



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of
Corrections

Policy Subject: Prison Rape Elimination Act (PREA)		Policy Number: BCC-ADM 008
Date of Issue: April 28, 2017	Authority: Signature on File John E. Wetzel	Effective Date: May 30, 2017

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, visitors, and **reentrants**.

III. POLICY

A. It is the policy of the Department to prohibit any form of sexual abuse and/or sexual harassment of a **reentrant**. The Pennsylvania Department of Corrections has zero tolerance for sexual abuse or sexual harassment of any individual under the supervision of the Department. Anyone who engages in, fails to report, or knowingly condones sexual harassment or sexual abuse of a **reentrant** shall be subject to disciplinary action, up to and including termination, and may be subject to criminal prosecution. A **reentrant**, employee, contract service provider, visitor, 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 after an investigation to have engaged in sexual abuse or sexual harassment with a **reentrant**. A claim of consent will not be accepted as an affirmative defense for engaging in sexual abuse or sexual harassment of a **reentrant**.

- B. The Department shall prohibit retaliation against a **reentrant** or a staff member who reports sexual harassment or sexual contact with a **reentrant**, or who cooperates with sexual abuse or sexual harassment investigations.

- C. The Department shall designate an agency-wide 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 (PCM) to coordinate the facility's efforts to comply with the Standards. The PREA Coordinator shall report directly to the Director, Bureau of Standards, Audits, and Accreditation.

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.

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

BCC-ADM 008, Prison Rape Elimination Act (PREA) issued **August 7, 2015**, 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. BCC-ADM 005, Resident Legal
- b. DC-ADM 003, Release of Information
- c. DC-ADM 008, PREA
- d. DC-ADM 801, Inmate Discipline
- e. 1.1.4, Centralized Services
- f. 4.1.1, Human Resources and Labor Relations
- g. 5.1.1, Staff Development and Training

- h. 7.4.1, AOD Treatment Programs
- i. 8.1.1, Community Corrections Centers
- j. 8.3.1, Community Corrections Security

2. ACA Standards

Adult Community Residential Services: 4-ACRS-6A-05

3. PREA Standards

115.11, 115.32, **115.33**, **115.42**, **115.86**, **115.87**, 115.205, 115.206, 115.211, 115.212, **115.213**, 115.215, **115.216**, 115.217, 115.218, 115.221, 115.222, 115.231, 115.232, 115.233, 115.234, 115.235, 115.241, 115.242, 115.251, 115.253, 115.254, 115.261, 115.262, 115.263, 115.264, 115.265, 115.267, 115.271, 115.273, 115.276, 115.277, 115.278, 115.282, 115.283, 115.286, 115.287, 115.288, 115.289, **115.401**



PROCEDURES MANUAL
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**Signature on File
John E. Wetzel**

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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

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. §115.287[a])**

A. Department's Annual Prison Rape Elimination Act (PREA) Report

1. The **BSAA** shall review data collected and aggregate it annually pursuant to PREA Auditing Standard **28 C.F.R. §115.287** 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. §115.287[b]) (28 C.F.R. §115.288[a])**
 - a. identifying problem areas;
 - b. taking corrective action on an ongoing basis; and
 - c. preparing an annual report of its findings and corrective actions for each facility, as well as the Department as a whole.
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. §115.287[d])**
3. Incident-based aggregate data will also be collected from every private facility the Department contracts with for the confinement of **reentrants**. **(28 C.F.R. §115.287[c])** Information collected will be related to incidents involving Department-Funded **Reentrants** (DFR) as either **alleged** victim or **alleged** abuser. **(28 C.F.R. §115.287[e])**
4. 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 each year;
 - c. the number of ongoing investigations as of December 31 for each facility;
 - d. comparison of 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 required by the Department of Justice; and **(28 C.F.R. §115.287[c])**

- f. the report shall include a comparison of the current year's data and corrective actions taken to reduce the incidents of sexual abuse, sexual harassment, and retaliation with those from prior years, and shall provide an assessment of the Department's progress in addressing sexual abuse. **(28 C.F.R. §115.288[b])**
5. The Department shall make all aggregated sexual abuse data information listed in **Subsection A.4. 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. §115.289[b])**
6. The **Annual PREA Report** shall be approved by the Secretary, provided to the Department of Justice, and posted on the Department website by June 30 of each year. **(28 C.F.R. §115.287[f]) (28 C.F.R. §115.288[c])**
7. 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. §115.289[a][d])**
8. 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. §115.289[c]) (28 C.F.R. §115.288[d])**

B. Document Retention – Reentrants

1. ***The below listed documents shall be maintained at the individual facility in the reentrant's file for audit verification purposes.***
 - a. ***PREA Sexual Abuse Awareness Handout Receipt (refer to Attachment 2-J and Attachment 2-K) (28 C.F.R. §115.233[d]).***
 - b. ***Gender Review Committee Checklist (refer to Attachment 9-A) (28 C.F.R. §115.242).***
 - c. ***Gender Review Reassessment Checklist (refer to Attachment 9-B).***
2. ***The following forms shall be maintained by the PREA Compliance Manager (PCM) in an annual electronic file for each form individually:***
 - a. ***Department Retaliation Monitoring Form (refer to Attachment 5-A) (28 C.F.R. §115.267); and***

- b. **PREA Report – Sexual Abuse (refer to Attachment 3-C) and any electronic correspondence associated with its transmission. (28 C.F.R. §115.263[a][b][c])**
 3. **The following forms and reports shall be maintained by the BCC Security Office:**
 - a. **PREA Investigation reports; and**
 - b. **PREA Investigation Reentrant Notification Form (refer to Attachment 8-A) (28 C.F.R. §115.273) 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. §115.267)**
2. **PREA Training and Understanding Verification Form for staff shall be kept in the employee’s training file. (28 C.F.R. §115.231[d])**
3. **PREA Training and Understanding Verification Form for contractors shall be maintained by the BCC Regional Office, as appropriate. (28 C.F.R. §115.232[c])**
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. §115.217[c][d])**

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. Investigations

1. **Each BCC Security Office 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,**

housed in a facility operated or contracted by the Department, or employed plus five additional years. (28 C.F.R. §115.271[i])

F. Contract Agency Data Collection and Reporting

1. Each Contract Agency shall comply with the PREA standards outlined in this subsection for the collection and reporting of incident-based aggregate data when the incidents involve only Non-Department-Funded **Reentrants** (NDFR). Examples include:
 - a. NDFR is the **alleged** victim and a Contract Employee is the **alleged** abuser;
or
 - b. NDFR is the **alleged** victim and a NDFR is the **alleged** abuser.

NOTE: These incidents must still be reported to the Department as outlined in **Section 3** of this procedures manual.

2. Each Contract Agency shall utilize the Department's **Annual PREA Report** to satisfy the PREA standards for any incident that involves a DFR as the **alleged** victim or **alleged** abuser.

Section 2 - Prevention and Training

A. Prevention

1. 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 **reentrants**. 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. §115.211[a])**
2. All Department and Contract managers shall ensure that employees enforce and comply with the outlined procedures, take corrective action regarding non-compliance, and document appropriately.

B. Department PREA Coordinator

1. ***There is one Department PREA Coordinator responsible for PREA compliance across the Department. The Department PREA Coordinator's sole responsibility is to develop, implement, and oversee Pennsylvania Department of Corrections efforts to comply with the federal PREA standards in all of the Department's Community Corrections facilities. The Department PREA Coordinator will have the authority to make necessary decisions to ensure compliance and 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 reentrants, 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 Department PREA Coordinator shall also review any documentation for non-compliance with a staffing plan. (28 C.F.R. §115.211) (28 C.F.R. §115.213[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. **Work with PCMs to schedule all required PREA audits, oversee the completion of all audit responses, and ensure ongoing PREA standards compliance.**
 - h. **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 (DOJ), or other credible sources relating to PREA.**
2. Community Corrections Centers (CCC) shall report to the **Department** PREA Coordinator as directed in this procedures manual.
 3. Each Contracted Agency shall assign a PREA Coordinator **referred to as the Contract Agency PREA Coordinator in this procedures manual**. The PREA Coordinator may also serve as the PCM at single facility contract agencies. The Contract Agency **PREA Coordinator** shall ensure facility compliance with the:
 - a. **PREA conditions in** Department contract;
 - b. Department policy related to PREA;
 - c. Federal PREA standards;
 - d. **development of** supplemental PREA policy to cover areas specific to the contract agency (personnel, federal reporting, etc.), but **ensure it** does not contradict Department policy; and
 - e. **ensure each facility of the agency is audited by a DOJ Certified PREA Auditor at least once each three-year audit cycle.**
 4. Community Contract Facilities (CCF) shall report to the Contracted Agency PREA **Coordinator** as directed in this procedures manual.

C. Bureau Director/Designee Responsibilities

1. Ensure all PREA-related investigations are conducted and reviewed in accordance with Department policy and PREA standards.

2. Ensure all facilities and contracts comply with the PREA standards and Department policy related to PREA.
3. Coordinate CCC audits through the **Department** PREA Coordinator and ensure responses to the audit report are completed and submitted within applicable time frames.
4. Develop and document a CCC staffing plan in accordance with Department policy 8.3.1, “**Bureau of Community Corrections Security**,” **Section 15**, and email to CR, DOC PREA Reports.

D. Bureau of Community Corrections-Management Operations Center (BCC-MOC) Responsibilities

1. **Receive reports of sexual abuse and sexual harassment from all facility staff at CCC and CCF facilities.**
2. **Upon notification of a sexual abuse or sexual harassment incident/allegation, the BCC-MOC shall ensure:**
 - a. **the safety of the alleged victim;**
 - b. **“911” is contacted for any alleged victim that requires emergency medical treatment;**
 - c. **an alleged sexual abuse victim is provided access to a forensic medical examination as outlined in Section 4 of this procedures manual;**
 - d. **an alleged sexual abuse victim is provided access to a victim advocate as outlined in Section 4 of this procedures manual;**
 - e. **an alleged sexual abuse victim is provided access to a mental health evaluation as outlined in Section 4 of this procedures manual;**
 - f. **staff on duty follow the required protocol and conduct no further questioning of the alleged victim; and**
 - g. **notifications are made, as appropriate, to the Facility Director/designee, Regional Director/designee, Bureau Duty Officer, PREA Captain/designee, and law enforcement.**
3. **The BCC-MOC shall prepare a confidential report, BCC PREA Report – Sexual Abuse (refer to Attachment 3-C) or BCC PREA Report – Sexual Harassment (refer to Attachment 3-D) to document the incident and actions taken in response.**

4. ***The Bureau’s PREA Captain/designee shall provide direction as necessary and:***
 - a. ***assign an investigator and request a tracking number in accordance with Department policy 8.3.1, Section 35;***
 - b. ***as applicable, forward a copy of the PREA Report to the affected Facility Director/designee, Facility PCM, external agency contact (Pennsylvania Board of Probation and Parole [PBPP], Pennsylvania State Police [PSP], etc.), Contract Facility Coordinator (CFC), Department PREA Coordinator, and Bureau Major/designee;***
 - c. ***ensure a WebTAS extraordinary occurrence report (EOR) is generated as outlined in Department policy 8.3.1, Section 17; and***
 - d. ***document all actions. (28 C.F.R. §115.263[c])***

