



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Prison Rape Elimination Act (PREA)		Policy Number: DC-ADM 008
Date of Issue: August 22, 2016	Authority: Signature on File John E. Wetzel	Effective Date: September 22, 2016

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. APPLICABILITY

This policy is applicable to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections, Department employees, volunteers, contract personnel, official visitors, and inmates.

III. POLICY

A. It is the policy of the Department to prohibit any form of sexual abuse and/or sexual harassment of an inmate.¹ The Department has zero tolerance for sexual abuse or sexual harassment of any individual under the supervision of the Department. **(28 C.F.R. §115.11[a])** Anyone who engages in, fails to report, or knowingly condones sexual abuse or sexual harassment of an inmate shall be subject to disciplinary action, up to and including termination, and may be subject to criminal prosecution. An inmate, employee, contractor, or volunteer of the Department is subject to disciplinary action and/or sanctions, including possible dismissal and termination of contracts and/or services, if he/she is found to have engaged in sexual **abuse or** sexual harassment **of** an inmate.² A claim of consent will not be accepted as an affirmative defense for engaging in sexual **abuse** or sexual **harassment** of an inmate.³

¹ 4-4281, 4-4281-1

² 4-4056

³ 4-4281-6

- B. The Department shall prohibit retaliation against an inmate who reports sexual **abuse** or sexual **harassment**, or staff member who reports sexual **abuse** or sexual **harassment of** an inmate, or who cooperates with sexual **abuse** or sexual **harassment** investigations.⁴
- C. The Department shall designate a statewide PREA Coordinator to develop, implement and oversee the Department's efforts to comply with the National PREA Standards across all facilities; and each facility shall designate a PREA Compliance Manager to coordinate the facility's efforts to comply with the Standards. The statewide PREA Coordinator shall report directly to the **Director of the Bureau of Standards, Audits and Accreditation** of the Department. (28 C.F.R. §115.11[b][c])

IV. PROCEDURES

All applicable procedures are contained in the procedures manual that accompanies this policy document.

V. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary/designee may suspend any provision or section of this policy for a specific period.

VI. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

VII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY

A. Release of Information

1. Policy

This policy document is public information and may be released upon request.

2. Confidential Procedures (if applicable)

Confidential procedures for this document, if any, are not public information and may not be released in its entirety or in part, without the approval of the Secretary of Corrections/designee. Confidential procedures may be released to any Department of Corrections employee on an as needed basis.

⁴ 4-4281

B. Distribution of Policy

1. General Distribution

The Department of Corrections policy and procedures shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution of confidential procedures to other individuals and/or agencies is subject to the approval of the Secretary of Corrections/designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures either in hard copy or via email, whichever is most appropriate.

VIII. SUPERSEDED POLICY AND CROSS REFERENCE

A. Superseded Policy

1. Department Policy

- a. DC-ADM 008, Prison Rape Elimination Act (PREA), issued June 25, 2015, by Secretary John E. Wetzel.
- b. DC-ADM 008-01, Prison Rape Elimination Act (PREA), issued January 16, 2015, by Secretary John E. Wetzel.
- c. DC-ADM 008, Prison Rape Elimination Act (PREA), issued June 5, 2014, by Secretary John E. Wetzel.

2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

B. Cross Reference(s)

1. Administrative Manuals

- a. DC-ADM 001, Inmate Abuse
- b. DC-ADM 006, Reasonable Accommodations for Inmates with Disabilities
- c. DC-ADM 801, Inmate Discipline
- d. DC-ADM 802, Administrative Custody Procedures

- e. DC-ADM 804, Inmate Grievance System
- f. DC-ADM 815, Personal Property, State-Issued Items, and Commissary/Outside Purchases
- g. 1.1.4, Centralized Clearances
- h. 1.1.16, Mandatory Reporting **Guidelines**
- i. 5.1.1, Staff Development and Training
- j. 6.3.1, Facility Security
- k. 7.2.1, Counseling Services
- l. 11.2.1, Reception and Classification
- m. 13.1.1, Management and Administration of Health Care
- n. 13.2.1, Access to Health Care
- o. 13.8.1, Access to Mental Health Care

2. ACA Standards

Adult Correctional Institutions: 4-4056, 4-4281, 4-4281-1, 4-4281-3, 4-4281-5, 4-4281-6, 4-4281-7, 4-4281-8, 4-4406

3. PREA Standards

28 Code of Federal Regulations (CFR) 115, 115.11, 115.12, 115.13, 115.14, 115.15, 115.16, 115.17, 115.18, 115.21, 115.22, 115.31, 115.32, 115.33, 115.34, 115.35, 115.41, 115.42, 115.43, 115.51, 115.52, 115.53, 115.54, 115.61, 115.62, 115.63, 115.64, 115.65, 115.67, 115.68, 115.71, 115.72, 115.73, 115.76, 115.77, 115.78, 115.81, 115.82, 115.83, 115.86, 115.87, 115.88, 115.89, 115.132, 115.401.



PROCEDURES MANUAL
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject:

Prison Rape Elimination Act (PREA)

Policy Number:

DC-ADM 008

Date of Issue:

August 22, 2016

Authority:

**Signature on File
John E. Wetzel**

Effective Date:

September 22, 2016

Release of Information:

Policy Document: This policy document is public information and may be released upon request.

Procedures Manual: The procedures manual for this policy may be released in its entirety or in part, with the prior approval of the Secretary/designee. Unless prior approval of the Secretary/designee has been obtained, this manual or parts thereof may be released to any Department employee on an as needed basis only.

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Section 1 – Data Collection and Retention

The Bureau of **Standards, Audits, and Accreditation (BSAA)** shall collect accurate, uniform data for every allegation of sexual abuse at facilities under the Department's direct control using a standardized instrument and set of definitions. **(28 C.F.R. §115.87[a])**

A. Annual Prison Rape Elimination Act (PREA) Report

1. The **BSAA** shall review data collected and aggregated annually pursuant to PREA Standard **(28 C.F.R. §115.87)** in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training by: **(28 C.F.R. §115.87[b], §115.88[a])**
 - a. identifying problem areas; **(28 C.F.R. §115.88[a][1])**
 - b. taking corrective action on an ongoing basis; and **(28 C.F.R. §115.88[a][2])**
 - c. preparing an annual report of its findings and corrective actions for each facility, as well as the Department as a whole. **(28 C.F.R. §115.88[a][3])**
2. All data information shall be maintained, reviewed, and collected as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. **(28 C.F.R. §115.87[d])** Incident-based and aggregated data will also be collected from every facility the Department contracts with for the confinement of its inmates. **(28 C.F.R. §115.87[e])**
3. The Department will produce an Annual PREA Report, capturing data from January 1 to December 31, and will provide the following information:
 - a. the number of allegations made at each facility;
 - b. the number of substantiated, unsubstantiated, and unfounded investigations completed as of December 31 of each year;
 - c. the number of ongoing investigations as of December 31 for each facility;
 - d. the report shall compare the rates of incidents for each facility from the preceding year to the current report year;
 - e. any additional information that is required by the Survey of Sexual Violence (*sic*) required by the Department of Justice, **Bureau of Justice Statistics**; and **(28 C.F.R. §115.87[c])**
 - f. the 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 the Department's progress in addressing sexual abuse. **(28 C.F.R. §115.88[b])**

4. The Department shall make all aggregated sexual abuse data information listed in **Subsections A.3.a-f. above**, from facilities under its direct control and contracted facilities, readily available to the public through the Department website, at least annually. **(28 C.F.R. §115.89[a][b])**
5. The Annual PREA Report shall be approved by the Secretary and posted on the Department’s website by June 30 of each year. **(28 C.F.R. §115.87[f], §115.88[c])**
6. The Department shall securely retain all aggregate PREA data, on the Department’s secure servers, collected for a period of no less than ten years after the date of the initial collection unless federal, state, or local law requires otherwise. **(28 C.F.R. §115.89[a][d])**
7. Specific identifying information collected for reporting purposes shall be redacted so that no individual is identifiable. In addition, the Department may redact specific material from the reports when publication would present a clear and specific danger to a facility, but must indicate the nature of the material redacted. **(28 C.F.R. §115.89[c], §115.88[d])**

B. Document Retention – Inmates

1. The below listed documents shall be maintained at the facility for audit verification purposes.
 - a. The following forms shall be maintained in the **DC-14, Counselor File**:
 - (1) **PREA Inmate Education Verification Form** (refer to **Attachment 2-J**) **(28 C.F.R. §115.33[e])**; and
 - (2) **DC-141, Part 1, (Other) Report**.
 - b. The following forms shall be maintained in the **DC-15, Inmate Records Jacket**:
 - (1) **DC-141, Part 1, (Other) Report**; and
 - (2) **Gender Review Committee Checklist** (refer to **Attachment 9-A**) **(28 C.F.R. §115.42)**.
 - (3) **Gender Review Reassessment Checklist** (refer to **Attachment 9-B**) **(28 C.F.R. §115.42[d])**
 - c. The following forms shall be maintained by the PREA Compliance Manager (PCM) in an annual electronic file for each form individually:
 - (1) **Department Retaliation Monitoring Form** (refer to **Attachment 2-B**); **(28 C.F.R. §115.67)**
 - (2) **Involuntary AC Services Access Restriction Form** (refer to **Attachment 2-C**); and **(28 C.F.R. §115.43[d][1][2][3])**

- (3) **Notification of Sexual Abuse Allegation to Another Facility** (refer to Attachment 3-A). (28 C.F.R. §115.63[c])

d. The following forms and reports shall be maintained by the Security Office:

- (1) **Cross Gender Search Validation Form** (refer to Attachment 2-D) (28 C.F.R. §115.15[c]) in an annual file;
- (2) PREA Investigation reports;
- (3) **DC-135A, Inmate Request to Staff Member** in the appropriate investigation file; and
- (4) **Inmate Notification Form** (refer to Attachment 8-A) (28 C.F.R. §115.73[e]) in the appropriate investigation file.

C. Document Retention – Staff and Contractors

The below listed documents shall be maintained at the individual facility for audit verification purposes.

1. **Department Retaliation Monitoring Form** shall be maintained by the PCM, as appropriate. (28 C.F.R. §115.67) ***This form shall be retained for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. (28 C.F.R. §115.71[i])***
2. **PREA Training and Understanding Verification Form** for staff shall be kept in the employee's training file. (28 C.F.R. §115.31[d]) ***This form shall be retained for at least one year after the employee's separation.***
3. The **PREA Training and Understanding Verification Form** for contractors shall be maintained by the PCM, as appropriate. (28 C.F.R. §115.31[c]) ***This form shall be retained for at least one year after the contractor's separation.***
4. **Criminal background record checks are maintained in the Centralized Clearances database for staff and contractors as outlined in Department policy 1.1.4, "Centralized Clearances."** (28 C.F.R. §115.17[c][d]) ***This form shall be retained for at least seven years in accordance with Pennsylvania Office of Administration Agency Records Retention and Disposition Schedule.***

D. Document Retention – Volunteers

The below listed document shall be maintained at the individual facility for audit verification purposes.

The PREA Training and Understanding Verification Form for volunteers shall be maintained in the Volunteer File, as appropriate. (28 C.F.R. §115.32[c])

E. Investigations¹

1. Each facility and Office of Special Investigations and Intelligence (OSII) shall be responsible to securely maintain such files.
2. The Department shall retain all criminal and administrative agency investigative reports for as long as the alleged abuser is incarcerated or employed plus five additional years.
(28 C.F.R. §115.71[i])

¹ 4-4281-8

Section 2 – Sexual Abuse/Sexual Harassment Prevention and Training

A. Prevention

The Department will take appropriate actions to ensure zero tolerance toward all forms of sexual abuse and sexual harassment in order to promote the safety of inmates. The Department will implement federal Prison Rape Elimination Act (PREA) Standards to ensure that all aspects of operations work toward preventing, detecting, and responding to such conduct resulting in a safer environment. **(28 C.F.R. §115.11[a])**

1. Statewide PREA Coordinator Duties

There is one statewide PREA Coordinator responsible for PREA compliance across the Department. The statewide PREA Coordinator's sole responsibility is to develop, implement, and oversee Department efforts to comply with the federal PREA Standards in all of the Department's facilities. The statewide PREA Coordinator **shall** report directly to the **Director of the Bureau of Standards, Audits, and Accreditation** and shall be responsible for the below listed duties. **(28 C.F.R. §115.11[b])**

- a. Develop and revise policy that meets, at a minimum, the published federal PREA Standards, as well as incorporating best practices for the trauma-informed care of victims of sexual abuse and **sexual** harassment in a confinement setting.
- b. **Oversee PREA Compliance Division (PCD) staff to ensure Department-wide compliance with federal PREA Standards.**
- c. Work with **PCD staff and** PREA Compliance Manager (PCM/**designee**) at each facility to ensure compliance with PREA policies and procedures.
- d. Develop PREA-related curriculum and training materials for inmates, **staff, volunteers, and contract service providers in coordination with the Training Academy, when applicable.**
- e. Work with each facility on an annual basis to assess, determine, and document whether adjustments are needed to: the staffing plan, deployment of the video monitoring systems and other monitoring technologies, and the resources the facility has available to commit to ensure adherence to the staffing plan. The statewide PREA Coordinator **shall** also review any documentation for non-compliance with a staffing plan. **(28 C.F.R. §115.11) (28 C.F.R. §115.13[c])**
- f. Coordinate with the Pennsylvania Coalition Against Rape (PCAR), to ensure that the Department is providing all related parties with the most current information on sexual abuse and **sexual** harassment.
- g. Coordinate with the Pennsylvania State Police (PSP) regarding investigations and referral of sexual abuse cases that occurred while the **alleged** inmate **victim** is under the supervision of the Department.

- h. Work with PCMs to schedule all required PREA audits, oversee the completion of all audit responses, **and ensure ongoing PREA Standards compliance.**
- i. **Chair the Administrative Gender Review Committee (A-GRC) and convene the committee to review inmates who have identified as transgender or intersex, in accordance with Section 9 of this procedures manual.**
- j. **Chair the Central Office PREA Administrative Review Committee in accordance with Section 6 of this procedures manual.**
- k. Remain up-to-date with PREA **Resource Center Certification requirements and PREA** information as it becomes available through the PREA Resource Center, Department of Justice, or other credible sources relating to PREA.

2. PREA Compliance Manager (PCM) Duties

The Corrections Classification and Program Manager (CCPM) has been designated as the PCM at each facility and **shall** be given sufficient time and authority to coordinate **the** facility's compliance with Department policy and federal PREA Standards. The PCM shall be responsible for the duties listed below. **(28 C.F.R. §115.11[c])**

- a. **Submit** monthly reports on the **PREA Monthly Report Form (Attachment 2-A)** to the **CR, DOC PREA Reports** regarding incidents of sexual abuse and **sexual** harassment or retaliation.
- b. Review the initial reported allegation and related investigative packet, medical assessment(s), psychological assessment, and any other relevant factors as provided by the Security Office.
- c. Ensure retaliation monitoring of the following inmates:
 - (1) those that have reported institutional sexual abuse or sexual harassment allegations;
 - (2) those that have suffered sexual abuse; and/or
 - (3) those that have expressed a fear of retaliation due to cooperation with an investigation of an incident **of sexual abuse or sexual harassment** related to this procedures manual.

NOTE: Specifically, the PCM **shall** ensure that such inmates are provided with the opportunity to meet with a corrections counselor, in accordance with the **Department Retaliation Monitoring Form (Attachment 2-B)**, who **shall** then report to the PCM. If the PCM determines that the initial monitoring indicates a continuing need, the periodic status checks **shall** be extended beyond 90 days by the corrections counselor. **(28 C.F.R. §115.67[c][d])**

- d. Notify the Deputy Superintendent of Centralized Services (DSCS) when staff require monitoring due to report of sexual abuse **or sexual harassment**, or because of an expressed fear of retaliation due to cooperation with an investigation of inmate sexual abuse or sexual harassment, per PREA Standard **28 C.F.R. §115.67[a][c][e]** and in accordance with **Section 3** of this procedures manual.
- e. Chair the PREA Sexual Abuse Incident Review Committee and convene the committee to review sexual abuse investigations for those cases, which are found to be substantiated and unsubstantiated, in accordance with **Section 6** of this procedures manual. Reviews **shall** be conducted within 15 working days of the conclusion of the investigation.
- f. **Chair the local Gender Review Committee (GRC) and convene the committee to review inmates who have identified as transgender or intersex, in accordance with Section 9 of this procedures manual.**
- g. Keep an updated list of all multi-lingual staff at the facility that would be able to provide translation for any PREA-related issue.
- h. Conduct and document unannounced rounds to identify and deter sexual abuse and sexual harassment in accordance with Department policy **6.3.1, “Facility Security,” Section 19, utilizing the PREA Administrative Tour Documentation Form. This form shall be submitted with the Monthly PREA Report Form. (28 C.F.R. §115.13[d])**
- i. Work with the administration of the facility and the statewide PREA Coordinator, on an annual basis to assess, determine, and document whether adjustments are needed to: the staffing plan, deployment of the video monitoring systems, and other monitoring technologies and the resources the facility has available to commit to ensure adherence to the staffing plan. **(28 C.F.R. §115.13[c])** In situations where the staffing plan is not complied with, the Facility Manager shall document the justification for the deviations from the plan and forward written documentation to the statewide PREA Coordinator/**designee** for review. **(28 C.F.R. §115.13[b])** The facility shall use the Security Staffing Survey in accordance with Department policy **6.3.1, Section 15.**
- j. Ensure that when Department staff learn that an inmate is subject to a substantial risk of imminent sexual abuse, appropriate and immediate action **shall** be taken to protect that inmate. **(28 C.F.R. §115.62)**
- k. Coordinate PREA audits in conjunction with respective staff and the statewide PREA Coordinator. Ensure that all required responses to the **National PREA Resource Center Pre-Audit Questionnaire Adult Prisons and Jail Report** are completed and submitted within applicable timeframes.
- l. Remain up-to-date with PREA information as it becomes available through the statewide PREA Coordinator, PREA Resource Center, Department of Justice, or other credible sources relating to PREA.

