

CURA, Inc.
RCRP

PREA

Policy and Procedures Manual



**CURA, INC.
RCRP**

PREA Standards: Policy and Procedures Manual

Revised 08/24/2021

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 <p>CURA, INC. Residential Community Release Program (RCRP)</p>	<p>PREA Policy Standards:</p> <p>115.211; 115.212; 115.213; 115.214; 115.215; 115.216; 115.217; 115.218; 115.221; 115.222; 115.231; 115.232; 115.233; 115.234; 115.235; 115.241; 115.251; 115.252; 115.253; 115.254; 115.261; 115.262; 115.263; 115.264; 115.265; 115.266; 115.267; 115.271; 115.273; 115.276; 115.277; 115.278; 115.281; 115.282; 115.283; 115.286; 115.287; 115.288; 115.289</p>	<p>Required by:</p> <p>United States Department of Justice and NJ Department of Corrections</p>
<p>Approved by:</p>  <p>_____ Gloria Plaza, President/CEO</p>		<p>Effective Date: 04/14/2015</p>
<p>Subject: Prison Rape Elimination Act (PREA) Community Confinement Facilities</p>		<p>Review Date: 08/24/2021 08/04/2020 08/28/2019</p>
		<p>Authority: Board of Directors/CEO or Designee</p>

PURPOSE:

The purpose of this policy is to prevent, detect, and eliminate sexual abuse and sexual harassment of residents within our programs.

SCOPE:

Staff members of all CURA Inc.'s facilities, programs, and offices.

POLICY:

The Prison Rape Elimination Act of 2003 (PREA) is a federal law that supports the elimination, reduction, and prevention of sexual abuse, assault, rape, harassment, and any type of sexual misconduct. CURA, Inc. is committed to abiding by this law and has a zero-tolerance policy toward any and all forms of sexual misconduct, whether these acts are committed by a resident on another resident or staff on a resident. CURA, Inc. does not recognize consensual sexual contact between staff and residents as a defense against allegations of sexual misconduct. All facilities/programs will comply with federal and state laws as they pertain to PREA, if there is a variation in laws, the stricter regulation will apply (PREA Standard § 115.211a).

Upon admission, the residents will be provided with information concerning prevention, detection, intervention, reporting of sexual abuse or assault, and the agency's zero-tolerance policy. The residents will also receive information regarding treatment and counseling for victims of sexual abuse or assault. The above information will be communicated orally and in writing, in a language clearly understood by the resident, during the admission process. The residents will be advised that sexual conduct encompassing all definitions in this policy by residents, employees, vendors, or visitors is prohibited and that residents are to feel comfortable to report any such activity to their primary counselor, ombudsman, or any staff member in authority.

The RCRP is committed to preventing, detecting, and responding to sexual abuse and harassment by screening residents to identify potential victims and perpetrators, ensuring services for the victims, educating employees on responding to sexual abuse incidents, educating residents on reporting methods and safety precautions, and assessing potential environmental factors.

CURA, Inc. will provide training to staff and residents to prevent sexual misconduct and assist in fully investigating and prosecuting those involved in such conduct. This policy will be available to all staff, contractors, volunteers, interns, visitors, and residents.

CURA, Inc. will designate an upper-level PREA Coordinator. The RCRP Facility Program Manager will become the PREA Coordinator to ensure compliance with all standards across agency programs/ departments (PREA Standard § 115.211 b). This staff

member will have sufficient time and authority to coordinate the facility's efforts to comply with PREA standards.

CURA, Inc. recognizes the right of staff and residents to be free of retaliation for reporting sexual misconduct. The agency has zero-tolerance for all forms of retaliation against any person because of his/her involvement in the report and investigation of a complaint. Any acts of retaliation will result in disciplinary actions.

Violations of this policy may result in disciplinary sanctions for staff and residents, and/or criminal prosecution as authorities deem appropriate. Violations of this policy, which may be a criminal matter and it will be reported to the New Jersey Department of Corrections, the Regional Institution, and the Special Investigation Division.

DESIGNATION OF PREA COORDINATOR -PREA Standard § 115.211(b)

The PREA coordinator, will coordinate, manage and oversee the agency's efforts to comply with the PREA standards.

The PREA coordinator's responsibilities include, but are not limited to:

- Develop and implement PREA related policies and procedures.
- Coordinate and implement a training plan that fulfills the PREA training standards.
- Develop and coordinate procedures to address allegations received and identify, monitor, and track any incidents of sexual misconduct.
- Oversee monitoring of PREA compliance with interns, volunteers, and contractors.
- Review critical incidents and determine appropriate corrective actions of any issue that can lead to abuse, any problems with staffing plans, and any needs for monitoring technology to supplement security staff supervision.
- Coordinate and track referrals of allegations to the Regional Institution –Northern State Prison and the Special Investigations Division.
- Keep the President/CEO, the Vice President of Clinical Services, the Vice President of Human Resources, his immediate supervisor, and staff informed of PREA related issues.
- Chair a multidisciplinary review committee to develop PREA related prevention and response strategies.
- Serve as PREA liaison and point of contact for CURA, Inc. and the New Jersey Department of Corrections.
- Maintain PREA content including publications or required information and documents.
- Coordinate audit preparation activities and corrective action plans.
- Ensure checks are performed to verify that the PREA hotline telephone number 1- 800.586.9431, NJ CASA 24 hour State hotline number 1-800-601-7200, the Ombudsman's Office numbers 609-633-2596 (Family Members) and 1-800-305-1811 (Residents), and the National Sexual Assault Telephone Hotline 1-800-656-4673 are posted on or near all telephones.
- Coordinate regular checks to verify that PREA posters and brochures are posted in areas accessible to residents and staff.

GENERAL DEFINITIONS AND DEFINITIONS RELATED TO SEXUAL ABUSE - PREA Standard § 115.5 and 115.6

The following terms are associated with these policies:

Gender Expression: The physical manifestation of one's gender identity, usually expressed through clothing, mannerisms, and chosen names.

Gender Identification: The conviction of belonging to a particular sex, regardless of whether this corresponds to his or her anatomical sex.

Gender Non-Conforming: Gender characteristics and/or behaviors that do not conform to those typically associated with a person's biological sex.

Institutional Sexual Conduct: The act of any employee, contract employee, intern, volunteer, or individual who performs work or volunteers functions for CURA, Inc.'s facilities that involve sexual assault/rape or sexual misconduct with a resident under the supervision of CURA, Inc.

Intersex: An individual born with external genitalia, internal reproductive organs, chromosomes patterns, and/or endocrine systems that do not seem to fit typical definitions of male or female.

Mental Health Care Practitioner: (For this policy only): Mental health care practitioners will be considered those who are licensed to provide mental health services to the population.

Resident: In this policy, the word "resident" will be used to describe the clientele at the facility/program, including inmates, supervised offenders.

Sexual Abuse: A resident commits this offense when he has active or passive contact or fondling between his genitals, hand(s), mouth, buttocks, anus, or breast and the genitals, hand(s), mouth, buttocks, anus, or breast of another person. Contact can be with or without clothing being worn by one or both parties.

Sexual Assault/Rape: The act of unwanted sexual intrusion, sexual contact, or sexual penetration by any person on another by force, threat, coercion, or intimidation.

Sexual Assault/Rape Victim: A person, who has been forced, threatened, coerced, intimidated to have sex without his consent.

Sexual Harassment:

- 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
- 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 the body, or clothing or obscene language or gestures.

