

Prison Rape Elimination Act (PREA) of 2003
King's Home DYS Program
Policies and Procedures

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Definitions

Agency - The unit of a state, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the implementation of policy as set by the governing, corporate, or nonprofit authority; and for the operation of any Facility that confines inmates, detainees, or residents.

Aggressor- A person committing a sexual assault against another person.

Cross-Gender- A staff member who is the opposite gender of the juvenile.

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

Facility- A place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an Agency for the confinement of Juveniles.

First Responder- The first staff member to respond to an allegation of Sexual Abuse and Assault.

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

Intersex- A person whose 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.

Juvenile- Any person under the age of 18, unless under adult court supervision, confined or detained in a detention or confinement Facility.

Minimally Credible- When any evidence exists to support the possibility that a sexual assault has occurred.

Pat-down search- A running of the hands over the clothed body of an inmate, detainee, or Juvenile by an employee to determine whether the individual possesses contraband.

Qualified Facility Staff Member- An individual who has been screened for appropriateness to serve in the role of Victim Advocate and has received education on sexual assault and forensic examination issues in general.

Rape- Any DYS/contract service provider employee who engages in Sexual Conduct with a person who is in the custody of the Department of Youth Services is guilty of Rape. Any person, Juvenile or adult, who engages in sexual intercourse, including deviate sexual intercourse with a member of the opposite or same sex by forcible compulsion, is guilty of Rape.

Rape Crisis Center- An entity that provides intervention and related assistance to all aged victims of Sexual Abuse and Assault.

Sexual Abuse (Assault)- Any contact between the sex organ of one person and the sex organ, mouth or anus of another person, or any intrusion of any part of the body of one person, or of any object into the sex organ, mouth or anus of another person, by the use of force or threat of force.

Sexual Conduct- Any act of intercourse between persons; or any other physical contact with a person's unclothed genitals, pubic area, buttocks, breast or breasts of a female, whether alone or between members of the same or opposite sex in an act of sexual arousal, gratification, perversion or abuse.

Sexual Harassment-

- 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 inmate, detainee, or Juvenile directed toward another; and
- 2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or Juvenile 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.

Sexual Misconduct- Any behavior or act of a sexual nature directed toward a Juvenile by an employee, contract staff, or volunteer. Such acts or behavior include acts or attempts to commit acts of Sexual Abuse(Assault), Sexual Conduct, unlawful sexual relations, Sexual Harassment, occurrences of indecent exposure, or staff voyeurism for sexual gratification. It also includes conversations and correspondence that demonstrate or suggest a romantic or intimate relationship between a youth resident and the employee, contract staff or volunteer. The legal concept of "consent" does not exist between departmental employees and Juveniles; any sexual behavior between them constitutes sexual misconduct and shall subject the employee to disciplinary and/or to prosecution under the law.

Sexual Victimization- A collective term used to describe any acts of sexual violence perpetrated against a Juvenile.

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.

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.

Victim Advocate- An individual whose primary purpose is the rendering of advice or assistance to victims of Sexual Abuse and Assault and who has documented training in the counseling of sexual assault victims issued by an approved provider.

Vulnerability Assessment- An assessment which serves to identify physical plant and operational issues that exist within our institutions that creates vulnerabilities for sexual assaults to occur.

Policies and Procedures

The following Prison Rape Elimination Act policies are only mandated for King's Home DYS Program. King's Home DHR program is excused from all of these policies.

115.311- Zero Tolerance of Sexual Abuse and Sexual Harassment

King's Home complies with the Prison Rape Elimination Act of 2003 which establishes a zero tolerance standard for the incidence of youth sexual assault and rape; makes prevention of youth sexual assault and sexual harassment a top priority in each corrections facility; implements policies for the detection, prevention, and punishment of prison rape; increases available data and information of the incidence of youth sexual assault and sexual harassment; standardizes the definitions used for data collection; increases accountability of corrections officials who fail to detect, prevent, reduce and punish prison rape; and protects the Eighth Amendment rights of King's Home youth. King's Home will respond immediately to allegations, fully investigate reported incidents, pursue disciplinary action, and refer for criminal investigation and prosecution of those who perpetrate such conduct. (115.311)

115.311- Designation of PREA Coordinator and PREA Compliance Manager

The DYS Counselor of King's Home serves as the PREA Coordinator/Compliance Manager. The PREA coordinator shall have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in its facility. The Coordinator will assume all responsibilities from the standards for the PREA Coordinator and PREA Compliance Manager (115.311)

115.312- Contracting with Other Entities for the Confinement of Residents

It is the policy of King's Home to ensure that sexual activity between staff and youth, volunteers or contract personnel and youth, regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions. King's Home staff and volunteers are trained on maintaining professional relationships with youth as well as learning to detect inappropriate relationships in the facility. All employees, volunteers and independent contractors are expected to have a clear understanding that the King's Home strictly prohibits any type of sexual relationship with a youth under department supervision. Such conduct is considered to be a serious breach of the standards of conduct and these relationships will not be tolerated. Engaging in a personal and/or sexual relationship will result in employment termination and/or termination of the contractual or volunteer status. As a DYS contracted facility, King's Home shall comply with the PREA standards and agree to be monitored for PREA compliance. (115.312)