- m. Provide and/or oversee **PREA-related** trainings, **as required**.
 - n. **Maintain copies of any Memoranda of Understanding with the local hospital and/or Rape Crisis Center.**
3. Contracting with Other Entities for Housing Inmates
- a. The Department shall include in any new contract or contract renewal for the housing of an inmate (on or after the effective date of this procedure) with a private entity or other entities, including other government agencies, the entity's obligation to adopt and comply with the PREA Standards and the Department's policies related to PREA compliance. **(28 C.F.R. §115.12[a])**
 - b. The contracted entities **shall** undergo regular, mandated audits on a three-year basis, as required by the PREA Standards.
 - c. **All contracted entities are expected to have an official PREA audit by a Certified Department of Justice (DOJ) PREA Auditor once during every three year audit cycle as directed in PREA Standard (28 C.F.R. §115.401[a][b]).**
 - d. The Department shall provide for contract monitoring to ensure that the contract service provider is complying with the PREA Standards with any new contract or contract renewal. **(28 C.F.R. §115.12[b])**

4. Supervision and Monitoring

The Department shall ensure that each facility develops, documents, and makes its best efforts to comply on a regular basis with a staffing plan as found in Department policy **6.3.1, Section 15** that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. **(28 C.F.R. §115.13[a])**

- a. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:
 - (1) generally accepted detention and correctional practices;
 - (2) any judicial findings of inadequacy;
 - (3) any findings of inadequacy from Federal investigative agencies;
 - (4) any findings of inadequacy from internal or external oversight bodies;
 - (5) all components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
 - (6) the composition of the inmate population;

- (7) the number and placement of supervisory staff;
 - (8) facility programs occurring on a particular shift;
 - (9) any applicable State or local laws, regulations, or standards;
 - (10) the prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
 - (11) any other relevant factors.
- b. In circumstances of non-compliance with the staffing plan, the Facility Manager/designee shall document, in writing, and justify all deviations from the plan. **(28 C.F.R. §115.13[b])** This documentation **shall** be forwarded to the Executive Deputy Secretary, Regional Deputy Secretary, PREA Coordinator **at CR, DOC PREA Reports email address**, and Central Office Security Major.
- c. Whenever necessary, but no less frequently than once a year, each facility shall assess, determine, and document whether adjustments are needed to: **(28 C.F.R. §115.13[c])**
- (1) the facility’s deployment of video monitoring systems and other monitoring technologies; and **(28 C.F.R. §115.13[c][2])**
 - (2) the resources the facility has available to commit to ensure adherence to the staffing plan. **(28 C.F.R. §115.13[c][3])**
- d. The annual reviews **shall** be conducted in consultation with the PCM at that facility and the statewide PREA Coordinator. **(28 C.F.R. §115.13[c])**
5. Access to Information for Special Populations
- a. Pursuant to Department policy **DC-ADM 006, “Reasonable Accommodations for Inmates with Disabilities,”** the Department shall ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the Department’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment. **(28 C.F.R. §115.16[a])**
 - b. Written materials **shall** either be delivered in alternative formats that accommodate the inmate’s disability or the information **shall** be delivered through alternative methods, such as reading it to the inmate or communicating through an interpreter, which ensures the understanding of the PREA-related material. **(28 C.F.R. §115.16[a])**
 - c. The Department shall take reasonable steps to ensure meaningful access to all aspects of the Department’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps

to provide qualified interpreters. The PCM **shall** ensure that only staff members or qualified contractors who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary, provide translation for inmates. **(28 C.F.R. §115.16[b][c])** If a multi-lingual staff member is not available, then the current contracted translation service must be utilized.

- d. The Department shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter would compromise the inmate's safety, the performance of first response duties under PREA Standard **28 C.F.R. §115.64**, or the investigation of the inmate's allegations **(28 C.F.R. §115.16[c])**. Justification for any use of an inmate **interpreter** shall be documented accordingly.

6. Protective Custody

Inmates at a high risk for sexual victimization or inmates **who have allegedly suffered sexual abuse** shall not be placed involuntarily in Administrative Custody (AC) as a means of protection unless an assessment of all available alternatives has been made by Psychology and Security staff in conjunction with **the Facility Manager/designee**, and a determination has been made that there is no other available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the inmate in involuntary AC for less than 24 hours while completing the assessment. **(28 C.F.R. §115.43[a]) (28 C.F.R. §115.68)**

- a. The staff must consider other alternative placements for an alleged victim and make the appropriate placement. **(28 C.F.R. §115.43[c])**
- b. Placement in AC is permissible when the **alleged** victim requests or agrees to it.
- c. Alternative placements can include, but are not limited to, any one, or combination of, the following **temporary** options:
 - (1) moving to a different housing unit;
 - (2) placement in a cell closer to the Corrections Officer's desk within the unit;
 - (3) Z-Code; and/or
 - (4) placement in the Special Needs Unit (SNU).
- d. If an involuntary AC housing assignment is made in accordance with **Subsection A.6.a. above**, the Shift Commander shall clearly document on the **DC-141, Part 1, (Other) Report**, the following information: **(28 C.F.R. §115.43[d])**
 - (1) the basis for the staff member's concern for the inmate's safety; **(28 C.F.R. §115.43[d][1])**

- (2) the other alternative means of separation that were explored; and
 - (3) the reason why no alternative means of separation can be arranged. **(28 C.F.R. §115.43[d][2])**
- e. If the Shift Commander assigns an inmate to involuntary AC for the purpose of protection from sexual victimization, access to programs, privileges, education, or work opportunities shall be afforded to that inmate to the extent possible. If the facility restricts access to these opportunities, the facility shall document in the **Involuntary Administrative Custody Services Access Restriction Form (Attachment 2-C): (28 C.F.R. §115.43[b])**
- (1) the opportunities that have been limited; **(28 C.F.R. §115.43[b][1])**
 - (2) the duration of the limitation; and **(28 C.F.R. §115.43[b][2])**
 - (3) the reasons for such limitations. **(28 C.F.R. §115.43[b][3])**
- f. The facility may assign inmates to involuntary AC only until an alternative means of separation from likely abusers can be arranged and such assignment shall not ordinarily exceed 30 days. **(28 C.F.R. §115.43[c])**
- g. In accordance with Department policy **DC-ADM 802, “Administrative Custody Procedures,”** at least every 30 days, the Program Review Committee (PRC) shall ensure each inmate is reviewed to determine whether there is a continuing need for separation from the general population. This review shall be documented on the **DC-141, Part 1, (Other) Report. (28 C.F.R. §115.43[e])**
7. Upgrade to Facilities and Technologies
- a. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Department shall consider the effect of the design, acquisition, expansion, or modification upon the Department’s ability to protect inmates from sexual abuse. **(28 C.F.R. §115.18[a])**
 - b. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Department shall consider how such technology may enhance the Department’s ability to protect inmates from sexual abuse. **(28 C.F.R. §115.18[b])**
8. Housing of Youthful Inmates
- a. A youthful inmate (under the age of 18) shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through the use of a shared dayroom or other common space, shower area, or sleeping quarters. **(28 C.F.R. §115.14[a])**

- b. In areas outside of housing units, the facility shall either:
 - (1) maintain sight and sound separation between youthful inmates and adult inmates; or **(28 C.F.R. §115.14[b][1])**
 - (2) provide direct security staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact. **(28 C.F.R. §115.14[b][2])**
- c. Upon initial reception to the Department, youthful inmates **shall** enter into an expedited classification process as outlined in Department policy **11.2.1, “Reception and Classification.”**
 - (1) Male youthful inmates **shall** be transferred to SCI Pine Grove within 24 hours of reception by the Department.
 - (2) Female youthful inmates, under the age of 18, **shall** immediately be placed into the Youthful Inmate Unit at SCI Muncy.
- d. Due to the extremely low number of female youthful inmates that the Department houses at any given time, there are specific provisions that must be followed.
 - (1) Youthful inmates **shall** have a separate housing unit, with sight and sound separation from adult inmates, where they are able to have a separate shower area, separate day room, and separate sleeping quarters from adult inmates.
 - (2) Any time that the youthful inmate leaves the separate housing unit, they must be accompanied and supervised directly by a staff member.
 - (3) The staff member is to ensure that there is no inappropriate contact, physical or verbal, between the youthful inmate(s) and an adult inmate.
- e. The Department shall make every effort to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, the Department shall not deny youthful inmates daily large muscle exercise and any legally required special education services to comply with this provision. Youthful inmates shall have access to other programs and work opportunities to the greatest extent possible. **(28 C.F.R. §115.14[c])**

9. Limits to Cross-Gender Viewing and Searches

- a. Staff shall not conduct cross-gender strip searches except in exigent circumstances, in accordance with Department policy **6.3.1, Section 30. (28 C.F.R. §115.15 [a])**
 - (1) All cross-gender strip searches shall be documented on the **Cross-Gender Search Validation Form (Attachment 2-D). (28 C.F.R. §115.15[c])**

- (2) A copy of the **Cross-Gender Search Validation Form** shall be maintained by the Security Office in an annual file for audit verification purposes in accordance with **Section 1** of this procedures manual.
- b. **Cavity searches** shall only be conducted when performed by **a physician**, in accordance with Department policy **6.3.1, Section 30. (28 C.F.R. §115.15[a])**
- c. No facility shall permit cross-gender pat down searches of female inmates, absent exigent circumstances. Facilities shall not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision. **(28 C.F.R. §115.15[b])**
 - (1) In order to **comply with the** pat search requirement, the female facilities should **continuously** analyze staffing plans to make appropriate adjustments to ensure PREA compliance.
 - (2) Areas of consideration should include search teams, work supervisors, staff that monitor 24 hour cameras and transportation staff.
 - (3) All cross-gender pat searches of female inmates shall be documented on the **Cross-Gender Search Validation Form. (28 C.F.R. §115.15[c])**
 - (4) A copy of the **Cross-Gender Search Validation Form** shall be maintained by the Security Office in an annual file for audit verification purposes in accordance with **Section 1** of this procedures manual.
- d. Inmates shall be able to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. This limitation not only applies to in-person viewing, but also all forms of remote viewing as well. **(28 C.F.R. §115.15[d])**
- e. Staff of the opposite gender shall announce their presence when entering an inmate housing unit in accordance with the following: **(28 C.F.R. §115.15[d])**
 - (1) when the status quo of the gender supervision on a housing unit changes from exclusively same gender, to mixed- or cross-gender supervision, the opposite gender staff are required to verbally announce their arrival on the unit. The announcement is required for both custody and non-custody staff, and may include, for example, a clinician or case worker who spends time on the unit, or senior staff making supervisory rounds;
 - (2) when an opposite gender staff member is entering a housing unit and it is unknown to him/her whether any other opposite gender staff are present, the entering staff member **shall** announce their presence;

- (3) this announcement may be made by the officer working the control desk via the intercom system; and
 - (4) this announcement may also be made via a specific tone system that is utilized only for the purpose of announcing a member of the opposite gender entering the housing unit. Inmates **shall** be educated on the tone system utilization.
- f. Staff shall be trained in how to conduct cross-gender pat searches, and in searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs and Department policy **6.3.1, Section 30. (28 C.F.R. §115.15[f])**

B. Screening for Risk of Victimization and Abusiveness¹

1. All inmates shall be assessed during the intake screening process, upon receipt into another facility, whenever an inmate is involved in an incident of sexual abuse and at his/her annual review, for risk of being sexually abused by other inmates or sexually abusive toward other inmates. **(28 C.F.R. §115.41[a])**
2. Inmates currently in Department custody, not assessed through the above means, shall be administered the PREA Risk Assessment **Tool** at the semi-annual or annual review, to ensure that all inmates are assigned a risk level within the first six months of implementation. Assigned counselors **shall** be responsible for administering the **PREA Risk Assessment Tool (PRAT) (Attachment 2-E)** during the annual review as directed by Department policy **11.2.1**.
3. The information received through the administration of the **PRAT** questions shall be used to inform housing, bed placement, work, education, and program assignments with the goal of keeping separate those inmates at high risk for being sexually victimized from those at high risk of being sexually abusive. **(28 C.F.R. §115.42[a])** The sensitive information collected through these tools shall be kept as confidential as possible so as not to be used to the inmate's detriment by staff or other inmates. **(28 C.F.R. §115.41[i])**
4. The PREA Risk Assessments shall be conducted utilizing the **PRAT**. The tool will be an objective instrument that shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization or abusiveness: **(28 C.F.R. §115.41[c][d])**
 - a. whether the inmate has a mental, physical, or developmental disability; **(28 C.F.R. §115.41[d][1])**
 - b. the age of the inmate; **(28 C.F.R. §115.41[d][2])**
 - c. the physical build of the inmate; **(28 C.F.R. §115.41[d][3])**
 - d. whether the inmate has previously been incarcerated; **(28 C.F.R. §115.41[d][4])**

¹ 4-4281-5

- e. whether the inmate's criminal history is exclusively nonviolent; **(28 C.F.R. §115.41[d][5])**
 - f. whether the inmate has prior convictions for sex offenses against a child or an adult; **(28 C.F.R. §115.41[d][6])**
 - g. whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; **(28 C.F.R. §115.41[d][7])**
 - h. whether the inmate has previously experienced sexual victimization; **(28 C.F.R. §115.41[d][8])**
 - i. the inmate's own perception of vulnerability; **(28 C.F.R. §115.41[d][9])**
 - j. whether the inmate is detained solely for civil immigration purposes; and **(28 C.F.R. §115.41[d][10])**
 - k. the initial assessment, ***which is conducted*** within 72 hours of reception, shall consider prior acts of abuse, prior convictions for violent offenses, and history of prior facility violence or sexual abuse, as known to the Department, in order to assess inmates for the risk of being sexually abusive. **(28 C.F.R. §115.41[b][e])**
5. The **PRAT shall** be administered as follows:
- a. The **PRAT shall** be completed in the WebTAS system. If staff use the paper format of **any** assessment to collect information it must be entered into the WebTAS system as soon as an inmate has been assigned a number, the paper copy of the assessment(s) **shall** be shredded as soon as the information is entered into the WebTAS system. Until the form is entered into WebTAS, the facility shall ensure that the results are immediately available to inform appropriate placement in housing, bed placement, education, work, and programming assignments.
 - b. Within the first 72 hours of reception to the Department and receipt into another facility, the **PRAT shall** be conducted by qualified health care or unit management staff.
 - c. A reassessment **shall** be conducted between day 20 and 30 of every inmate's arrival in the system or receipt into another facility utilizing the **PRAT**. **(28 C.F.R. §115.41[f])** Additionally, the counselor **shall** reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility staff since the intake screening. **(28 C.F.R. §115.41[g])**
 - d. ***Any inmate who reports sexual victimization during the administration of a PRAT should be asked for sufficient details to determine whether a sexual abuse investigation is warranted.***

- e. When there is an allegation of sexual abuse, the Licensed Psychology Manager (LPM)/designee **shall** administer the **PRAT** to all involved inmates within 72 hours of the allegation being made. **(28 C.F.R. §115.41[g])**
 - f. Every inmate **shall** be reassessed at the annual review conducted by **his/her** counselor utilizing the **PRAT**.
 - g. An inmate's risk level **shall** be reassessed by the PCM, **utilizing the PRAT**, when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of victimization or abusiveness. **(28 C.F.R. §115.41[g])**
 - h. Inmates shall not be disciplined for refusing to answer, or for not disclosing complete information in response to the questions regarding prior victimization, disabilities, their perception of vulnerability, or their sexual orientation. **(28 C.F.R. §115.41[h])**
 - i. If an inmate refuses to answer the **PRAT** questions, the staff member administering the tool **shall** document that the inmate refused to answer the questions. The staff member **shall** also discuss with the inmate the importance of honestly answering the questions on the risk assessment **for safety purposes**.
 - j. Upon completion of the **PRAT**, if an inmate scores in the "high risk" category, this information shall be immediately entered into the Unit Management System, under Security Concerns.
 - (1) If High Risk for Victimization, "Potential Sexual Assault Victim" checkbox shall be selected and comments entered as "PRAT High Risk Victim." Do not include actual **PRAT** score due to confidentiality.
 - (2) If High Risk for Abuser, "Institutional Sexual Predator" checkbox shall be selected and comments entered as "PRAT High Risk Abuser." Do not include actual **PRAT** score due to confidentiality.
 - (3) If High Risk for both Victim and Abuser, both corresponding checkboxes shall be selected and comments entered as "PRAT High Risk Victim/Abuser."
- NOTE:** The facility sexual predator procedures as outlined in Department policy **11.2.1, Section 5** do not apply to those inmates entered ONLY due to PRAT assessment score. These inmates should not be Z/H Coded or overridden to a higher custody level unless additional information indicates a need and staffing has been completed to approve such. The "Institutional Sexual Predator" checkbox will eventually be renamed to reflect the broader use to include PRAT concerns.
- k. For any identified facility sexual predators, refer to Department policy **11.2.1, Section 5**, for appropriate custody level and program code assignment. In addition, a mental health evaluation will be conducted on these abusers within 60 days of learning of

such abuse history and offer treatment when deemed appropriate by mental health practitioners. **(28 C.F.R. §115.83[h])**

- I. The Department shall make individualized determinations about how to ensure the safety of each inmate. **(28 C.F.R. §115.42[b])**
- m. ***Any inmate who self-identifies as transgender during the administration of the PRAT shall be referred to the facility PCM for additional follow-up as indicated in Section 9 of this procedures manual.***

C. Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Populations

The Department shall not place LGBTI inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates. **(28 C.F.R. §115.42[g])** ***Additional information regarding working with the LGBTI population can be found in Section 9 of this procedures manual.***

D. Medical and Mental Health Screenings

1. Both medical and mental health practitioners shall ask inmates, during the intake screening, about any history of victimization or perpetration of sexual abuse, either in a correctional setting or in the community. **(28 C.F.R. §115.41[a])**
2. If the screening pursuant to PREA Standard **28 C.F.R. §115.41** indicates that a prison or jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening or sooner, if clinically indicated. **(28 C.F.R. §115.81[a][c])**
3. If the screening pursuant to PREA Standard **28 C.F.R. §115.41** indicates that a prison or jail inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening, or sooner, if clinically indicated. **(28 C.F.R. §115.81[b])** In addition, when information becomes available relating to perpetration of inmate-on-inmate sexual abuse history, a mental health evaluation ***shall*** be conducted on these abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. **(28 C.F.R. §115.83[h])**
4. Any information related to sexual victimization or abusiveness occurring in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans, security and management decisions, including housing, bed placement, work, education, and program assignments, or otherwise required by Federal, State, or local law. **(28 C.F.R. §115.81[d])**

5. Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18. **(28 C.F.R. §115.81[e])**. The **DC-484, Mental Health Informed Consent Form** *shall* be used for this purpose in accordance with Department policy **13.8.1, “Access to Mental Health Care**. If the inmate refuses to sign, it shall be noted on the **DC-484** and signed by the witness and maintained in the medical record.