Sexual Misconduct:

Sexual misconduct includes, but is not limited to: aggravated sexual assault, sexual harassment, and sexual abuse act, threats, requests for sexual acts, or attempts to commit acts such as sexual contact, obscenity, the behavior of a sexual nature or implication of the same, taking or soliciting photographs/pictures of a person's nude breasts, genitalia or buttocks, indecent exposure, invasion of privacy for sexual gratification, inappropriate touching or incidents of intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks or other body parts with the intent to abuse, arouse, or gratify sexual desire or incidents of indecent exposure of breasts, genital areas, or other body parts, even with consent in an institution. Any procedure such as, but not limited to taking pictures/photographs, pat searches, or medical exams that are required by department policy, procedure, or process is not defined as sexual misconduct.

Transgender: Persons whose gender identity differs from their gender assigned at birth.

Zero-Tolerance Policy: In no case will the notion of “consensual sex” in a clinical or supervisory relationship be allowed. Any sexual assault/rape or sexual misconduct between employees or agents of CURA, Inc., and residents violates professional and ethical principles, and CURA, Inc.’s policies. All allegations of sexual assault/rape or sexual misconduct will be investigated. If applicable, criminal charges will be filed, and/or a professional standard investigation will be conducted which may result in corrective and/or disciplinary action, including termination. Failure of staff members to report incidents of sexual assault/rape or sexual misconduct may result in corrective and/or disciplinary action, including termination.

Types of Sexual Assault/Rape or Sexual Misconduct:

1. Resident-on-Resident:

- One or more residents engaging in, attempting to engage in, or the completion of a sexual act with another resident.
- Use of threats, intimidation, force, or other actions and/or communication reasonably calculated to cause the submission of another resident to engage in a sexual act against that resident’s will.
- Any sexual touching, attempt or “consensual” act is prohibited by CURA, Inc. under a zero-tolerance policy.

Resident to resident sexual abusive contact constitutes: Non-penetrative touching either directly or through the clothing, or without penetration by a resident on another resident without the latter’s consent, or a resident who is coerced into sexual contact by threats of violence, or of a resident who is unable to consent or refuse.

Resident on resident sexual harassment: Repeated unwelcome sexual advances, requests of sexual favors, verbal comments, or gestures or actions of a derogatory or offensive sexual nature by a resident directed toward another.

2. Resident -on-Staff:

All cases involving resident on staff sexual assault/rape or sexual misconduct will be referred for a criminal investigation to the Department of Corrections and the NJ-DOC Special Investigation Division (SID). It will also be referred to CURA, Inc.’s PREA Coordinator, the President/CEO, the Vice President of Clinical Services, and the Vice President of Human Resources for an administrative investigation.

3. Staff-on-Resident:

Acts of sexual assault/rape or sexual misconduct against residents, retaliation against residents who refuse to submit to sexual activity, or intimidation of a witness may be a crime.

Staff on resident sexual abuse: Encompasses all occurrences of staff on resident sexual abuse contact, and all staff on resident sexual abusive penetration, staff on resident indecent exposure, and staff on resident voyeurism, non-penetrative touching either directly or through the clothing, of a resident without the latter’s consent that is unrelated to official duties.

Staff on resident indecent exposure: Encompasses the display by a staff member of his/her uncovered genitalia, buttocks, or breasts in the presence of a resident.

Staff on resident sexual harassment: Repeated unwelcome sexual advances, requests of sexual favors, repeated verbal comments or gestures or actions of a sexual nature, including demeaning references to gender, sexually suggestive or derogatory or offensive comments about the body, or clothing or obscene language or gestures of sexual nature by staff directed toward a resident.

Staff on resident voyeurism: Invasion of the resident's privacy for reasons unrelated to official duties or when otherwise not necessary for safety and security reasons.

Staff includes all agency employees, contract staff, volunteers, interns, and any other person providing services in this agency. Staff solicitations of residents to engage in sexual contact, or penetration constitute attempted staff on resident sexual abuse. Any sexual touching, attempt, or "consensual" act is prohibited by CURA, Inc. under a zero-tolerance policy.

SUPERVISION AND MONITORING - PREA Standard § 115.213 (a through c)

CURA, Inc. will ensure that the agency develops, implements, and documents a staffing plan that is approved by the New Jersey Department of Corrections, to provide adequate levels of staffing, and where applicable, utilize video monitoring, to protect residents against sexual abuse.

CURA, Inc. will develop and document a staffing plan to provide adequate levels of staffing, in accordance with funding and licensure regulations, in a multi-disciplinary team composed of the Vice President of Clinical Services, Vice President of Human Resources, Fiscal Officer, and PREA Coordinator.

In calculating the adequate staffing levels CURA will consider: (1) Generally accepted practices; (2) All components of the facility's physical plant (including "blind spots," or areas where staff or residents may be isolated); (3) The composition of the resident population; (4) Number and placement of supervisory staff; (5) Number and types of program's activities occurring on a particular shift; (6) Applicable state or local laws, regulations, or standards; (7) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and (8) Any other relevant factors such as funding and licensure regulations.

In addition, the staffing plan will be reviewed and/or revised as often as necessary, annually at minimum, to determine and document adjustments to: (1) The staffing plan established pursuant to paragraph (a) of this section; (2) Prevailing staffing patterns; (3) The facility's deployment of video monitoring systems and other monitoring technologies to ensure that residents are being properly supervised 24 hours a day, 7 days a week allowing staff to be aware of residents' whereabouts and activities at all times; and (4) The resources the facility has available ensuring adequate staffing levels.

Furthermore, the PREA Coordinator and the Program Director will ensure that supervisory staff conduct and document unannounced rounds on all shifts to identify and deter staff sexual abuse and sexual harassment. Staff shall be prohibited from alerting other staff members that these supervisory rounds are occurring.

As part of the supervision and monitoring of all residents, staff members are trained to do the following:

- Provide direct supervision to residents at all times following the program's schedule to ensure that all residents are accounted for.
- Review the videotapes regularly to ensure that no incidents that could lead to any type of sexual misconduct have gone unnoticed.
- Identify aggressive or coercive resident behavior before it escalates to sexual abuse.

- Identify signs of inappropriate staff relationships developing with residents before they become abused.
- Respond immediately to prevent or end incidents of abuse by residents or staff.
- If and when an incident should occur, rapidly take the steps necessary for an effective response, which includes communicating immediately with the PREA coordinator, and the program Director to inform them of what occurred.
- Write an incident report and document the course of events following the New Jersey Department of Corrections and the agency's guidelines on how to document critical incidents.

LIMITS TO CROSS-GENDER VIEWING AND SEARCHES - PREA Standard § 115.215 (a through d)

CURA, Inc.'s RCRP program, only houses male residents. To protect the privacy and dignity of the residents, and to reduce opportunities for staff-on-resident sexual abuse, CURA Inc.'s policies prohibit staff members to conduct cross gender viewing, searches, cross-gender pat-down, strip searches, and visual body cavity searches on any resident in all of its facilities. Furthermore, staff members of the opposite gender are required to announce their presence when entering the residents' dormitories, and areas where residents are likely to be showering, performing bodily functions or changing clothes.

If cross-gender strip searches or cross gender visual cavity searches are required due to exigent circumstances, these will be conducted by a medical practitioner. If this practice were ever to occur the facility will document all cross-gender searches and cross-gender visual body cavity searches.

Residents returning from work and/or school activities are asked to empty their pockets and bags, if any, upon returning to the facility. Staff on duty will proceed to check the items brought by the resident to ensure that no contraband is being brought into the facility. Staff will then proceed to check the client using a wand to help search the resident. Staff is not allowed to touch any resident or ask him to get undressed to search him.

CURA, Inc. recognizes the importance of respecting Residents' privacy and has taken the necessary steps to ensure that residents can take showers, perform bodily functions and change clothing without a non-medical staff of the same or opposite gender viewing their buttocks or genitalia.