115.313- Supervision and Monitoring

King's Home's PREA Coordinator, Home Coordinator, and/or the Assistant Home Coordinator will conduct random and unannounced walkthroughs of the facility to identify and deter staff sexual abuse and sexual harassment. Random walkthroughs will occur at King's Home facility both on day and night shifts. Other staff members are prohibited from alerting their peers of these random walkthroughs. These walkthroughs will be documented using DYS Form 115.313 Supervisory Monitoring Log and stored in the DYS Counselor of King's Home's office for accessibility. (115.313)

Every two weeks King's Home Assistant Home Coordinator shall develop, implement, and document a staffing plan that provides adequate levels of staffing to protect youth against sexual assault. Staff /youth ratios shall be 1:8 during youth waking hours and 1:12 during youth sleeping hours except during limited and discreet exigent circumstances, which shall be fully documented by the Home Coordinator or the Assistant Home Coordinator. Only direct care staff shall be included in these ratios. Male and female staff ratios must be correctly maintained with at least one male staff on every shift since it is a male facility. Once the staffing plan is created, the Home Coordinator will review the plan to ensure it is completed correctly before posting it in the staff office (115.313).

King's Home uses visual and auditory supervision. Both youth hallways have motion detectors to ensure youth are where they should be at all times. All communication devices and monitoring equipment shall be maintained in good working order. Radios and land line telephones shall be fully accessible to staff in each living unit (115.313).

115.315- Limits to Cross-Gender Viewing and Searches

Youth searches will be conducted by male staff only. Female staff shall not conduct pat-down, strip, or body cavity searches except in exigent circumstances. If there are exigent circumstances, female staff shall have a witness and document and justify all cross-gender searches by completing DYS Form 115.315 and submit the form to King's Home PREA Coordinator. (115.315)

It is the policy of King's Home to enable youth to shower, perform bodily functions, and change clothing in private. Female staff members will announce their presence when entering the facility and youth will be required to change in the restrooms located on each unit. (115.315)

It is the policy of King's Home to never search or physically examine a transgender or intersex youth for the sole purpose of determining the youth's genital status. If the youth's genital status is unknown, it may be determined during conversations with the youth, 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. (115.315)

115.316- Juveniles with Disabilities and Residents who are Limited English Proficient

The King's Home shall take appropriate steps to ensure that youth with disabilities (including, for example, youth who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the facilities efforts to prevent, detect, and respond to sexual abuse and sexual harassment. (115.316)

King's Home shall take reasonable steps to ensure meaningful access to all aspects of the facilities efforts to prevent, detect, and respond to sexual abuse and sexual harassment to youth who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. King's Home shall not rely on youth interpreters, youth readers, or other types of youth assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the youth's safety. (115.316)

King's Home has Spanish speaking employees who have agreed to provide interpretation services for intakes, PREA orientation, as well as any other PREA affiliated instances that may occur. (115.316)

115-317- Hiring and Promotion Decisions

King's Home, in compliance with the Prison Rape Elimination Act of 2003, adheres to PREA standard 115.317 (Hiring and Promotion Decisions) that King's Home shall not hire or promote anyone, or enlist the services of any contractor, who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or has been civilly or administratively adjudicated to have engaged in such activity. (115.317)

King's Home Human Resources department shall consider any incidents of sexual harassment, as defined by PREA, in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents. Before hiring new employees who may have contact with residents, King's Home shall: (1) Perform a criminal background records check; (2) Consult any child abuse registry maintained by the State or locality in which the employee would work; and (3) Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. (115.317)

King's Home shall also perform a criminal background records check, and consult applicable child abuse registries, before enlisting the services of any contractor who may have contact with residents. King's Home shall conduct criminal background records checks at least every five years on current employees and contractors who may have contact with residents. Material omissions regarding such misconduct, or the provision of

materially false information, shall be grounds for termination. Unless prohibited by law, King's Home will 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. (115.317)

115.318- Upgrades to Facilities and Technologies

It is the policy of King's Home to consider the effect of the design, acquisition, expansion, or modification upon its ability to protect youth from sexual abuse when designing or acquiring any new facility or in planning any substantial expansion or modification of existing facilities. It is the policy of King's Home to consider how such technology may enhance the agency's ability to protect youth from sexual abuse when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology. (115.318)

The King's Home staff utilizes visual and listening supervision. Each hallway in the facility has a movement monitor to ensure all residents stay in their rooms at specified times. All communication devices and monitoring equipment shall be maintained in good working order. Radios and land line telephones shall be fully accessible to staff in each living unit. (115.318)

115.321- Evidence Protocol and Forensic Medical Examiners

When King's Home is made aware of a sexual abuse situation, the King's Home administrative investigation team will meet to discuss the report of the situation before alerting law enforcement. The investigative team will consist of the PREA Coordinator, Home Coordinator, Assistant Home Coordinator, Executive Director, and any other administration available. Upon review of the report made, the investigative team will decide if the report has validity. If the team decides there is validity, they shall refer the investigation to the Shelby County Police Department. (115.321)

King's Home will ensure that residents who experience sexual abuse will be transported to the Rape Crisis Center to receive forensic medical examinations, without financial cost. If a Sexual Assault Nurse Examiner or Sexual Assault Forensic Examiner is available, King's Home staff will request that the resident be examined by that staff person and that a uniform evidence protocol is followed. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. King's Home will document its efforts to provide SAFEs or SANEs. (115.321)