E. PREA Compliance Manager (PCM) Duties

The Facility Director or assigned designee shall serve as the PCM for each facility and:

1. ensure staff, volunteers, contractors, and ***reentrants*** are trained in compliance with the PREA standards and Department policy related to PREA;
2. ensure the facility complies with the PREA standards and Department policy related to PREA;
3. keep an updated list of all multi-lingual staff at the facility that would be able to provide translation for any PREA-related issues;
4. ensure PREA administrative tours are conducted as outlined in **Subsection G. below**;
5. ***ensure all reentrants within the facility are screened for risk of victimization and abusiveness as outlined in Subsection M. below;***
6. ensure that when staff learn a ***reentrant*** is subject to a substantial risk of imminent sexual abuse; appropriate ***and*** immediate action will be taken to protect that ***reentrant***;
7. ensure that every reported incident/allegation of sexual abuse/***sexual*** harassment is reported to the BCC-MOC without delay;

8. **ensure that every allegation of consensual sexual activity is reviewed for signs of coercive activity and communicate such observations to the BCC-MOC without delay;**
9. ensure that staff do not conduct interviews or collect statements from anyone unless directed by the Department investigator;
10. coordinate services provided to alleged victims including medical, mental health, and crisis counseling;
11. serve as the facility's liaison to the Department investigator assigned to the case;
12. ensure all information, evidence, reports, etc. are provided to the Department investigator immediately upon receipt and/or request;
13. review the initial reported allegation and related investigative packet, medical assessment(s), psychological assessment, and any other relevant factors;
14. monitor **reentrants** and staff for signs of retaliation as outlined in **Section 5** of this procedures manual;
15. **co-chair with the Regional Director** the PREA Sexual Abuse Incident Review (SAIR) Committee in accordance with **Section 6** of this procedures manual;
16. ensure recommendations as the result of investigations and/or **SAIR** are implemented in a timely manner;
17. **coordinate PREA audits in conjunction with respective staff and the Department PREA Coordinator (for Department sites) or Contract Agency PREA Coordinator (for contracted sites). Ensure that the National PREA Resource Center Community Confinement Facilities Pre-Audit Questionnaire is completed and submitted within applicable timeframes;**
18. remain up-to-date with PREA information as it becomes available through the PREA Coordinator, PREA Resource Center, DOJ, or other credible sources relating to PREA; and
19. make monthly reports via the **BCC Facility PREA Compliance Report (Attachment 2-A)** to CR, DOC PREA Reports.
 - a. **The CCC PCM shall email the BCC Facility PREA Compliance Report to the CR, DOC PREA Reports and copy the Regional Director by the 10th of the month.**

- b. ***The CCF PCM shall email the BCC Facility PREA Compliance Report to the CR, DOC PREA Reports RA-CRPREAREPORTS@PA.GOV and copy the CFC by the 10th of the month.***

20. ***Notify the Regional Director in accordance with Section 9 of this procedures manual when a reentrant first identifies as transgender or intersex after placement at the facility.***

F. Contract Facility Coordinator (CFC) PREA-Related Duties

1. Ensure each facility that contracts with the Department complies with the PREA standards and Department policy related to PREA. Document deficiencies and ensure corrective action is taken.
2. Participate on the PREA SAIR panel as outlined in **Section 6** of this procedures manual.
3. ***Ensure recommendations as the result of investigations and/or SAIR are implemented in a timely manner.***
4. Participate in the PREA administrative tour as outlined in **Subsection G. below.**
5. Serve as a resource to each facility during audits. Ensure a copy of the audit and responses are provided to the Bureau Administration, Regional Director, and **CR, DOC PREA Reports resource account.**
6. Remain up-to-date with PREA information as it becomes available through the PREA Coordinator, PREA Resource Center, DOJ, or other credible sources relating to PREA.

G. PREA Administrative Tour

1. PREA administrative tours shall be conducted by intermediate level supervisors or management level employees to identify and deter sexual abuse and sexual harassment.
2. These tours are unannounced and will be conducted at varied times each month to ensure every shift is toured once per quarter. They may be conducted more often if there is an identified need:
 - a. shifts are defined as 0600-1400; 1400-2200; 2200-0600;
 - b. quarters are defined as QTR1 – (JAN-FEB-MAR); QTR2 – (APR-MAY-JUN); QTR3 – (JUL-AUG-SEP); QTR4 – (OCT-NOV-DEC);
 - c. the PCM must participate in at least one tour every quarter;

- d. the CFC must participate in at least one tour every quarter; and
 - e. there is no minimum or maximum number of participants that must conduct the tour.
3. Staff conducting the tours shall:
 - a. pay particular attention to the staff and video monitoring of the facility to detect areas that may need enhancement to ensure the sexual safety of the facility;
 - b. talk with staff and inquire about any perceived areas of concern or problems with **reentrants** relating to PREA; and
 - c. focus on any and all areas of the facility where there could be a potential for **reentrants** to become a victim of sexual abuse.
 4. PREA administrative tours may be conducted concurrent to administrative tours outlined in Department policy **8.3.1, Section 19**.
 5. PREA administrative tours shall be documented on the **BCC Facility PREA Compliance Report**. ***The report should be forwarded to CR, DOC PREA Reports resource account.***

H. Upgrade to Facilities and Technologies

1. Direction related to facility design and upgrades is outlined in Department policy **8.3.1, Section 3**.
2. Direction related to video monitoring systems and upgrades is outlined in Department policy **8.3.1, Section 42**.

I. Contracting with Other Entities for Housing *Reentrants* (Community Contract Facilities [CCFs] and Contracted County Jails [CCJs])

1. The Department shall include in any new contract or contract renewal for the housing of a **reentrant** with a private entity or other entity, 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. §115.212[a])**
2. ***All contracted entities are expected to have an official PREA audit by a Certified DOJ PREA Auditor once during every three year audit cycle as directed in PREA standard (28 C.F.R. §115.401[a][b]).***

3. The **PCD** shall provide contract monitoring to ensure the contractor is complying with the PREA standards with any new contract or contract renewal related to community corrections. The outcomes shall be documented on the **BCC PREA Contract Compliance Monitoring Report (Attachment 2-B)**.
4. Only in emergency circumstances in which all reasonable attempts to find a private agency or other entity in compliance with the PREA standards have failed, shall the Department enter into a contract with an entity that fails to comply with these standards. All unsuccessful attempts shall be clearly documented. **(28 C.F.R. §115.212[c])**

J. Access to Information for Special Populations

As outlined in Department policy **BCC-ADM 005, “Resident Legal,” Section 1**, the Department shall ensure **reentrants** with disabilities have an equal opportunity to participate in or benefit from all aspects of Department efforts to prevent, detect, and respond to sexual abuse and sexual harassment. **(28 C.F.R. §115.216[a])**

K. Housing for Youthful Reentrants

1. A youthful **reentrant** (under the age of 18) shall not be placed in any sleeping quarters in which the youthful **reentrant** will have sight, sound, or physical contact with any adult **reentrant** to include dormitory style sleeping quarters, shared use of bathroom, shared use of authorized changing area, or shared use of shower area.
2. The PCM shall evaluate the facility’s ability to receive and retain youthful **reentrants** in compliance with this section.
3. The Regional Director/designee will review the assessment, determine if the facility meets the standards, and notify the BCC **Centralized Referral Unit (CRU)**.
4. A list of approved sites will be maintained by the BCC **CRU**.
5. The PCM shall ensure specialized staff training complies with Mandated Reporting – **Act 126 PA Child Protective Services Law Training**.

L. Cross-Gender Searches and Supervision (28 C.F.R. §115.215[d])

1. Security staff shall be trained to conduct all **reentrant** searches in a professional, respectful, and least intrusive manner possible. **Staff shall conduct searches in accordance with** Department policy **8.3.1, Section 30. (28 C.F.R. §115.215[a])**
2. When the status quo of the gender-supervision on the housing unit changes from exclusively same gender, to mixed-gender or cross-gender supervision, staff are

required to verbally announce the presence of opposite gender person(s) on the housing unit. The announcement is required for staff (security and non-security), volunteers, visitors, and contractors (Example: “Female on the unit”).

3. **Reentrants** shall be able to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine dorm room checks **or security rounds**.
4. Locations shall be designated throughout the facility that allows **reentrants** to shower, perform bodily functions, and change clothing with basic privacy.
5. Staff of the opposite gender shall announce their presence prior to entering a bathroom area, shower area, or authorized changing area (Example: “Female entering area”).

M. Screening for Risk of Victimization and Abusiveness

1. Every **reentrant** shall be assessed for risk of being sexually abused by other **reentrants** or sexually abusive toward other **reentrants**: **(28 C.F.R. §115.241[a][b][f][g])**
 - a. within 72 hours of initial reception to the facility, including transfers; **(28 C.F.R. §115.241[b])**
 - b. between 20-30 days after initial reception; **(28 C.F.R. §115.241[f])**
 - c. **within five working days following an** incident/allegation of sexual abuse and/or sexual harassment;
 - d. when warranted due to referral, request, or receipt of additional information that bares on the **reentrant’s** risk of sexual victimization of abusiveness; and **(28 C.F.R. §115.241[g])**
 - e. when admitted to a licensed Mental Health Unit (MHU) at a CCF.
2. The PREA risk assessments shall be conducted utilizing the **PREA Risk Assessment Tool (PRAT) in English (Attachment 2-C) or Spanish (Attachment 2-D)** otherwise known as the PRAT. The tool will be an objective instrument that shall consider, at a minimum, the following criteria to assess **reentrants** for risk of sexual victimization: **(28 C.F.R. §115.241[c][d])**
 - a. whether the **reentrant** has a mental, physical, or developmental disability; **(28 C.F.R. §115.241[d][1])**
 - b. the age of the **reentrant**; **(28 C.F.R. §115.241[d][2])**

- c. the physical build of the **reentrant**; **(28 C.F.R. §115.241[d][3])**
 - d. whether the **reentrant** has previously been incarcerated; **(28 C.F.R. §115.241[d][4])**
 - e. whether the **reentrant's** criminal history is exclusively nonviolent; **(28 C.F.R. §115.241[d][5])**
 - f. whether the **reentrant** has prior convictions for sex offenses against a child or an adult; **(28 C.F.R. §115.241[d][6])**
 - g. whether the **reentrant** is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; **(28 C.F.R. §115.241[d][7])**
 - h. whether the **reentrant** has previously experienced sexual victimization; **(28 C.F.R. §115.241[d][8])**
 - i. the **reentrant's** own perception of vulnerability; and **(28 C.F.R. §115.241[d][9])**
 - j. whether the **reentrant** is detained solely for civil immigration purposes.
3. The initial assessment (within 72 hours of reception) shall be conducted by a trained counselor and consider prior acts of abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the Department, in order to assess **reentrants** for the risk of being sexually abusive. **(28 C.F.R. §115.241[e])**
 4. Follow-up assessments, including the 20-30 day assessment, shall be conducted by the trained counselor assigned to the **reentrant**.
 5. **Where there is an allegation of sexual abuse and/or sexual harassment, a trained counselor will administer an additional PRAT to all reentrants involved within five working days of the allegation being made. In the event that the alleged victim/alleged abuser is about to be paroled, the PRAT will be administered prior to the reentrant's release. (28 C.F.R. §115.241[g])**
 6. **Reentrants** 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. §115.241[h])**
 7. The information received through the administration of the PRAT shall be used to make individualized determinations regarding housing, work, education, and program assignments with the goal of keeping **reentrants** safe and keeping

separate those **reentrants** at high risk of being sexually victimized from those at high risk of being sexually abusive. (§28 C.F.R. 115.242[a][b])