E. Training

1. Employee Training (Basic Training)

- a. The PCM, in conjunction with the Training Coordinator at each facility, shall ensure that all **employees who have contact with inmates receive the following training: (28 C.F.R. §115.31[a])**
 - (1) the zero tolerance policy against sexual abuse and sexual harassment within the Department; **(28 C.F.R. §115.31[a][1])**
 - (2) how staff are to fulfill their responsibilities under the Department’s sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures as defined in this policy; **(28 C.F.R. §115.31[a][2])**
 - (3) inmates’ right to be free from sexual abuse and sexual harassment; **(28 C.F.R. §115.31[a][3])**
 - (4) the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment; **(28 C.F.R. §115.31[a][4])**
 - (5) the dynamics of sexual abuse and sexual harassment in confinement; **(28 C.F.R. §115.31[a][5])**
 - (6) the common reactions of sexual abuse and sexual harassment victims; **(28 C.F.R. §115.31[a][6])**
 - (7) how to detect and respond to signs of threatened and actual sexual abuse; **(28 C.F.R. §115.31[a][7])**
 - (8) how to avoid inappropriate relationships with inmates; **(28 C.F.R. §115.31[a][8])**
 - (9) how to communicate effectively and professionally with inmates, including LGBTI or gender nonconforming inmates; and **(28 C.F.R. §115.31[a][9])**
 - (10) how to comply with relevant laws of Pennsylvania related to mandatory reporting of sexual abuse to outside authorities. **(28 C.F.R. §115.31[a][10])**

- b. Newly hired staff members **shall** receive this training as part of basic training at the Training Academy.
- c. Beginning in **2016**, and every **even** numbered year thereafter, the annual PREA education **shall** be provided in the form of a refresher of the initial basic staff training information for all staff members. Staff **shall** be required to verify that they have received the updates and understand the included items on the **PREA Training and Understanding Verification Form (Attachment 2-F)** to be kept in the staff member's training file in accordance with **Section 1** of this procedures manual. **(28 C.F.R. §115.31[c][d])**
- d. Beginning in **2017** and every **odd** numbered year thereafter, the annual PREA education **shall** be provided in the form of an update to this procedures manual for all staff members. Staff **shall** be required to verify that they have received the information and understand the included items on the **PREA Training and Understanding Verification Form**. This information **shall** be kept in the **employee's** training file in accordance with **Section 1** of this procedures manual. **(28 C.F.R. §115.31[c][d])**
- e. Staff **shall** receive training in accordance with Department policy **5.1.1, "Staff Development and Training."** Such training shall be tailored to the gender of the inmates at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa. **(28 C.F.R. §115.31[b])**

2. Specialized Staff Training

a. Investigations

- (1) Any staff designated to conduct sexual abuse investigations shall receive training in accordance with **28 C.F.R. §115.34[a]**.
 - (a) This specialized training **shall** include, but is not limited to: interviewing sexual abuse victims, proper use of *Miranda* warnings, the *Garrity* rule, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecutorial referral. **(28 C.F.R. §115.34[b])**
 - (b) This training **shall be developed by the PCD and standardized for Department wide training purposes.**
- (2) This specialized training **shall occur** on an annual basis unless it is deemed necessary to be held more frequently by the statewide PREA Coordinator or Facility Manager.
- (3) Staff **shall** be required to sign off that they have received the information and understand the included items on the **PREA Training and Understanding**

Verification Form unless completed through web-based training. This information **shall** be kept in the staff member's training file in accordance with **Section 1** of this procedures manual. **(28 C.F.R. §115.34[c])**

- (4) The Department, any state entity, or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations. **(28 C.F.R. §115.34[d])**

b. Medical/Mental Health Practitioners

- (1) Any staff providing medical/mental health services, whether on a full or part-time status, shall receive additional training on working with victims of sexual abuse and sexual harassment. **(28 C.F.R. §115.35[d])** For the purposes of this training requirement, medical staff **shall** include all licensed medical staff, as well as non-licensed contact medical staff such as dental assistants, Correctional Health Care Administrators (CHCAs), and contracted provider staff.
 - (a) This specialized training **shall** include, but is not limited to: how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence of sexual abuse, how to respond effectively and professionally to victims of sexual abuse and sexual harassment, and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment. **(28 C.F.R. §115.35[a][1][2][3][4])**
 - (b) This training shall be **developed by** the **PCD and standardized for Department wide training purposes.**
 - (c) All new medical/mental health staff shall receive this training within the first **six** months of employment with the Department. **The training shall either be provided by the current contracted medical health provider or locally by staff who have been trained.**
 - (d) Staff **shall** be required to sign off that they have received the information and understand the included items on the **PREA Training and Understanding Verification Form**. This information **shall** be kept in the **employee's** training file in accordance with **Section 1** of this procedures manual. **(28 C.F.R. §115.35[c])**

c. Contractors and Volunteers

- (1) Contractors and volunteers (to include contract service providers, public visitors, or Non-Department Employees) **shall** receive training on their responsibilities under the Department's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. They **shall** be trained during orientation sessions and annual training reflective of the level of contact that they have with inmates. **(28 C.F.R. §115.32[a])**

- (a) Level 1 – For contractors and volunteers **who** have a high level of contact (five hours or more per week on average) with inmates, the training shall be the same as regular staff members receiving both pre-service and annual training. **(28 C.F.R. §115.32[b])**

 - (b) Level 2 – For volunteers **who** have a sporadic level of contact (less than five hours per week on average) with inmates, **they** shall receive a brief orientation by the volunteer coordinator/designee to include information on the Department’s zero tolerance policy, how to make a report, and to whom to make a report. The **Contractors/Volunteers PREA Training (Attachment 2-G)** shall be utilized for training with Level 2. The Volunteer Coordinator/designee shall be responsible for providing the **Contractors/Volunteers PREA Training** to all Level 2 volunteers. Once this information is reviewed, the trainee shall keep a copy of the **Contractors/Volunteers PREA Training**.

 - (c) Level 2 – For contractors **who** have a sporadic level of contact (less than five hours per week on average) with inmates, **they** shall receive a brief orientation by the **Security Office in conjunction with the Security Briefing required by Department policy 6.3.1** to include information on the Department’s zero tolerance policy, how to make a report, and to whom to make a report. The **Contractors/Volunteers PREA Training** shall be utilized for training with Level 2. The **Security Office in conjunction with the Security Briefing required by Department policy 6.3.1** will be responsible for providing this outline to all Level 2 contractors. Once this information is reviewed, the trainee shall keep a copy of the **Contractors/Volunteers PREA Training**.
- (2) All contractors and volunteers shall be required to sign and acknowledge the **PREA Training and Understanding Verification Form. (28 C.F.R. §115.32[b])** The Volunteer Coordinator at each facility shall be responsible for documenting the PREA training that each volunteer has received and maintain the documentation in the volunteer file in accordance with **Section 1** of this procedures manual. PCMs shall be responsible for maintaining **PREA Training and Understanding Verification Forms** for all contractors. PREA Training shall be effective for a period of one year. **(28 C.F.R. §115.32[c])**

 - (3) Any contractor or volunteer that has multi-facility access should request and maintain a copy of the **PREA Training and Understanding Verification Form** for provision to the PCM or Volunteer Coordinator at each subsequent facility.

F. Inmate Education²

Each facility shall provide inmate education explaining the zero tolerance policy regarding sexual abuse and sexual harassment, and how to report incidents or suspicions of sexual abuse, sexual harassment or retaliation, and what to do if he/she is the victim of such. This information shall be provided in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills. **(28 C.F.R. §115.33[d])**

1. During the intake process, all inmates, including Parole Violators (PVs), shall receive information explaining the zero tolerance policy regarding sexual abuse and sexual harassment, and how to report incidents or suspicions of sexual abuse, sexual harassment or retaliation, and what to do if he/she is the victim of sexual abuse, sexual harassment, or retaliation. Medical **shall** provide a copy of the **Sexual Assault Awareness Informational Handout (Attachment 2-H)** to the inmate immediately upon intake. **(28 C.F.R. §115.33[a][b])**.
2. Within the first 30 days of reception, additional information **shall** be provided to all inmates, including PVs, either during orientation at the Diagnostic and Classification Center (DCC) and reception sites, or upon return to Department custody. All inmates **shall** be shown a video regarding their rights to be free from sexual abuse, sexual harassment, and retaliation. They **shall** also be provided information regarding Department policies and procedures for responding to such incidents. Inmate education may be provided to inmates individually or in groups. A staff member must be present at all times to facilitate discussion, in conjunction with the **National PREA Resource Center Inmate Education Facilitator's Guide PREA: What You Need To Know (Attachment 2-I)** and to answer questions. **(28 C.F.R. §115.33[b])**.
3. The PREA video, "PREA: What You Need To Know" is available for use. Each facility shall have access to this video in Spanish and English, with subtitles. **(28 C.F.R. §115.33[d])**
 - a. An intake counselor shall remain in the room during the playing of the video to observe inmates, looking for reactions.
 - b. Additionally, the intake counselor shall ask questions, as outlined in the **Facilitator's Guide**, at the end of the video to determine comprehension of the materials.
 - c. The intake counselor shall offer to meet privately with any inmates if they request to discuss issues related to the video.
4. An inmate who did not receive the education at the DCC shall receive this training within one year of the effective date of the PREA Standards. This education may be provided as a group presentation or individually during the inmate's annual/semi-annual case review, as needed. **(28 C.F.R. §115.33[c])**

² 4-4281-1

NOTE: Any inmate that is transferred must receive education upon transfer, only to the extent that the policies and procedures of the inmate's new facility differs from those of the previous facility. **(28 C.F.R. §115.33[c])**

5. The PREA video is to be played a minimum of two times each month over the inmate television channel. **(28 C.F.R. §115.33[f])**
6. During the inmate's annual review, the counselor **shall** discuss issues related to sexual abuse in prison and offer the inmate an opportunity to discuss related concerns. The counselor **shall** provide a **Sexual Assault Awareness Informational Handout** at the time of his/her annual review.
7. Sexual abuse, sexual harassment, and retaliation training shall be documented by the inmate signing the **PREA Inmate Education Verification Form (Attachment 2-J)**. This form **shall** be filed in the **DC-14** in accordance with **Section 1** of this procedures manual. **(28 C.F.R. §115.33[e])**. Provision of PREA Inmate Education shall be documented in an **Inmate Cumulative Adjustment Record (ICAR)** entry.

POLICY STATEMENT

The Prison Rape Elimination Act (PREA) standards were enacted into law in 2003 to study and address prison sexual violence. Sexual abuse is against the law. The concept of “zero tolerance” is the foundation of the PREA standards. Every provision of the standards is rooted in the notion that even one incident of sexual abuse or sexual harassment in prison settings is too many. Zero tolerance means that no sexual abuse or sexual harassment is tolerated, including abuse by inmates and by staff. **(28 C.F.R. §115.32[b])**

- Anyone who engages in, fails to report, or knowingly condones sexual abuse or sexual harassment of an inmate shall be subject to disciplinary action and may be subject to criminal prosecution.
- An inmate, employee, contract service provider, volunteer, and/or any individual who has business with or uses the resources of the Department is subject to disciplinary action and/or sanctions, including possible dismissal and termination of contracts and/or services, if he/she is found to have engaged in sexual harassment or sexual contact with an inmate.
- A claim of consent will not be accepted as an affirmative defense for engaging in sexual abuse or sexual harassment of an inmate.

DEFINITIONS

Sexual Abuse of an inmate by a staff member, contractor, or volunteer includes any of the following acts, with or without the consent of the inmate:

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

PENNSYLVANIA DEPARTMENT OF CORRECTIONS
CONTRACTORS/VOLUNTEERS
PREA Training

(28 C.F.R. §115.32)

- 8) Voyeurism by a staff member, contractor, or volunteer. Voyeurism means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

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 directed toward another.
- 2) Repeated verbal comments or gestures of a sexual nature to an inmate 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.

PROHIBITIONS

Contractors or Volunteers who provide services to the Pennsylvania Department of Corrections, can be criminally charged for violating Pennsylvania State Law 18 PA. CONS. STAT. §3124.2 defines Institutional Sexual Assault as a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse, or indecent contact with an inmate, detainee, patient, or resident.

REPORTING REQUIREMENTS

Staff members, contract service providers, and volunteers are required to report incidents or suspicions of sexual abuse or sexual harassment. Private reports can also be submitted to the Sexual Abuse Reporting Address established by the Pennsylvania State Police; the address is **BCI/PREA Coordinator, 1800 Elmerton Ave., Harrisburg, PA 17110. (28 C.F.R. §115.32[b])**

What is Prison Sexual Assault?

Sexual assault can include both *sexual abuse* and *sexual harassment* by another inmate, staff member, contractor or volunteer.

Types of Sexual Abuse and Sexual Harassment:

- Inmate-on-Inmate: One or more inmates engaging in or attempting to engage in a non-consensual sexual act. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, touching, gestures or actions of a derogatory or an offensive sexual nature by one inmate directed towards another inmate.
- Staff on Inmate: Staff engaging in, requesting, threatening or attempting to engage in a sexual act with an inmate. Staff behavior can include indecent exposure or inappropriate contact with the genitals through or under the clothing, inappropriate surveillance of inmates, demeaning comments about gender and body or comments of a sexually offensive nature.

*Even if someone has agreed to sexual acts previously, it does not mean that they are agreeing in the future.

*Anyone can stop or change their mind during a sexual act. If this happens, both parties should stop.

*If someone is engaging in a "relationship" with someone, it does not mean that they automatically are agreeing to sexual acts with that person or any other person.

*If someone is a known or believed to be LGBTI, it does not mean they are automatically agreeing to sexual acts.

Understanding Consent

Sexual assault happens when consent is not given freely, like when:

- *sexual favors are given in exchange for commissary or protection,
- *someone is manipulated, threatened or intimidated into a sexual act or
- *a threat or attempt of or physical violence is used.

.....
 : The Department's goal is to ensure the safety of all incarcerated
 : individuals. Any form of sexual abuse or sexual harassment will
 : not be tolerated. Any persons found to have engaged in sexual
 : harassment or sexual abuse against another person is subject to
 : disciplinary action and/or sanctions, including possible dismissal
 : and termination of contracts and/or services.
 :

Attachment 2-H 1 of 2

What To Do If You Have Been Sexually Assaulted?

After being sexually assaulted, it can be difficult to know what to do or feel. It is normal to have a lot of different feelings. It is important to know that this is not your fault and you are not alone. But, there are a few things you can do after being sexually assaulted to be safe.

1. Tell a staff member you trust as soon as possible.
2. Although it may be difficult, seek medical attention **BEFORE** you shower, eat, drink, change clothing, brush your teeth or use the bathroom. This is to preserve evidence.
3. *Save any other evidence of the abuse.*
4. Give as much information as possible to the questions you are asked. Share any concerns for your safety with staff, including threats of retaliation.
5. Use the outside rape crisis center for counseling and support.