King's Home will also have access to secure services from a victim advocate or similarly qualified individual who works for the Rape Crisis Center. The Rape Crisis Center shall offer victim advocate training to King's Home staff. If so requested by the youth, the victim advocate, qualified agency staff member, or qualified community-based organization staff member will accompany and support the youth through the forensic medical examination process and investigatory interviews and will provide emotional support, crisis intervention, information, and referrals. Documentation will be maintained in the youth's confidential medical file. (115.321)

115.322- Policies to Ensure Referrals of Allegations for Investigation

It is the policy of the King's Home to ensure that an administrative and/or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. All youth grievances of sexual harassment or sexual abuse are submitted to the PREA Coordinator, unless the allegation is against the PREA Coordinator, in which case the grievance will be submitted to the Home Coordinator which will then be given to the Executive Director. When King's Home is made aware of a sexual abuse situation, the King's Home investigative team will meet to discuss the report of the situation before alerting law enforcement. The investigative team will consist of the PREA Coordinator, Home Coordinator, Assistant Home Coordinator, Executive Director, and any other administration available. Upon review of the report made, the investigative team will decide if the report has validity. If the team decides there is validity, they shall refer the investigation to the Shelby County Police Department. Administrative investigations will include an effort to determine whether staff actions or failures to act contributed to the abuse; and will 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. (115.322)

Criminal investigations will be documented by the Shelby County Police Department in a written report that contains a thorough description of physical, testimonial, and documentary evidence and has attached copies of all documentary evidence where feasible. Substantiated allegations of conduct that appears to be criminal will be referred for prosecution. The investigating entity (the Shelby County Police Department) will be responsible for conducting the investigation and determine if criminal activity occurred. Investigators will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; will interview alleged victims, suspected perpetrators, and witnesses; and will review prior complaints and reports of sexual abuse involving the suspected perpetrator. (115.322)

When the quality of evidence appears to support criminal prosecution, the investigative agency will conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as a youth in programming or staff member. No agency will require a youth 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. King's Home will proceed with the necessary action upon receipt of the findings of the investigation. (115.322)

Documentation of all referrals for investigation will be maintained. The policy of King's Home shall be published on the facility's website. (115.322)

115.331- Employee Training

King's Home will provide PREA training to new employees and annual training every year after. New employees will receive PREA training during the new employee training and thereafter annually. (115.331)

Training will include the following:

1. The zero tolerance policy for sexual abuse and sexual harassment.
2. The person's responsibilities under the agency PREA policy.
3. Residents' rights to be free from sexual abuse and sexual harassment.
4. Residents' and employees rights to be free from retaliation for reporting PREA related incidents.
5. -The dynamics of sexual abuse and sexual harassment in confinement.
6. The common reactions to 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 with residents including LGBTIN.
10. The (state) mandated child protected service laws and mandated abuse reporting.
11. Relevant laws regarding the applicable age of consent.

Staff will be required to attend or complete the King's Home Employee Training of PREA presentation by the PREA Coordinator and document through signature that this training was completed. The training will be tailored to the unique needs and attributes of male youth in residential treatment. Signature sheets will be collected at the training to document the employee's attendance. Training records will be maintained for a minimum three (3) years. (115.331)

115.332- Volunteer and Contractor Training

Upon entering the facility, The King's Home staff shall ensure that all volunteers and contractors who have contact with youth have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. (115.332)

The King's Home shall provide training to volunteers and contractors based on the services they provide and level of contact they have with the youth, but all volunteers and contractors who have contact with youth shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. (115.332)

The King's Home shall maintain documentation confirming that volunteers and contractors understand the training they have received using DYS Form 115.332 Volunteer and Contractor Confirmation of Receipt of PREA Training. The Human Resources Director will maintain the volunteer and contractor training documentation. (115.332)

115.333- Juvenile Education

During the intake process, the youth shall receive information explaining, in an age appropriate fashion; King's Home's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. (115.333)

Within 10 days of intake, King's Home shall provide comprehensive age-appropriate education to youth either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding King's Home policies and procedures for responding to such incidents. Current youth who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the youth's new facility differ from those of the previous facility. King's Home shall provide youth education in formats accessible to all youth, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to youth who have limited reading skills. (115.333)

King's Home PREA Coordinator shall maintain documentation of youth participation in these education sessions. In addition to providing such education, King's Home shall ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats. King's Home requires that all residents receive information regarding PREA within 12 hours of admission to the facility. (115.333)

115.334- Special Training Investigations

It is the policy of King's Home that all youth grievances of sexual harassment or sexual abuse be submitted to the PREA Coordinator, unless the allegation is against the PREA Coordinator, in which case the grievance will be submitted to the Home Coordinator and then given to the Executive Director. When King's Home is made aware of a sexual abuse situation, the King's Home administration investigative team will meet to discuss the report of the situation before alerting law enforcement. The investigative team will consist of the PREA Coordinator, Home Coordinator, Assistant Home Coordinator, Executive Director, and any other administration available. Upon review of the report made, the investigative team will decide if the report has validity. If the team decides there is validity, they shall refer the investigation to the Shelby County Police Department. (115.334)

The Shelby County Investigators will have received specialized training that include techniques for interviewing juvenile sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. King's Home shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. (115.334)

