-based documents, including Major Incident Reports, staff reports, and sexual abuse incident reviews.
5. Upon request, Argus House shall provide all such data from the previous calendar year to the Department of Justice no later than 60 days following the request or by June 30, whichever is the earliest time frame.

**2.3.3 Data Review for Corrective Action** § **115.388**

1. Data collected in 2.3.2 above shall be used to assess and improve the effectiveness of Argus House’s sexual abuse prevention, detection, and response procedures, practices and training, including:
2. Identifying problem areas
3. Taking corrective action on an ongoing basis
4. Preparing an annual report of its findings and corrective actions as needed.
5. Such annual reports shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide a summary of Argus House’s progress in addressing sexual abuse.
6. The report shall be approved by the Agency head and made available to the public through its website.
7. Specific material from the report may be redacted when publications would present a clear and specific threat to the safety and security of a facility. The nature of the material redacted must be indicated.

**2.3.4 Data Storage, Publication and Destruction** § **115.389**

1. Argus House shall ensure that data collected pursuant to 2.3.2 above are securely retained.
2. Argus House shall make all aggregated sexual abuse data readily available to the public at least annually through its website.
3. Before making aggregated sexual abuse data publicly available, Argus House shall remove all personal identifiers.
4. Argus House shall maintain sexual abuse data collected pursuant to 2.3.2 above for at least 10 years after the date of its initial collection unless Federal, State, or local law requires otherwise.

**2.4 Audits**

* + 1. **Frequency and Scope of Audits** § 1**15.401**
1. During the three-year period starting on August 20, 2013 and during each three-year period thereafter, Argus House shall ensure that each facility operated by the agency is audited at least once.
2. During each one-year period starting on August 20, 2013 Argus House shall ensure that at least one­ third of each facility type operated by the agency is audited. The Department of Justice may send a recommendation to an agency for an expedited audit if the Department has reason to believe that a particular facility may be experiencing problems relating to sexual abuse. The recommendation may also include referrals to resources that may assist the agency with PREA-related issues.
3. The Department of Justice shall develop and issue an audit instrument that will provide guidance on the conduct of and contents of the audit.
4. Argus House shall bear the burden of demonstrating compliance with the standards.
5. The auditor shall have access to all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations as deemed necessary.
6. The audits shall review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.
7. The auditor shall have access to, and shall observe, all areas of the audited facilities.
8. The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).
9. The auditor shall retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request.
10. The auditor shall interview a representative sample of residents and of staff, supervisors, and administrators.
11. The auditor shall review a sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.
12. The auditor shall be permitted to conduct private interviews with residents.
13. Residents shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.
14. Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.
	* 1. **Auditor Qualifications** § **115.402**
15. An audit shall be conducted by:
	1. A member of a correctional monitoring body that is not part of, or under the authority of, the agency (but may be part of, or authorized by, the relevant State or local government)
	2. A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the agency
	3. Other outside individuals with relevant experience.
16. All auditors shall be certified by the Department of Justice. The Department of Justice shall develop and issue procedures regarding the certification process, which shall include training requirements.
17. No audit may be conducted by an auditor who has received financial compensation from the agency being audited (except for compensation received for conducting prior PREA audits) within the three years prior to the agency's retention of the auditor.
18. Argus House shall not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the agency's retention of the auditor, with the exception of contracting for subsequent PREA audits.
	* 1. **Audit Content and Findings** § **115.403**
19. Each audit shall include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.
20. Audit reports shall state whether agency-wide policies and procedures comply with relevant PREA standards.
21. For each PREA standard, the auditor shall determine whether the audited facility reaches one of the following findings: Exceeds Standard (substantially exceeds requirement of standard); Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period); Does Not Meet Standard (requires corrective action). The audit summary shall indicate, among other things, the number of provisions the facility has achieved at each grade level.
22. Audit reports shall describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision for each corrective action.
23. Auditors shall redact any personally identifiable resident or staff information from their reports, but shall provide such information to the agency upon request, and may provide such information to the Department of Justice.
24. Argus House shall ensure that the auditor's final report is published on the agency's website, or is otherwise made readily available to the public.

**2.4.4 Audit Corrective Action Plan** § **115.404**

1. A finding of "Does Not Meet Standard" with one or more standards shall trigger a180 day corrective action period. The auditor and Argus House shall jointly develop a corrective action plan to achieve compliance.
2. The auditor shall take necessary and appropriate steps to verify implementation of the corrective action plan, such as reviewing updated policies and procedures or re-inspecting portions of a facility.
3. After the 180-day corrective action period ends, the auditor shall issue a final determination as to whether the facility has achieved compliance with those standards requiring corrective action.
4. If Argus House does not achieve compliance with each standard, it may (at its discretion and cost) request a subsequent audit once it believes that is has achieved compliance.
	* 1. **Audit Appeals** § **115.405**
5. Argus House may initiate an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect. Such appeal must be initiated within 90 days of the auditor's final determination.
6. If the Department of Justice determines that Argus House has stated good cause for a re-evaluation, Argus House may commission a re-audit by an auditor mutually agreed upon by the Department of Justice and Argus House. Argus House shall bear the costs of this re-audit.
7. The findings of the re-audit shall be considered final.

**2.4.5 State Compliance** § **115.501**

1. In determining pursuant to 42 U.S.C. 15607 (c) (2) whether the State is in full compliance with the PR EA standards, the Governor shall consider the results of the most recent agency audits.
2. The Governor's certification shall apply to all facilities in the State under the operational control of the State's executive branch, including facilities operated by private entities on behalf of the State's executive branch.