

## HOW TO REPORT AN INCIDENT

It is important that you tell another staff member if you have been sexually assaulted, threatened or are being solicited for sexual activity. You can tell the RCC, Case Manager, Facility Director and/or the Clinical Supervisor. These members are instructed to keep the reported information confidential and only discuss it with the appropriate officials on a need-to-know basis. There are other means to confidentially report the assault if you are not comfortable talking with staff, such as:

File an Offender Complaint with your referral source: Names, addresses and phone numbers are listed on each floor. You may also contact Cherry Health Corporate Compliance at 844.305.1504.

## WHAT TO DO IF YOU ARE ASSAULTED

If you become a victim of a sexual assault, you should report it immediately to staff that will offer you immediate protection from the assailant and will refer you for a medical examination and clinical assessment. Even though you may want to clean up after the assault, IT IS IMPORTANT TO SEE MEDICAL STAFF BEFORE YOU SHOWER, WASH, DRINK, EAT, CHANGE CLOTHING, OR USE THE BATHROOM. Medical staff will examine you for injuries, which may or may not be readily apparent to you.

Once the misconduct is reported an investigation will immediately occur. The main goal is to keep you protected from the offender. Take action quickly it is your right to be safe within Cherry Health facilities.

## WHO TO CONTACT?

Cherry Health Corporate Compliance is who you can contact about any form of gender-based misconduct. This is not a substitute for filling a grievance.

Corporate Compliance monitors all allegations and investigations of sexual misconduct, sexual harassment and retaliation.

Cherry Health Corporate Compliance Toll Free Hotline: 844.305.1504

## WHAT ALLEGATIONS WILL CORPORATE COMPLIANCE HANDLE?

- Allegations of sexual misconduct
- Allegations of sexual harassment
- Allegations of violations of the sexual harassment
- Allegations of retaliation for reporting any
- Gender-based misconduct
- Improper pat-downs

## REMEMBER:

- Sex between residents and staff is never ok
- If you are a victim, report it immediately
- You can get help.
- All reported incidents will be investigated
- False allegations can hurt you and the accused.
- Sexual contact between residents is an illegal act and is punishable by law.



Cherry Health Is a PREA organization and has zero tolerance for sexual misconduct

Cherry Health is committed to ensuring a safe, humane environment for all residents. An important part of this commitment includes residents being free from gender-based misconduct by staff and other residents. This guide explains some of your rights as a resident and the safeguards that are in place to protect you.

Gender-based misconduct is the term used in this guide to describe prohibited sexual behavior that is related to your gender. Gender-based misconduct includes sexual misconduct, sexual harassment, over familiarity and retaliation.

Cherry Health will not tolerate any form of gender-based misconduct. Within this guide, you will find descriptions of these behaviors and how you should deal with them.

Cherry Health will not support staff members or resident who engage in this conduct. The organization recognizes that improper behavior tarnishes the reputation and jeopardizes the safety and security of Cherry Health. It is important that everyone, staff and residents, do their part to reduce the harm that results from this kind of behavior. The purpose of this guide is to ensure that you are aware of the safeguards that do exist.

## WHAT IS SEXUAL MISCONDUCT?

Staff engaging in or attempting to engage in sexual acts with you. This includes, but may not be limited to:

- Any sexual act.
- Intentional touching of your genitals, anus, groin, breast or inner thigh to gratify a sexual desire.
- Indecent exposure by staff in front of you.
- Fondling or kissing.

Sexual acts or contacts between any staff person and you, even if you do not object, is prohibited and always illegal.

## WHAT IS SEXUAL HARRASSMENT?

Staff engaging in sexual advances, requests for sexual favors or other offensive conduct of a sexual nature to a resident. This includes but may not be limited to:

- Derogatory comments about your body.
- Off color statements or jokes.
- Abusive, threatening, profane or degrading sexual comments.
- Conduct of a sexual nature.

## WHAT IS OVERFAMILIARITY?

Conduct between staff and a resident which has resulted in or is likely to result in intimacy. The following behavior by staff and resident is prohibited:

- Addressing each other by first name or nickname,
- Flirting with each other,
- Exchanging personal letters or gifts,
- Receiving or granting special favors,
- Discussing personal matters unless specifically related to your case,
- Kissing and/or hugging.