8. If a **reentrant** refuses to answer the PRAT questions, the staff member will emphasize the importance of answering the questions honestly to assist with proper placement and document any refusals.
9. **The PRAT information and scores shall only be** made available to **designated** staff to aid in housing, bed, and program assignment with the goal to keep separate those **reentrants** at high risk of being sexually victimized from those **reentrants** at high risk of being sexually abusive, and shall never be shared with other **reentrants**. (28 C.F.R. §115.241[i])
10. **If a reentrant answers “yes” to Questions 9-12 on the PRAT, the staff member administering the PRAT shall ensure immediate and appropriate actions are taken in accordance with Section 3 of this procedures manual.**
11. **Any reentrant who reports sexual victimization during the administration of a PRAT should be asked for sufficient details to allow BCC-MOC staff to determine whether a sexual abuse investigation is warranted.**
12. **For any reentrant reporting that they are transgender or intersex, the staff administering the PRAT will forward that information to the PCM for tracking and monitoring.**
13. CCCs shall use the electronic PRAT in WebTAS to conduct assessments. **Paper copies shall not be retained.**
14. CCFs may utilize the PRAT attachment or a different agency-specific tool that meets PREA standards. **The PRAT information and scores should only be shared with designated staff and stored in a secure location.** The tool must be made available for review upon request by the Department of Corrections (DOC)/PBPP.
15. **The Facility Director/designee will update and monitor the PRAT Tracking Form (Attachment 2-E) for those reentrants who are housed at the facility and update the form with information regarding high risk victimization/high risk abuser, and self-identified members of the Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) community.**
16. **The assigned designated counselor will be responsible for monitoring those reentrants that are in need of a PRAT reassessment between 20-30 days following their reception to the facility and ensuring it is completed.**

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

The Department shall not place LGBTI reentrants 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 reentrants. (28 C.F.R. §115.242[f]) Additional information regarding working with the LGBTI population can be found in Section 9 of this procedures manual.

O. Employee, Contractor, and Volunteer Training (28 C.F.R. §115.232[a][b]) (28 C.F.R. §115.231[c])

1. Every **person** who has contact with **reentrants** shall be trained on his/her responsibilities related to sexual abuse and sexual harassment prevention, detection, and response policies and procedures. This shall occur as follows:
 - a. Orientation – Basic information related to PREA shall be provided by the PCM or Facility Director/designee and documented during facility orientation via the **PREA Orientation Receipt for Department and Contract Employees and Volunteers (Attachment 2-F)**. Individuals shall also be informed of their immediate responsibility for reporting and responding to sexual abuse and sexual harassment allegations/incidents.
 - b. Basic Training – Initial training shall be provided within three months of hire or execution of contract. This may occur through the Department’s Basic Training Academy, the PCM, or another approved training source.
 - c. Refresher Training – Refresher training shall be provided every two years and include current sexual abuse and sexual harassment policies and procedures. In alternate years, refresher information shall be provided on the current sexual abuse and sexual harassment policies.
2. **An employee shall receive additional training if the employee is reassigned from a single gender facility to an opposite gender or co-ed facility. Such training shall be tailored to the gender of the reentrants at the employee’s facility. (28 C.F.R. §115.231[b])**
3. Individuals who contract with the Department to provide non-residential reentry services (off-site) shall receive PREA information as outlined in **Section 10** of this procedures manual.
4. Basic and refresher training shall include: **(28 C.F.R. §115.231[a])**
 - a. the Agency’s zero tolerance policy for sexual abuse and sexual harassment; **(28 C.F.R. §115.231[a])**

- b. how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; **(28 C.F.R. §115.231[a][2])**
 - c. **reentrants'** right to be free from sexual abuse and sexual harassment; **(28 C.F.R. §115.231[a][3])**
 - d. the right of **reentrants** and employees to be free from retaliation for reporting sexual abuse and sexual harassment; **(28 C.F.R. §115.231[a][4])**
 - e. the dynamics of sexual abuse and sexual harassment in confinement; **(28 C.F.R. §115.231[a][5])**
 - f. the common reactions to sexual abuse and sexual harassment victims; **(28 C.F.R. §115.231[a][6])**
 - g. how to detect and respond to signs of threatened and actual sexual abuse; **(28 C.F.R. §115.231[a][7])**
 - h. how to avoid inappropriate relationships with **reentrants**; **(28 C.F.R. §115.231[a][8])**
 - i. how to communicate effectively and professionally with **reentrants**, including LGBTI or gender nonconforming **reentrants**; and **(28 C.F.R. §115.231[a][9])**
 - j. how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. **(28 C.F.R. §115.231[a][10])**
5. Basic, annual, and specialized training for Department employees shall occur as outlined in Department policy 5.1.1, “**Staff Development and Training.**” Specialized training shall be conducted for investigators as well as medical and mental health care practitioners. **(28 C.F.R. §115.271[b])**
6. Any employee who conducts sexual abuse investigations shall receive specialized training specific to confinement settings through the Department or other approved source. This training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative actions or prosecution referral. **(28 C.F.R. §115.234[a][b][d])**
7. **All full and part-time medical and mental health care practitioners who work regularly in the facilities will be trained in, or provide proof that they have been trained prior to starting to provide service to the facility: (28 C.F.R. §115.235)**

- a. ***how to detect and assess signs of sexual abuse and sexual harassment;***
 - b. ***how to preserve physical evidence of sexual abuse;***
 - c. ***how to respond effectively and professionally to victims of sexual abuse and sexual harassment; and***
 - d. ***how and to whom to report allegations or suspicions of sexual abuse and sexual harassment.***
8. Staff may complete training offered by the Department or by another source whose curriculum complies with the federal PREA standards.
 9. Each individual who receives any type of training (basic, ongoing, or specialized) shall complete and sign the **PREA Training Receipt for Department and Contract Employees and Volunteers (Attachment 2-G)**. (28 C.F.R. §115.231[d]) (28 C.F.R. §115.232[c]) (28 C.F.R. §115.234[c])
 10. All orientation and training information will be maintained by the PCM for non-employees and made part of the Agency's official personnel file for employees.

P. Reentrant Education

1. Every **reentrant**, including transfers and new receptions, will receive information regarding the Agency's zero tolerance policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse or sexual harassment, their rights to be free from sexual abuse and sexual harassment, and to be free from retaliation for reporting such incidents, and regarding Agency policies and procedures for responding to such incidents. (28 C.F.R. §115.233[a][b])
2. The Facility Director/designee shall ensure **reentrant** orientation and education is able to be provided in formats accessible to all **reentrants** including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as **reentrants** who have limited reading skills. Additional information is outlined in Department policy **BCC-ADM 005, Section 1**. (28 C.F.R. §115.233[c])
3. Each **reentrant**, including transfers and new receptions, will receive a copy of the **PREA Handout in English (Attachment 2-H) or Spanish (Attachment 2-I)** immediately upon arrival at the facility. The **reentrant** shall sign the **PREA Sexual Abuse Awareness Handout Receipt for Reentrants in English (Attachment 2-J) or Spanish (Attachment 2-K)**.

4. Any staff member who received PREA basic training may provide the **PREA Handout** to **reentrants**. Questions that cannot be answered by the staff member should be referred to the PCM or Facility Director/designee.
5. At the daily **0600 (between 0530-0630), 1200 (between 1130-1230), and 2100 (between 2030-2130)** hours count, every CCC and group home CCF, shall make an announcement over the public address system utilizing the **Zero Tolerance Fact Sheet (Attachment 2-L)**.
6. More thorough **reentrant** education will be provided by a trained counselor within 14 days of reception, using:
 - a. the **Sexual Abuse/Sexual Harassment Reentrant Education Program (Attachment 2-M)**; and
 - b. the PREA Resource Center video and facilitator's guide.
7. The program may be provided to **reentrants** individually or in groups.
8. Security staff may not conduct the **reentrant** education program.
9. The PCM shall ensure the counselor or presenter received PREA basic training and is able to answer questions specific to the facility's response to a PREA report.
10. The counselor or presenter must be present at all times to facilitate discussion on the presentation/video and to answer questions and meet individually with any of the **reentrants**, if they request, to discuss issues related to PREA.
11. Documentation that sexual abuse and sexual harassment training has occurred during orientation shall be recorded on the **PREA Education Receipt for Reentrants in English (Attachment 2-N) or Spanish (Attachment 2-O)** form and maintained in the **reentrant's** file. (28 C.F.R. §115.233[d])
12. The PCM shall serve as a resource to any staff member who provides **reentrant** orientation and/or education program.

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.

What Does Sexual Abuse Look Like in Prison?

The Department does not condone any form of consensual sexual activity. Anyone engaging in consensual sexual activity may be subject to misconduct #19.

Sexual abuse 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 physical violence is used.

- Even if someone has agreed to sexual acts previously, it does not mean that they are agreeing to sexual acts in the future.
- Although sexual activity is not permitted within Department facilities, be aware that anyone can stop or change their mind during an agreed upon 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.

The Department’s goal is to ensure the safety of all incarcerated individuals.

(Front) Attachment 2-H, Page 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)

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

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 Manager for access to this service.

(Back) Attachment 2-H, Page 2 of 2

¿Qué es una Agresión Sexual en Prisión?

(28 C.F.R § 115.33)

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

Tipos de Abuso Sexual y Acoso Sexual:

- Recluso con Recluso: Uno o más reclusos que participan en, o en un intento por participar en, un acto sexual no consensuado. Acercamientos repetidos e indeseados, peticiones de favores sexuales, comentarios verbales, tocamientos, gestos o acciones de una naturaleza sexual despectiva u ofensiva por parte de un recluso hacia otro recluso.
- Personal (Staff) con Recluso: El personal que participa en, solicita, amenaza o intenta participar en un acto sexual con un recluso. 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.

¿Cómo Se Ve El Abuso Sexual En Prisión?

El Departamento no perdona ninguna forma de actividad sexual consensuada. Cualquier persona que participa en una actividad sexual consensuada puede estar cometiendo una falta #19.

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 es manipulado, amenazado o intimidado para participar en un acto sexual, o
 - *se utiliza una amenaza o una tentativa de violencia física.
- Incluso si alguien ha acordado previamente participar en actos sexuales, no significa que accederán a participar en actos sexuales en el futuro.
 - Aunque la actividad sexual no se permite dentro de las instalaciones del Departamento, hay que saber que cualquier persona puede detenerse o cambiar de opinión durante un acto sexual convenido. 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.