TRANSGENDER AND INTERSEX RESIDENTS - PREA Standard § 115.215.e.)

CURA, Inc.'s staff members are not permitted to search or physically examine a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or if necessary, by learning that information as a part of a broader medical examination conducted in private by a medical practitioner.

In deciding where to assign a transgender or intersex resident, the facility will consider on a case-by-case basis whether a placement would ensure the resident's health and safety and whether placement would present management or security problems. A transgender or intersex resident's own views concerning his safety will be given serious consideration.

Transgender and intersex residents will be allowed to shower separately from other residents. The agency will not place lesbian, gay, bisexual, transgender, or intersex residents in dedicated rooms solely based on such identification or status.

RESIDENTS WITH DISABILITIES AND RESIDENTS WHO ARE LIMITED ENGLISH OR SPANISH PROFICIENT - PREA Standard § 115.216 (a through c)

CURA, Inc. will take appropriate steps to ensure that residents with disabilities (including, for example, residents who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), or who are limited English proficient (LEP) or Spanish proficient (LSP), have an equal opportunity to participate in, and benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, and can report sexual abuse to staff directly, or through non-residents interpreters.

CURA, Inc. will make every effort to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. It is never desirable or sufficient for residents to serve as interpreters or translators for other residents when reporting abuse since this compromises confidentiality and places some residents in a position of undue influence over others. If the use of resident interpreters, readers, or other types of resident assistants is required due to an extended delay in obtaining an effective interpreter, the facility will document the limited circumstances in individual cases and a detailed report will be submitted to the VP of Treatment Services.

The information and education are given by staff to residents, including the agency's sexual abuse policies, how to prevent sexual abuse while in treatment, and how to report an incident of sexual abuse or misconduct, will be communicated orally and in written form, in a manner that is clearly understood by them, even if the resident is deaf, visually impaired, disabled, has limited reading skills or limited English or Spanish proficient.

CURA, Inc. follows these procedures to accommodate clients:

- Since CURA, Inc. is an agency that services both English and Spanish residents, it is in a position to easily and rapidly resolve issues of residents who are unable to speak English or Spanish by assigning the residents to bilingual counselors who can help them understand the program's rules and regulations and the residents' rights and responsibilities.
- Residents that are deaf or hard of hearing will be assessed to determine the extent of their ability to attend and participate in mainstream treatment.
- Residents who are deaf and hard of hearing, and are not able to read lips and/or understand spoken language will be referred back to Northern State Prison.
- Residents who are deaf and hard of hearing, but can understand and read lips will be offered the possibility to receive treatment services in our facility.
- Residents who are blind or have other physical impairment will be assessed to determine the exact nature of their impairments, and their ability to function in mainstream treatment.
- If the resident feels he can participate and benefit from the services provided in our agency, he will be admitted to the program. If he feels different, then CURA, Inc. will contact the NJ Department of Corrections to explore other treatment options for the resident.

- If interpretation services are needed in an urgent and emergency situation, CURA, Inc. will contact Signs of Sobriety to request an interpreter for residents who are deaf or hard of hearing.
- PREA posters in English and Spanish will be placed in conspicuous places also as a way to educate residents on the PREA standards, and their right to be free of all types of sexual abuse.

HIRING AND PROMOTION DECISIONS - PREA Standard § 115.217 (a through h)

CURA, Inc. will incorporate key questions throughout the recruitment and selection process for all applicants as well as current employees related to inquiries about previous misconduct (sexual abuse, sexual activity by force, sexual harassment, threats of force or coercion). These inquiries may be made in written applications, at interview, hire or promotion, in written self-evaluations, as well as an affirmative duty to disclose any such misconduct with a signature to ensure its receipt.

In addition and in accordance with NJDOC policy and procedures, HR will submit to NJDOC the required information to perform a pre-employment criminal record screening (background check) for all employees and volunteers of the RCPC facility. This information shall be confidential and only reviewed by the NJDOC Office of Community Programs and Outreach Services and the Special Investigations Division (SID). Prospective employees, volunteers, or interns shall not be permitted access to the facility before clearance from the NJDOC.

HR explains and discusses, with the prospective applicant or employee or volunteer or intern, the process for submission of fingerprints, applicable form, instructions, signatures authorizing the request, and confidentiality of records. (N.J.A.C. 13:59-1.2(a)2 authorizes the dissemination of criminal history record information to a person or non-governmental entity of the State for the purpose of employment, and in accordance to N.J.A.C. 10A:17-2.15 through 2.2). for Residential Community Release Programs (RCRP). A copy of the background check application, appointment, along with a payment receipt is added to a separate Background Check File.

If a prospective employee/volunteer/intern has a record of conviction involving children or other convictions as per licensure or other requirements, and this record affects the employment relationship, the agency will provide two written notices to the employee: one before and upon taking action.

The agency will not hire or promote or subcontract or engage as a volunteer with anyone who may have contact with the residents who has engaged in sexual abuse, has been convicted of engaging or attempting to engage in sexual activity, or has been civilly or administratively adjudicated to have engaged in an activity described in 115.217 (a) 1-3 as outlined in PREA standards.

The agency will consider incidents of sexual harassment in the hiring or promotion or subcontracting of anyone who may have contact with residents; and will make its best effort to contact prior institutional employers during a pending investigation upon knowledge of allegation of sexual abuse for further information related to an allegation or resignation pursuant to 115.217 (b) and (c).

Current employees, volunteers, interns, and subcontractors who have contact with the residents will receive criminal history reviews at least every five (5) years pursuant to 115.217 (e).

Unless prohibited by law, the agency may ask all applicants for positions in direct contact with residents about misconduct in documents such as applications, interviews for hiring or promotion, and self-evaluations to include a duty to disclose any such misconduct. Omissions of such misconduct may be grounds for termination in accordance with 115.217(g); and the agency may provide information to an

institutional employer related to substantiated allegations of sexual abuse or harassment upon written request, 115.217(h).

Finally, the agency will follow applicable exceptions according to the state, federal, or other applicable laws in effect at the time.

UPGRADES TO FACILITIES AND TECHNOLOGIES - PREA Standard § 115.218 (a through b)

When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, CURA, Inc. will consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect residents from sexual abuse. (PREA 115.218a)

When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, CURA, Inc. will consider how such technology will enhance increase the ability of the RCRP program to monitor and record residents' activities to protect residents from sexual abuse (PREA 115.218b)

EVIDENCE PROTOCOL AND FORENSIC MEDICAL EXAMINATIONS/POLICIES TO ENSURE REFERRALS OF ALLEGATIONS FOR INVESTIGATIONS - PREA Standard § 115.221 (a, c through h) and PREA Standard § 115.222 (a through e)

CURA, Inc. does not conduct any type of criminal investigation, but will fully cooperate with the New Jersey Department of Corrections Office of Community Programs, the Regional Institution- Northern State Prison, and the Special Investigation Division to ensure that these institutions have the proper information to conduct their criminal investigation(s). The New Jersey Department of Corrections is the law enforcement agency for CURA, Inc.'s Residential Community Program.

If staff receives information that a resident was sexually abused, or is in danger of being sexually abused, the PREA Coordinator must contact Northern State Prison and the Special Investigation Division immediately, to inform them of what has occurred, and must follow their instructions and guidelines to ensure the safety of the resident. CURA, Inc. has developed a Coordinate Response Plan, (see attachment) and trains its staff members on how to put this plan in action if and when sexual abuse/assault or harassment is reported. CURA, Inc. has implemented the RELIAS Training System to train its staff on PREA standards and CURA's Policy and Procedures.