## WHAT IS PREA?

The Prison Rape Elimination Act (PREA) was enacted by Congress to address the problem of sexual abuse by persons in the custody of U.S. correctional agencies. PREA addresses all types of sexual assaults in all correctional facility including Re-entry agencies. Its main focus is to target and eliminate offender-on offender sexual assaults. All correctional agencies in the nation, including Michigan must adhere to the tenets of PREA.

Cherry Health prohibits sexual intercourse, contact or conduct between offenders. Violations will result in disciplinary sanctions as outlined in Bureau of Prisons (BOP) Prohibited Acts. Cherry Health does not tolerate any type of sexual misconduct involving residents or staff. Residents and/or staff committing a sexual assault or misconduct will be prosecuted according to applicable provisions of PREA and BOP.

## WHAT IS SEXUAL MISCONDUCT?

### Resident on Resident Sexual Assault/Conduct

- One or more residents engaging in, or attempting to engage in, a sexual act with another resident, or the use of threats, intimidation, inappropriate touching, or other actions and/or communications by one or more residents aimed at coercing and/or pressuring another resident to engage in a sexual act. This type of behavior can result in a disciplinary penalty under BOP Prohibited Acts for the perpetrator. The perpetrator may also be referred to outside law enforcement for prosecution under sexual assault laws. This can result in additional prison time.
- Resident on resident sexual conduct also includes any type of consensual sexual activity between residents as defined by PREA. Sexual acts or contacts between residents, even when no objections are raised, are prohibited acts. Both parties engaged in sexual conduct may be found guilty of an offense and receive a disciplinary sanction and/or new charges.

### Resident on Staff & Staff on Resident Sexual Assault/Conduct

- One or more residents engaging in, or attempting to engage in, a sexual act with a staff member, or the use of threats, intimidation, inappropriate touching, or other actions and/or communications by one or more residents aimed at coercing and/or pressuring another offender to engage in a sexual act. Residents who sexually assault staff members will be prosecuted criminally and are also subject to disciplinary sanctions pursuant.
- Staff on resident sexual assault is a staff member engaging in, or attempting to engage in, a sexual act or sexual conduct with any resident or the staff member intentionally touching a resident's genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, humiliate, harass, degrade the resident or arouse, or gratify the sexual desire of any person. A pat search of a resident conducted in conformity with BOP procedures does not constitute sexual abuse or assault.
- Staff on resident sexual conduct is sexual behavior between a staff member and resident which can include, but is not limited to, indecent, profane or abusive language or gestures, inappropriate visual surveillance of residents, making sexually offensive comments or gestures, engaging in physical conduct of a sexual nature with a resident, or any solicitation of sexual activity through promises of favors or threatening a resident for refusing sexual advances, including influencing, promising, or threatening a resident's safety, custody, privacy, housing, privileges, work detail or program status in exchange for sexual favors.

It is NEVER appropriate for a staff member to make sexual advances or comments, or to engage in sexual contact with a resident. Even if the resident wants to be involved with a staff member, the staff member is not allowed to participate. It is not appropriate for a resident to approach a staff member sexually. Both the staff and the resident will be prosecuted regarding sexually misconduct.

In compliance with the Prison Rape Elimination Act (PREA), Cherry Health has collected accurate uniform data for every allegation of sexual abuse and sexual harassment and reviews this data in order to assess and improve the effectiveness of Cherry Health’s sexual abuse prevention, detection, and response to policies, practices, and training. This review includes:

- ✚ Identifying the problem
- ✚ Taking corrective action on an ongoing basis
- ✚ Preparing an annual report of findings and corrective actions for each facility

The data in this report provides the number of reported and substantiated PREA allegations for the 2020-2021 Fiscal Year.

This past year, the agency has received five (5) PREA incidents or allegations for 2020/2021 fiscal year at the Community Alternatives Program (CAP) four incidents/allegation which transpired prior to the offender’s arrival at CAP and one (1) Staff-Resident sex abuse incident/allegation which took place at CAP. As of July of 2021, Community Alternatives Program began their third (3<sup>rd</sup>) year of the 10-year contract with the Federal Bureau of Prisons.

This past year the agency received 1 sexual harassment allegations for Staff/resident for 2020/2021 at the Community Treatment Center in Detroit. Upon investigation, the allegation was deemed unfounded. In July 2021 Community Treatment Center Detroit began their third year within the new 10-year contract with the Federal Bureau of Prisons and are currently expand the physical building at 8333 Townsend.