How Can You Report A Sexual Abuse or Sexual Harassment?
(28 C.F.R. §115.33)

- Tell any Department of Corrections Staff Member that you trust.
- Make a written request to any staff member.
- Send a written report to the Sexual Abuse reporting address:
BCI/PREA Coordinator
1800 Elmerton Ave.
Harrisburg, PA 17110
- Have your family notify the facility or contact the PA State Police.

***Victims of Sexual Abuse Have
Access to Support Services
Free of Charge***

Write to request more information:

PCAR
Pennsylvania Coalition
Against Rape
P.O. Box 400
Enola, PA 17025

***You may also contact your
facility's PREA Compliance***

Attachment 2-H 2 of 2

¿Qué es la Agresión Sexual en Prisión?

La agresión sexual incluye el *abuso sexual* y *acoso sexual* por parte de otro interno, miembro del personal, contratista o voluntario.

Tipos de Abuso Sexual y Acoso Sexual:

- Interno contra Interno: Uno o más internos que participan en; o en un intento por participar en un acto sexual no consensual. Acercamientos repetidos y poco gratos, peticiones de favores sexuales, comentarios verbales, tocamientos, gestos o acciones de una naturaleza sexual despectiva u ofensiva por parte de un interno hacia otro interno.
- El Personal contra el Interno: El personal que participa en, solicita, amenaza o intenta participar en un acto sexual con un interno. El comportamiento del personal puede incluir exposición indecente o contacto inadecuado con los órganos genitales a través de, o por debajo de la ropa, vigilancia inadecuada para los internos, comentarios degradantes sobre el género y cuerpo; o comentarios de una naturaleza sexual ofensiva.

*Incluso si alguien ha accedido previamente a participar en actos sexuales, no significa que accederán en el futuro.

*Cualquiera puede detenerse o cambiar de opinión durante el acto sexual. Si esto sucede, ambas partes deben detenerse.

*Si alguien participa en una "relación" con alguien más, no significa que están accediendo automáticamente a participar en actos sexuales con esa persona o cualquier otra persona.

*Si se cree que alguien es; o se sabe que es LGBTI, no significa que automáticamente accederán a participar en actos sexuales.

Entendiendo el Consentimiento

Las agresiones sexuales suceden cuando el consentimiento no se da libremente, como cuando:

*los favores sexuales se dan a cambio de economato o protección,

*alguien que es manipulado, amenazado o se intimidado en un acto sexual o

*una amenaza o una tentativa de; o el uso de violencia física.

La meta del Departamento es garantizar la seguridad de todos los individuos encarcelados. Ninguna forma de abuso sexual o acoso sexual será tolerada. Cualquier persona que se descubra que haya participado en una actividad de acoso sexual o abuso sexual en contra de otra persona, se hará acreedor de una acción disciplinaria, incluyendo el despido o la finalización de contratos y/o servicios.

Anexo 2-H 1 de 2

¿Qué Puedes Hacer Si Has Sido Agredido Sexualmente?

Después de ser agredido sexualmente, puede ser difícil saber que hacer o como sentirse. Es normal el tener muchos sentimientos a la vez. Es importante saber que no es tu culpa y que no estás solo. Pero, para tu seguridad, hay algunas cosas que puedes hacer después de haber sido agredido sexualmente.

1. Cuéntale lo antes posible a un miembro del personal que sea de tu confianza.
2. Aunque puede ser difícil, pide atención médica **ANTES** de bañarte, comer, beber, cambiar de ropa, lavar los dientes o usar el baño. Esto es para preservar la evidencia.
3. *Guarda cualquier tipo de evidencia del abuso.*
4. Brinda toda la información posible a las preguntas que se te harán. Por tu seguridad, comparte cualquier preocupación con los miembros del personal, incluyendo amenazas de venganza.
5. Utiliza el centro externo de crisis por violación para recibir orientación y asistencia.

¿Cómo Puedes Reportar el Abuso Sexual o el Acoso Sexual?

(§115.33)

- Cuéntale a cualquier miembro del personal del Departamento de Correccionales que sea de tu confianza.
- Haz una petición por escrito a cualquier miembro del personal.
- Envía un reporte por escrito a la dirección de reportes por Abuso Sexual:

BCI/PREA Coordinator 1800
Elmerton Ave.
Harrisburg, PA 17110

- Pídele a tu familia que notifique el centro o que contacte a la Policía Estatal de Pennsylvania.

Las Víctimas de Abuso Sexual Tienen Acceso a Servicios de Asistencia Gratuitos

Escribe una petición para recibir mayor información en:

PCAR
Pennsylvania Coalition Against Rape
(Coalición de Pennsylvania Contra la Violación) P.O. Box 400
Enola, PA 17025

También podrás contactar al PREA Compliance en tu centro

Anexo 2-H 2 de 2

PREA Inmate Education Verification Form

Under DC-ADM 008, Section 2, inmates of the Department of Corrections are required to participate in and acknowledge understanding and comprehension of annual PREA training.

Inmate Name: _____ Inmate #: _____

Facility: _____

Date of Training: _____

*I acknowledge on this date _____ I received and understand the training on the Prison Rape Elimination Act (PREA). I understand that the Department of Corrections maintains a zero tolerance policy in regard to inmate sexual abuse, sexual harassment and retaliation. I have an obligation to report **ALL** forms of sexual abuse **and** sexual harassment.*

Inmate Signature: _____

Date _____

Witness Signature: _____

Date _____

CC: DC-14

PREA Inmate Education Verification Form (Spanish)
PREA Formulario de Verificación de la Educación Recluso

En la sección 2 de DC-ADM 008, el Departamento de Correcciones se requieren los reclusos para participar y reconocer entendimiento y la comprensión de la formación anual PREA.

Nombre de Recluso: _____ Numero de Recluso: _____

Facilidad: _____

Fecha de la Capacitación: _____

*Reconozco en esta fecha _____ he recibido y entiendo la capacitación en la Eliminación de Violación en Prisión (PREA). Entiendo que el departamento de correcciones mantiene una política de tolerancia cero en lo que respecta a los reclusos el abuso sexual, el acoso sexual y las represalias. Tengo la obligación de denunciar **todas** las formas de abuso sexual y el acoso sexual.*

Firma Recluso: _____

Fecha: _____

Firma de un Testigo: _____

Fecha: _____

CC: DC-14

Section 3 – Reporting Sexual Abuse and Sexual Harassment

A. General

1. A report, complaint, or allegation of sexual abuse, sexual harassment, or retaliation as defined in the glossary of terms for this procedures manual, staff neglect or violation of responsibilities that may have contributed to such incidents can be reported by several means, as outlined below. **(28 C.F.R. §115.51[a])**
2. Anyone who reports sexual abuse, sexual harassment, or retaliation should provide as many details as possible regarding the incident(s), including the following information:
 - a. comprehensive description of incident(s);
 - b. names of all parties involved;
 - c. date(s);
 - d. time(s);
 - e. place(s) of alleged incidents; and
 - f. witness(es), if any.
3. Staff shall accept and document reports made verbally, in writing, anonymously, and from third parties and promptly forward to the facility's designated investigators. **(28 C.F.R. §115.51[c]) (28 C.F.R. §115.61[e])**
4. All reports received by the Sexual Abuse Reporting Address, established for the anonymous reporting of sexual abuse **or** sexual harassment to the Pennsylvania State Police (PSP), shall be handled as follows: **(28 C.F.R. §115.51[b])**
 - a. when the PSP receives **Prison Rape Elimination Act (PREA)-related complaint** correspondence at this address, the letter **shall** be scanned and emailed to the Department's PREA Notification email address (**CR, DOC PREA Notification**) for tracking purposes and dissemination to the appropriate facility;
 - b. the **PREA Compliance Division (PCD)** is responsible to check the email box daily (business days only) for follow-up and **referral purposes**; and
 - c. this information shall be maintained within the investigative file, in accordance with **Section 1** of this procedures manual.
5. If the alleged victim is under the age of 18, the Department shall refer the allegation to the designated State or local services agency under applicable mandatory reporting laws as outlined in Department policy **1.1.16, "Mandatory Reporting Guidelines."** **(28 C.F.R. §115.61[d])**

B. Methods of Reporting for Inmates¹

1. An inmate who is **an alleged** victim of any of the following **shall** report the abuse to a staff member as soon as possible:
 - a. sexual abuse;
 - b. sexual harassment;
 - c. retaliation by other inmates or staff for reporting sexual abuse and sexual harassment; and/or
 - d. staff neglect or violation of responsibilities that may have contributed to such incidents. **(28 C.F.R. §115.51[a])**
2. A report may be made to any staff member in the facility including, but not limited to, Medical staff, Psychology staff, Corrections Officers, and Counselors. **(28 C.F.R. §115.51[c])**
3. As soon as a staff member, contractor, or volunteer receives a report of sexual abuse **or sexual harassment**, either verbally or in writing, **he/she is** required to notify the Shift Commander immediately. The required process for making this report is outlined in **Subsection C. below. (28 C.F.R. §115.51[c])**
4. Methods of reporting include the following: **(28 C.F.R. §115.51[a])**
 - a. verbal report to a staff member;
 - b. submitting a **DC-135A, Inmate Request to Staff Member**; and/or
 - c. submitting a written report to the Sexual Abuse Reporting Address: BCI/PREA Coordinator, 1800 Elmerton Avenue, Harrisburg, PA 17110.
5. These written reports may be submitted, either as identified above, or through the facility grievance lock-boxes located on every housing unit within the facility. These lock-boxes are accessed only by an approved management staff, and reports **shall** be forwarded for review and action, as outlined within this policy. Inmates shall utilize the inmate grievance system in accordance with Department policy **DC-ADM 804, “Inmate Grievance System,”** to report inmate-on-inmate sexual harassment allegations, which include repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, gestures, or actions of a derogatory or offensive sexual nature.
6. Inmates shall not utilize the inmate grievance system to report **sexual abuse or sexual harassment** by a staff member or inmate-on-inmate sexual **abuse**, as defined in the Glossary of Terms for this procedures manual. However, if an inmate files a grievance

¹ 4-4281-7

related to **staff on inmate sexual abuse/sexual harassment or inmate on inmate** sexual abuse, the **Facility Grievance Coordinator** shall reject the grievance and forward it to the facility Security Office **and PREA Compliance Manager (PCM)/designee** for tracking and investigation. The inmate **shall** be notified of this action.

NOTE: The Security Office/PCM/designee shall be responsible for notifying the Shift Commander for any allegations requiring the implementation of checklist procedures as outlined in Section 4 of this procedures manual. (28 C.F.R. §115.52[a])

7. Every inmate must be provided with immediate access to at least one of the methods indicated above through which he/she may **privately** report sexual abuse **and** sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. **(28 C.F.R. §115.51[a])**

C. Methods of Reporting for Staff, Contractors, and Volunteers

1. Any staff member, contract service provider, and volunteer shall immediately report to the Shift Commander if he/she has knowledge, suspicion, or information regarding any of the following:
 - a. sexual abuse of an inmate;
 - b. sexual harassment of an inmate that occurred in a facility;
 - c. retaliation against inmates or staff who reported such an incident; and/or
 - d. staff neglect or violation of responsibilities that may have contributed to an incident or retaliation

NOTE: The incidents listed above may have occurred in any **confinement** facility, whether or not it is affiliated with the Department. **(28 C.F.R. §115.61[a])**

2. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse in accordance with **Subsection C.1. above**, to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services. **(28 C.F.R. §115.61[c])**
3. Verbal reports **shall** be immediately documented on the **DC-121, Part 3, Employee Report of Incident**. Written **DC-135A** regarding PREA allegations shall be retained in the appropriate investigative file in accordance with **Section 1** of this procedures manual. Reports **shall** be held in strict confidence and **shall** precipitate the immediate commencement of an investigation. **(28 C.F.R. §115.61[a])**
4. A **DC-121, Part 2, Extraordinary Occurrence Report** shall be filed in every **sexual abuse allegation in accordance with Department policy 6.3.1, "Facility Security."**

Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse **allegation** to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions, where sexual abuse with an inmate is reported. **(28 C.F.R. §115.61[b])**

5. The Sexual Abuse Reporting Address is an option for an employee, contract service provider, or volunteer to privately report an allegation of sexual abuse, sexual harassment, or retaliation. **(28 C.F.R. §115.51[d])** *The reporting address is:* BCI/PREA Coordinator, 1800 Elmerton Avenue, Harrisburg, PA 17110, as outlined on the [PREA Reporting Poster \(Attachment 3-A\)](#).

A writer may choose to include his/her name and contact information, but it is not necessary in **making a report**, **complaints can be made anonymously**.

D. Methods of Reporting for Friends, Family, and the General Public

1. The Sexual Abuse Reporting Address is an option for the general public to report an allegation of sexual contact. *The reporting address is:* BCI/PREA Coordinator, 1800 Elmerton Avenue, Harrisburg, PA 17110.
2. A writer may choose to include **his/her** name and contact information, but it is not necessary in making a report; **complaints can be made anonymously**. **(28 C.F.R. §115.54)**

E. Inter-Facility Reports

1. Reporting to Other Confinement Facilities
 - a. An inmate may file a report of sexual abuse sustained while confined at another facility. **(28 C.F.R. §115.63[a])**
 - b. It is the Facility Manager/designee's responsibility to notify the head of the facility in which the reported abuse occurred. **(28 C.F.R. §115.63[a])** Notification must be provided as soon as possible, but no later than 72 hours after receipt of information and documented on the [Notification of Sexual Abuse Allegation to Another Facility \(Attachment 3-B\)](#). This document shall be maintained by the PCM in an annual file for audit verification purposes in accordance with **Section 1** of this procedures manual. **(28 C.F.R. §115.63[b][c])**
 - c. A copy of the notification must also be sent to the facility PCM **for audit verification** purposes.
 - d. **Both** PCMs shall coordinate the information flow to ensure:
 - (1) a thorough and expedient **investigative process follows**; and

- (2) the inmate receives information regarding the **investigative outcome** in a confidential and timely manner as to comply with **Section 8** of this procedures manual.

2. Reports Received from Other Confinement Facilities

- a. Upon receipt of an allegation from another facility that an inmate was sexually abused while confined at that location, the Facility Manager/designee at the receiving facility shall document the receipt of the allegation on the **Notification of Sexual Abuse Allegation to Another Facility. (28 C.F.R. §115.63[a][d])**
- b. The Facility Manager/designee shall immediately notify the Security Office to initiate a PREA investigation as outlined in **Section 5** of this procedures manual. **(28 C.F.R. §115.63[d])**

NOTE: The Security Office/PCM/designee shall be responsible for notifying the Shift Commander for any allegations requiring the implementation of checklist procedures as outlined in Section 4 of this procedures manual. (28 C.F.R. §115.52[a])

- c. The Facility Manager/designee shall send notification and supporting documentation to the facility PCM within five working days of the receipt of the allegation.