La meta del Departamento es garantizar la seguridad de todos los individuos encarcelados.

(Frente) Anexo 2-I, Pagina 1 de 2

¿Qué Puedes Hacer Si Has Sido Abusado(a) Sexualmente?

(28 C.F.R § 115.33)

Después de ser agredido(a) sexualmente, puede ser difícil saber que hacer o como sentirse. Es normal sentir muchas cosas a la vez. Es importante saber que no es tu culpa y que no estas solo(a). Pero para tu seguridad, hay algunas cosas que puedes hacer después de haber sido abusado(a) sexualmente.

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

¿Cómo Puedes Reportar el Abuso Sexual o el Acoso Sexual? (28 C.F.R § 115.33)

1. Cuéntale a Cualquier Miembro del Personal (staff) del Departamento de Correccionales que sea de su confianza.
2. Haz una petición por escrito a cualquier miembro del personal.
3. Envía un informe por escrito a la dirección de denuncia de Abuso Sexual:

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

4. Pídele a tu familia que notifique al centro, que contacten a la Policía Estatal de PA, o que presenten un reporte escrito a la dirección de reporte de Abuso Sexual indicada arriba.

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

Mande una solicitud para recibir mayor información:

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

También puedes contactar al Gerente de Cumplimiento del PREA del centro para tener acceso a este servicio.

(Reverso) Anexo 2-I, Pagina 2 de 2

PREA Sexual Abuse Awareness Handout Receipt for Reentrants
(28 C.F.R. §115.233[a])

Under the Prison Rape Elimination Act, **reentrants** of this facility must receive information regarding sexual abuse and sexual harassment, how to report an incident of sexual abuse or sexual harassment, and what to do if he/she is the victim of sexual abuse or sexual harassment. The “**PREA Sexual Abuse Awareness Handout**” that you are receiving outlines:

- **What is Center Sexual Violence?**
- **Tips for Avoiding Sexual Abuse**
- **What To Do If You Have Been Sexually Abused?**
- **How Can You Report A Sexual Abuse or Sexual Harassment?**

The PA Department of Corrections, Bureau of Community Corrections, and this Facility have a zero tolerance for sexual abuse, sexual harassment, **and retaliation for reporting such behavior**. If you have any questions regarding the **handout**, speak with a staff member immediately.

I acknowledge upon my arrival to this facility on this date that I received the “**PREA Sexual Abuse Awareness Handout**.” I acknowledge that any questions regarding sexual abuse or sexual harassment were answered in the **handout** or by staff to a degree that I understand how to report an incident of sexual abuse or sexual harassment and what to do if I am the victim of sexual abuse or sexual harassment.

Reentrant Name (Print): _____ ID#: _____

Reentrant Signature: _____

Staff Member Witness: _____

Staff Member Signature: _____

Date: _____

PREA Sexual Abuse Awareness Handout Receipt for Reentrants

(28 C.F.R. §115.233[a])

PREA folleto recibo para reentrantes

Bajo la prisión violación ley para la eliminación, los reentrantes de este centro debe recibir información sobre abuso sexual y acoso sexual, cómo informar de un incidente de abuso sexual o acoso sexual y qué hacer si es víctima de abuso sexual o acoso sexual. El "PREA abuso sexualidad, final del silencio" describe el folleto que usted recibe:

- Qué es violencia Sexual centro?
- Consejos para evitar Abuso Sexual?
- qué hacer si usted ha sido abusado sexualmente?
- Cómo puede usted informar de un abuso Sexual o acoso Sexual?

El Departamento de correcciones de PA, oficina de correcciones de la comunidad y esta instalación tienen una tolerancia cero para el abuso sexual y el acoso sexual, y represalias por informar este tipo de comportamiento. Si usted tiene alguna pregunta sobre el folleto, hable con un miembro del personal inmediatamente.

Reconozco a mi llegada a este centro en esta fecha que recibí el "PREA abuso sexualidad, final del silencio" folleto. Reconozco que cualquier duda con respecto a abuso sexual o acoso sexual fueron contestada en el folleto o por personal al grado de que entiendo cómo reportar un incidente de abuso sexual o acoso sexual y qué hacer si soy víctima de abuso sexual o acoso sexual.

Nombre del reentrante (imprimir): _____

de identificación: _____

firma reentrante: _____

personal miembro testigo: _____

personal firma miembro: _____

Fecha: _____

PREA Education Receipt for Reentrants
(28 C.F.R. §115.233[d])

*In accordance with the Prison Rape Elimination Act (PREA), all **reentrants** of this facility are required to participate in and acknowledge understanding and comprehension of PREA education.*

Reentrant Name: _____ ID#: _____

Facility: _____

Name of Training Course Provided:

Sexual Abuse/Sexual Harassment Education Program

Date/Time/Location of Training:

I acknowledge on this date _____ I received and understand the **Prison Rape Elimination Act (PREA): Sexual Abuse Education Program**. I understand how to report an incident of sexual abuse or sexual harassment, and what to do if I am the victim of sexual abuse or sexual harassment. I received a copy of the **PREA Handout** immediately upon my arrival to the facility. I was trained (video or instructor led) on the description of sexual abuse, how to report, and intervention. If a video was used, I affirm that a trained staff member remained in the room during the playing of the video and answered questions at the end of the video. Finally, the trained staff member offered to meet privately to discuss issues related to the video, if requested.

Reentrant Signature: _____

Staff Witness Signature: _____

Date: _____

PREA Education Receipt for Reentrants (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, el acoso sexual y represalias.*

Firma Recluso: _____

Fecha: _____

Firma de un Testigo: _____

Fecha: _____

CC: DC-14

Section 3 – Reporting Sexual Abuse and Sexual Harassment

A. General Information

1. A **report, complaint**, or allegation of sexual abuse, sexual harassment, or retaliation (by other **reentrants** or staff) for reporting sexual abuse and/or sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents can be reported by several means: verbal, written, anonymous, or by a third party. **(28 C.F.R. §115.251[a])**
2. Employees shall accept reports made verbally, in writing, anonymously, and from third parties, promptly document any verbal reports on a **DC-121, Part 3-Bureau of Community Corrections (BCC) Employee Report of Incident** and immediately notify the Facility Director/designee. **(28 C.F.R. §115.251[c], §115.261[e])**
3. When any employee learns that a **reentrant** is subject to a substantial risk of imminent sexual abuse, the employee shall take immediate action to protect the **reentrant** and verbally contact the Facility Director/designee for additional direction. This information shall be documented on a **DC-121, Part 3-BCC**. **(28 C.F.R. §115.262)**
4. Retaliatory action against any person for reporting sexual abuse or sexual harassment, or for providing information during an investigation is prohibited. Any individual, who seeks to deter a **reentrant** or any person from reporting sexual activity, or who, in any manner, harasses or intimidates any person who reports the alleged **sexual abuse or sexual harassment** is subject to discipline.
5. Informational **Prison Rape Elimination Act (PREA) Notice in English (Attachment 3-A) and Spanish (Attachment 3-B)** shall be posted in facility common areas accessed by **reentrants**, employees, and visitors. These posters are available through the Bureau Office. **(28 C.F.R. §115.233[e])**
6. Sexual abuse and sexual harassment are defined in the **Glossary of Terms** of this procedures manual.
7. When doubt exists regarding whether or not a **report** is related to sexual abuse or sexual harassment, the Bureau of Community Corrections-Management Operations Center (BCC-MOC) shall be contacted for direction.
8. Anyone who reports sexual abuse or sexual harassment should provide as many details as possible regarding the incident(s) to include: a complete description of **the alleged** incident(s); names of all parties involved; date(s); time(s); place(s) of alleged incidents; and witness(es), if any.

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9. Every report of sexual abuse or **sexual** harassment will be held in strict confidence; additional questioning or interviewing of the alleged victim, witnesses, or abuser(s) shall not be conducted by facility staff. The information shall not be shared amongst multiple staff or supervisors prior to contacting the BCC-MOC.
10. All written reports related to sexual abuse **and** sexual harassment shall be maintained in a separate and confidential location from other facility incident reports.
11. **The BCC-MOC will complete the PREA Report - Sexual Abuse (Attachment 3-C) for all sexual abuse allegations.**
12. **The BCC-MOC will complete the PREA Report - Sexual Harassment (Attachment 3-D) for all sexual harassment allegations.**

B. Reentrant Reporting

1. **Reentrants** may privately report sexual abuse, sexual harassment, retaliation by other **reentrants** or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Reports may be made verbally, in writing, anonymously, and from third parties to: **(28 C.F.R. §115.251[a])**
 - a. any staff member;
 - b. the Facility Director/designee;
 - c. the facility PREA Compliance Manager (PCM);
 - d. the Department PREA Coordinator; or
 - e. to the address identified in **Subsection C**.
2. If a **reentrant** files a grievance related to sexual abuse **by a reentrant or sexual abuse/sexual harassment by a staff member**, the grievance officer shall immediately reject the grievance and contact the BCC-MOC for investigation. The **reentrant** will be notified of this action. This will be considered an exhaustion of administrative remedies.

C. Third Party Reporting (28 C.F.R. §115.251[b][d]); (28 C.F.R. §115.254)

1. Anyone, **to include family, friends, and the general public**, may make a private report of an allegation of sexual abuse or sexual harassment on behalf of a **reentrant** by writing to the BCI/PREA Coordinator, 1800 Elmerton Avenue Harrisburg, PA 17110.

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NOTE: This address is not part of the Department or Contract Agency and is able to receive and immediately forward reports of sexual abuse and sexual harassment to Agency officials. The reporter may remain anonymous upon request.

2. This address may be used by anyone including employees, **reentrants**, friends, family, volunteers, visitors, contractors, vendors, and the general public.
3. This information shall be posted as outlined in **Subsection A. above**.

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

1. All staff, **contractors, and volunteers** shall provide an immediate verbal report to the Facility Director/designee of any knowledge, suspicion, or information regarding an **alleged** incident of sexual abuse or sexual harassment that occurred in any facility (whether or not it is part of the Agency); retaliation against **reentrants** or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. **(28 C.F.R. §115.261[a])** This information shall be documented on a **DC-121, Part 3-BCC. In the absence of the Facility Director, this notification will be made to the BCC-MOC.**

NOTE: If the report involves sexual abuse, the employee shall also complete first responder duties as outlined in **Section 4** of this procedures manual.

