

VOLUNTEERS OF AMERICA MID STATES  
Addiction Recovery Services  
POLICIES AND PROCEDURES MANUAL

POLICY NUMBER: 300.24

DATE REVISED: January 24, 2019

SUBJECT: PREA Policy and Procedures

**POLICY**

It is the policy of Volunteers of America of Kentucky, Inc. (VOAMID) to provide a safe and secure environment for all staff, volunteers, contractors, visitors and residents and to maintain a program for the prevention of sexual misconduct in any facility operated by Volunteers of America (VOA). VOAMID is committed to zero (0) tolerance for sexual misconduct between staff, volunteers, contractors, visitors, or residents whether committed by staff, volunteers, contractors, visitors, or other residents. Sexual misconduct between staff, volunteers, contractors, visitors, and residents, regardless whether consensual or not, is strictly prohibited. In cases where sexual misconduct has been alleged, a thorough investigation shall be conducted. In those cases where it appears that any sexual contact has taken place, prompt intervention shall be provided and all appropriate disciplinary actions shall be taken, including the possibility of criminal prosecution.

All VOAMID staff and volunteers have an affirmative duty to report all allegations or knowledge of sexual abuse, harassment, or sexual contact that takes place. Upon substantiation of any allegations of sexual contact, appropriate disciplinary action will be taken against staff, volunteers, visitors or residents, including possible criminal prosecution.

The purpose of this policy and administrative procedure is to establish guidance for staff and residents regarding the prevention of sexual assaults and those actions to be taken in cases of alleged sexual misconduct by staff or residents, including the establishment of a coordinated, multi-disciplinary approach to respond to incidents of sexual abuse to ensure victims receive the medical and support services needed and that investigators obtain evidence to substantiate allegations and hold perpetrators accountable.

## 1. RESPONSIVE PLANNING

### 1. Criminal Investigations

- a. VOAMID shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
- b. The VOAMID PREA coordinator will ensure that allegations of sexual abuse or sexual harassment are referred for investigation to the legal authority to conduct criminal investigations (the local police department, Kentucky Department of Corrections, or the Federal Bureau of Prisons), unless the allegation does not involve potentially criminal behavior. All such referrals will be documented in an incident report.

## H. INVESTIGATIONS

### 1. Internal investigations

- a. Internal VOAMID investigations into allegations of sexual abuse and sexual harassment shall be done promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. VOAMID does not have the authority to conduct criminal investigations. Any allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior.
- b. VOAMID staff whenever possible and allowable per the community confinement contracts shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- c. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff. VOAMID shall not require a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
- d. Administrative investigations:
  - i. Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
  - ii. Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
  - iii. A Sexual Incident Review form shall be completed within 30 days of the conclusion of the investigation.
- e. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.

- f. VOAMID shall retain all written reports pertinent to sexual misconduct for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.
- g. The departure of the alleged abuser or victim from the employment or control of VOAMID shall not provide a basis for terminating an investigation.
- h. When outside agencies investigate sexual abuse, the facility shall cooperate with outside specialized and shall endeavor to remain informed about the progress of the investigation.

## 2. Evidentiary Standard For Administrative Investigations

- a. VOAMID shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

## 3. **Reporting to residents.**

- a. Following an investigation into a resident's allegation of sexual abuse suffered in a VOAMID facility, the agency shall inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. This should be done using the Offender Notification form within 30 days of the conclusion of the investigation.
- b. If VOAMID did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the resident.
- c. Following a resident's allegation that a staff member has committed sexual abuse against the resident, VOAMID shall subsequently inform the resident (unless the agency has determined that the allegation is unfounded) whenever:
  - i. The staff member is no longer posted within the resident's unit;
  - ii. The staff member is no longer employed at the facility;
  - iii. VOAMID learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
  - iv. VOAMID learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

- d. Following a resident's allegation that he or she has been sexually abused by another resident, the agency shall subsequently inform the alleged victim whenever:
  - i. VOAMID learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
  - ii. VOAMID learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- e. All such notifications or attempted notifications shall be documented.
- f. VOAMID's obligation to report shall terminate if the resident is released from VOAMID's custody.