F. Protection Against Retaliation

The Department **shall** protect all inmates and staff **who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations** from retaliation by other inmates or staff. **(28 C.F.R. §115.67[a])**

1. Retaliatory action is prohibited against an inmate, staff member, or other individual who reports sexual abuse, sexual harassment, or provides information during an investigation. Any individual, who seeks to deter an inmate or other individual from reporting sexual activity, or who in any manner, harasses or intimidates any person who reports the alleged contact is subject to discipline. **(28 C.F.R. §115.67[a])**
2. **The Deputy Superintendent for Centralized Services (DSCS) shall meet with any staff that require retaliation monitoring due to report of sexual abuse or sexual harassment, or because of an expressed fear of retaliation due to cooperation with an investigation of inmate sexual abuse or sexual harassment, per PREA Standard (28 C.F.R. §115.67[a][c][e]) and in accordance with Section 3 of this procedures manual. Contact shall be made with the identified staff for at least 90 days and documented on the Department Retaliation Monitoring Form (refer to Section 2, Attachment 2-B).**
3. The Department shall employ multiple protection measures, such as housing changes or transfer for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victim. The Department shall also make available emotional support services

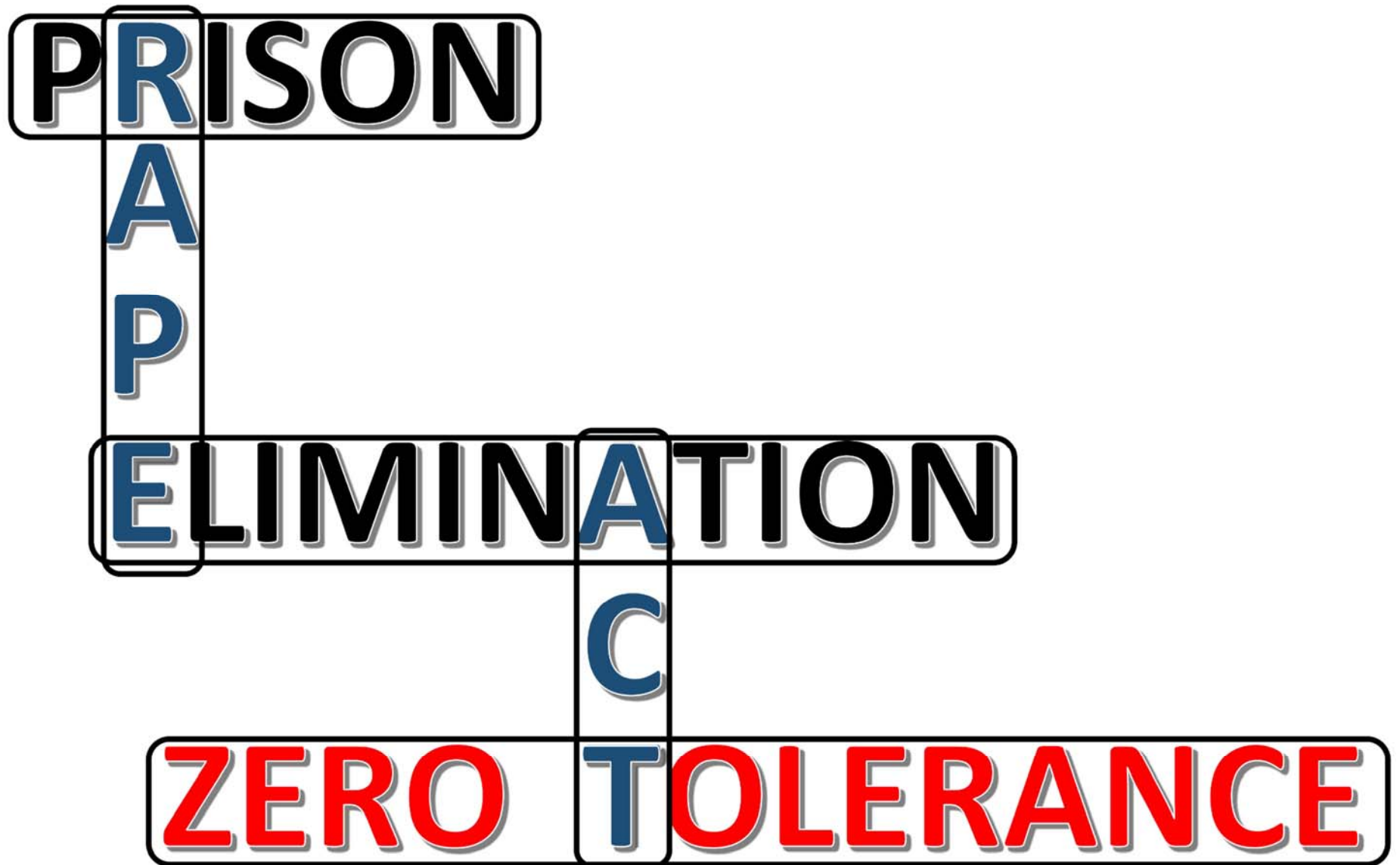
DC-ADM 008, Prison Rape Elimination Act (PREA) Procedures Manual
Section 3 – Reporting Sexual Abuse and Sexual Harassment

for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment, or for cooperating with investigations. **(28 C.F.R. §115.67[b])**

4. For at least 90 days following a report of sexual abuse, the Department shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse **or sexual harassment**, and of inmates who were reported to have suffered sexual abuse **or sexual harassment** to see if there are changes that may suggest possible retaliation by inmates or staff and shall act promptly to remedy such retaliation. Items the Department shall monitor include:
 - a. **disciplinary reports**;
 - b. housing reports;
 - c. program changes;
 - d. negative performance reviews; and
 - e. reassignments of staff.

NOTE: The Department shall continue monitoring beyond 90 days if the initial monitoring indicates a continuing need. **(28 C.F.R. §115.67[b][c])**

5. Additionally, if any other individual who cooperates with an investigation expresses fear of retaliation, the Department shall take appropriate measures to protect that individual against retaliation. **(28 C.F.R. §115.67[e])**
6. Retaliation monitoring **shall** be documented on the **Department Retaliation Monitoring Form** (refer to **Section 2, Attachment 2-B**), and maintained in accordance with **Section 1** of this procedures manual. **The Department shall continue to monitor for retaliation upon inter-facility transfer. The PCM/designee shall be responsible for forwarding the Department Retaliation Monitoring Form to the receiving facility's PCM/designee for continuation of the monitoring obligation.**
7. The Department's obligation to monitor shall terminate if the **inmate is released from custody** or the investigation is determined to be unfounded. **(28 C.F.R. §115.67[f])**



Anyone who engages in, fails to report, or knowingly condones sexual harassment or sexual abuse of an inmate shall be subject to disciplinary action and may be subject to criminal prosecution.

PREVENT, DETECT, RESPOND to RAPE in Confinement Settings

Methods of Reporting for Inmates

- Verbal or written report to any staff member.
- Submission of a DC-135A, Inmate Request to Staff Member.
- Incidents of sexual abuse, sexual harassment, and retaliation can be reported in writing by sending correspondence through the mail to the BCI/PREA Coordinator at 1800 Elmerton Avenue, Harrisburg, PA 17110.
- Request more information from the Pennsylvania Coalition Against Rape, P.O. Box 400, Enola, PA 17025.

Methods of Reporting for Staff, Contractors, and Volunteers

- Verbal report to the Security Captain or Shift Commander.
- Submission of a written Incident/Extraordinary Occurrence report.
- Incidents of sexual abuse, sexual harassment, and retaliation can be reported in writing by sending correspondence through the mail to the BCI/PREA Coordinator at 1800 Elmerton Avenue, Harrisburg, PA 17110.

Acta Para Eliminar Abuso Sexual En Prisión

CERO TOLERANCIA

Cualquiera que participe, falle en reportar, o condone a sabiendas acoso o abuso sexual de un confinado, será sujeto a procesamiento de disciplina y aun puede ser sujeto a procesamiento criminal.

PREVENIR, DETECTAR, RESPONDER Al Abuso Sexual en Ambiente de Confinados

Métodos para Reportar de Confinados:

- Reporte oral o por escrito a cualquier miembro del personal
- Someter forma DC-135A, Solicitud de Confinado a Miembro de Personal
- Incidentes de abuso sexual, acoso sexual y represalias pueden ser reportados por escrito enviándolo por correspondencia a la dirección BCI/PREA Coordinator 1800 Elmerton Avenue, Harrisburg, PA 17110.
- Pedir más información de la Coalición en Contra del Abuso Sexual de Pennsylvania, P.O. Box 400, Enola, PA 17025.

Métodos para Reportar por Miembros de Personal, Contratistas y Voluntarios:

- Reporte verbal al Capitán de Seguridad o al Comandante de Turno.
- Someter reporte por escrito de reporte Incidente/Evento Extraordinario (Incident/Extraordinary Occurrence report)
- Incidentes de abuso sexual, acoso sexual y represalias pueden ser reportados por escrito enviándolo por correspondencia a la dirección BCI/PREA Coordinator 1800 Elmerton Avenue, Harrisburg, PA 17110.

Section 4 – Responding to Reports of Sexual Abuse

The facility shall develop a written facility plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership. **(28 C.F.R. §115.65)**

A. First Responder Duties

Upon learning of an allegation that an inmate was sexually abused, the first staff member to respond shall follow the procedures below.

1. Security staff shall:
 - a. notify the **Shift Commander**;
 - b. immediately separate the alleged victim and alleged abuser; **(28 C.F.R. §115.64[a][1])**
 - c. secure any reported crime scene until appropriate steps can be taken to collect evidence; and **(28 C.F.R. §115.64[a][2])**
 - d. if the abuse occurred within the last 96 hours that still allows for the collection of physical evidence, request the alleged victim and ensure that the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. **(28 C.F.R. §115.64[a][3][4])**
2. Non-Security staff shall:
 - a. immediately notify the **Shift Commander**; and **(28 C.F.R. §115.64[b])**
 - b. if the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence.

B. Shift Commander Responsibilities Involving Sexual Contact

Upon notification of a report of sexual abuse **involving sexual contact**, the Shift Commander/designated security staff shall initiate the **Shift Commander Checklist (Attachment 4-A)** and:

1. ensure that the alleged victim and alleged abuser are separated. **(28 C.F.R. §115.64[a][1])**. Determine the least traumatizing placement for the alleged victim, which may be the same or different general population unit;
2. secure any video, audio, or photographic evidence of the incident;

3. notify the Intelligence Gathering Captain, Deputy Superintendent for Internal Security (DSIS), or Security Lieutenant;
4. ensure that the **alleged** victim is immediately escorted to the Medical Department, if abuse involved physical contact; and
5. ensure completion of the **Initial Response Checklist – Alleged Victim (Attachment 4-B)**, and **Initial Response Checklist – Alleged Abuser (Attachment 4-C)** as applicable.

C. Shift Commander Responsibilities Non-Contact Abuse Allegations

Upon notification of a report of sexual abuse **not involving sexual contact**, the Shift Commander/designated security staff shall initiate the **Shift Commander Checklist** and:

1. ensure that the alleged victim and alleged abuser do not have further direct contact (**28 C.F.R. §115.64[a][1]**). Determine the least traumatizing placement for the alleged victim, which may be the same or different general population unit;
2. secure any video, audio, or photographic evidence of the incident;
3. notify the Intelligence Gathering Captain, DSIS, or Security Lieutenant; and
4. ensure completion of the **Initial Response Checklist – Alleged Victim of Non-Contact Abuse (Attachment 4-D)**.

D. Emergency Medical and Mental Health Treatment Services

1. General
 - a. **Alleged** inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. (**28 C.F.R. §115.82[a]**)
 - b. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the **alleged** victim, in accordance with Prison Rape Elimination Act (PREA) Standard **28 C.F.R. §115.62** and shall immediately notify the appropriate medical and mental health practitioners. (**28 C.F.R. §115.82[b]**)
 - c. Treatment services shall be provided to the **alleged** victim without financial cost and regardless of whether the **alleged** victim names the abuser or cooperates with any investigation arising out of the incident. (**28 C.F.R. §115.83[g]**) (**28 C.F.R. §115.21[c]**) (**28 C.F.R. §115.82[d]**)
 - d. All facilities shall provide alleged victims with medical and mental health services consistent with the community level of care. (**28 C.F.R. §115.83[c]**)

2. Medical

- a. The Medical Department shall follow the appropriate procedures contained in the **DC-586BB NET – Rape/Sexual Assault** in accordance with Department policy **13.2.1, “Access to Health Care,” Section 6, Appendix 6-A**, and the procedures listed below.
- b. The alleged victim shall be evaluated by facility medical personnel immediately, when there is an allegation of sexual abuse that involved physical contact, to ensure the absence of any injury requiring urgent treatment. The medical staff shall document any injuries on the **DC-457, Medical Incident/Injury Report** in accordance with Department policy **13.2.1, Section 6**.¹
- c. If the inmate refuses to undergo the *medical* exam, he/she must sign the **DC-462, Release from Responsibility for Medical Treatment** in accordance with Department policy **13.1.1, “Management and Administration of Health Care.”**
- d. Abuse Occurred Within the Past 96 Hours (Victim)

When abuse occurred within the past 96 hours and the alleged victim reports an allegation of vaginal, oral, and/or anal penetration by a body part or inanimate object, the following procedures shall be followed.

- (1) The alleged victim *shall* be immediately transported to an outside hospital to be examined by a medical professional who is skilled and experienced in the use of a rape kit for the collection of forensic evidence. In order to determine the appropriate medical facility for transport, the following is required:²
 - (a) the facility shall *attempt to enter into a* Memorandum of Understanding (MOU) with the medical facility; and **(28 C.F.R. §115.21[c])**
 - (b) the local hospital shall employ a Sexual Assault Nurse Examiner (SANE) or a Sexual Assault Forensic Examiner (SAFE).
- (2) Nursing shall complete a **DC-493, Emergency Room Transfer Form** and forward a copy to the hospital in accordance with Department policy **6.3.1, “Facility Security,” Section 22**. Any hospital records or reports returned with the inmate shall be maintained in the inmate’s medical record.
- (3) Security staff shall take steps to gather and/or preserve direct and circumstantial evidence, including any available physical or DNA evidence and shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. **(28 C.F.R. §115.71[c]) (28 C.F.R. §115.21[a])** Medical *shall* observe the evidence

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Effective: 5/19/2017

collection process in circumstances where the officer is of the opposite gender of the inmate. **Instructions for PREA Evidence Retention (Attachment 4-E)** have been provided as a sample guideline for this purpose.

- (4) Photographs are not to be taken of the alleged victim.
- (5) The facility physician/physician's assistant (PA)/nurse practitioner (NP) **shall** review recommendations from the hospital emergency room (ER).
- (6) If there are any questions, the ER physician shall be contacted.

e. Abuse Occurred Within the Past 96 Hours (Abuser)

When **sexual** abuse occurred within the past 96 hours and the allegation against the alleged abuser includes vaginal, oral, and/or anal penetration by a body part or inanimate object, the following procedures shall be followed for the alleged abuser.

- (1) The facility physician/PA/NP shall examine the alleged abuser.
- (2) Photographs of the alleged abuser may be taken, in accordance with Department policy **DC-ADM 001, "Inmate Abuse," Section 1**, to document injuries sustained during the abuse.
- (3) The facility physician/PA/NP **shall** determine the need for antivirals. This decision **shall** be based on the type and risk of Human Immunodeficiency Virus (HIV) exposure, if either inmate is known to be positive or negative and has been taking antivirals in the past, in accordance with Department policy **13.1.1, Section 5**. The facility physician/PA/NP may consult the National Post-Exposure Prophylaxis (PEP) Line (1-888-448-4911) and determine the need for antiviral medications.³

f. Abuse Occurred More than 96 Hours Ago (Victim & Abuser)

When **sexual** abuse occurred outside of the past 96 hours and the alleged victim reports an allegation of vaginal, oral, and/or anal penetration by a body part or inanimate object, the below listed procedures shall be followed for the alleged victim and abuser.

- (1) The facility physician/PA/NP shall examine the alleged victim.
- (2) Photographs shall not be taken, under any circumstances, to demonstrate the absence of injury. Photographs of the alleged victim may be taken, in accordance with Department policy **DC-ADM 001, Section 1**, to document injuries sustained during the abuse.

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- (3) The facility physician/PA/NP **shall** determine the need for antivirals. This decision **shall** be based on the type and risk of HIV exposure, if either inmate is known to be positive or negative and has been taking antivirals in the past in accordance with Department policy **13.1.1, Section 5**. The facility physician/PA/NP may consult the National PEP Line (1-888-448-4911) and determine the need for antiviral medications.⁴
- (4) Regardless of when an allegation of vaginal/oral/anal penetration occurred, the facility physician shall ensure that testing of the alleged victim for sexually transmitted **infections** is completed. At a minimum, this testing **shall** include the following:⁵
 - (a) HIV;
 - (b) Gonorrhea;
 - (c) Hepatitis C;
 - (d) Hepatitis B;
 - (e) Chlamydia trachomatis;
 - (f) Syphilis;
 - (g) Bacterial Vaginosis and Trichomoniasis;
 - (h) pregnancy test (females only); and
 - (i) other diseases as per the physician order.

g. For all **Sexual** Abuse Cases

- (1) Treatment **shall** be based upon results of testing, emergency room recommendations, and/or consultation with the PEP Line.
- (2) If pregnancy results from the sexual abuse, **alleged** victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services. **(28 C.F.R. §115.83[e])**
- (3) The alleged victim of sexual abuse shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. **(28 C.F.R. §115.82[c])**

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- (4) The alleged victim **shall** be referred to the facility Licensed Psychology Manager (LPM) for assessment, counseling, and/or treatment, as appropriate via the **DC-97, Mental Health Referral Form**.

3. Mental Health

- a. Psychological services **shall** follow the appropriate procedures as contained in Department policy **13.8.1, “Access to Mental Health Care.”**
- b. Psychology staff are responsible for interviewing all **alleged** victims and alleged perpetrators of sexual abuse within 24 hours of the allegation being made or as soon as normal facility operations permit. If the report is made during the timeframe when psychology staff are not on shift, such as a weekend or holiday, then this interview **shall** take place the next business day.⁶
 - (1) This interview should be conducted in a private area to ensure confidentiality, with no security staff present during the interview, unless there are documented security concerns.
 - (2) Prior to conducting the interview, the psychologist **shall** explain that, if indicated for the inmate’s protection, information disclosed **shall** be shared only on a need-to-know basis with indicated staff (i.e., Security Office, PREA Compliance Manager [PCM], Unit Manager, Counselor, Sexual Abuse Review Team, Pennsylvania State Police [PSP], etc.). The psychologist **shall** then have the inmate sign a **DC-484, Mental Health Informed Consent Document** (refer to Department policy **13.8.1, Attachment 2-K**).
 - (3) The purpose of the interview is to evaluate and assess the current level of cognitive, mental, and emotional functioning as well as to determine overall inmate safety (the current risk of self-harm or harm to others or the fear of harm by others). In addition, crisis intervention, education about expected reactions to stressful events, and the normalization of worrisome thoughts and emotions are provided. This interview and the report are neither conducted for the purposes of an investigation nor for the purpose of documenting and illuminating the inmate’s account of events and circumstances that allegedly took place as part of the incident.⁷
 - (4) The results of this interview shall be documented on the **DC-575, Post Sexual Assault Interview (Attachment 4-F)**. The **DC-575** form shall be filed under the Psychology section in the medical record.
 - (5) If indicated, a referral to Psychiatry for evaluation and possible follow-up treatment shall be initiated.