2. A staff member, **contractor, or volunteer** may also make a private report as outlined in **Subsection C. above**.
3. Apart from reporting to designated supervisors or officials, staff, **contractors, and volunteers** shall not reveal any information related to a sexual abuse report to anyone except those specified in this procedures manual, to make treatment, investigation, or other security and management decisions. **(28 C.F.R. §115.261[b])**
4. Unless otherwise precluded by federal, state, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to **Subsection D.1. above** and to inform **reentrants** of the practitioner's duty to report and the limitations of confidentiality at the initiation of services. **(28 C.F.R. §115.261[c])**
5. If the alleged victim is under the age of 18, or considered a vulnerable adult under a state or local "Vulnerable Persons" statute, the facility shall report the allegation to the designated state or local services agency under applicable mandatory reporting laws. **(28 C.F.R. §115.261[d])**

E. Facility Director/designee Responsibilities Upon Receipt of an Allegation

Upon learning of an allegation of sexual abuse or sexual harassment, including third-party and anonymous reports, the Facility Director/designee shall:

1. ensure the safety of the **alleged** victim;
2. verbally notify the BCC-MOC for action and investigation; **(28 C.F.R. §115.261[e])**
3. ensure first responder duties are completed in accordance with **Section 4** of this procedures manual for every incident/allegation of sexual abuse; and
4. document the allegations **and any actions taken** via a **DC-121, Part 3-BCC**.

F. Reports Received About Other Confinement Facilities

1. Upon receiving an allegation that a **reentrant** was sexually abused while confined at another facility, the Facility Director/designee shall document the receipt of the allegation via a **DC-121, Part 3-BCC** and **verbally** notify the BCC-MOC without delay. **The BCC-MOC shall prepare a confidential report; PREA Report – Sexual Abuse.** The affected facility will be provided a copy of the confidential report and contact information **in an electronic format** for any follow-up questions. **A copy of the notification and attachments shall be maintained in the Bureau Security Office case file. (28 C.F.R. §115.263[a][b])**
2. The **Bureau Director** will make initial contact with the **Facility Director of the affected facility by utilizing the PREA Report – Sexual Abuse to coordinate any immediate actions that may need to be taken.** The Bureau Director shall make follow-up contact with the affected Facility **Director to make the formal notification to the affected facility** within 72 hours of report.

G. Reports Received From Other Confinement Facilities

1. Upon receiving an allegation from another facility (Community Corrections Center [CCC], Community Contract Facility [CCF], State Correctional Institution [SCI], Contract County Jail [CCJ], etc.) about an allegation of sexual abuse or sexual harassment, the Facility Director/designee shall document the receipt of the allegation via a **DC-121, Part 3-BCC** and verbally notify the BCC-MOC without delay.
2. The BCC-MOC will take action as outlined in **Section 2 of this procedures manual.**

H. Reports Received About Incidents/Allegations in the Community

1. Upon occasion, a **reentrant** may report that they have been the victim of sexual abuse, sexual assault, rape, etc. in the community.
2. The Facility Director/designee shall ensure the **reentrant's** safety and verbally notify the BCC-MOC without delay.

Section 4 – Responding to a Report 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. §115.265)**

A. General

1. The Prison Rape Elimination Act (PREA) Compliance Manager (PCM) shall coordinate medical services related to sexual abuse for his/her facility and where possible, utilize a hospital that employs a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) **to conduct sexual abuse examinations**. The facility shall enter into a letter of agreement with the hospital **or shall document its attempts to enter into such an agreement. (28 C.F.R. §115.221[c])**
 - a. Community Corrections Center (CCC) letters, **PREA SAFE/SANE Letter of Agreement (Attachment 4-A)**, shall be vetted through the Department's Office of Chief Counsel.
 - b. Community Contract Facilities (CCF) may utilize the Medical Provider Letter of Agreement as a template and vet through the Contract Agency's legal department to ensure compliance with the national PREA standards.
 - c. Each facility shall maintain the signed document for review upon request and provide a copy to the Regional Director/designee and **Department** PREA Coordinator.
2. Community Corrections staff shall **not** take any photographs when a sexual abuse allegation is made. The collection of any photographic evidence must be conducted by the outside medical professional or law enforcement.
3. On-site facility medical staff shall **not** conduct forensic medical exams of Department of Corrections (DOC) **reentrants**.
4. The PCM shall coordinate victim services related to sexual abuse for his/her facility and work with the Pennsylvania Coalition Against Rape (PCAR) approved local rape crisis center to establish a **PREA Rape Crisis Center Letter of Agreement (Attachment 4-B) or shall document its attempts to enter into such an agreement. (28 C.F.R. §115.221[d]) (28 C.F.R. §115.253[c])**
 - a. CCC letters shall be vetted through the Department's Office of Chief Counsel.
 - b. CCFs may utilize the **PREA Rape Crisis Center Letter of Agreement** as a template and vet through the Contract Agency's legal department to ensure compliance with the national PREA standards.

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Section 4 – Responding to a Report of Sexual Abuse

- c. Each facility shall maintain the signed document for review upon request and provide a copy to the Regional Director/designee and **Department** PREA Coordinator.
5. A **Notification (Attachment 4-C)** about available services titled, **“If you are the Reported Victim of Sexual Abuse,”** shall be laminated and posted in facility common areas accessed by **reentrants**. **(28 C.F.R. §115.233[e])** The facility shall add the address for local services prior to printing and laminating the **Notification**. **(28 C.F.R. §115.253[a])** Phone numbers may not be posted without the written consent of the organization providing the service.
6. **The facility shall inform reentrants, prior to giving them access, the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.**
 - a. **Each facility shall ensure that if facility phones or public pay phones within the facility are monitored, that the level of monitoring is clearly posted next to the phone. This shall be posted in English and Spanish.**
 - b. **If the facility monitors reentrant mail, the level of monitoring must be clearly posted on the reentrant’s bulletin board and in the facility handbook.**

B. First Responder Duties

1. Upon learning of an allegation that a **reentrant** was sexually abused, the first staff member to respond shall take immediate action and: **(28 C.F.R. §115.264[a][b])**
 - a. call “911” if a physical or sexual assault is currently in progress;
 - b. escort the **alleged** victim to a safe location away from others;
 - c. **if the incident occurred within 96 hours of the reporting, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;**
 - d. notify the Facility Director/designee;
 - e. contact the BCC-MOC and follow all direction provided. **The BCC-MOC will assess the situation and advise if it is appropriate to ensure the preservation of physical evidence contained on the alleged abuser;**
 - f. **do not interview the alleged victim or anyone else, simply report the current information;**

- g. preserve and protect any possible crime scene as outlined in Department policy **8.3.1, “Community Corrections Security,” Section 24** until appropriate steps can be taken to collect evidence;
- h. **do not take any photographs/video of the alleged victim or abuser;**
- i. complete the **BCC First Responder Checklist (Attachment 4-D)** and a **DC-121, Part 3-BCC**; and
- j. **follow procedures and submit all other required written reports pursuant to this procedures manual.**

NOTE: If the first 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 and then notify security staff.

- 2. In order to maximize the potential for obtaining usable physical evidence, the facility shall secure and protect the potential crime scene, until physical evidence can be collected by law enforcement and/or an outside medical professional. If those entities decline to take possession of the evidence, it shall be handled in accordance with Department policy **8.3.1, Section 24. (28 C.F.R. §115.221[a])**
- 3. The BCC-MOC shall complete duties as outlined in **Section 2** of this procedures manual to include the coordination of initial medical and mental health services by an external provider. **(28 C.F.R. §115.282[b])**

C. Access to Emergency Medical and Mental Health Services

- 1. **Alleged** 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. §115.282[a])**
- 2. All **alleged** victims of sexual abuse **occurring within 96 hours** shall be offered access to a forensic medical examination at an outside facility, without financial cost to the **alleged** victim, using a SAFE or SANE where possible. If a SAFE or SANE cannot be made available, the examination can be performed by other qualified medical practitioners and documented appropriately. **(28 C.F.R. §115.221[c])**
 - a. **PCM/designee shall have the alleged victim complete the Victim of Sexual Abuse Services Offered Form (Attachment 4-E) in English and Spanish.**
 - b. **Transport of alleged victims shall occur as outlined in Department policy 8.3.1, Section 22.**

D. Reentrant Access to Outside Supportive Services

1. ***The PCM shall ensure that alleged victims 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.***
 - a. ***During non-working hours, the PCM/designee shall be responsible to ensure the aforementioned support services have been offered.***
 - b. ***Supportive services may be provided via a variety of methods including in person, during a non-monitored phone call, and/or in writing.***
 - c. ***The preferred service delivery method is in person in a confidential setting. (28 C.F.R. §115.253[a]) (28 C.F.R. §115.221[d])***
 - d. ***PCM/designee shall have the alleged victim complete the Victim of Sexual Abuse Services Offered Form.***
2. ***The PCM shall inform the alleged victim, prior to giving him/her 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. 115.253[b])***
3. ***An alleged victim shall be offered the opportunity to talk with a victim advocate upon receipt of an allegation and receive continued care when he/she has been a victim of facility sexual abuse, no matter if he/she reported the sexual abuse immediately or made a delayed disclosure.***
4. A victim advocate shall accompany and support the ***alleged*** victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals. Facility staff may not serve as victim advocates for Department-Funded ***Reentrants*** (DFR). **(28 C.F.R. §115.221[e][h])**

E. Follow-Up Care for Victims of Sexual Abuse

1. The PCM shall coordinate medical and mental health evaluations and, as appropriate, treatment for all ***reentrants*** who have been victimized by sexual abuse in any prison, jail, lockup, juvenile facility, or community confinement facility. This includes follow-up services, treatment plans, and referrals for continued care following their release from the facility. **(28 C.F.R. §115.283[a][b])**
2. The PCM shall coordinate medical services and referrals for treatment in the community, in accordance with professionally accepted standards, to include: pregnancy tests for victims of sexually abusive vaginal penetration during incarceration; timely and comprehensive information about and timely access to

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emergency contraception; lawful pregnancy-related services; Sexually Transmitted Infections (STI) testing, and follow-up treatment. **(28 C.F.R. §115.282[c]) (28 C.F.R. §115.283[d][e][f])**

3. Medical and mental health referrals shall occur to locations providing services consistent with the community level of care. **(28 C.F.R. §115.283[c])**
4. Services shall be provided without financial cost to the **alleged** victim and regardless of whether the **alleged** victim names the abuser or cooperates with any investigation arising out of the incident. This financial obligation ends when the **reentrant** is released from the facility. Any financial obligation incurred by the facility shall be reported to the Bureau Director/designee. **(28 C.F.R. §115.282[d]) (28 C.F.R. §115.283[g])**

F. Reentrant Abusers

The facility shall attempt to coordinate a mental health evaluation for all known **reentrant-on-reentrant** abusers within 60 days of learning of such abuse history and coordinate treatment when deemed appropriate by mental health practitioners. **(28 C.F.R. §115.283[h])**

If You Are the Reported Victim Of Sexual Abuse:

You will 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. §115.282[a])**

Medical treatment and crisis intervention services will be provided without financial cost to you. The facility shall inform you, prior to giving you access to outside confidential support services, of the extent to which such communication will be monitored. **(28 C.F.R. §115.221[c], §115.253[b], §115.282[d], §115.283[g])**

Administrative and criminal investigations will be completed for all allegations of sexual abuse and sexual harassment. **(28 C.F.R. §115.222[a])**

Allegations of sexual abuse and sexual harassment will be investigated by the Pennsylvania Department of Corrections or referred to an agency with the legal authority to conduct criminal investigations, and victims will be notified of the investigative outcome. **(28 C.F.R. §115.222[b], §115.273[a])**

You will be monitored for follow-up for at least 90 days following a report of sexual abuse to ensure you are free from retaliation and are receiving requested treatment services. **(28 C.F.R. §115.267[c])**

If you have any questions or need help accessing services, please inform your counselor.