115.335- Specialized Training in Medical and Mental Health Care

King's Home shall ensure that all full- and part-time mental health care practitioners who work regularly in its facility have been trained in:

1. How to detect and assess signs of sexual abuse and sexual harassment;
2. How to preserve physical evidence of sexual abuse;
3. How to respond effectively and professionally to youth victims of sexual abuse and sexual harassment; and
4. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

King's Home shall maintain documentation that mental health practitioners have received the required training using DYS Form 115.335 Medical and Mental Health Care Staff Confirmation of Receipt of PREA Specialized Training. The full-time and part-time medical and mental health care practitioners that work regularly for King's Home do not conduct forensic examinations. (115.335)

115.341- Obtaining Information from Residents

All youth shall be screened within 72 hours of arrival at King's Home utilizing DYS Form 115.341 Intake Screening for Assaultive Behavior, Sexually Aggressive Behavior and Risk for Sexual Victimization, to identify potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. Housing assignments shall be made accordingly. The DYS Counselor shall conduct this interview at intake. (115.341)

At a minimum, King's Home shall attempt to ascertain information about:

1. Prior sexual victimization or abusiveness;
2. Any gender nonconforming appearance or mannerisms, or self- identification as lesbian, gay, bisexual, transgender, or intersex, and whether the youth 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 youth's own perception of vulnerability; and
11. Any other specific information about individual youth that may indicate a heightened need for supervision, additional safety precautions, or separation from certain other youth.

It is the policy of King's Home to maintain confidentiality and only share information with other staff members that is relevant to maintain the youth's safety and security. King's Home shall

implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the youth's detriment by staff or other youth. Youth at King's Home shall be reassessed for risk if any of the following situations occur: a referral or request for reassessment is made by a resident, staff member, or parent/guardian, an incident of Sexual Abuse takes place, King's Home receives additional information on the youth, or if the youth has been in the facility for six months (115.341).

115.342- Placement of Residents in Housing, Bed, Program, Education, and Work Assignments

King's Home shall use all information obtained from DYS Form 115.341 Intake Screening, and subsequently, to make housing, bed, program, education, and work assignments for youth with the goal of keeping all youth safe and free from sexual abuse. (115.342)

Youth within King's Home are not isolated from each other unless safety is an issue and only as a last resort when less restrictive measures are inadequate to keep them and other youth safe. If isolation does occur, all required exercise, educational programming, and medical or mental health services still occur; documentation is maintained for the reason of segregation in the youth's confidential file; and the segregation is reviewed daily. If a youth represents a safety risk to others in the facility then alternative action will be utilized to ensure that there is no safety risk to others. If a youth is held in isolation, King's Home will review the situation every 30 days to determine whether there is a continuing need for separation from the general population. (115.342)

Lesbian, gay, bisexual, transgender, or intersex youth shall not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor shall King's Home consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive. A transgender or intersex youth's own views with respect to his or her own safety shall be given serious consideration in determining safety issues. All youth, including transgender and intersex youth, shower separately from one another. (115.342)

115.351- Resident Reporting

Grievance Procedures to Address Sexual Abuse

1. King's Home shall not impose a time limit on when a youth may submit a grievance regarding an allegation of sexual abuse.
2. King's Home shall not require a youth to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
3. Nothing in this section shall restrict King's Home ability to defend against a lawsuit filed by a youth on the ground that the applicable statute of limitations has expired.

4. King's Home shall ensure that youth who allege 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.
5. Third parties, including fellow youth, staff members, family members, attorneys, and outside advocates, shall be permitted to assist youth in filing grievances relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of the youth.
6. If a youth makes a verbal report to staff, staff shall document these reports within their shift. Administration must be notified immediately and documentation must be given to the PREA Coordinator, Home Coordinator, or other administration within 24 hours. (115.351)

Reporting an Allegation of Sexual Assault:

1. Youth who are victims of sexual abuse/assault/harassment have the option to report the incident to any staff member in addition to immediate point-of-contact line staff member
2. Youth may also report sexual abuse/assault/harassment to a public or private entity, such as ADAP, that is not a part of King's Home and they can immediately forward the youth's report to King's Home PREA Coordinator.
3. Youth may use the DYS Form 1.28 Youth Grievance Form, available in each living unit and in the school, to report sexual abuse/harassment, or they may make a verbal report to their DYS Advocacy Representative.
4. Youth or others may report allegations via a Sexual Assault Hotline 1-855-332-1594 that may be accessed 24 hours a day.
5. A third party reporting form, DYS Form 115.354 Third Party Reporting for Sexual Abuse and Sexual Assault, and Sexual Harassment, is also available on the at the King's Home and on the DYS PREA website for reporting allegations. (115.351)

If any King's Home youth are detained solely for civil immigration purposes, the youth shall be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security (115.351).