<b>Grand Rapids Community Alternative Program 2020</b>				
<b>Investigation Type</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>	<b>Total</b>
Resident-Resident Sexual Harassment	0	0	0	0
Resident-Resident Sexual Abuse	0	0	0	0
Staff-Resident Sexual Harassment	0	0	0	0
Staff-Resident Sexual Abuse	Under investigation	Under investigation	Under investigation	1
Volunteer/Contractor Sexual Harassment	0	0	0	0
Volunteer/Contractor Sexual Abuse	0	0	0	0
<b>Grand Rapids Community Alternative Program 2021</b>				
<b>Investigation Type</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>	<b>Total</b>
Resident-Resident Sexual Harassment	0	0	0	0
Resident-Resident Sexual Abuse	0	0	0	0
Staff-Resident Sexual Harassment	0	0	0	0
Staff-Resident Sexual Abuse	0	0	0	0
Volunteer/Contractor Sexual Harassment	0	0	0	0

Volunteer/Contractor Sexual Abuse	0	0	0	0
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<b>Community Treatment Center Detroit2020</b>				
<b>Investigation Type</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>	<b>Total</b>
Resident-Resident Sexual Harassment	0	0	0	0
Resident-Resident Sexual Abuse	0	0	0	0
Staff-Resident Sexual Harassment	0	0	1	1
Staff-Resident Sexual Abuse	0	0	0	0
Volunteer/Contractor Sexual Harassment	0	0	0	0
Volunteer/Contractor Sexual Abuse	0	0	0	0
<b>Community Treatment Center Detroit 2021</b>				
<b>Investigation Type</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>	<b>Total</b>
Resident-Resident Sexual Harassment	0	0	0	0
Resident-Resident Sexual Abuse	0	0	0	0
Staff-Resident Sexual Harassment	0	0	0	0
Staff-Resident Sexual Abuse	0	0	0	0
Volunteer/Contractor Sexual Harassment	0	0	0	0
Volunteer/Contractor Sexual Abuse	0	0	0	0

**Analysis/Corrective Action:**

Cherry Health has experienced the following:

1. 2020-CTC-Staff on resident sexual harassment male resident reported that RCC Supervising staff while conducting a drug screen on another resident looked over the restroom stall that he was occupying and kept staring at him even after being asked what he was doing. Investigation included interviews with staff, victim, and witness; and claims were unfounded.
2. 2020-CAP-Staff on resident sexual abuse-investigation is being conducted by the Office of the Inspector General (OIG) and is currently ongoing. The staff member in question has been placed on administrative leave, and their employment status w/ CH will be dependent upon the outcome of the investigation.

3. 2020-CAP- Sexual Harassment/Abuse claims by residents while at their sending Federal Bureau of Prison Institution prior to being admitted into Cherry Health/CAP RRC program. Each allegation/claim (4) were forwarded to the BOP within a PREA report

The procedures in following the unfounded report, the current allegation/claim under OIG investigation and the reporting of prior incidents at previous institutions, support the fact that the agency has diligently maintained awareness of the PREA standards to staff and residents and has ensured that all residents receive education as to their rights under the PREA standards. As a result of the reporting of previous assault in the prison, we were able to identify processes and carry through with checking out the history with the institution.

During 2020-2021 Cherry Health continues to ensure that all staff and volunteers/contractors who have contact with the residents are trained on how to prevent, detect, report, and respond to sexual abuse and sexual harassment; residents are screened at intake as to their level of risk for victimization or abusiveness and housed accordingly; and partnerships were developed with local rape crisis agencies to provide advocate services when needed.

Cherry Health continues to make strides in its efforts to prevent sexual harassment and sexual abuse. We continue to learn through our investigations the importance of the resident retaliation watches in addition to the importance of debriefing after a PREA event to talk about what went well and the possibility of unfavorable findings within the OIG investigation.

Cherry Health has also maintained a video monitoring system for several years now throughout both of its facilities inside and out and including areas where there are potential blind spots or may not be in direct site of the Residential Care staff. This tool is often utilized in investigations to substantiate any dates/times and circumstances alleged. The system is on a 30-day, 24-hour loop and so there is access to information during this time frame to help any investigation needed.

Both facilities have options for transgendered individuals to have safe sleeping and bath options, and CAP has added a gender-neutral ADA bath/shower room on its 2<sup>nd</sup> floor, which has been operational/in use since January 2021.

Cherry Health has a zero-tolerance policy for all forms of sexual harassment and sexual abuse. The agency is committed to preventing incidents of sexual harassment and sexual abuse and will continue to increase staff and resident awareness and training on how to prevent, detect, and report incidents.