You may write to the addresses below for additional help and services.

Si Usted Es La Victima Del Abuso Sexual Reportado:

(28 C.F.R. §115.233[e])

Usted recibirá puntualmente, el libre acceso a tratamiento médico de emergencia y de la intervención en caso de crisis servicios, la naturaleza y el alcance de lo que se determina por médicos y profesionales de salud mental de acuerdo a su criterio profesional. **(28 C.F.R. §115.282[a])**

Tratamiento médico y de la intervención en caso de crisis se prestará servicios sin coste financiero. La facilidad informará, antes de que le da acceso a los servicios de apoyo confidenciales fuera, de la medida en que se vigilarán comunicación. **(28 C.F.R. §115.221[c], §115.253[b], §115.282[d], §115.283[g])**

Su denuncia de abuso sexual y acoso sexual será reportada para investigación administrativo y criminal. **(28 C.F.R. §115.222[a])**

Su denuncia de abuso sexual y acoso sexual será investigada por el Departamento de Correcciones de Pensilvania o se hace referencia a una agencia con la autoridad legal para llevar a cabo investigaciones criminales y las víctimas serán notificados de los resultados de la investigación. **(28 C.F.R. §115.222[b], §115.273[a])**

Se lo controlará para el seguimiento durante al menos 90 días después de una denuncia de abuso sexual para asegurarse de estar libre de represalias y está recibiendo servicios de tratamiento solicitados. **(28 C.F.R. §115.267[c])**

Si usted tiene alguna pregunta o necesita ayuda para acceder a los servicios, por favor informe a su consejero.

Usted puede escribir a las direcciones abajo para obtener ayuda adicional y servicios.

The PREA Compliance Manager at this Facility is:
El gerente de cumplimiento de PREA en esta facilidad es:

Type PCM Name Here

PCAR
P.O. Box 400
Enola, PA 17025
www.pcar.org

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

Section 5 – Investigations and Retaliation Monitoring

A. Investigating Allegations of Sexual Abuse and Sexual Harassment

1. The Bureau Director/designee shall ensure every reported incident/allegation of sexual abuse and/or sexual harassment of a **reentrant** is investigated promptly, thoroughly, objectively, and a confidential report compiled as outlined in Department policy 8.3.1, “**Community Corrections Security**,” **Section 35. (28 C.F.R. §115.271[a], 28 C.F.R. §115.261[e], 28 C.F.R. §115.271[a])**
2. **Every report, complaint, or allegation of sexual abuse and/or sexual harassment shall be entered into the Prison Rape Elimination Act (PREA) Tracking System, a web-based application designed to track all incidents of sexual abuse and sexual harassment for U.S. Department of Justice reporting purposes. (28 C.F.R. §115.87)**
3. **Initial complaint information shall be entered into the PREA Tracking System which will generate an incident number. All sexual abuse/sexual harassment allegations shall be reported to CR, CEN Sexual Abuse email account indicating PREA Tracking System incident number in the email subject line. (28 C.F.R. §115.222[a])**
4. **The Office of Special Investigations and Intelligence (OSII) shall update the PREA Tracking System with the OSII case number.**
5. The Bureau Major/designee shall assign an administrative investigation for every incident/allegation of sexual abuse and/or sexual harassment.
6. The Bureau Major/designee shall refer incidents/allegations of sexual abuse or sexual harassment of a **reentrant** for criminal investigation, unless it does not involve potentially criminal behavior, and assign a Bureau of Community Corrections (BCC) investigator to track the progress. **(28 C.F.R. §115.222[a][b][c])**
7. **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 Bureau Major and/or 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.**
8. **Department investigators shall make an attempt to obtain relevant reports from law enforcement agencies conducting criminal investigations and document attempts to obtain such reports in the investigative summary.**

9. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by a person's status as **reentrant** or staff. The Department shall not require a **reentrant** who alleges sexual abuse to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an allegation. **(28 C.F.R. §115.271[e])**
10. **Photographs of Injuries for Sexual Abuse**
 - a. ***In no situation will photographs be taken of the alleged victim to depict the absence of injury.***
 - b. ***In situations where the allegations of sexual abuse are reported within 96 hours of the sexual abuse occurring, the facility shall NOT photograph any injuries on the alleged victim.***
11. Completed investigations shall be forwarded to the Bureau Major/designee for review, processing, and final approval by the Bureau Director/designee. ***The PREA Tracking System shall be updated with the investigation outcome.***
12. The completed investigation packet (including supporting documentation) shall be forwarded to the Department PREA Coordinator and OSII by the due date assigned by OSII.
13. ***The Complete Sexual Abuse packet to include the Sexual Abuse Incident Review (SAIR) is to be forwarded to the CR, DOC PREA Reports email account.***
14. OSII shall provide notification to the Bureau Director/designee regarding the case review. Upon receipt of this notification, the Bureau Director/designee shall direct and document necessary administrative action.
15. The **alleged** victim shall be notified of the outcome of the investigation as outlined in **Section 8** of this procedures manual.

B. Retaliation Monitoring

1. The Department shall protect all **reentrants** and staff who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations from retaliation by other **reentrants** or staff. Action may include: **(28 C.F.R. §115.267[a][b])**
 - a. administrative and/or criminal investigation;
 - b. housing changes or transfers for **alleged** victims or **alleged** abusers;
 - c. removal of alleged abusers from contact with **alleged** victims; and/or

- d. emotional support services for **reentrants** or staff.
2. For at least 90 days, and longer if deemed necessary, following a report of sexual abuse, the PREA Compliance Manager (PCM) shall monitor the conduct and treatment of: **(28 C.F.R. §115.267[c][e])**
 - a. **reentrants** who reported sexual abuse;
 - b. **reentrants** who were reported to have suffered sexual abuse;
 - c. staff who reported sexual abuse; and
 - d. any other individual who cooperates with a sexual abuse or sexual harassment investigation and expresses a fear of retaliation.
3. The PCM shall monitor these individuals to see if there are changes that may suggest retaliation by **reentrants** or staff by: **(28 C.F.R. §115.267[c])**
 - a. reviewing the **reentrant's disciplinary reports**, infraction reports, program reports, and housing assignment;
 - b. reviewing negative staff performance reviews or staff reassignment;
 - c. negative interactions with other staff or other **reentrants**;
 - d. meeting with the **reentrant** bi-weekly to discuss his/her progress; **(28 C.F.R. §115.267[d])** and
 - e. document on the **Retaliation Monitoring form (Attachment 5-A)**.
4. When retaliation is suspected, the PCM shall immediately notify the Facility Director/designee and Regional Director/designee so that appropriate steps may be taken **by the Agency** to protect the individual and remedy any such retaliation. **(28 C.F.R. §115.267[c])**
5. The **Agency's** obligation to monitor retaliation shall terminate if the allegation is unfounded. **(28 C.R.F. §115.267[f])**

Section 6 – Sexual Abuse Incident Review (SAIR)

A. General

A Sexual Abuse Incident Review (**SAIR**) shall be conducted at the conclusion of every sexual abuse investigation where the allegation was substantiated or unsubstantiated. No review will be conducted if the allegation has been determined to be unfounded. The review shall occur within 30 **calendar** days of notice of satisfactory completion of the investigation. These reviews must take place for ALL sexual abuse investigations, whether they are conducted by the Bureau Security Division or the Office of Special Investigations and Intelligence (OSII). (**28 C.F.R. §115.286[a][b]**)

B. Sexual Abuse Incident Review (SAIR)

1. The Prison Rape Elimination Act (PREA) Compliance Manager (PCM) will **co-chair** the SAIR committee **with the Regional Director and** determine the exact composition of the team based on the nature of the incident. At a minimum, the SAIR Team may involve the: (**28 C.F.R. §115.286[c]**)
 - a. **Regional Director (Chair)**;
 - b. Facility Director/designee;
 - c. other designated manager or supervisor;
 - d. Bureau of Community Corrections (BCC) Investigator;
 - e. facility counselor (presence not authorized for staff on **reentrant** accusations);
 - f. facility medical/mental health practitioner (only if directly involved); and
 - g. **Department PREA Coordinator (for Department sites) or Contract Agency PREA Coordinator** (when necessary).
2. The PCM shall ensure all necessary documents are available for review (**reentrant** file, investigative packet, etc.) and notify the review team of the date, time, and place of the meeting.
3. The SAIR must occur at the facility where the incident occurred.
4. The team will carefully review the documentation surrounding the incident. The review will focus upon the events associated with the incident, such as housing assignment, location of the alleged incident, measures taken as a result of the allegation, need for follow-up for the **alleged** victim, etc.

5. The review committee will consider, at a minimum, the items outlined in the **PREA Sexual Abuse Incident Review (Attachment 6-A)**.
6. In addition to reviewing the information surrounding the incident, the team will also 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.
7. The SAIR Committee shall utilize all available information and reports to: **(28 C.F.R. §115.286[d])**
 - a. consider whether the incident or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; **(28 C.F.R. §115.286[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; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; **(28 C.F.R. §115.286[d][2])**
 - c. examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable **sexual** abuse; **(28 C.F.R. §115.286[d][3])**
 - d. assess the adequacy of staffing levels in that area during different shifts; **(28 C.F.R. §115.286[d][4])**
 - e. assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; **(28 C.F.R. §115.286[d][5])**
 - f. take action necessary to address immediate safety concerns; **(28 C.F.R. §115.286[e])**
 - g. utilize the **PREA Sexual Abuse Incident Review** to prepare a confidential report with findings and recommendations; and **(28 C.F.R. §115.286[d][6])**
 - h. forward the completed report with attachments via email, to the **Bureau Major/designee** and Facility Director/designee within five working days of the incident review.
8. The **Bureau Major/designee** shall ensure completeness of the packet and provide to the Bureau Director/designee.
9. Within five working days of receipt, the Bureau Director/designee shall review the findings and:

- a. approve the report as is; or
 - b. add recommendations/direction; and
 - c. email the report with recommendations and supporting documentation to **CR, DOC PREA Reports** email account and copy the Executive Deputy Secretary.
10. **The Central Office PREA Administrative Review Committee (ARC) shall review SAIRs and provide feedback to BCC accordingly.**
- a. **The Department PREA Coordinator/designee shall chair the Central Office PREA ARC meeting. The Central Office PREA ARC shall consist of the following:**
 - (1) **Bureau of Standards, Audits, and Accreditation PREA Compliance Division (PCD) representative;**
 - (2) **BCC Director/designee;**
 - (3) **BCC PREA Captain;**
 - (4) **BCC Regional Director/designee;**
 - (5) **OSII representative; and**
 - (6) **Office of Chief Counsel.**
 - b. **A minimum of three 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 BCC Director/designee on the PREA Sexual Abuse Incident Review Plan of Action (Attachment 6-B), as applicable.**
11. The Bureau Director/designee shall ensure the recommendations for improvement made by the Department's PREA committee are implemented by the facility, or shall provide documentation to the Executive Deputy Secretary and the Department PREA Coordinator of reasons for not doing so.
12. The Bureau Director/designee shall ensure a copy of the final report is provided to the Regional Director/designee for distribution to the Facility Director/designee and PCM.
13. The Facility Director/designee shall implement the recommendations for improvement, or shall document reasons for not doing so. The PCM will provide

a copy of the documentation to the Bureau Director/designee. **(28 C.F.R. §115.286[e])**

14. Appropriate information, excluding the confidential report, may be used for in-service training for appropriate staff. References to and dissemination of protected information will be in accordance with Department policy **DC-ADM 003, “Release of Information,”** and in accordance with state and federal laws.