Requests for medical examination and treatment are made to the Regional Institution's Medical Department. All medical examinations will be conducted by Medical Personnel of the Regional Institution and the NJ Department of Corrections Special Investigation Unit. CURA, Inc. will request Northern State Prison to follow all PREA standards if they don't already do so.

Rutgers University Hospital is approved by the New Jersey Department of Corrections to assess, treat, provide prophylaxis, and gather forensic evidence: It is located at 150 Bergen Street in Newark. The telephone number of this hospital is 973.792.4300.

If sexual assault, abuse, or harassment is alleged to have occurred while a resident was confined at another facility, the Program Director and/or the PREA Coordinator or designee must notify immediately the incident to the Department of Corrections and Special Investigations Division. It will also notify the Administrative Staff of the appropriate facility within 72 hours of having received this information. The Program Director will write an incident report and will document every step taken to notify the facility. This information must be filed in the SecurManage system.

If CURA, Inc. receives information regarding allegations of sexual abuse, assault, and/or harassment occurring at our program from another facility, the Program Director and the PREA Coordinator will ensure that this is investigated in accordance with the PREA standards. Documentation of the administrative investigation conducted by CURA, Inc., will be done in the SecurManage system.

CURA, Inc. will report all allegations of any type of sexual misconduct including sexual assault, abuse, and/or harassment to the New Jersey Department of Corrections.

In instances of sexual abuse or harassment, CURA, Inc. will:

- Determine whether staff actions or failures to act contributed to the abuse;
- Will document the administrative investigation conducted with as much detail and precision as possible describing all facts and findings.
- Retain all reports including allegations.
- Cooperate with all criminal investigators related to the allegation.
- Not impose a standard higher than the preponderance of evidence in determining whether the allegations are substantiated.
- Review the conclusion of the investigation within 30 days with the Program Director, PREA coordinator, Director of QI, VP of Clinical Services, and the President/CEO.
- A review of an administrative investigation for an alleged incident of sexual abuse, assault, or harassment will include:
 - ❖ Whether changes are needed in policy and practices of the agency,
 - ❖ Whether the incident was motivated by race, ethnicity, gender identity, gay, bisexual, transgender, or intersex identification status or perceived status, gang affiliation, or any other reason.
 - ❖ Assess the area where the incident occurred to determine whether physical barriers may enable abuse.
 - ❖ Assess staffing levels during different shifts.
 - ❖ Assess monitoring technology.

CURA, Inc. will strive to make reporting sexual abuse as easy, private, and secure as possible, and will demonstrate through policy, practice, and staff behavior its commitment to protecting sexual abuse victims and enforcing disciplinary actions against abusers.

CURA, Inc. will take seriously all reports of sexual abuse, regardless of the form or format in which they were conveyed. CURA, Inc. will look to provide different mechanisms for internal reporting; including locked drop boxes in common areas for residents to drop reports, requests, or grievances. Staff will be trained to be prepared to accept and respond to all types of reports and manners of reporting. Staff will provide residents with access to the tools necessary to make a written report.

EMPLOYEE TRAINING - PREA Standard § 115.231 (a through d)

CURA, Inc. will ensure the provision of training to employees who may have contact with residents to ensure they have full knowledge and understanding of the PREA standards, as well as the utilization of evidence-based practices with the criminal justice population in the following areas: motivational interviewing, anti-social thinking, social learning, appropriate Communication techniques, and target interventions annually at a minimum. All RCRP staff will be trained on PREA standards, CURA's Policy and Procedures, and evidence-based practices utilizing the RELIAS Training System.

All current employees who have not received training shall be trained within one year of the effective day of the PREA Standards, and the agency shall provide each employee with a refresher training every two years regarding the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policy.

Specific training PREA related topics include (1) a 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) Residents' right 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 confinement; (6) The common reactions of sexual abuse and sexual harassment victims; (7) How to detect and respond to signs of threatened and actual sexual abuse; (8) How to avoid inappropriate relationships with residents; (9) How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender-nonconforming residents; and (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

VOLUNTEER AND CONTRACTOR TRAINING - PREA Standard § 115.232 (a through c)

CURA will ensure the provision of training to volunteers and contractors who have contact with residents to ensure the utilization of evidence-based practices with the criminal justice population. Training will be provided to volunteers and contractors based on the services and/or level of contact with residents in the following areas annually at a minimum. Volunteers and contractors will receive training re: (1) 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.

RESIDENT EDUCATION - PREA Standard § 115.233 (a through e)

Resident Orientation Training

All residents will receive an orientation upon admission that includes CURA, Inc.'s zero-tolerance policy relating to sexual abuse, assault/rape, sexual harassment and/ or sexual misconduct and how to report incidents or suspicions of sexual abuse or sexual harassment, their rights to be free from any type of abuse including sexual abuse, to be free from retaliation for reporting such incidents and the agency's policies and procedures for reporting such incidents.

This will also include information about sexual misconduct, including background information on PREA, prevention, intervention, self-protection, reporting, treatment and counseling, and confidentiality. Training

will occur via video presentation ("*Facing Prison Rape, Responding to Prisoner Rape, Speaking Up, Discussing Prison Sexual Assault for males and females*). This training must be in addition to what is provided in the Resident's Handbook.

Residents will be required to sign an acknowledgment of having received this information. A copy of the acknowledgment will be maintained in the residents' files.

CURA, Inc. will provide periodic refresher information to all residents to ensure that they are informed of the agency's most current sexual abuse policies and procedures.

The information will be communicated orally and in written form in a manner that is clearly understood by the resident, including those who are limited English or Spanish proficient, deaf, visually impaired, or otherwise disabled as well as residents who have limited reading skills.

CURA, Inc. will ensure key information is continually and readily available and/or visible to the residents' population through posters, brochures, residents' handbooks, or other written formats.

SPECIALIZED TRAINING: INVESTIGATIONS - PREA STANDARD § 115.234 (a through d)

Standard § 115.234 does not apply to CURA, Inc. since this agency does not conduct any criminal investigations. All allegations of sexual abuse or sexual harassment are reported to the New Jersey Department of Corrections Office of Community Programs and the New Jersey Department of Corrections Special Investigation Division. NJ-DOC is the law enforcement agency for CURA, Inc.'s Residential Community Release Program.

SPECIALIZED TRAINING: MEDICAL AND MENTAL HEALTH CARE - PREA STANDARD § 115.235 (a through d)

Standard § 115.235 does not apply to CURA, Inc. since this agency does not provide any medical or mental health services to the Residents. All allegations of sexual abuse or sexual harassment will be reported to the New Jersey Department of Corrections Office of Community Programs and the New Jersey Department of Corrections Special Investigation Division. NJ-DOC is the law enforcement agency for CURA, Inc.'s Residential Community Release Program.

SCREENING FOR RISK OF VICTIMIZATION AND ABUSIVENESS - PREA STANDARD § 115.241 (a through i)

RCRP requires to screen residents upon admission or when they are transferred to another facility for their risk of being sexually abused by other residents or being sexually abusive toward other residents utilizing the PREA Screening for Risk of Sexual Victimization and Abusiveness Form unless required differently by state regulations.

Trained staff will complete the PREA Screening Form with the resident within 72 hours of arrival to the facility (whether new intake or a transfer) for potential vulnerabilities or tendencies with regards to sexually aggressive behavior.