115.352- Exhaustion of Administrative Remedies

It is the policy of King's Home that all youth grievances of sexual harassment or sexual abuse be submitted to the PREA Coordinator, unless the allegation is against the PREA Coordinator, in which case the grievance will be submitted to the Home Coordinator and then given to the Executive Director. When King's Home is made aware of a sexual abuse situation, the King's Home administration investigative team will meet to discuss the report of the situation before alerting law enforcement. The investigative team will consist of the PREA Coordinator, Home Coordinator, Assistant Home Coordinator, Executive Director, and any other administration available. Upon review of the report made, the investigative team will decide if the report has validity. If the team decides there is validity, they shall refer the investigation to the Shelby

County Police Department. If a decision is not reached in 90 days, the youth will be given a written document notifying the youth of an extension, including a notice of the date by which a decision will be made. (115.352)

Any allegations regarding sexual abuse would not be treated as a grievance by King's Home. Rather, it would be reported to law enforcement. King's Home allows youth to submit a grievance regarding an allegation of sexual abuse at any time regardless of when the incident is alleged to have occurred. King's Home also allows third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, to assist residents in filling out requests for administrative remedies relating to allegations of sexual abuse, and to file such requests on behalf of residents. Parents or legal guardians of residents may file a grievance alleging sexual abuse, including appeals, on behalf of such resident, regardless of whether or not the resident agrees to having the grievance filed on their behalf. If the youth declines to have third-party assistance in filing a grievance alleging sexual abuse, King's Home shall document the youth's decision to decline. (115.352)

Youth may file an emergency Grievance alleging that they are subject to a substantial risk of imminent sexual abuse by having a staff contact the Home Coordinator in the facility. The Home Coordinator shall follow their chain of command reporting to include the campus PREA Coordinator and special investigator. (115.352)

After receiving an emergency Grievance alleging a youth is subject to a substantial risk of imminent sexual abuse, the Home Coordinator shall immediately forward the Grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to the facility PREA Coordinator and Shelby County Sheriff's Office at which time immediate corrective action may be taken. (115.352)

115.353- Resident Access to Outside Support Services and Legal Representation

King's Home shall provide youth with access to outside victim advocates for emotional support services related to sexual abuse, by providing, posting, or otherwise making accessible mailing addresses and telephone numbers, including toll free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. King's Home shall enable reasonable communication between youth and these organizations and agencies, in as confidential a manner as possible. (115.353)

King's Home shall inform youth, 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 forwarded to authorities in accordance with mandatory reporting laws. (115.353)

King's Home shall maintain a memoranda of understanding with the Rape Crisis Center who are able to provide youth with confidential emotional support services related to sexual abuse. The PREA Coordinator shall maintain copies of agreements or documentation showing attempts to enter into such agreements. (115.353)

King's Home shall also provide youth with reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians. (115.353)

115.354- Third Party Reporting

It is the policy of the King's Home to encourage anyone who knows of sexual abuse or sexual harassment incidents to report it either verbally or through a grievance form to the PREA Coordinator. A third party reporting form, DYS Form 115.354 Third Party Reporting for Sexual Abuse and Sexual Assault, and Sexual Harassment, is also available at the King's Home facility and on the King's Home website for reporting allegations. (115.354)

115.361- Staff and Agency Reporting Duties

In the event of scheduling conflicts, King's Home employees may be required to report to the facility in order to complete an investigation in a timely manner. Any employee shall immediately report to the Home Coordinator or PREA Coordinator, any knowledge, suspicion, or information they receive regarding an incident of sexual assault/harassment that is alleged to have occurred. The Home Coordinator shall immediately initiate a critical incident report using DYS Form 8.12 Critical Incident Report. An administration investigative meeting shall be conducted and once validity is found law enforcement will be notified. An investigation shall be conducted and documented whenever a sexual assault is alleged, threatened, or occurs. (115.361)

The Home Coordinator shall immediately notify the facility PREA Coordinator. The PREA Coordinator will notify the Shelby County Police Department, Rape Crisis Center and Community Services of the allegations. The Home Coordinator or First Responder shall ensure that the alleged victim and aggressor are physically separated. A report shall be made to the Home Coordinator and the Shelby County Police to confirm the separation of the victim from his or her assailant. (115.361)

Apart from reporting to designated supervisors, special investigators, law enforcement and designated State agencies, staff are prohibited from revealing any information related to a sexual assault report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions. Medical and mental health practitioners shall be required to report sexual abuse up their chain of command, as well as where required by mandatory reporting laws. (115.361)

Alleged victims of sexual assault shall be immediately referred for medical services. Notification of allegations to the youth's parents/guardians attorney, or other legal representative shall be given pursuant to the instructions of the Shelby County Police Department. The Investigation Unit shall first make a finding regarding the minimal level of credibility of the allegation. If the Investigators determine the allegation is minimally credible, notification to the parents/guardian, attorney or legal representative shall be

made by the Operations Director, Associate Director of Operations, Executive Director or Designee. (115.361)

The Investigator or designee shall also report the allegation to the juvenile court retaining jurisdiction over the alleged victim and to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation. If an allegation of sexual abuse or assault is made by a youth on aftercare, staff receiving this information shall report it to the appropriate court. (115.361)

The King's Home shall report all allegations of sexual assault/harassment, including third-party and anonymous reports, to the facility's designated investigators, the Rape Crisis Center, to King's Home PREA Coordinator, and Community Services. (115.361)

115.362- Agency Protection Duties

Any employee or youth of the King's Home is prohibited from retaliating against other employees or youth for reporting allegations of sexual assault/harassment. Employees and/or youth who are found to have violated this prohibition shall be subject to disciplinary action. (115.362)