Section 7 – Disciplinary and Administrative Action

A. Staff, Contractor, and Volunteer Discipline

1. Any Department or Contract employee or volunteer who ***violates the Department's zero tolerance policy*** by engaging in, failing to report, or knowingly condoning sexual abuse or sexual harassment of a ***reentrant*** shall be subject to appropriate disciplinary or administrative action. **(28 C.F.R. §115.276[c])**
2. Department employees shall be subject to disciplinary sanctions up to and including termination for violating sexual abuse or sexual harassment policies. Discipline shall occur in accordance with Department policy 4.1.1, “**Human Resources and Labor Relations.**” **(28 C.F.R. §115.276[a])**
3. All terminations for violations of Department sexual abuse or sexual harassment policies, ***or resignations by staff who would have been terminated if not for their resignation,*** shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. **(28 C.F.R. §115.276[d])**
4. Any Contract employee or volunteer who engages in sexual abuse shall be prohibited from contact with ***reentrants*** and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. **(28 C.F.R. §115.277[a])**
5. ***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 ***reentrants.*** **(28 C.F.R. §115.277[b])**
6. Contract agency hiring, firing, and promotional practices must comply with the National Prison Rape Elimination Act (PREA) standards.

B. Reentrants Engaging in Consensual Sexual Acts or Sodomy

1. ***Reentrants*** are not permitted to engage in sexual acts or sodomy inside the facility.
2. When any ***reentrant*** is alleged to have engaged in consensual sexual acts with others or sodomy, inside the facility, the Bureau of Community Corrections-Management Operations Center (BCC-MOC) shall be notified without delay. The allegation shall be documented on a **DC-121 Part 3-BCC, Employee Report of Incident.**

- a. ***If a clear imbalance of power exists between the involved parties, this notification shall include any information indicative of coerced sexual activity.***
- b. ***BCC Investigative staff will make contact with any potential victim within 72 hours of receiving this report.***

C. Reentrant Discipline – General

1. ***Reentrants*** shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the ***reentrant*** engaged in ***reentrant-on-reentrant*** sexual abuse, ***reentrant-on-reentrant*** sexual harassment, or following a criminal finding of guilt for ***reentrant-on-reentrant*** sexual abuse. **(28 C.F.R. §115.278[a])**
2. Sanctions shall be commensurate with the nature and circumstances of the abuse or ***sexual*** harassment committed, the ***reentrant's*** disciplinary history, and the sanctions imposed for comparable offenses by other ***reentrants*** with similar histories. **(28 C.F.R. §115.278[b])**
3. The disciplinary process shall consider whether a ***reentrant's*** mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. **(28 C.F.R. §115.278[c])**
4. If the allegation of sexual abuse has been substantiated, the ***reentrant*** abuser will be discharged from the facility where the ***sexual*** abuse occurred. **(28 C.F.R. §115.278[d])**
5. For the purpose of disciplinary action, a report of sexual abuse or sexual harassment 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. §115.278[f])**
6. The facility may discipline a ***reentrant*** for sexual contact with staff only upon a finding that the staff member did not consent to such contact. **(28 C.F.R. §115.278[e])**
7. The ***Department*** prohibits all sexual activity between ***reentrants*** and disciplines ***reentrants*** for such activity. The ***Department*** will not deem such activity to constitute sexual abuse if the ***Department*** determines that the activity is not coerced (meaning it is consensual). **(28 C.F.R. §115.278[g])**

D. Disciplinary Sanctions – PA Board of Probation and Parole (PBPP) Reentrants

1. When a PBPP **reentrant** is alleged to have committed sexual abuse or sexual harassment, the **reentrant** shall **not have contact with** the alleged victim. When time and circumstance permit, **reentrant** transfer/removal from the facility shall be coordinated by the BCC Investigator and PBPP.
2. The alleged victim of sexual abuse or sexual harassment shall not be removed from the facility based on the incident, unless he/she makes the request.
3. PBPP **reentrants** shall be subject to joint disciplinary sanctions and PBPP administrative action following an administrative and/or criminal finding that the **reentrant** engaged in sexual abuse, sexual harassment, or consensual sexual acts inside the facility.
4. The Bureau Director/designee will request follow-up confirmation of action taken by Parole Supervision staff and attach to the investigative file.

E. Disciplinary Sanctions – State Intermediate Punishment (SIP) Reentrants

1. When a SIP **reentrant** is alleged to have committed sexual abuse or sexual harassment, the **reentrant** shall be returned to a State Correctional Institution (SCI).
2. The alleged victim of sexual abuse or sexual harassment shall not be returned to the SCI.
3. An administrative hearing shall be conducted as outlined in Department policy **8.1.1, “Community Corrections Centers,” Section 19**. Additionally, the **reentrant** shall remain at the SCI pending the outcome of any administrative and/or criminal investigation. The Bureau of Treatment Services (BTS) Director/designee shall be notified of the outcome of the hearing and investigation(s).
4. SIP **reentrants** shall be subject to disciplinary sanctions as outlined in Department policies **DC-ADM 801, “Inmate Discipline,”** and **7.4.1, “Alcohol and Other Drugs Treatment Programs,” Section 10** following an administrative and/or criminal finding that the **reentrant** engaged in sexual abuse, sexual harassment, or Misconduct #19.
5. When a SIP **reentrant** is found guilty of a Class 1 Misconduct related to sexual abuse, sexual harassment, or Misconduct #19, the **reentrant** shall remain at the SCI and be processed in accordance with Department policy, **DC-ADM 008, “PREA.”**

6. If the allegation is unsubstantiated, unfounded, or the **reentrant** is found not guilty of the misconduct charge(s), he/she will be returned to community corrections.

7. If the investigation reveals the **reentrant** is a victim of sexual abuse, he/she will be returned to community corrections without delay and receive supportive services as outlined in **Section 4** of this procedures manual.

Section 8 – Notification to Reentrants

A. General

1. The Prison Rape Elimination Act (PREA) Compliance Manager (PCM) shall document all notifications or attempted notifications via the **PREA Investigation - Reentrant Notification** form (**Attachment 8-A**). (**28 C.F.R. §115.273[e]**)
2. All completed forms shall be placed in the **reentrant's** file and a copy forwarded to the PREA Captain/designee and Contract Facility Coordinator (CFC) (if applicable).
3. Notifications shall occur even in instances where a **reentrant** has been transferred to another facility in the Department of Corrections (DOC).
4. The Department's obligation to report the results of the investigation or other actions under this policy shall terminate if the **reentrant** is released from the Department's custody. (**28 C.F.R. §115.273[f]**)

B. Notification Process

1. Following the investigation into a **reentrant's** allegation that he or she suffered sexual abuse in a facility operated/contracted by the DOC, the PCM at the facility where the **reentrant** is housed shall inform the **reentrant within five business days**, in writing, as to whether the allegation has been determined to be: (**28 C.F.R. §115.273[a]**)
 - a. Substantiated – an allegation that was investigated and determined to have occurred.
 - b. 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.
 - c. Unfounded – an allegation that was investigated and determined not to have occurred.
2. If another agency conducted the investigation, the Bureau of Community Corrections (BCC) PREA investigator will request the relevant information from the investigative agency and forward it to the PCM, who will inform the **reentrant**. (**28 C.F.R. §115.273[b]**)
3. Following a **reentrant's** allegation that a staff member has committed sexual abuse or sexual harassment against the **reentrant**, the PCM shall subsequently inform the **reentrant** when any of the following occur: (**28 C.F.R. §115.273[c]**)

- a. the staff member is no longer posted within the **reentrant's** unit;
 - b. the staff member is no longer employed at the facility;
 - c. the agency learns the staff member has been criminally charged related to sexual abuse or sexual harassment within the facility; or
 - d. the agency learns that the staff member has been convicted on a charge related to sexual abuse or sexual harassment within the facility.
4. Following a **reentrant's** allegation that he or she has been sexually abused or sexually harassed by another **reentrant**, the PCM shall subsequently inform the alleged victim whenever: **(28 C.F.R. §115.273[d])**
- a. the agency learns that the alleged abuser has been criminally charged related to sexual abuse or sexual harassment within the facility; or
 - b. the agency learns that the abuser has been convicted on a charge related to sexual abuse or sexual harassment within the facility.
5. These notifications apply to the **alleged** victim only. Third party reporters will not be notified of outcomes and/or actions.

Section 9 – Working with Transgender/Intersex Reentrants

A. General

1. Each facility shall ensure staff interact professionally and respectfully toward transgender and intersex reentrants. **(28 C.F.R. §115.231[a])** This specialized population may require a non-traditional approach to best satisfy the reentrant’s housing, security, programming, and other needs.
2. Intentional misuse of gender pronouns and titles is prohibited. Transgender and intersex reentrants shall be referred to by their preferred pronoun. Unprofessional and derogatory references toward reentrants are not acceptable under any circumstances.
3. In deciding whether to assign a transgender/intersex reentrant to a facility for male or female reentrants, and in making other housing and programming assignments, the Bureau of Community Corrections (BCC) shall consider, on a case-by-case basis, whether a placement would ensure the reentrant’s personal health and safety, other reentrants’ health and safety, and whether the placement would present management or security problems. **(28 C.F.R. §115.242[c])**
4. In cases where the reentrant’s potential status as transgender or intersex is revealed after placement, the Prison Rape Elimination Act (PREA) Compliance Manager (PCM) shall be notified without delay. The PCM shall meet with the reentrant and counselor to discuss the potential status change and notify the Regional Director/designee.
5. A transgender/intersex reentrant’s own views, with respect to his/her own safety shall be given serious consideration. **(28 C.F.R. §115.242[e])**

B. Reception

1. The **PREA Risk Assessment Tool (PRAT)** will be administered in accordance with **Section 2** of this procedures manual. This assessment will provide an opportunity for the reentrant to self-identify as a transgender or intersex individual.
2. Once a reentrant has been identified as a transgender/intersex individual, the PCM will meet with the reentrant within the next business day. The PCM will discuss appropriate accommodations with the reentrant and complete the **Gender Review Committee (GRC) Checklist (Attachment 9-A)**.
3. The reentrant should be housed temporarily in a single room status if available at that site, or moved to a facility that can accommodate a single cell status, until the GRC is able to convene.
4. All pertinent information regarding the transgender/intersex individual should be discussed on a need-to-know basis and shared only with the appropriate staff to provide necessary services.