The admission screening will consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: (PREA - 115.241d)

- Whether the resident has a mental, physical, or developmental disability;
- The age of the resident;

- The physical build of the resident;
- Whether the resident has been previously incarcerated;
- Whether the resident's criminal history is exclusively non-violent;
- Whether the resident has prior convictions for sex offenses against an adult or child
- Whether the resident is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- Whether the resident has previously experienced sexual victimization;
- The resident's own perception of vulnerability;

The admission screening will consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence of sexual abuse, as known to the agency, in assessing residents for risk of being sexually abusive.

Within a set period of time, not to exceed thirty (30) days from the resident's arrival at the facility, the facility will reassess the resident's risk of sexual victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

If information is discovered that reveals the resident may likely be a victim or abuser, a full re-assessment will be conducted when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the resident's risk of sexual victimization or abusiveness.

Residents may not be disciplined for refusing to answer, or for not disclosing complete information. The agency will implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this section to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents.

USE OF SCREENING INFORMATION - PREA Standard § 115.242 (a through f)

The agency will use information from the risk screening conducted pursuant to this section to inform room and bed assignment, work, education, and program assignments with the goal of keeping separate, or under the direct supervision of staff, those residents at high risk of being sexually victimized from those at high risk of being sexually abusive. The agency shall make individualized determinations about how to ensure the safety of each resident.

If the New Jersey Department of Corrections refers a transgender or intersex resident to CURA Inc. the agency will consider, on a case by case basis, whether a placement would ensure the resident's health and safety, and/or whether the placement would present management or security problems.

A transgender or intersex resident's own views concerning his own safety will be given serious consideration. Transgender and intersex residents will be allowed to shower separately from other residents.

The agency will not place gay, bisexual, intersex, or transgender in dedicated rooms or floors solely based on such identification or status.

PREA standard § 115.243 - RESERVED

RESIDENT REPORTING - PREA Standard § 115.251 (a through d)

REPORTING PROCEDURES:

CURA, Inc. will provide at least one way for residents to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward resident's reports of sexual abuse or sexual harassment to the agency officials, allowing the resident to remain anonymous on request.

Residents can report sexual abuse or sexual harassment to the PREA hotline telephone number 1- 800-586-9431, NJ CASA 24 hour State hotline number 1-800-601-7200, the Ombudsman's Office number 1-800-305-1811, and the National Sexual Assault Telephone Hotline 1-800-656-4673.

Residents will be explained that NJ CASA is a confidential rape crisis organization and will not report any incidents to law enforcement, the New Jersey Department of Corrections, or CURA, Inc. They will also be explained that the New Jersey Department of Corrections Ombudsman's Office will report all incidents of sexual assault/abuse or harassment to CURA, Inc. and the NJ Department of Corrections Office of Community Programs and NJ Department of Corrections Special Investigation Division (SID).

A resident may 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 any staff member, either, anonymously, verbally, or in writing, or through a third party. Residents may correspond directly with the Program Director, The PREA Coordinator, or the VP of Clinical Services, if desired.

Staff will accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

The agency will provide a method for staff to privately report sexual abuse or sexual harassment of residents, such as writing a confidential note/report to or requesting a private and confidential meeting with the PREA Coordinator or Program Director.

EXHAUSTION OF ADMINISTRATIVE REMEDIES (RESIDENT GRIEVANCE PROCEDURES) - PREA Standard § 115.252 (a through g)

CURA, Inc. does not conduct criminal investigations related to allegations of sexual abuse; however, it has developed administrative procedures to address sexual abuse-related grievances; furthermore, it will provide residents with access to a resident grievance procedure. This procedure is designed to address resident complaints related to sexual abuse and sexual harassment and all forms of sexual misconduct whether these acts are committed by a resident on another resident, or staff on a resident.

A written explanation of and instructions for the use of the resident grievance procedure will be readily available to both staff and residents. Newly hired staff and newly admitted residents will receive a written and oral description of the procedure.

CURA, Inc. will not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse, assault, or harassment. The resident has the right to submit a grievance when he is ready to do so. The agency may apply otherwise applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.

CURA, Inc. will not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. A resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and such grievance is not referred to a staff member who is the subject of the complaint.

Residents may utilize the resident grievance procedure regardless of any disciplinary status, or other administrative or legislative decision to which the resident may be subject. Appropriate provisions shall be made to ensure access to the resident grievance procedure by residents not fluent in English or Spanish, persons with disabilities, and those with low literacy levels. The Program shall maintain a locked box for residents to deposit informal complaints, grievances, and other correspondence to staff.

If CURA, Inc. receives or is informed of an emergency grievance being filed alleging that a resident is subject to a substantial risk of imminent sexual abuse, the PREA Coordinator or designee will contact the Northern State Prison Office of Community Programs and DOC Special Investigation Division immediately to inform them of the situation and to get instructions on how to proceed.

Failure of the resident to substantiate their grievance allegations shall not, by itself, be used as grounds to initiate disciplinary actions. If it is found that a resident has intentionally falsified information in an informal complaint, a grievance, or grievance appeal, can be initiated; however only the DOC-SID has the authority to initiate disciplinary action against the resident. If CURA, Inc. finds out that a grievance was filed by a resident in bad faith, it will report this information to the above mentioned institutions and will make determinations based on the instructions given by them. 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.

If a third party, files such a request on behalf of a resident, the facility may require as a condition of processing the request that the alleged victim agrees 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, the agency shall document the resident's decision.

Retaliation or the threat of retaliation for the use of the resident grievance procedure is strictly prohibited. Any alleged or threatened retaliation may be pursued through the resident grievance procedure. Appropriate disciplinary action shall be taken against any employee found to be in violation of this section.

PREA Grievance records are considered confidential and will be maintained by the Program securely. No grievance records will be placed in any resident file.

When a resident files a grievance, these steps are to be followed:

- Resident must complete the grievance form that is available in the program and ask for help if needed;
- Resident should submit the grievance to the primary counselor;
- If the grievance is against the primary counselor then the resident should submit it to the Program Director and/or the PREA Coordinator.
- Resident can also file a grievance with the Vice-President of Clinical Services and / or the President/CEO directly if he believes that the steps described above have not responded adequately to ensure his safety and that of others.
- Resident can also deposit the grievance form in a locked box located in the RCRP facility, anonymously.
- Program will give priority to a grievance that indicates a situation that could jeopardize the resident's life or that of others. The counselors will call 9-1-1 and DOC-SID immediately to ensure the safety of all.
- The PREA Coordinator will review the completed grievance form and will contact NJ-DOC and SID and follow their instructions or recommendations.

- If NJ-DOC and SID determine that the resident(s) needs to be transported back to the Regional Institution, they will initiate the investigation of the grievance and will reach a resolution based on their findings.
- The NJ-DOC and SID will be responsible for informing the resident of the outcome of their investigation.
- A copy of all complaints/grievances related to an incident of sexual abuse, assault, harassment, or any other inappropriate sexual activity, or retaliation will be sent to the Program Director and PREA Coordinator and they will be analyzed for monitoring purposes.

RESIDENT ACCESS TO SUPPORT SERVICES - PREA Standard § 115.253 (a through c)

CURA, Inc. will provide residents with access to outside victim advocates for emotional support services related to sexual abuse, by providing, posting, or otherwise making accessible telephone numbers, including toll-free hotline numbers, where available of local, State, or national victim advocacy or rape crisis organizations. This information shall be included in the Residents' Handbook.

The facility shall enable reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible. CURA, Inc. however, will inform residents, before giving them access, of the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

Residents may request and/or receive mental health or confidential emotional services by following the medical request procedures:

Residents that are in danger to themselves and/or others will be referred to Northern State Prison Medical Department immediately for further psychiatric assessment.

Residents that have been screened for Mental Health disorders by their Primary Counselor and determined to require mental health services are referred to Regional Institution's Medical Department for further psychiatric assessment.