115.363- Reporting to Other Confinement Facilities

Upon receiving an allegation that a youth was sexually abused while confined at another facility, the employee that received the allegation shall notify the Home Coordinator and the PREA Coordinator. The Home Coordinator and PREA Coordinator need to then notify the head of the facility or appropriate office of the facility where the alleged abuse occurred and shall also notify the appropriate investigative agency, using DYS Form 115.363 Reporting to Other Confinement Facilities. (115.363)

Such notification shall be provided and documented as soon as possible, but no later than 72 hours after receiving the allegation. The facility administrator that receives such notification shall ensure that the allegation is investigated in accordance with PREA standards. The outcome of the investigation shall be provided to the facility that initiated the allegation from the youth. (115.363)

115.364- Staff First Responder Duties

Upon learning of an allegation that a youth was sexually abused, the first staff member to respond to the report shall be required to:

1. Separate the alleged victim and abuser;
2. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.
3. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged victim and the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate,

washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

4. The staff first responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify the Home Coordinator and PREA Coordinator. Once first responder duties are underway, the Rape Crisis Center is notified and law enforcement is notified, the PREA Coordinator will call all necessary administration.
5. The Home Coordinator will then notify DYS and Community Services about the situation and the PREA Coordinator will notify the Shelby County Police Department and the Rape Crisis Center to begin the investigation.
6. Staff must maintain documentation on what has been told to them and all the actions they took. This must include times, person(s) who whom the staff spoke, evidence, etc. These notes must be maintained for questioning by the investigator and for writing the report. (115.364)

115.365- Coordinated Response

King's Home has a written institutional plan, which consists of all PREA policies and procedures. The PREA Coordinator will coordinate actions taken in response to an incident of sexual abuse among the staff first responders, medical and mental health practitioners, investigators, and Rape Crisis Center. (115.365)

115.366- Preservation of Ability to Protect Residents from Contact with Abusers

The first responding employee shall ensure that the alleged victim and aggressor are physically separated. A report shall be made to the Home Coordinator and the Investigation Unit to confirm the separation of the victim from his or her assailant. (115.366)

King's Home does not enter into collective bargaining agreements or any other agreements that limit King's Home ability to remove alleged staff sexual abusers from contact with youth pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. (115.366)

115.367- Agency Protection Against Retaliation

For at least 90 days following a report of sexual abuse, King's Home shall monitor the conduct or treatment of youth or staff who reported the sexual abuse and of youth who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by youth or staff, and shall act promptly to remedy any such retaliation. Monitoring shall be done using DYS Form 115.367 Protection against Retaliation by a team appointed by the Executive Director. (115.367)

Things King's Home shall monitor include any youth disciplinary reports, housing or program changes, negative performance reviews or reassignments of staff. King's Home

shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. (115.367)

In the case of youth, such monitoring shall also include periodic status checks, to determine if levels are lost for legitimate causes. If any other individual who cooperates with an investigation expresses a fear of retaliation, King's Home shall take appropriate measures to protect that individual against retaliation. King's Home obligation to monitor shall terminate if it is determined that the allegation is unfounded. (115.367)

115.368- Post Allegation Protective Custody

Youth within King's Home are not isolated from each other unless safety is an issue and only as a last resort when less restrictive measures are inadequate to keep them and other youth safe. If isolation does occur, all required exercise, educational programming, and medical or mental health services still occur; documentation is maintained for the reason of segregation in the youth's confidential file; and the segregation is reviewed daily. If a youth represents a safety risk to others in the facility then alternative action will be utilized to ensure that there is no safety risk to others. (115.368)

115.371- Criminal and Administrative Agency Investigations

It is the policy of King's Home that all youth grievances of sexual harassment or sexual abuse be submitted to the PREA Coordinator, unless the allegation is against the PREA Coordinator, in which case the grievance will be submitted to the Home Coordinator and then given to the Executive Director. When King's Home is made aware of a sexual abuse situation, the King's Home administration investigative team will meet to discuss the report of the situation before alerting law enforcement. The investigative team will consist of the PREA Coordinator, Home Coordinator, Assistant Home Coordinator, Executive Director, and any other administration available. Upon review of the report made, the investigative team will decide if the report has validity. If the team decides there is validity, they shall refer the investigation to the Shelby County Police Department. The investigations into allegations of sexual abuse and sexual harassment, will be done promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. (115.371)

The Police Investigators will have received specialized training that include techniques for interviewing youth sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. Investigators will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence; will interview alleged victims, suspected perpetrators, and witnesses; and will review prior complaints and reports of sexual abuse involving the suspected perpetrator. King's Home or the Shelby County Police will not terminate an investigation solely because the source of the allegation recants the allegation. (115.371)

When the quality of evidence appears to support criminal prosecution, the investigative agency will conduct compelled interviews only after consulting with prosecutors as to whether

compelled interviews may be an obstacle for subsequent criminal prosecution. The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as youth or staff member. No agency will require a youth 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. (115.371)

Once a law enforcement investigation is underway, King's Home shall have the incident review team meet to determine whether staff actions or failures to act contributed to the abuse; and will 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. The incident review team consists of the PREA Coordinator, Home Coordinator, Assistant Home Coordinator, Human Resources Director, Executive Director, and any other administration available. (115.371)

Criminal investigations will be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. Substantiated allegations of conduct that appears to be criminal will be referred for prosecution. (115.371)