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E. Inmate Access to Outside Supportive Services

1. The Department works in collaboration with the Pennsylvania Coalition Against Rape (PCAR) and its member centers. The facility PCM, in conjunction with the statewide PREA Coordinator/**designee** has worked to establish mutual agreements with local rape crisis centers where all Department facilities are located. **(28 C.F.R. §115.53[c])**
2. The PCM shall ensure that inmates are offered and provided with access to outside victim advocates for emotional supportive services related to sexual abuse which has occurred in a confinement setting. During non-working hours, the Shift Commander **shall** be responsible to ensure the aforementioned support services. Supportive services may be provided via a variety of methods including in person, during a non-monitored phone call, and/or in writing. The preferred service delivery method is in person in a confidential setting. **(28 C.F.R. §115.53[a])**
3. The PCM shall inform inmates, 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. **(28 C.F.R. §115.53[b])**
4. An inmate **shall** be offered the opportunity to talk with a victim advocate upon receipt of an allegation and receive continued care when they have been a victim of facility sexual abuse, no matter if they reported the facility sexual abuse immediately or made a delayed disclosure.
 - a. If the inmate is taken to a local hospital for a forensic examination, they should be afforded the opportunity for support services provided by a victim advocate. If requested, the victim advocate **shall** meet the **alleged** victim at that hospital to accompany and support the **alleged** victim through the forensic medical examination process and investigatory interview. They shall also provide emotional support, crisis intervention, information, and referrals. **(28 C.F.R. §115.21[d][e])**
 - b. If the inmate discloses outside the 96 hour timeframe, the facility PCM shall make arrangements for the victim **advocate** to meet with the inmate at the facility or via telephone, if the **alleged** victim wishes to speak with an advocate. This meeting should occur in a private area with video surveillance and no audio to ensure confidentiality. The safety of the victim advocate should be paramount in determining where the interaction will occur. **(28 C.F.R. §115.21[d])**

F. Continuity of Care

Ongoing medical and mental health treatment shall be available for inmates who have been victimized by sexual abuse. This includes appropriate follow-up services and, when necessary, referrals for continued care following their transfer to other facilities and/or their release from the Department.

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1. The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have **allegedly** been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. **(28 C.F.R. §115.83[a])**
2. Upon learning that an inmate has **allegedly** either perpetrated or been a victim of institutional sexual abuse, psychology staff shall monitor the inmate on a monthly basis for a minimum of 90 days to ensure the provision of treatment and support services, as necessary. This contact shall be documented on the **DC-560, Mental Health Contact Note** in accordance with Department policy **13.8.1, Section 1**. Any documentation of this contact made in the **Inmate Cumulative Adjustment Record (ICAR)** should be non-specific and should not refer to PREA due to confidentiality concerns. If the psychology staff determines that the initial monitoring indicates a continuing need, the periodic status checks **shall** be extended beyond 90 days.
3. The evaluation and treatment of **alleged** victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody. **(28 C.F.R. §115.83[b])**
4. All facilities shall provide alleged victims with medical and mental health services consistent with the community level of care. **(28 C.F.R. §115.83[c])**
5. **Alleged** inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. **(28 C.F.R. §115.83[d])**
6. If pregnancy results from the **alleged** sexual abuse, **alleged** victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy related services. **(28 C.F.R. §115.83[e])**
7. **Alleged** inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections, as medically appropriate. **(28 C.F.R. §115.83[f])**

Section 5 – Investigating Allegations of Sexual Abuse and/or Sexual Harassment

Every report, complaint, or allegation of sexual abuse **and** sexual harassment, including third party and anonymous reports, shall be investigated promptly, thoroughly, and objectively. (28 C.F.R. §115.22[a][d]) (28 C.F.R. §115.61[e]) (28 C.F.R. §115.71[a])

A. General Responsibilities

1. If the case is being investigated for criminal charges, the Department investigators shall suspend the administrative investigation and allow the criminal investigation to take precedence. The **Security Office and/or Office of Special Investigations and Intelligence (OSII)** shall coordinate with the criminal investigator/District Attorney's Office (as applicable) to determine when to resume the administrative investigation so as to avoid interference with the criminal investigation.
2. Where sexual abuse is alleged, the Department shall use investigators who have received **specialized** training in sexual abuse investigations pursuant to Prison Rape Elimination Act (PREA) Standards **28 C.F.R. §115.34[a]** and **28 C.F.R. §115.71[b]**.
3. Investigators shall gather and/or preserve direct and circumstantial evidence, including any available physical, DNA, and electronic monitoring data; interview alleged victims, suspected **abusers**, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected **abusers**. (28 C.F.R. §115.71[c])
4. To the extent the Department is responsible for investigating allegations of sexual abuse, the Department shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions, in accordance with the **Shift Commander Checklist (refer to Attachment 4-A); Initial Response Checklist – Alleged Victim (refer to Attachment 4-B); Initial Response Checklist – Alleged Abuser (refer to Attachment 4-C); Initial Response Checklist – Alleged Victim of Non-Contact Abuse (refer to Attachment 4-D)**, and the **Instructions for PREA Evidence Retention (refer to Attachment 4-E)**; and as well as Department policy **6.3.1, “Facility Security,” Section 15**. (28 C.F.R. §115.21[a])
5. The protocol established for evidentiary purposes shall be developmentally appropriate for youth, where applicable, in accordance with PREA Standard **28 C.F.R. §115.21[b]**.
6. Interviews **shall** be conducted in a thorough, professional, non-abusive, and non-threatening manner consistent with acceptable practices for potentially traumatized victims of sex crimes.
7. When the quality of evidence appears to support criminal prosecution, the Department shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. (28 C.F.R. §115.71[d])

8. 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 an inmate or staff. The Department shall NOT require an inmate who alleges unwanted or forced sexual abuse to submit to a polygraph examination or other truth telling device as a condition of proceeding with the investigation of such an allegation. **(28 C.F.R. §115.71[e])**
9. In administrative investigations, the Department shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse *or* sexual harassment are substantiated. **(28 C.F.R. §115.72)**
10. The departure of the alleged victim or abuser from the employment or control of the facility or Department shall not provide a basis for terminating an investigation. **(28 C.F.R. §115.71[j])**
11. ***Every report, complaint, or allegation of sexual abuse and/or sexual harassment shall be entered into the PREA Tracking System, a web-based application designed to track all incidences of sexual abuse and sexual harassment for U.S. Department of Justice reporting purposes. (28 C.F.R. §115.87)***

B. Preliminary Procedures for Receipt of a Sexual Abuse and/or Sexual Harassment Allegation¹

When a report, complaint, or allegation is received by the facility outside the 96 hours or does not clearly indicate sexual abuse/sexual harassment, it shall be immediately referred to the facility Security Office for ***tracking and*** preliminary inquiry.

1. ***Initial complaint information shall be entered into the PREA Tracking System, which will generate an incident number.***
2. A preliminary investigation, limited inquiry into the allegation, shall be conducted by the facility, within 24 hours of the report.
 - a. For reports of sexual abuse, the Security Office shall:
 - (1) briefly interview the complainant/inmate(s);
 - (2) document interviews in the OSII report format;
 - (3) ascertain the location of offense; and
 - (4) compile **a** list of witness/subject(s).
 - b. For reports of sexual harassment, the Security Office/designee shall:
 - (1) briefly interview the complainant/inmate(s); and

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- (2) document interviews in OSII report format.

NOTE: This interview and investigation may be conducted by any management staff. ***While it is recommended for those investigating allegations of sexual harassment to participate in the specialized security training referred to in Standard 28 C.F.R. §115.34 as a best practice, it is not required.***

C. Full Investigation²

1. Immediately following the preliminary investigation, the facility Security Office shall:
 - a. ***update the PREA Tracking System with all pertinent investigative information in order to determine whether the complaint meets the criteria of sexual abuse or sexual harassment as defined by the PREA Prisons and Jail Standards (28 C.F.R. §115); and***
 - b. report all sexual abuse ***and/or*** sexual harassment allegations ***to the OSII's CR, CEN Sexual Abuse email account.*** All requests for investigative numbers should originate from the facility Security Office. **(28 C.F.R. §115.22[b])**
 - (1) When reporting the allegation of sexual abuse/sexual harassment to OSII, the facility Security Office shall ***provide all complaint documentation.***
 - (2) ***Indicate the PREA Tracking System incident number in the email subject line.***
2. The OSII shall, within five business days:
 - a. ***update the PREA Tracking System and*** respond with the ***OSII case*** number; **(28 C.F.R. §115.22[b])**
 - b. determine the entity (i.e., OSII, Pennsylvania State Police [PSP], or Security Office) to conduct the investigation; and
 - c. notify the initiating facility of investigative responsibilities.
3. Additionally, OSII is responsible to track the start date of the investigation, end date of the investigation, assigned investigating agent, alleged victim, alleged abuser, and outcome of the investigation.
4. If OSII directly receives an allegation ***to be assigned locally***, they ***shall*** immediately contact the facility Security Office who ***shall*** complete the steps in **Subsection B. above** and notify the corresponding PSP barracks for any criminal investigative action warranted ***as determined by OSII.*** **(28 C.F.R. §115.22[c])**

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5. Sexual Abuse

- a. the investigator shall complete the following procedures:
- (1) interview the inmate complainant(s) and obtain an **Inmate Written Statement of Sexual Abuse/Harassment (Attachment 5-A)** following the interview. If the complainant refuses to be interviewed or provide a written statement, said refusal, including date, time, and persons present, shall be documented and included in the investigative report;
 - (2) interview all inmate witnesses and obtain an **Inmate Written Statement of Sexual Abuse/Harassment** from the inmate(s) following the interview;
 - (3) interview all staff member witnesses and/or undeveloped leads and obtain a **Staff Written Statement of Sexual Abuse/Harassment (Attachment 5-B)**;
 - (4) when appropriate, interview all **alleged abusers** and obtain **written statements utilizing the designated form for inmate(s) or staff**;
 - (5) review all available video footage and save the video footage to a media storage device to submit with the investigative report;
 - (6) review and copy corroborating evidence, including but not limited to: all housing unit log books, medical documentation, work-related reports, misconduct reports, inmate grievances, and other pertinent documentation specific to the allegation of sexual abuse and include the documentation in the investigative report; and
 - (7) make an effort to determine whether staff actions or failures to act contributed to the abuse, specifically as it applies to administrative investigations. **(28 C.F.R. §115.71[f][1])**
- b. At the conclusion of the investigation, the **Intelligence Captain/designee shall update the PREA Tracking System** and prepare an Investigative Summary.
- (1) The Investigative Summary shall be completed within 30 days of assignment and prepared in the format provided by the OSII.
 - (2) When completing the Investigative Summary, the investigator must indicate in the conclusion whether the evidence supports a finding that sexual abuse has occurred (substantiated), the allegation is false (unfounded), or is inconclusive (unsubstantiated).
 - (3) It **shall** also include a description of the following:

- (a) for administrative investigations, the report **shall** include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings; and **(28 C.F.R. §115.71[f][2])**
- (b) for criminal investigations, the report **shall** include a thorough description of the physical, testimonial, legal documents, and attach copies of all documentary evidence where feasible. **(28 C.F.R. §115.71[g])**

6. Sexual Harassment

a. ***The investigator shall complete the following procedures:***

- (1) interview the inmate complainant(s) and obtain an **Inmate Written Statement of Sexual Abuse/Harassment** following the interview. If the complainant refuses to be interviewed or provide a written statement, said refusal, including date, time, and persons present, shall be documented and included in the investigative report;
- (2) interview all inmate witnesses and obtain an **Inmate Written Statement of Sexual Abuse/Harassment** from the inmate(s) following the interview;
- (3) interview all staff member witnesses and/or potential staff member witnesses and obtain a **Staff Written Statement of Sexual Abuse/Harassment**;
- (4) ***when appropriate, interview all alleged harasser(s) and obtain written statements utilizing the designated form for inmate or staff;***
- (5) ***review all available video footage and save the video footage to a media storage device to submit with the investigative report;***
- (6) review and copy all housing unit log books, medical documentation, work-related reports, misconduct reports, inmate grievances, and other pertinent documentation specific to the allegation of sexual abuse, and include the documentation in the investigative report; and
- (7) make an effort to determine whether staff actions or failures to act contributed to the abuse specifically as it applies to administrative investigations. **(28 C.F.R. §115.71[f][1])**

b. At the conclusion of the investigation, the ***Intelligence Captain/designee shall update the PREA Tracking System*** and prepare an Investigative Summary.

- (1) The Investigative Summary shall be completed within 60 days of assignment and prepared in the format provided by the OSII.

- (2) When completing the Investigative Summary, the investigator must indicate in the conclusion whether the evidence supports a finding that sexual harassment has occurred (substantiated), the allegation is false (unfounded), or is inconclusive (unsubstantiated).
 - (3) For administrative investigations, the report **shall** include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. **(28 C.F.R. §115.71[f][2])**
 - (4) Any substantiated sexual harassment allegations, in which the abuser was an inmate, will follow the procedures outlined in Department policy **DC-ADM 801, “Inmate Discipline.”**
7. ***A review of video surveillance which disproves an allegation may be considered a complete investigation when inmates in Level 5 housing units or under constant video surveillance allege sexual abuse. A copy of the video footage and documented review by a direct witness shall be submitted to OSII disproving the allegation and determining the complaint is unfounded.***
8. All **investigative** information shall be retained by the facility Security Office in a secure location for as long as the alleged abuser is incarcerated or employed by the Department plus five years in accordance with **Section 1** of this procedures manual. **(28 C.F.R. §115.71[i])**

D. Investigative Review

1. When an investigation is conducted by the facility Security Office, the below listed procedures shall apply.
 - a. The facility Security Office shall forward the completed investigative report to the Director of the OSII within 30 days of assignment for investigations of sexual abuse and within 60 days for investigations of sexual harassment.
 - b. If the sexual abuse investigation cannot be completed **by the due date**, the Facility Manager/designee/facility Security Office investigator shall notify the OSII, in writing to CR, CEN Sexual Abuse, of the need for additional time. This notification shall contain the rationale for the delay and anticipated date of completion. The Director of OSII/designee shall approve/disapprove additional time for the completion of investigations. ***The OSII shall update the PREA Tracking System to reflect the new due date when an extension is granted.***
 - c. ***If the report is not received by the OSII within the given timeframe, the OSII will send a second notice of assignment of investigation, with a copy to the Regional Deputy Secretary.***

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- d. The OSII shall complete its review of the report within 15 days of receipt and determine whether the facility investigation was completed in a satisfactory or unsatisfactory manner.
 - e. In the event that the OSII raises concerns regarding the thoroughness or integrity of the facility Security Office investigation, it will be referred back to the Security Office **with specific directions to address** the issues raised by the OSII **and provide a timeframe with which the additional investigation needs to be completed.**
 - f. OSII shall send a letter or email acknowledging that the investigation was satisfactory to the Facility Manager.
 - g. Following the approval of an investigation by OSII, the matter shall be referred to the Facility Manager for appropriate administrative action.
 - h. **When an investigation is substantiated and warrants administrative disciplinary action, no action shall be taken until OSII notifies the Facility Manager that the investigation was conducted satisfactorily. Nothing in this section shall prevent the institution from suspension pending investigation.**
 - i. **When an investigation is unsubstantiated or unfounded, but violations of the Code of Ethics, policy, and/or procedure exist, no administrative proceedings shall occur until after the OSII reviews the investigative report and notifies the Facility Manager that the investigation was conducted satisfactorily. Nothing in this section shall prevent the institution from suspension pending investigation.**
 - j. Following the approval of the investigation, the facility Security Office shall notify the PREA Compliance Manager (PCM) of whether the investigation was substantiated, unsubstantiated, or unfounded.
 - k. The PCM **shall** inform the **alleged victim(s)** as to whether the investigation is found to be substantiated, unsubstantiated, or unfounded. **(28 C.F.R. §115.73[a])** All notifications **shall** be made and documented in accordance with **Section 8** of this procedures manual.
 - l. If the case has not already been referred for criminal prosecution, OSII **shall** refer substantiated allegations of conduct that appear to be criminal for prosecution in the county where the **abuse** occurred. **(28 C.F.R. §115.71[h])**
 - m. **The PREA Tracking System shall be updated upon completion of the investigation and satisfactory approval by OSII.**
2. When a complaint is investigated by the OSII, the following procedures shall apply:

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- a. an investigation of sexual abuse assigned to the OSII shall be completed within 30 days of **receiving the allegation**, unless an extension is authorized by the Director of OSII/designee;
 - b. an Executive Summary **shall** be completed and provided to the Secretary for approval;
 - c. following the Secretary's approval of the investigation, **OSII shall send a copy of the Executive Summary to the Facility Manager/designee who** shall notify the PCM of whether the investigation was substantiated, unsubstantiated, or unfounded. **In addition, OSII shall send the complete investigative packet to the PCM for the Sexual Abuse Incident Review outlined in Section 6 of this procedures manual;**
 - d. the **PCM/designee shall** inform the **alleged victim(s)** as to whether the investigation is found to be substantiated, unsubstantiated, or unfounded. All notifications **shall** be made and documented in accordance with **Section 8** of this procedures manual; **(28 C.F.R. §115.73[a])**
 - e. if the case has not already been referred for criminal prosecution, OSII **shall** refer substantiated allegations of conduct that appear to be criminal for prosecution in the county where the **sexual abuse** occurred; and **(28 C.F.R. §115.71[h])**
 - f. **the OSII shall enter required information into the PREA Tracking System.**
3. When a complaint is investigated by the PSP or other outside law enforcement agency, the facility Security Office **shall** be responsible for the following:
- a. ensure follow-up communication with the investigating agency for updates to the investigative process; **(28 C.F.R. §115.71[I])**
 - b. request a copy of the investigative information to be included in the Department Investigative file; **(28 C.F.R. §115.71[I])**
 - c. request notification of the outcome of the investigation in order to notify the inmate **(28 C.F.R. §115.71[I], 28 C.F.R. §115.73[a][b]);**
 - d. submission of an investigative summary, along with the PSP investigative report, to the OSII for review; and
 - e. **ensure the PREA Tracking System is updated with the status of investigative outcome.**
4. The Department **shall** fully cooperate in the investigation conducted by the PSP or other applicable outside law enforcement agency. **(28 C.F.R. §115.71[I])**
5. All investigative review documentation shall be retained in accordance with **Section 1** of this procedures manual. **(28 C.F.R. §115.71[i])**

E. Photographs of Injuries for Sexual Abuse

1. In no situation will photographs be taken of the alleged victim to depict the absence of injury.
2. In situations where the allegations of sexual abuse are reported within 96 hours of the abuse occurring, the facility shall NOT photograph any injuries on the alleged victim.
3. In situations where the allegations of sexual abuse are reported outside of 96 hours of the abuse occurring, photographs of the victim **shall** be taken in accordance with Department policy **DC-ADM 001, “Inmate Abuse.”**

INMATE WRITTEN STATEMENT OF SEXUAL ABUSE/HARASSMENT

LOCATION: _____ DATE: _____ TIME: _____ CASE: _____
LAST NAME: _____ FIRST: _____ MIDDLE: _____
DOB: _____ INMATE NUMBER: _____
FACILITY OF INCARCERATION: _____

I, _____, hereby state that _____
has identified himself/herself to me as a Commissioned Officer employed by the Pennsylvania Department of
Corrections. _____ (initial)

The following statement is being given by me freely and without coercion for official Commonwealth business and will be
considered for all purposes, including actions under the Statutes of this Commonwealth, just as though it had been sworn or
affirmed before a court of law or formal arbitration panel. _____ (initial)

I have read and understand this entire statement or it has been read and explained to me. I have signed this statement
indicating that it is true and correct.