Primary counselors are responsible for identifying the mental health needs of the RCRP clients and for creating treatment and discharge plans that address the resident's problems and needs in a holistic manner.

As per the NJ Department of Corrections policy on Mental Health Services, residents with sexual abuse history, victims and abusers, are permitted to access confidential emotional support services, including follow-up mental health for sexual abuse/assault through the NJ Department of Correction's Regional Institution. CURA, Inc. will coordinate these services for residents.

CURA, Inc. residents shall have access to external sexual abuse emotional support services through the Family Service League/SAVE of Essex County (1-877-733-2273). CURA has a signed Memorandum of Understanding with this organization to provide support services to the RCRP residents.

THIRD PARTY REPORTING - PREA Standard § 115.254 (a)

CURA, Inc. has established a method to receive third-party reports of sexual abuse and sexual harassment and will distribute publicly information on how to report sexual abuse and sexual harassment on behalf of a resident.

A third-party reporter is someone who reports sexual abuse and sexual harassment but is neither the victim nor the abuser. This person may have been told by the victim about the abuse or harassment or witnessed it first-hand. "Third party" includes other inmates, staff members, family members, lawyers, contract employees, volunteers, service providers, community or religious members, among others.

A third party can report abuse using the same channels as a victim of sexual abuse. CURA, Inc. will accept all third-party reports received through:

- Agency's grievance system
- Verbal reports (made in-person or via telephone)
- Written communication such as a letter or email

Contact with agency officials.

A third party can submit a report without disclosing her or his name or that of the alleged victim or abuser. A report may be submitted in a language other than English. Also, a third party has the right to assist a resident with completing and filing his own report of abuse or harassment.

CURA, Inc. will educate potential third-party reporters, including residents and staff, about the kind of information that is helpful when filing a report, such as the date, time, and location of the incident and any involved parties. However, it should be made clear that no one piece of information is required to submit a report.

CURA, Inc. will respond to a report of sexual abuse or sexual harassment from a third-party in the same way that they would respond to one made by a victim, that is, following the NJ Department of Corrections and PREA standards. CURA, Inc. will also report the incident to the Special Investigation Division and will complete an Incident Report

CURA, Inc. will distribute publicly information on how to file a third-party report. This will be communicated through its website, by distributing materials in all buildings, and through residents' education programs.

The protocols for responding to a report include keeping the victim safe from retaliation. If the victim does not want to cooperate and if staff members learn the name of victims through third-party reports or investigations, they should have a confidential conversation with the victim.

In such cases, staff members should inform the victim that they are under no obligation to cooperate with the investigation. Staff members should also explain to victims that, regardless of their participation in the investigation, they will be protected from retaliation, will not be punished, and will be provided with the opportunity to speak with a rape crisis advocate and afforded emergency and follow-up medical services as specified by the NJ Department of Corrections and the Special Investigation Unit.

CURA, Inc., will:

Review existing reporting policies to make sure that they allow for third-party reports.

Train staff members on receiving reports from third parties, explaining that such reports should be dealt with in the same way as those that come from victims themselves.

Train employees who are tasked with answering phones, letters, or e-mails on how to process third-party reports.

Educate residents about their rights to obtain help from a third party in submitting a report of sexual abuse and sexual harassment and to have a third-party make a report on their behalf.

Share information about the agency's third party reporting policies with residents' family members, lawyers, community or religious volunteers, service providers, contract employees, and others.

Distribute information through a variety of channels, including instructions for contacting the Vice President of Clinical Services and the Vice President of Human Resources.

STAFF AND AGENCY REPORTING DUTIES – (PREA Standard § 115.261 (a through e))

All staff shall report immediately and according to agency policy, any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against residents or staff who reported such incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Apart from reporting to the Program Director and/or PREA coordinator, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.

CURA, Inc., unless otherwise precluded by federal, state, or local law, medical and mental health practitioners shall be required to report sexual abuse and to inform the resident of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.

Employees of CURA, Inc., contract employees, volunteers, the third party who receive any information, including anonymous reports, regardless of its source, concerning sexual assault/rape or sexual misconduct, or who observes an incident of sexual assault/rape or sexual misconduct, are required to immediately report the information or incident directly to the Program Director and/or PREA Coordinator or designee for subsequent follow-up.

AGENCY PROTECTION DUTIES - PREA Standard § 115.262 (a)

When any staff of CURA, Inc. learns that a resident is subject to a substantial risk of imminent sexual abuse, it will take immediate action to protect the resident, such as placing the client in a safe area, increasing staff supervision, calling the NJ Department of Corrections Regional Institution and SID, following these institutions instructions, and once resident's safety has been established, staff will complete a PREA Incident Report.

REPORTING TO OTHER CONFINEMENT FACILITIES - PREA Standard § 115.263 (a through d)

Upon receiving an allegation that a resident was sexually abused while confined at another facility/program, the Program Director or PREA Coordinator shall notify the head of the facility or appropriate officials of the agency where the alleged abuse occurred. CURA, Inc. will also report this information to NJ-DOC Special Investigation Division for further follow-up. The agency will document that it has provided such notification.

Such notification will be provided as soon as possible, but no later than seventy-two (72) hours after receiving the allegation. The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with this policy.

STAFF FIRST RESPONDERS DUTIES - PREA Standard § 115.264 (a through b)

Upon witnessing or receiving a report of Sexual abuse or harassment, the first responder shall:

- 1- Separate the alleged victim and abuser.
- 2- Isolate all witnesses.
- 3- Call 911 (only if life-threatening and/or emergent situation.)
- 4- Report the incident to the shift supervisor or designee. The shift supervisor or designee will notify the PREA Coordinator and Program Director. PREA Coordinator will notify the DOC-SID and DOC-PREA Compliance Manager.
- 5- If applicable, preserve and protect any crime scene until the SID Investigator arrives at the facility.
- 6- If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim and abuser not take any actions that could destroy physical evidence such as shower, brush teeth, urinate, defecate, eat, drink, change clothes, or anything that will destroy evidence.
- 7- Complete PREA Incident Report. All staff involved will submit written PREA incident statements.
- 8- SID Investigator will advise on what further action should take place.
- 9- Confidentiality must be maintained at all times.

COORDINATED RESPONSE - PREA STANDARD § 115.265 (a)

CURA, Inc. will ensure that the Program staff follows the PREA Coordinated Response plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership (See a coordinated response plan flowchart).

Upon learning of an allegation that a resident was sexually abused, the following coordinated response protocol will be followed:

- Any employee that receives a verbal or written report from a resident, an anonymous source, or a third party, of any sexual misconduct or retaliation, will immediately notify the shift supervisor or designee and complete a PREA Incident Report.
- If immediate medical attention is required, the shift supervisor or designee will instruct a staff person to call 911. (911 will only be called in case of life-threatening and/or emergent situations). CURA, Inc. will ensure that NJ DOC policy is followed when residents are taken to local emergency rooms until NJ DOC personnel report to the emergency room. Simultaneously, the Shift Supervisor will contact the Facility PREA Coordinator.
- As per NJ DOC policy on sexual assault, in non-emergent situations, NJ DOC will be responsible for transporting residents to the NJ DOC regional institution. NJ DOC medical personnel located at the regional institution will provide all medical and mental health services needed by the resident(s).
- The Facility PREA Coordinator will notify the DOC- Special Investigations Division (SID), and DOC-PREA Compliance Manager. CURA, Inc. will prepare a packet of information for SID investigators. CURA, Inc. will follow instructions and directives given by the SID. The SID will complete the investigation and CURA, Inc. will collaborate with any information required by them.