King's Home will retain all written reports from administrative and criminal investigations for as long as the alleged abuser is incarcerated or employed by the agency, plus five years, unless the abuse was committed by a youth in programming and applicable law requires a shorter period of retention. The departure of the alleged abuser or victim from the employment or control of King's Home will not provide a basis for terminating an investigation. When outside agencies investigate sexual abuse, King's Home will cooperate with outside investigators and will endeavor to remain informed about the progress of the investigation. (115.371)

115.372- Evidentiary Standard for Administrative Investigations

King's Home shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. (115.372)

115.373- Reporting to Residents

Following a youth's allegation that a staff member has committed sexual abuse against the youth, King's Home shall subsequently inform the youth (unless law enforcement has determined that the allegation is unfounded) whenever:

1. The staff member is no longer assigned within the youth's living unit;
2. The staff member is no longer employed at the facility.
3. The facility learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
4. The facility learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

Since King's Home does not conduct criminal investigations, the PREA Coordinator shall request the relevant information from the investigative agency in order to inform the youth. (115.373)

Following a youth's allegation that he has been sexually abused by another youth, King's Home shall subsequently inform the alleged victim whenever:

1. The facility learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
2. The facility learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

All such notifications or attempted notifications shall be documented using DYS Form 115.373 Juvenile Notification of Investigative Outcome. King's Homes obligation to report shall terminate if the youth is released from the agency's custody. (115.373)

115.376- Disciplinary Sanctions for Staff

Staff shall be subject to disciplinary sanctions up to and including termination for violating King's Home sexual abuse or sexual harassment policies. Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse. (115.376)

Disciplinary sanctions for violations of agency policies 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. (115.376)

All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. (115.376)

115.377- Corrective Action for Contractors and Volunteers

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with juveniles and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. King's Home will take appropriate remedial measures, and will consider whether to prohibit further contact with youth in programming, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. (115.377)

115.378- Interventions and Disciplinary Sanctions for Residents

A youth may be subject to disciplinary sanctions by King's Home only pursuant to a formal disciplinary process following an administrative finding that the youth engaged in juvenile-on-juvenile sexual abuse or following a criminal finding of guilt for juvenile-on-juvenile sexual abuse. Any disciplinary sanctions shall be commensurate with the nature and circumstances of the abuse committed, the youth's disciplinary history, and the sanctions imposed for comparable offenses by other youth with similar histories. (115.378)

Youth within King's Home are not isolated from each other unless safety is an issue and only as a last resort when less restrictive measures are inadequate to keep them and other youth safe. If isolation does occur, all required exercise, educational programming, and medical or mental health services still occur; documentation is maintained for the reason of segregation in the youth's confidential file; and the segregation is reviewed daily. If a youth represents a safety risk to others in the facility then alternative action will be utilized to ensure that there is no safety risk to others. (115.378)

The disciplinary process will consider whether a youth's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. King's Home will offer counseling or other interventions designed to address and correct underlying reasons or motivations for the abuse. King's Home may discipline a youth for sexual contact with a staff member only upon a finding that the staff member did not consent to such contact. (115.378)

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. King's Home prohibits all sexual activity between youth in programming and may discipline youth for such activity, however, the activity will not constitute sexual abuse if the activity is not coerced. (115.378)

King's Home shall offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for abuse. King's Home shall also consider whether to require the offending resident to participate in such interventions as a condition of access to any rewards-based behavior management system or other behavior-based incentives. (115.378)

115.381- Medical and Mental Health Screenings

It is the policy of the King's Home to screen youth upon intake for prior sexual victimization or previously perpetrated sexual abuse and to ensure that the youth in programming is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. Any information related to sexual victimization or abusiveness that occurred in an institutional setting will be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including

housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law. Medical and mental health practitioners will obtain informed consent from youth before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the youth in programming is under the age of 18. (115.381)

115.382- Access to Emergency Medical and Mental Health Services

Victims of sexual assault shall be referred under appropriate security provisions to the local Rape Crisis Center for treatment and gathering of evidence. King's Home shall document that the Rape Crisis Center follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. (115.382)

King's Home shall offer all youth who experience sexual abuse access to forensic medical examinations without financial cost. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. King's Home shall document its efforts to provide SAFEs or SANEs. (115.382)

King's Home shall attempt to make available to the victim a victim advocate from the Rape Crisis Center. King's Home shall also make available these services through a qualified agency staff member that has received Victim Advocacy training. Such training shall be documented on DYS Form 115.321 Confirmation of Receipt of Specialized Training for Victim Advocates. (115.382)

Qualified agency staff trained as Victim Advocates shall provide crisis intervention services to victims of sexual abuse/assault and shall complete before providing services DYS Form 115.321.1 PREA Confidentiality and the Victim Advocate. (115.382)

115.383- Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers

It is the policy of the King's Home to offer medical and mental health evaluation and, as appropriate, treatment to all youth in programming who have been victimized by sexual abuse in any prison, jail, lockup, or youth facility. The evaluation and treatment of such victims will 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 custody. (115.383)

King's Home will provide such victims with medical and mental health services consistent with the community level of care. Program victims of sexual abuse while incarcerated will be offered tests for sexually transmitted infections as medically appropriate. Treatment services will 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. King's Home will attempt to conduct a mental health evaluation of all known participant-on-participant abusers within 60

days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. (115.383)