Having read this statement, which was given by me for official Commonwealth business, to be considered for all purposes,
including actions under the Statutes of this Commonwealth, just as though it had been sworn or affirmed before a court of law or
formal arbitration panel, I find I have nothing further to add.

(Witness)

Page _____ of _____

(Signature of Person Making Statement)/Date

STATEMENT CONTINUED

I have read and understand this entire statement or it has been read and explained to me. I have signed this statement indicating that it is true and correct.

Having read this statement, which was given by me for official Commonwealth business, to be considered for all purposes, including actions under the Statutes of this Commonwealth, just as though it had been sworn or affirmed before a court of law or formal arbitration panel, I find I have nothing further to add.

(Witness)

Page ____ of ____

(Signature of Person Making Statement)/Date

Section 6 – Sexual Abuse Incident Review

A. General

1. Each facility shall conduct a Sexual Abuse Incident Review (SAIR) at the conclusion of every sexual abuse investigation where the allegation was substantiated or unsubstantiated whether **the investigation was** conducted by the facility Security Office or by the Office of Special Investigations and Intelligence (OSII). No review will be conducted if the allegation has been determined to be unfounded. **(28 C.F.R. §115.86[a])** The review shall occur within 15 working days of the receipt of the notification from OSII that the investigation was deemed satisfactory. **(28 C.F.R. §115.86[b])**
2. The purpose of the incident review is to look retrospectively at the incident to ensure that the incident was managed in compliance with this procedures manual; to gather data relevant to enhancing understanding of prison rape; and to sensitize staff members to possible “red flags” associated with such incidents so that they may become better at detecting preventable incidents.

B. Facility Sexual Abuse Incident Review Committee

1. The Prison Rape Elimination Act (PREA) Compliance Manager (PCM) **shall** chair the SAIR Committee. The PCM, in collaboration with the Facility Manager, **shall** determine the exact composition of the **committee** based on the nature of the incident. At a minimum, the SAIR **Committee shall** consist of the following: **(28 C.F.R. §115.86[c])**
 - a. Deputy Superintendent for Centralized Services (DSCS);
 - b. Deputy Superintendent for Facilities Management (DSFM);
 - c. Licensed Psychology Manager (LPM)/designee;
 - d. Corrections Health Care Administrator (CHCA)/designee;
 - e. Security Office representative; and
 - f. Major of Unit Management or Major of the Guard.
2. The PCM coordinates the availability of the **DC-15, Inmate Records Jacket, DC-14, Counselor File**, medical record, incident reports, Security Office Report, etc. The **committee shall** be advised in advance of the date, time, and place of the meeting.
3. The **committee shall** carefully review the documentation surrounding the incident. The review **shall** focus upon the events associated with the incident. At a minimum, the committee **shall** consider the items outlined in the **PREA Sexual Abuse Incident Review (Attachment 6-A)** as well as the following information:

- a. consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; **(28 C.F.R. §115.86[d][1])**
 - b. consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender or **intersex** identification, status or perceived status, gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility; **(28 C.F.R. §115.86[d][2])**
 - c. examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; **(28 C.F.R. §115.86[d][3])**
 - d. assess the adequacy of staffing levels in that area during different shifts; **(28 C.F.R. §115.86[d][4])**
 - e. assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; **(28 C.F.R. §115.86[d][5])**
 - f. consider information such as housing assignment, measures taken as a result of the allegation, need for follow-up for the inmate victim, etc.; and
 - g. gather information that can help to sensitize staff to possible clues and situations that are present before such incidents may occur. The aim is to help all staff become more proficient at detecting preventable incidents before they occur.
4. Within two weeks of the conclusion of the review, the PCM/designee **shall** prepare a confidential report utilizing the PREA SAIR with any recommendations for improvement. The report **shall** contain copies of the following:
- a. all **DC-121, Part 2, Extraordinary Occurrence Reports related to the alleged** incident;
 - b. **all related documentation for staff, inmates, and/or witnesses;**
 - c. **all relevant medical reports, to include psychiatric reports, if applicable;**
 - d. any photographs **related to the alleged incident;**
 - e. **any misconduct reports related to the alleged incident;**
 - f. **any other relevant reports or documents;**
 - g. **an Investigative Summary;**
 - h. a copy of the **Shift Commander Checklist, Initial Response Checklist – Alleged Victim, Initial Response Checklist – Alleged Abuser, and the Initial Response Checklist – Alleged Victim of Non-Contact Abuse;**

- i. outside hospital report including **Report of Forensic Exam Kit**, if applicable and available;
- j. Pennsylvania State Police (PSP) report, if available;
- k. **DC-457, Medical Incident/Injury Report**;
- l. **DC-484, Mental Health Informed Consent Document**;
- m. **DC-575, Post Sexual Assault Interview**;
- n. **DC-97, Mental Health Referral Form**;
- o. **DC-560, Mental Health Contact Note**;
- p. Report of Review of Misconduct Charge #19 – Engaging in Sexual Acts with Others or Sodomy, if relevant;
- q. **Inmate Notification Form(s) (refer to Attachment 8-A)**;
- r. **Department Retaliation Monitoring Form (refer to Attachment 2-B)**; and/or
- s. any additional documentation that **was reviewed during the investigation and** could potentially enhance the review, including, **but not limited to**, prior psychological and/or psychiatric reports for the victim and/or **abuser**.

NOTE: The complete SAIR packet shall include all documents submitted to the OSII as part of the investigation.

- 5. The PCM **shall** submit the report to the Facility Manager for review. Upon approval, the report **shall** be returned to the PCM, who **shall** forward it to **the CR, DOC PREA Reports email address**, Executive Deputy Secretary, and Regional Deputy Secretary, along with recommendations concerning the incident. **(28 C.F.R. §115.86[d][6])**

C. Central Office PREA Administrative Review Committee (ARC)

- 1. **The Statewide PREA Coordinator/designee shall chair the Central Office PREA ARC meeting. The Central Office PREA ARC shall consist of the following:**
 - a. **Bureau of Standards, Audits, and Accreditation PREA Compliance Division (PCD) representative;**
 - b. **Psychology Office representative;**
 - c. **Office of Victim Advocate (OVA) representative;**
 - d. **Bureau of Health Care Services (BHCS) representative;**

- e. **OSII representative;**
 - f. **Office of Population Management (OPM) representative;**
 - g. **Bureau of Treatment Services (BTS) representative;**
 - h. **Security Division representative;**
 - i. **Office of Chief Counsel;**
 - j. **Office of Mental Health Advocate representative; and**
 - k. **Pennsylvania State Police (PSP) representative.**
2. **A minimum of five randomly selected SAIR reports shall be reviewed each month to ensure consistent policy compliance and adherence to the PREA standards. The Bureau of Standards, Audits, and Accreditation PCD shall provide feedback/recommendations to the Facility Manager on the PREA Sexual Abuse Incident Review Plan of Action (Attachment 6-B), as applicable.**
3. **The facility shall implement the recommendations for improvement or shall document its reasons for not doing so on the PREA Sexual Abuse Incident Review Plan of Action provided by the Central Office PREA ARC. The completed PREA Sexual Abuse Incident Review Plan of Action shall be forwarded from the PCM to the CR, DOC PREA Reports email address with copies provided to the Executive Deputy Secretary and Regional Deputy Secretary. (28 C.F.R. §115.86[e])**

Section 7 – Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation

A. Staff Discipline

1. Any employee who violates *the* Department's **zero tolerance policy** by engaging in, failing to report, or knowingly condoning sexual abuse or sexual harassment of an inmate shall be subject to appropriate disciplinary or administrative action up to and including termination. **(28 C.F.R. §115.76[a])**
2. ***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 not clearly criminal, and to any relevant licensing bodies. (28 C.F.R. §115.76[d])***

B. Corrective Action for Contractors and Volunteers

Contractors and volunteers are subject to the following:

1. when an allegation is made involving a contractor or volunteer, this person **shall** be removed from contact with the alleged victim until the conclusion of this investigation;
2. if a contractor or volunteer violates this procedures manual, other than by engaging in sexual abuse, the facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates **(28 C.F.R. §115.77[b])**; and
3. any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates, and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. **(28 C.F.R. §115.77[a])**

C. Inmate Discipline

1. Inmates shall be subject to disciplinary sanctions pursuant to the formal disciplinary process, following an administrative finding that the inmate engaged in inmate on inmate sexual abuse or following a criminal finding of guilt for inmate on inmate sexual abuse. **(28 C.F.R. §115.78[a])**
2. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories. **(28 C.F.R. §115.78[b])**
3. The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his/her behavior when determining what type of sanction, if any, should be imposed. **(28 C.F.R. §115.78[c])**
4. When an inmate is found guilty of a Class 1 Misconduct related to sexual abuse, the Unit Manager shall refer the inmate to the Sex Offender Treatment Program for evaluation to determine whether or not the inmate is appropriate for the program, and if the inmate will

be required to complete the program as part of the sanctions or as a condition to access programming or other benefits. **(28 C.F.R. §115.78[d])**

5. The facility may discipline an inmate for sexual contact with staff only if it is substantiated that the staff member did not consent to such contact. **(28 C.F.R. §115.78[e])**
6. For the purpose of disciplinary action, a report of sexual abuse made in good faith, based upon a reasonable belief that the alleged conduct occurred, shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. **(28 C.F.R. §115.78[f])**
7. The Department prohibits all sexual activity between inmates and may discipline inmates for such activity. The Department **shall** not deem such activity to constitute sexual abuse if the Department, through the investigative process, determines that the activity is not coerced or forced. **(28 C.F.R. §115.78[g])**
8. ***A reporting inmate can only be subject to disciplinary action for sexual abuse or sexual harassment allegations which have been unfounded and for which the investigation was satisfactorily approved by the Office of Special Investigations and Intelligence (OSII).***

D. Review of Misconduct #19

When an inmate is charged with Misconduct #19, “Engaging in Sexual Acts with Others or Sodomy,” with another inmate, it is possible that the sexual activity was not consensual. The procedures listed below shall be implemented in cases in which there was no investigation to ensure that an inmate who may not have consented to the activity will receive supportive services, and that an investigation will be initiated if indicated.

1. Psychologist Review
 - a. The Deputy Superintendent for Centralized Services (DSCS)/designee **shall** ensure that the Licensed Psychology Manager (LPM)/designee receives a copy of the **DC-141, Part 1, Misconduct Report** as soon as possible, but no later than within one working day.
 - b. The LPM/designee **shall** review the **DC-141, Part 1** and the case files of the involved inmates, within one working day of receipt of the **DC-141, Part 1**. In cases where the file review reveals a clear power imbalance between/among the involved inmates, as evidenced by disparate levels of physical strength, size, social status within the inmate population, and/or intellectual functioning, the LPM **shall** interview the weaker inmate. Additionally, when information made available through the Security Office or the Unit Management Team suggests that extortion and/or protective pairing may be occurring, the LPM **shall** interview the potential inmate victim.
 - c. At the onset of the one-on-one session, the LPM/designee **shall** explain to the inmate that he/she has been called in because of his/her recent misconduct and the related

- concern that he/she may be involved in unwanted sexual activity. Additionally, the LPM/designee **shall** explain that the intent in calling him/her in is to emphasize that, should he/she be subjected to unwanted sexual activity, staff are available to help. The intent is not to decide his/her guilt or innocence with respect to the misconduct.
- d. Prior to the session progressing further, the LPM/designee **shall** further explain that, should the inmate report involvement in unwanted sexual activity, this information cannot be kept confidential, but rather shared with Security staff on a need-to-know basis in order to ensure that he/she is protected.
- e. In the event that the inmate denies any involvement in unwanted sexual activity, the LPM/designee **shall** accept this without further inquiry, but reiterate that staff are available to assist should the inmate ever be confronted with this problem.
- f. In the event the inmate reports that he/she is being victimized, the LPM/designee **shall**:
- (1) secure the inmate's signature on the **DC-484, Mental Health Informed Consent Document** (refer to Department policy **13.8.1, "Access to Mental Health Care"**);
 - (2) proceed as a first responder to an allegation of sexual **abuse**, referring the inmate directly to the Security Office to initiate an investigation, in accordance with **Section 5** of this procedures manual; and
 - (3) ensure that the inmate is further assessed and, if indicated, treated by another psychology staff member.
- g. The LPM **shall** document his/her assessment using the **Review of Misconduct #19 (Attachment 7-A)** and ensure that the DSCS and PREA Compliance Manager (PCM) receive a copy.
2. If the results of an investigation substantiate the allegation of sexual abuse, the Facility Manager **shall** ensure that the misconduct is removed from the victim inmate's file.

Section 8 – Notification of Inmates

A. Notification to Inmates

1. Following the investigation into an inmate's allegation **of** sexual abuse in a facility within the Department, the Prison Rape Elimination Act (PREA) Compliance Manager (PCM) at the facility where the inmate is housed shall inform the inmate, in writing **within five business days of the closure of the investigation** on the **PREA Investigation – Inmate Notification Form (Attachment 8-A)** as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. **(28 C.F.R. §115.73[a])**
2. If another agency conducts the investigation, the PCM shall request the relevant information from the investigative agency in order to inform the inmate **within ten business days of receipt of this information**. **(28 C.F.R. §115.73[b])**
3. Following an inmate's allegation that a staff member has committed sexual abuse against **the** inmate, the PCM shall subsequently inform the inmate when any of the following occurs: **(28 C.F.R. §115.73[c])**
 - a. the staff member is no longer posted within the inmate's unit; **(28 C.F.R. §115.73[c][1])**
 - b. the staff member is no longer employed at the facility; **(28 C.F.R. §115.73[c][2])**
 - c. the Department learns that the staff member has been criminally charged related to sexual abuse within the facility; or **(28 C.F.R. §115.73[c][3])**
 - d. the Department learns that the staff member has been convicted on a charge related to sexual abuse within the facility. **(28 C.F.R. §115.73[c][4])**
4. Following an inmate's allegation that he/she has been sexually abused by another inmate, the PCM shall subsequently inform the alleged victim whenever: **(28 C.F.R. §115.73[d])**
 - a. the Department learns that the alleged abuser has been criminally charged related to sexual abuse within the facility; or **(28 C.F.R. §115.73[d][1])**
 - b. the Department learns that the abuser has been convicted on a charge related to sexual abuse within the facility. **(28 C.F.R. §115.73[d][2])**

B. Documentation/Reporting

1. The PCM shall document all notifications on the **PREA Investigation – Inmate Notification Form** which **shall** be placed in the appropriate investigation file maintained in the facility Security Office in accordance with **Section 1** of this procedures manual.

2. All notifications must occur even in instances where an inmate has been transferred to another facility within the Department. **(28 C.F.R. §115.73[e])**

3. ***In instances where the alleged victim has been transferred to another facility within the Department, the PCM at the investigating facility shall coordinate notification with the PCM at the facility where the inmate is currently housed to obtain the inmate's signature on the PREA Investigation – Inmate Notification Form.***

4. The Department's obligation to report the results of the investigation under this policy shall terminate if the alleged inmate victim is released from the Department's custody. **(28 C.F.R. §115.73[f])**

Section 9 – Working with Transgender *and* Intersex Inmates

A. General

1. Each facility shall ensure that staff effectively interact professionally and respectfully toward transgender and intersex inmates. **(28 C.F.R. §115.31[a])** This specialized population may require a more non-traditional approach to best satisfy their housing, security, programming, and other needs.
2. Intentional misuse of gender pronouns and titles is prohibited. Transgender and intersex inmates shall be referred to by their preferred pronoun. Unprofessional and derogatory references toward inmates are not acceptable under any circumstances.
3. All Department staff shall be familiar with the expectations established for the effective accommodation of transgender and intersex inmates, as outlined within this policy, and in accordance with other existing Department policies.