- The Shift Supervisor or designee will contact the Program Director. The Program Director is on – call 24 hours a day, 7 days a week). The Program Director, VP of Clinical Services, and PREA Coordinator will conduct an administrative investigation and will prepare a report including findings and recommendations for improvement. The VP of Clinical Services will submit this report to CURA Inc's President/CEO.
- After SID completes the investigation, CURA, Inc. will follow any recommendations provided by them.

PRESERVATION OF ABILITY TO PROTECT RESIDENTS FROM CONTACT WITH ABUSERS - PREA STANDARD § 115.266 (a through b)

Standard § 115.266 does not apply to CURA, Inc. since this agency does not have any collective bargaining agreements.

AGENCY PROTECTION AGAINST RETALIATION - PREA Standard § 115.267 (a through f)

CURA Inc. will protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff. The PREA Coordinator and the Program Director are responsible for monitoring retaliation.

Multiple protection measures shall be employed, such as referring resident victims or abusers to NJ DOC, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

For at least 90 days (typically until discharge) following a report of sexual abuse, the Program Director and the PREA Coordinator will monitor the conduct and treatment of residents or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff.

Program supervisors will act promptly to remedy any perceived retaliation. Items the facility will monitor include any resident disciplinary reports, program changes, or negative performance reviews or reassignments of staff. The Program Director and PREA Coordinator will continue monitoring beyond 90 days if the initial monitoring indicates a continuing need.

In the case of residents, monitoring will also include periodic status checks no less than once per shift. Documentation will be completed to describe monitoring and any action taken. The documentation will be kept in the SecurManage system.

If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency will take appropriate measures to protect that individual against it using the same procedures noted above.

CURA, Inc.'s obligation to monitor will terminate if it is informed by NJ DOC and SID that the investigation determines that the allegation is unfounded.

PREA Standard § 115.268 - RESERVED

CRIMINAL AND ADMINISTRATIVE AGENCY INVESTIGATIONS - PREA STANDARD § 115.271 AND PREA STANDARD § 115.272)

Standard § 115.271 does not apply to CURA, Inc. since this agency does not conduct its own criminal investigations into allegations of sexual abuse and sexual harassment. Allegations of sexual abuse and sexual harassment are reported to the New Jersey Department of Corrections Office of Community Programs and the New Jersey Department of Corrections Special Investigation Division. NJ-DOC is the law enforcement agency for CURA, Inc.'s Residential Community Release Program.

CURA, Inc. will conduct Administrative Investigations and these will include:

- Determining whether staff actions or failure to act contributed to the abuse.
- Completing an administrative incident report describing all facts and findings.
- Retaining all reports regarding the allegations.
- Reviewing the conclusion of the administrative investigation within 30 days with the Program Director, PREA Coordinator, Vice President of Clinical Services, Vice President of Human Resources, and the President/CEO if the allegations pertain to a staff member.
- Determining whether changes are needed in the policy and/or practice of the agency.
- Determining whether the incident was motivated by race, ethnicity, gender identity, sexual orientation, gang affiliation, or any other reason.
- Assessing the area of the facility where the incident occurred to determine whether needed surveillance and/or supervision is needed.
- Assessing the staffing patterns during different shifts.
- Assessing the monitoring system.

Furthermore, the Program Director and/or PREA Coordinator must ensure:

- Immediately notify the PREA Coordinator, who will notify HR if it involves a staff on a resident allegation, regarding the suspected or alleged wrongdoing; and consult (as needed) with HR during all of these steps. Followed by the immediate supervisor or delegate's immediate review and documentation of complaint,
- Take all the necessary steps to ensure an internal investigation of the presented complaint is prompt, thorough, objective, fair, effective, and written e.g. every step taken along with its outcome to present the information to SID.
- Maintain privacy and confidentiality at all times throughout the investigation/review; however, advise the complainant that his/her name will remain part of the documents of the complaint at the conclusion.
- Interview the witnesses and if a statement is applicable, document and have witnesses sign to verify their statement. However, the collection of information concerning the complaint is done in a non-biased and professional manner as much as possible.
- Gather any documents (interview questions should include ways to find any documents such as notes, drawings, document(s) to verify claim);
- Interview the alleged offender/perpetrator accompanied by another colleague, e.g. Assistant Director within the same unit; a Director from another unit, or the Vice president of Human Resources;

- Interview the alleged offender/perpetrator's witnesses;
- Submit a written report with findings to HR who will then follow the same guidelines in the investigation under the guidance of SID or legal consult whenever applicable; However, if it is an employee that makes the claim directly to HR, HR will inform the Director/Supervisor and inquire whether they know anything about allegations, and document the findings.
- Once this process has been adhered to, the appropriate discipline will be imposed on the affected employee(s) according to the relevant agency policy or disciplinary policy, whichever applies, followed by a written conclusion to the employee(s) at or near 5 days of the final investigation.
- All HR matters which are criminally accompanied by substantiated allegations will be reported immediately to the proper authorities for prosecution; however, the agency will document and maintain copies of all its written reports and documents related to the matter involving staff or client such as descriptions of physical, testimonial and documentary evidence.
- The complete documented investigation will be labeled (with the employee name) and filed separately in the HR office, and not in the personnel file for as long as the employee is employed with the agency plus five (5) years; only the written conclusion used to notify the employee of the final decision will be filed in the employee's personnel file.

CURA Inc. will impose no standard of higher than a preponderance of evidence in determining whether the allegations of sexual abuse or sexual harassment are substantiated. (PREA Standard § 115.272)

REPORTING TO RESIDENTS - PREA Standard § 115.273 (a through f)

CURA, Inc. does not conduct its own criminal investigations into allegations of sexual abuse and sexual harassment. Allegations of sexual abuse and sexual harassment are reported to the New Jersey Department of Corrections Office of Community Programs and the New Jersey Department of Corrections Special Investigation Division. NJ-DOC is the law enforcement agency for CURA, Inc.'s Residential Community Release Program.

Once the report has been made to these institutions, CURA, Inc. follows instructions and directives given by them. If there is a suspicion or a report of alleged sexual abuse and /or harassment the NJ DOC and NJ –SID will take the victim and abuser (if he is a resident) back to Regional Institution. CURA, Inc. might not always be privy to some information that arises from the criminal investigation conducted by NJ-SID. If the results of the investigation conducted by DOC-SID are submitted to CURA, Inc., then the agency will inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded but only if the resident has not been transferred back to Northern State Prison.

DISCIPLINARY SANCTIONS FOR STAFF - PREA Standard § 115.276 (a through d)

All employees/volunteers/clients are encouraged to report harassment before it becomes serious, and all supervisors are required to report complaints, knowledge, suspicion, retaliation, staff neglect or violation, or any related information immediately to their immediate supervisor, PREA Coordinator and Vice President of Human Resources. The agency will report all allegations of sexual abuse and sexual harassment of clients, including third-party and anonymous reports to the NJ DOC – SID.

All employees will accept verbal reports, in writing, made anonymously, and from third parties promptly documenting any verbal reports. However, apart from making a report, staff will not reveal information

related to incidences to anyone except to make treatment, investigation, and other security and management decisions.

Medical and mental health professionals shall report sexual abuse pursuant to agency policy, federal, state, or local laws informing staff and/or clients of their duty to report, as well as any limitations of confidentiality at the onset of services.

If the results of an investigation show evidence of harassment or discrimination or retaliation, any and all perpetrators will be subject to disciplinary procedures, including but not limited to, termination of employment.

If the investigation shows evidence of anyone providing false information regarding the complaint, that person will be subject to disciplinary procedures including, but not limited to, termination of employment.