115.386- Sexual Abuse Incident Reviews

The King's Home PREA Coordinator shall conduct a sexual abuse incident review using DYS Form 115.386 Sexual Abuse Critical Incident Review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. (115.386)

Such review shall ordinarily occur within 30 days of the conclusion of the investigation. The incident review team consists of the PREA Coordinator, Home Coordinator, Assistant Home Coordinator, Human Resources Director, Executive Director, and any other administration available. (115.386)

The review team shall:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
2. 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 King's Home;
3. Examine the area in King's Home facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse
4. Assess the adequacy of staffing levels in that area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
6. Prepare a report of its findings, including but not necessarily limited to determinations made and any recommendations for improvement and submit such report to the President and the Operations Director and King's Home PREA Coordinator.
7. King's Home shall implement the recommendations for improvement, or shall document its reasons for not doing so. (115.386)

115.387- Data Collection

King's Home shall collect accurate, uniform data for every allegation of Sexual Abuse at facilities under its direct control using the DOJ Form SSV-IJ Survey of Sexual Violence Incident Report, standardized instrument and definitions. King's Home shall aggregate the incident-based Sexual Abuse data at least annually using PREA Form 115.387 PREA Data Report. King's Home shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and Sexual Abuse incident reviews. (115.387)

Upon request, King's Home shall provide all such data from the previous calendar year to the Department of Justice no later than June 30 of each year on the U.S. Justice Department's Survey of Sexual Violence, Form SSV-5. (115.387)

115.388- Data Review for Collective Action

The King's Home PREA Coordinator shall annually review data collected and aggregated in order to assess and improve the effectiveness of the Agency Sexual Abuse prevention, detection, and response policies and practices, and training including:

1. Identifying problem areas;
2. Taking corrective action on an ongoing basis; and
3. Preparing an annual report of findings and corrective actions for each Facility, as well as the Agency as a whole. (115.388)

King's Home annual PREA report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of King's Home's progress in addressing Sexual Abuse. King's Home's annual PREA report shall be approved by the Executive Director and made readily available to the public through its website. The King's Home may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the facility, but must indicate the nature of the material redacted. (115.388)

115.389- Data Storage, Publication, and Destruction

King's Home's PREA Coordinator shall be responsible for compiling records and annually reporting statistical data to the Federal Bureau of Justice as required by the PREA Law of 2003. The Department of Youth Services shall make all aggregated Sexual Abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website. (115.389)

Before making aggregated Sexual Abuse data publicly available, King's Home shall remove all personal identifiers. All case records associated with claims of Sexual Abuse, including incident reports, investigative reports, youth information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling shall be securely retained in accordance with King's Home record retention schedule of 10 years. (115.389)

115.393- Audits of Standards

King's Home shall contract for audits pursuant to PREA Standards § 115.401-405. King's Home PREA Coordinator will coordinate the PREA audits for their facility. (115.393)

115.401- Frequency and Scope of PREA Audits

PREA standards require King's Home to be audited in the first year cycle and not be audited for another three years unless a new facility is opened. (115.401)

King's Home shall be responsible for making all arrangements for PREA audits, from selection of the auditor from the PREA Resource Center list of Certified PREA Auditors, through the negotiations of a contract for the audit process and paying for the audit. King's Home shall be responsible for the complete process of uploading all documentation requested on the PREA Audit: Pre-Audit Questionnaire to the PREA Auditor who has been contracted with to conduct the audit. (115.401)

King's Home shall demonstrate compliance with the standards to include providing auditors with any relevant documentation they request and access to all areas of the audited facilities. Auditors may interview any staff, youth, supervisor, administrator, or community-based or Victim Advocates who may have insight into relevant conditions in King's Home. (115.401)

115.402- Auditor Qualifications

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. No audit may be conducted by an auditor who has received financial compensation from King's Home (except for compensation received for conducting prior PREA audits) within the three years prior to King's Home's retention of the auditor. (115.402)

115.403- Audit Content and Findings

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. Audit reports shall state whether King's Home policies and procedures comply with relevant PREA standards. For each PREA standard, the auditor shall determine whether King's Home 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 King's Home has achieved at each grade level. (115.403)

King's Home shall ensure that the auditor's final report is published on the Agency's website if it has one, or is otherwise made readily available to the public. (115.403)

115.404- Audit Corrective Action Plan

A finding of "Does Not Meet Standard" with one or more standards shall trigger a 180-day corrective action period. The auditor and King's Home shall jointly develop a corrective action plan to achieve compliance. 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 King's Home. After the 180-day corrective action period ends, the auditor shall issue a final determination as to whether King's Home has achieved compliance with those standards requiring corrective action. If King's Home does not achieve compliance with each standard, it may (at its discretion and cost) request a subsequent audit once it believes that it has achieved compliance. (115.404)

115.405- Audit Appeals

King's Home may file an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect. Such appeal must be lodged within 90 days of the auditor's final determination. If the Department determines that King's Home has stated good cause for a re-evaluation, King's Home may commission a re-audit by an auditor mutually agreed upon by the Department and King's Home. King's Home shall bear the costs of this re-audit. The findings of the re-audit shall be considered final. (115.405)

115.501- State Determination and Certification of Full Compliance with PREA

In determining whether the State is in full compliance with the PREA standards, the Governor shall consider the results of the most recent King's Home and other agency audits. 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. (115.501)