B. Reception and Classification

Every inmate shall be assessed upon reception for potential risk of sexual abuse and victimization in order to identify at-risk inmates and ensure safety and security for all inmates committed to the custody of the Department. **(28 C.F.R. §115.41)** ¹

1. The **Prison Rape Elimination Act (PREA) Risk Assessment Tool (PRAT)** shall be administered in accordance with **Section 2** of this procedures manual. This assessment shall provide an opportunity for the inmate to self-identify as a transgender or intersex individual.
2. If an inmate identifies as a transgender, a **DC-97, Mental Health Referral Form** shall be completed and forwarded to the Psychology Department to initiate the procedures outlined in accordance with Department policy **13.2.1, “Access to Health Care Procedures Manual.”**
3. The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate’s genital status. If the inmate’s genital status is unknown, it may be determined by conversations with the inmate, 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. **(28 C.F.R. §115.15[e])**
4. Once an inmate has been identified as a transgender **or** intersex individual, immediate notification shall be sent to the PREA Compliance Manager (PCM).
 - a. All pertinent information regarding the transgender or intersex individual should be discussed on a need-to-know basis and shared only with the appropriate staff to provide necessary services.

¹ 4-4281-2

- b. The PCM shall privately meet with the transgender or intersex inmate within five business days of notification and complete the **Gender Review Committee (GRC) Checklist (Attachment 9-A)**. Following this assessment, the inmate shall be re-assessed every six months to review any threats to safety experienced by the inmate. **(28 C.F.R. §115.42[d])**
- c. If the inmate was erroneously identified as transgender and/or intersex during the completion of the **GRC Checklist**, the **GRC Checklist** shall be subsequently marked with a notation by the PCM indicating the error and acknowledged through signature by the inmate.
- d. Once the PCM has met with the transgender or intersex inmate, a GRC meeting shall be scheduled to convene within five business days of that interview.
- e. The purpose of the GRC is to make individualized determinations about transgender or intersex inmates' **privacy**, housing and programming assignments to ensure their safety.

NOTE: GRC participants must consider all aspects of an inmate's social and medical transition when formulating recommendations to address safety and privacy concerns affirmatively identified by the transgender or intersex inmate on the GRC Checklist.

- f. If the inmate refuses to meet with the PCM, the GRC shall convene, as required, and complete the **GRC Checklist** based upon available information.
- g. If the transgender or intersex inmate is transferred to another facility prior to the required six month review, the GRC at the receiving facility shall be activated to meet with the inmate within five business days.
- h. The transgender or intersex inmate, upon self-disclosure, may be housed with a temporary Z-Code until the PCM and GRC convenes and determines permanent housing placement based on the inmate's responses to the questions presented in the **GRC Checklist**.
- i. The GRC shall consist of, but not be limited to, the following individuals:
 - (1) PCM;
 - (2) Licensed Psychology Manager (LPM)/designee;
 - (3) Corrections Health Care Administrator (CHCA)/designee;
 - (4) Deputy Superintendent of Centralized Services (DSCS)/designee; and
 - (5) Deputy Superintendent of Facility Management (DSFM)/designee.

NOTE: GRC participants shall listen attentively to the inmate's responses without interfering with the PCM's line of questioning or challenging the inmate about any inconsistencies known to them by various sources. The PCM shall be responsible to ensure decisions of the committee remain consistent with applicable PREA standards.

- j. The transgender or intersex inmate shall be invited to attend the GRC meeting unless contraindications exist or they choose to not attend. The inmate's presence is not required.
- k. The transgender or intersex inmate shall be informed of the GRC's **privacy and** housing recommendations within 48 hours of the GRC meeting, and be permitted the opportunity to concur or object to the recommendation.
 - (1) For all instances in which the inmate and GRC agree that the inmate remain where they are currently housed, the **GRC Checklist** will be retained by the facility and a copy shall be forwarded to **CR, DOC PREA Reports** email address for informational purposes only.
 - (2) For all instances in which the facility or the inmate request a transfer to a facility that is consistent with the gender identification of the inmate, a referral packet will be submitted to the Administrative Gender Review Committee (A-GRC) for review.
- 5. In deciding whether to assign a transgender or intersex inmate to a facility that is consistent with his/her gender identity, and in making other **privacy**, housing and programming assignments, the Department shall consider, on a case-by-case basis, whether a placement would ensure the health and safety of all impacted inmates and whether the placement **or accommodation** could potentially present management or security problems. **(28 C.F.R. §115.42[c])**
 - a. A transgender/intersex inmate's own views, with respect to his/her own safety shall be given serious consideration. **(28 C.F.R. §115.42[e])**
 - b. The A-GRC shall be activated and the local GRC shall meet as needed when a transgender or intersex inmate has been identified and the facility and/or the inmate recommend or request the inmate be housed in a facility that is consistent with his/her gender identity.
 - c. Referral packets to be sent to the A-GRC should include, at a minimum, the following information:
 - (1) a written synopsis of the local GRC meeting with discussion points and recommendations;
 - (2) **GRC Checklist**;
 - (3) copies of all PRATs conducted;

- (4) integrated case summary;
 - (5) in-depth Psychological Evaluation completed within the last three months;
 - (6) Diagnostic and Classification Center (DCC) psychological assessment report;
 - (7) cell history;
 - (8) misconduct history;
 - (9) Inmate Cumulative Adjustment Record (ICAR) notes;
 - (10) psychological progress notes;
 - (11) medical progress notes;
 - (12) medication history;
 - (13) any gender identity-related grievances;
 - (14) any gender identity-related correspondence;
 - (15) synopsis of any PREA-related allegations; and
 - (16) any medical or psychological treatment information obtained from community providers.
- d. This A-GRC should consist of the following individuals, but not limited to:
- (1) PREA Coordinator;
 - (2) PREA Compliance Division (PCD) representative;
 - (3) Psychology Office representative;
 - (4) Bureau of Health Care Services (BHCS) representative;
 - (5) Bureau of Treatment Services (BTS) representative;
 - (6) Office of Population Management (OPM) representative;
 - (7) Chief Counsel’s Office representative;
 - (8) Security Division representative;
 - (9) Office of Mental Health Advocate representative;

- (10) Office of Victim Advocate (OVA) representative; and
 - (11) Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Subject Matter Expert Consultant(s).
- e. When the A-GRC agrees with the facility GRC recommendation that the inmate be transferred to a facility that is consistent with his/her gender identity, procedures as outlined in **Subsection C. below** shall be adhered to.
- f. When the A-GRC agrees with the facility GRC recommendation that the inmate remain at his/her current facility, the following shall occur:
- (1) the PCM shall receive Community Treatment and Risk Management Recommendations that shall be incorporated in the inmate's treatment plan; and
 - (2) the PREA Coordinator/designee shall provide notification of the A-GRC decision to the PCM who will notify the inmate in writing.
- g. When the A-GRC does not agree with the GRC recommendation that the inmate be transferred, the following shall occur:
- (1) information is provided to the Secretary and Executive Deputy Secretary for their review and consideration; and
 - (2) the PREA Coordinator/designee shall provide notification of the A-GRC decision to the PCM who shall notify the inmate in writing.

C. Transfer

1. When a transfer is required based on the final A-GRC determination, the PREA Coordinator/designee shall notify the requesting facility and OPM of the transfer.
2. The OPM shall not place transgender or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates. **(28 C.F.R. §115.42[g])**
3. The A-GRC shall reconvene with the local GRC to reconsider housing placement for the transgender or intersex inmate if circumstances arise which pose a threat to the safety and security of the facility.

D. Case Management

1. The **GRC Checklist** shall be used in conjunction with the PRAT to keep separate those inmates who are at risk of being a victim or an abuser, and to determine appropriate housing, bed, work, education, and program assignments for all transgender and intersex individuals.

2. The Unit Manager and the PCM shall meet with identified transgender or intersex inmates during the semi-annual and annual review, in accordance with Department policy **7.2.1, “Counseling Services.” (28 C.F.R. §115.42[d])** During these meetings, the PCM shall complete the **Gender Review Reassessment Checklist (Attachment 9-B)** and forward the document to the PCD via the **CR, DOC PREA Reports** email address.
3. When a referral, request, incident of sexual abuse, or receipt of additional information is reported that bears on the inmate’s risk of sexual victimization or abusiveness, the PCM shall conduct a PRAT and convene the GRC within five business days. **(28 C.F.R. §115.41[g])**

E. Searches

Pat searches **and strip searches of** transgender and intersex inmates shall be conducted in accordance with Department policy **6.3.1, “Facility Security,” Section 30. (28 C.F.R. §115.15[b])**

F. Commissary

Commissary purchases can be made in accordance with Department policies **9.2.1, “Commissary Operations,”** and **DC-ADM 815, “Personal Property, State-Issued Items, and Commissary/Outside Purchases.”**

G. Special Accommodations

1. Transgender and intersex inmates shall be given the opportunity to shower separately and privately from other inmates. **(28 C.F.R. §115.42[f])**
2. ***The facility GRC may approve individualized, facility-specific accommodations to meet safety and privacy needs of transgender and intersex inmates.***

Agency - A business that provides a particular service; or a government department responsible for a particular activity/area. Unless specified otherwise, this refers to the Pennsylvania Department of Corrections.

Administrative Gender Review Committee (A-GRC) - *This is a committee comprised of various Central Office staff and community subject matter experts for the purpose of determining appropriate accommodations for those inmates identified as transgender or intersex.*

Allegation - A claim, assertion, affirmation, avowal or fact that has not been proven regarding sexual abuse, sexual harassment or retaliation.

Allegation(s) of Sexual Contact - Outcome of Investigation:

1. **Substantiated*** - An allegation that was investigated and determined to have occurred.
2. **Unfounded*** - An allegation that was investigated and determined not to have occurred.
3. **Unsubstantiated*** - An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Bisexual - A person who is physically and romantically attracted to members of both sexes.

Complaint - Any type of report or allegation of sexual abuse, sexual harassment or retaliation.

Compelled – *See Garrity*

Confinement Facilities - Any Federal, State or local law enforcement agency whose primary purpose is to detain or hold persons in secure custody pending adjudication, post-adjudication or while awaiting transfer. This shall include both secure juvenile and adult detainment and incarceration facilities.

Contractor* - A person who provides supplies or services on a recurring basis pursuant to a contractual agreement with the Department.

De minimis - lacking significance or importance: so minor as to merit disregard.

Department - Pennsylvania Department of Corrections.

Employee* - A person that works directly for the Department or facility.

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 the Department for the confinement of individuals.

Facility Manager - The Superintendent of a State Correctional Facility or Motivational Boot Camp, or Director of the Training Academy.

Full Compliance* - Compliance with all material requirements of each standard, except for *de minimis* violations or discreet and temporary violations during otherwise sustained periods of compliance.

Full Investigation - A completed investigation that results in a conclusion of substantiated, unsubstantiated or unfounded, based on interviews of subjects, witnesses, victims and the collection of evidence that is fully documented and reported.

Garrity Warning – *A warning that safeguard’s an employee’s right against self-incrimination that is provided to an employee by a person conducting an investigation that may result in criminal charges.*

Gay - *Individuals who are emotionally, romantically, and/or physically attracted to members of the same sex.*

Gender-Affirming Surgery - *Surgical procedures that help people adjust their bodies in a way that more closely matches their desired gender identity.*

Gender Expression - A person’s expression of their gender identity, including appearance, dress, mannerisms, speech and social interactions.

Gender Identity - A person’s inner sense of being male or female. The gender identity may not match the biological sex of the individual.

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

Gender Review Committee (GRC) - This is a committee comprised of various institutional staff for the purpose of determining appropriate accommodations of those inmates identified as transgender/intersex.

Grooming for Sexual Activity - Process that involves inmates approaching other inmates with offers of help, and perhaps protection from real or imagined threats from others, with the ultimate aim of creating an obligation for sexual activity. The grooming might also include offers of commissary and/or other benefits. This deliberate process unfolds over time, with little overt pressure and no violence.

Heterosexual - Man or woman who is physically and romantically attracted to members of the opposite sex.

Homosexual - Man or woman who is physically and romantically attracted to members of the same sex.

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Inmate* - Any person incarcerated or detained in a State Correctional Institution of the Pennsylvania Department of Corrections.

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 and confined or detained in a prison or jail.

Lesbian - A woman whose **emotional**, romantic, and/or physical attraction is to other women.

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

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

Miranda Warning - ***A warning that safeguard’s an employee’s right against self-incrimination that is provided to an employee by a person conducting an investigation that may result in criminal charges.***

Pat Search* - A running of the hands over the clothed body of an inmate by an employee to determine whether the individual possesses contraband.

Preliminary Inquiry - A brief inquiry in order to identify victims, subjects, witnesses and possible offenses.

PREA Risk Assessment Tool (PRAT) - The PRAT is a standardized risk assessment tool developed by the Department of Corrections to identify an inmate’s relative risk of becoming a victim of sexual abuse and/or abuser in the prison setting.

Predication - ***Information which is used to initiate an investigation.***

Preponderance of the Evidence - The event was more likely than not to have occurred.

Prison* - An institution under state jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

Rape Crisis Center - An entity that provides intervention and related assistance, such as the services specified in 42 U.S.C.14043g(b)(2)(C), to victims of sexual assault of all ages (**28 C.F.R. §115.21[d]**)

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Report - Any information received through any of the PREA reporting mechanisms that would constitute sexual abuse, sexual harassment or retaliation.

Retaliation - An act of vengeance, covert or overt action, or threat of action, taken against an inmate or staff in response to the complaint of sexual harassment/sexual abuse or for cooperation in the reporting or investigation of sexual misconduct, regardless of the merits or the disposition of the complaint. Examples of acts of retaliation include, but are not limited to, unjustified discipline, intimidation, unjustified changes in work or program assignments, unjustified transfers or placements, or unjustified denials of privileges or services.

Security Staff* - Employees primarily responsible for the supervision and control of inmates in housing units, recreational areas, dining areas, and other program areas of the facility.

Sexual Abuse* - As defined by the National Standards to Prevent, Detect, and Respond to Prison Rape

1. Sexual abuse of an inmate by another inmate, detainee, or resident by another inmate, detainee, or residence; and
2. Sexual abuse of an inmate, detainee, or resident by a staff member, contract or volunteer. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva or anus;
 - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; and
 - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
3. Sexual abuse of an inmate, detainee, or resident/by a staff member, contractor, or volunteer includes any of the following acts, with or without the consent of the inmate, detainee, or resident:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

- d. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- e. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above in paragraphs (1)-(5) of this section;
- g. Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of an inmate; and
- h. Voyeurism by **staff member, contractor, or volunteer**.

Sexual Coercion - Occurs when an inmate is forced to submit to sexual activity by threat of violence, for protection or some other factor imposed by the perpetrator.

Sexual Contact –

- 1. **Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.**
- 2. **Contact between the mouth and the penis, vulva, or anus.**
- 3. **Contact between the mouth and any body part where the inmate, staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.**
- 4. **Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument by an inmate; or by a staff member when such contact is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.**
- 5. **Any other intentional contact, either directly or through the clothing, of or with, the genitalia, anus, groin, breast, inner thigh, or the buttocks by an inmate; or where such contact by a staff member is unrelated to official duties or where the staff member, has the intent to abuse, arouse, or gratify sexual desire.**

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 resident directed toward another; and

2. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

“Repeated” as it pertains to incidents of sexual harassment shall mean either 1) two or more allegations of the acts identified in the definition of Sexually Harassment by an alleged harasser toward a single alleged victim, or 2) two or more single incident allegations of the acts identified in the definition of Sexual Harassment by a single alleged harasser toward two or more alleged victims.

Sexual Identity - The sex that a person sees their self as: this can include refusing to label oneself with a sex.

Sexual Orientation - ***An enduring personal quality that inclines people to feel romantic and/or physical attraction to persons of the opposite sex or gender, the same sex or gender, or both.***

Staff* - ***Refers to employees.***

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.

Subject - A person whose conduct is ***the primary*** the target of an investigation.

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.

Transman - ***A person who is transgender who was assigned female at birth and identifies as a man.***

Transwoman - ***A person who is transgender who was assigned male at birth and identifies as a woman.***

Victim Support Staff (28 C.F.R. §115.21 [d][e][h])

1. **Victim Advocate/Qualified Community-Based Organization Staff Member** - a representative of a Rape Crisis Center that is qualified to provide crisis intervention, accompaniment and advocacy services. In Pennsylvania, a prerequisite of qualification is completion of 40 hours of Sexual Assault Counselor training through the Rape Crisis Center.
2. **Qualified Department Staff Member** - Due to the Department’s agreement with the Pennsylvania Coalition Against Rape (PCAR), the Department is not utilizing any staff for this purpose. All victim support services shall be provided by qualified Victim Advocates.

Volunteer* - An individual who donates time and effort on a recurring basis to enhance the activities and programs of the Department.

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

Youthful Inmate* - Any person under the age of 18 who is under adult court supervision and incarcerated **or detained** in a prison.