All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff, volunteers, or subcontractors, who would have been terminated if not for their resignation, will be reported to law enforcement agencies unless the activity was clearly not criminal, and to any relevant licensing body.

CORRECTIVE ACTION FOR CONTRACTORS AND VOLUNTEER - PREA Standard § 115.277 (a through b)

CURA, Inc. will ensure that any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

CURA, Inc. will take appropriate remedial measures, and will consider whether to prohibit further contact with residents, in case of any other violation of agency sexual abuse and sexual harassment policies by a contractor or volunteer.

DISCIPLINARY SANCTIONS FOR RESIDENTS - PREA Standard § 115.278 (a through g)

Since CURA, Inc. does not conduct criminal investigations, it is not able to apply any disciplinary measures to residents since they will be removed from the facility and transported back to the NJ Department of Corrections who will conduct the investigation and make the proper decisions based on their findings. Residents that are taken back to NJ-DOC will not be returned to CURA, Inc.

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 will not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

PREA Standard § 115.281 - RESERVED

ACCESS TO EMERGENCY MEDICAL AND MENTAL HEALTH SERVICES – PREA Standard § 115.282 and PREA Standard § 115.283

It is CURA, Inc.'s policy to ensure that all residents have access to adequate health care. The facility does not have onsite medical or mental health services. Staff will coordinate services and transport residents to the Regional Institution for evaluation and treatment services.

Routine Sick Call – Non Emergency

The Program Facility Manager will designate one staff member per shift who is responsible and authorized to contact the Regional Institution medical/dental department.

During regular working hours, CURA, Inc.'s staff will contact the Regional Institution medical staff to request that residents needing medical or dental treatment be placed on the Institution sick call list

Telephone notifications will be made to the Department of Corrections Office of Community Programs as soon as possible after the occurrence of the emergency and the Special Incident Report will be completed by 9:00 am of the next business day.

CURA Inc. will ensure that every resident signs a Release of Information Form upon admissions to be able to exchange confidential information with the Regional Institution's Medical Department. A copy of this form will be kept in the resident's file.

The Regional Institution shall make the necessary arrangements to have a resident placed on medical furlough if deemed necessary.

Job-Related Injuries

CURA, Inc. has designated one specific staff member as the "employment counselor". This person is responsible for making employers aware of CURA, Inc.'s Medical procedures. Employers are informed that they should give immediate notification to our agency should an incident or serious injury occurs during the resident's working hours.

Job-related injuries will be reported to CURA, Inc. and also to the Regional Institution's Medical Department. All medical costs will be covered through the employer's Workers' Compensation Insurance Carriers.

The Program Manager is responsible for notifying the NJ-DOC Office of Community Programs and informing them of the status of the injured resident and the nature of the accident by completing the Special Incident Report.

If a resident needs medical, dental or psychiatric treatment services at the Regional Institutions transportation will be provided by CURA, Inc.

On-Call Contact

If a resident needs to be hospitalized the following notifications and procedures are to be followed:

The Program Manager or designee will notify the NJ-DOC Office of Community Programs of the resident's hospitalization as soon as this information becomes available.

If a resident is admitted to the hospital over the weekend, the Regional Institution Center Keeper will be called immediately.

Information to be provided to the Regional Institution is outlined on the attached "Local Hospital Admission Fact Sheet"

Resident victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services coordinated through the Regional Institution Medical Department. CURA,

Inc. staff is responsible for protecting the victim pursuant to § 115.262 until the victim is transported back to the Regional Institution.

Treatment services are provided to every victim without financial cost to the victim and regardless of whether the victim identifies the abuser or cooperates with any investigation arising from the incident.

CURA, Inc. Residents will have access to services related to sexual abuse/assault through the NJ Department of Corrections. These services include but are not limited to, gathering forensic evidence, timely information about sexually transmitted diseases (STDs) prophylaxis, STD tests, follow-up services, and referrals for continued care. The following Emergency Departments are approved by the NJ Department of Corrections:

Rutgers University Hospital

150 Bergen Street
Newark, NJ 07103
973-972-4300

SEXUAL ABUSE INCIDENT REVIEWS (PREA - 115.286 (a through e))

CURA, Inc. will ensure that the agency complies with the data collection and review of data under the PREA (Prison Rape Elimination Act) standards. The agency shall also ensure that data is reviewed, maintained, and collected for every allegation of sexual abuse pursuant to PREA Standards § 115.286, 115.287, and 115.288.

CURA, Inc. will not be directly involved in the investigation of sexual abuse since all sexual abuse incidents are investigated by the Special Investigation Division (SID) from the NJ Department of Correction. Our agency will collaborate with all of the information required by the SID to complete the investigation and will follow the instructions and directives given by them.

If the facility receives from the SID the conclusion of any sexual abuse investigation then CURA, Inc. will conduct a sexual abuse incident review including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded (PREA Standard § 115.286a). The incident review will ordinarily occur within 30 days of the conclusion of the investigation (PREA Standard § 115.286b). The review team will be comprised of the VP of Clinical Services, VP of Human Resources if a staff member is involved, PREA Coordinator, Program Director, and Quality Improvement Director. (PREA Standard § 115.286c).

The review team will (PREA- Standard § 115.286d):

- Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse/sexual harassment;
- Consider whether the 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;
- Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- Assess the adequacy of staffing levels in that area during different shifts;
- Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and

- Prepare a report of its findings, and any recommendation for improvement and submit such a report to the facility head and PREA Compliance Manager.
- The facility will implement the recommendations for improvement, or will document its reasons for not doing so. (PREA Standard § 115.286e).

DATA COLLECTION - PREA Standard § 115.287 (a through d, f)

The RCRP Program Director will collect accurate, uniform data for every allegation of sexual abuse at the facility under its direct control utilizing a standardized instrument and set of definitions (PREA Standard § 115.287(a)). The completed standardized instrument will be submitted to the QI Department for analysis. The agency shall aggregate the incident-based sexual abuse data at least annually, and it will include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice PREA Standard § (115.287(b) and (PREA Standard § 115.287(c)). The agency shall maintain, review, and collect data as needed from all available incident-based documents including reports, investigation files (if available), and sexual abuse incident reviews PREA Standard § (115.287(d)).

Upon request, CURA, INC. will submit all such data from the previous calendar year to the Department of Justice no later than June 30th. (PREA Standard § 115.287(f)).

DATA REVIEW FOR CORRECTIVE ACTION - PREA Standard § 115.288 (a through d)

The CURA, Inc. Quality Improvement Department will review, collect, and aggregate data to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including (PREA Standard § 115.288a):

- Identifying problem areas
- Taking corrective action on an ongoing basis; and
- Preparing an annual report of its findings and corrective action plans for each facility, as well as the agency as a whole.

The sexual abuse data will be discussed and analyzed with the Quality Improvement Committee members to identify areas for improvement and develop necessary corrective action plans. The annual report will include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse issues (PREA Standard § 115.288b). The report will be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means (PREA Standard § 115.288c). When the agency redacts material from an annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility (PREA Standard § 115.288d). The agency will indicate the nature of the material redacted.

DATA STORAGE, PUBLICATION, and DESTRUCTION - PREA Standard § 115.289 (a through d)

CURA, Inc. will ensure that data collected are securely retained (PREA Standard § 115.289a). The agency will also ensure that the aggregate sexual abuse data be made readily available to the public at least annually through its website or, if it does not have one, through other means (PREA Standard § 115.289b). All personal identifiers will be removed before making aggregated sexual abuse data publicly available (PREA Standard § 115.289c). The agency will maintain sexual abuse data collected for at least

10 years after the date of initial collection, unless federal or local law requires otherwise (PREA Standard § 115.289d).