C. Gender Review Committee (GRC)

1. This committee should consist of the following individuals at a minimum:
 - a. Major/designee;
 - b. Regional Director/designee;
 - c. Contract Facility Coordinator (CFC); and
 - d. PCM of the potential and existing housing location.
2. This committee shall consider numerous items regarding the safety and care of the transgender/intersex individual. The focus will be on sleeping quarters, use of bathroom/shower facilities/facility-based activities, community-based resources, and general questions or clarifications.
3. Factors used to determine placement as well as placement outcome shall be documented on the **GRC Checklist**. This form shall be forwarded to the **CR, DOC PREA Reports** email account.

D. Transfer

1. Upon final determination of gender-specific facility assignment, if a transfer is required to an opposite gender facility the BCC Administration will, in turn, notify the BCC Referral Specialist Supervisor and the PREA Coordinator of the transfer. Additionally, the Office of Population Management (OPM) will be notified of the transfer and reentrant record updates.
2. The GRC, in coordination with OPM, shall strive not to place transgender/intersex reentrants in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is necessary for their safety or such placement is in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such reentrant. **(28 C.F.R. §115.242[g])**

E. Case Management

1. The information gathered on the **GRC Checklist** shall be used in conjunction with the **PRAT** to determine appropriate housing, bed, work, education, and program assignments for all transgender/intersex individuals. The primary goal of this process is to maintain separation between reentrants at a high risk of being sexually victimized and those that are at a high risk of being sexually abusive.
2. The PCM shall meet with any identified transgender or intersex individual at a minimum of once every other month to review the reentrant's housing, bed placement, programming, work detail, education, and any threats to safety experienced by the

reentrant. This meeting shall be documented on the **Gender Review Reassessment Checklist (Attachment 9-B) (28 C.F.R. §115.242[d])**

3. At any point during the residency of a transgender or intersex reentrant, new information or concerns may arise. Should any additional information be obtained that indicates risk to the transgender or intersex reentrant, the PCM shall be notified in order to reconvene the GRC. **(28 C.F.R. §115.242[d])**

F. Special Accommodations

Transgender and intersex reentrants shall be given the opportunity to shower separately from other reentrants. Facilities will be evaluated by the GRC and determination will be made as to their ability to accommodate this requirement. **(28 C.F.R. §115.242[f])**

Section 10 – Contract County Jails (CCJ)

This section applies to County Jails that contract to provide services for the Bureau of Community Corrections (BCC) (Parole Violator Centers, Technical Parole Violator programs, and Work Release) and only for Department-funded **reentrants**.

A. Responsibilities

1. CCJs shall utilize internal policy to comply with the **Prison Rape Elimination Act (PREA), Prisons and Jail Standards**.
2. A copy of the PREA policy shall be made available to the Department of Corrections (DOC) upon request.
3. The CCJ shall report every incident/allegation of sexual abuse/sexual harassment involving a Department-funded **reentrant** to the Contract Facility Coordinator (CFC) within one hour of discovery.
4. The CFC shall make notifications as outlined in Department policy **8.3.1, “Community Corrections Security,” Section 17**, and request a PREA tracking number through the BCC-Management Operations Center (MOC).
5. The CCJ will conduct an investigation in accordance with the **PREA, Prisons and Jail Standards** and provide a copy of the final investigative report to the CFC within 30 days of initial report.
6. The CFC shall participate on the incident review committee for applicable sexual abuse cases involving Department-funded **reentrants**.
7. Direction related to contract compliance monitoring is outlined in **Section 2** of this procedures manual.
8. ***CCJs shall report incident based and aggregate data regarding allegations of sexual abuse and sexual harassment within its facility to the Department’s PREA Compliance Division via the CR, DOC PREA Reports resource account. This data shall be reported no later than June 1 of each year and include data that covers all allegations reported during the previous calendar year.***

Section 11 – Non-Residential Contract Services

This section applies to non-residential reentry services provided to individuals on community supervision (home plan or community confinement facility) through an executed Commonwealth contract where payment for services is rendered by the Department. **These services are not part of any residential contract. This section does not apply to Community Contract Facilities (CCFs).**

A. Responsibilities

1. Department contract reentry services include, but are not limited to: outpatient Alcohol and Other Drug (AOD), outpatient mental health, mentoring, family reunification, workforce development, housing assistance, outpatient sex offender, day reporting, Cognitive Behavior Intervention, etc.
2. The Bureau Director/designee shall ensure the contract administrator is provided a copy of the **Prison Rape Elimination Act (PREA) Information and Reporting Requirements (Attachment 11-A)**, and understands his/her obligations prior to implementation of services.
3. Any contractor who has contact with **reentrants** in an individual/group setting on a recurring basis shall submit, upon request, to a criminal background check conducted by the Bureau of Community Corrections (BCC) in accordance with Department policy **8.3.1, “Community Corrections Security,” Section 31.**

***Agency** – a business that provides a particular service; or a government department that is responsible for a particular activity/area. Unless specified otherwise, this refers to the Department of Corrections as well as Contract Agencies throughout this policy.

***Allegation(s) of Sexual Contact – Outcome of Investigation:**

1. *Substantiated – an allegation that was investigated and determined to have occurred.
2. *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.
3. *Unfounded – an allegation that was investigated and determined not to have occurred.

Asexual – a person who is not romantically or sexually attracted to any gender.

Bureau of Community Corrections-Management Operations Center (BCC-MOC) – the 24/7 call center that will receive reports of sexual abuse and sexual harassment from all facility staff at CCC and CCF facilities. The BCC-MOC coordinates and directs the reporting facility's response to all allegations of sexual abuse and sexual harassment to ensure proper protocol is followed. The BCC-MOC documents the incident and actions taken in response to the incident.

Bisexual – a person who is romantically or sexually attracted to more than one gender or sexual category.

Cisgender – a person whose gender identity corresponds with the sex the person had or was identified as having at birth.

***Community Confinement Facility** – a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential reentry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during non-residential hours (All CCCs and CCFs fall into this category).

Community Contract Facility (CCF) – a privately owned and operated residential correctional facility contracted with the PA Department of Corrections.

Community Corrections Center (CCC) – a residential correctional facility operated by the PA Department of Corrections.

Complaint – any type of report or allegation of sexual abuse, sexual harassment, or retaliation.

Contract Agency – refers to the entity that oversees the financial and procedural operations of a Community Contract Facility (CCF).

Contract Agency PREA Coordinator – Contracted facilities that operate more than one site are required to appoint an agency specific PREA Coordinator. This individual shall be an upper-level, agency wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of the agency’s facilities.

Contract County Jail (CCJ) – a jail or prison that is contracted with the PA Department of Corrections.

***Contractor** – a person who provides supplies or services on a recurring basis pursuant to a contractual agreement with the Agency.

De minimis – lacking significance or importance; so minor as to merit disregard.

Department – Department of Corrections.

***Direct Staff Supervision** – supervision that requires security staff to be in the same room with, and within reasonable hearing distance of the *reentrants*.

***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 that is used by an agency for the confinement of individuals. This term may be used interchangeably with “Center” throughout this policy and refers to a CCC or CCF.

Facility Director/designee – the Director of a CCC or CCF or his/her management designee. This term may be used interchangeably with “Center Director/designee” throughout this policy.

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

Gay – refers to men attracted to other men.

Gender – a socially constructed concept classifying behavior as either “masculine” or “feminine,” unrelated to one’s external genitalia.

Gender Expression – a person’s expression of his/her gender identity, including appearance, dress, mannerisms, speech, and social interactions.

Gender Identity – distinct from sexual orientation and refers to a person’s internal, deeply felt sense of being male or female.

***Gender Non-conforming** – a person’s gender characteristics, appearance, mannerisms, and/or behaviors that do not conform to those typically associated with the person’s biological sex.

Gender “norms” – the expectation associated with “masculine” or “feminine” conduct, based on how society commonly believes males and females should behave.

Grooming for Sexual Activity – process that involves *reentrants* approaching other *reentrants* with offers of help, and perhaps protection from real or imagined sexual 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 – sexual, emotional, and/or romantic attraction to persons differing from one’s own sex.

Homosexual – sexual, emotional, and/or romantic attraction to persons of the same sex.

Housing Unit – a space that is enclosed by physical barriers accessed through one or more doors of various types, including commercial-grade swing doors, steel sliding doors, interlocking sally port doors, that generally contains sleeping space, sanitary facilities (including toilets, lavatories, and showers), and a dayroom or leisure space in differing configurations.

Interference with Official Process – Any failure to report or to cover-up an incident of sexual harassment/sexual abuse, making an allegation or statement that the party or witness knew could not have been true, or any other form of failure to cooperate with an investigation or inquiry.

***Intersex** – a condition in which a person is born with external genitalia, internal reproductive organs, chromosome patterns, and/or an endocrine system that does not fit typical definitions of male or female. Intersex is a medical condition.

LGBTI – acronym for a group of sexual minorities including lesbian, gay, bisexual, transgender, and intersex individuals.

Lesbian – refers to women attracted to other women.

Management Activity Planner (MAP) – the Management Activity Planner is a folder located in the Community Corrections H-drive.

***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 practitioner” 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.

***Pat Search** – a running of the hands over the clothed body of a **reentrant** by an employee to determine whether the individual possesses contraband.

PCM – PREA Compliance Manager.

PREA – Prison Rape Elimination Act.

PREA Risk Assessment Tool (PRAT) – a standardized tool developed by the Department of Corrections to identify a **reentrant’s** relative risk of becoming a victim of sexual abuse and/or abuser in a confinement setting.

***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.

***Reentrant** – any person assigned, confined, or detained in a community confinement facility. The term **reentrant** is further defined, as listed below, in certain sections of policy to clearly delineate responsibility.

Department-Funded Reentrant (DFR) – any person whose placement is funded by the PA Department of Corrections (SIP and Parolees).

Non-Department-Funded Reentrant (NDFR) – any person whose placement is not funded by the PA Department of Corrections (county **reentrant**, federal **reentrant**, private citizen admission, Medical Assistance admission, etc.).

Report – any information received through any of the PREA reporting mechanisms that may constitute sexual abuse, sexual harassment, or retaliation.

Retaliation – an act of vengeance, covert or overt action, or threat of action, taken against a **reentrant** or employee in response to a complaint of **reentrant** sexual harassment/sexual abuse or for a **reentrant’s** or employee’s 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; unnecessary discipline, intimidation, unnecessary changes in work or program assignments, unjustified transfers or placements, or unjustified denials of privileges or services.

Sex – one’s anatomical make-up, including external genitalia, chromosomes, and reproductive system.

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

a. *Sexual Abuse includes –

- 1) *Sexual abuse of a **reentrant** by another **reentrant**; or
- 2) *Sexual abuse of a **reentrant** by a staff member, contractor, volunteer, or individual who has business with or uses the resources of the Department.

b. *Sexual abuse of a **reentrant** by another **reentrant** 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:

- 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) *penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- 4) *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.

c. *Sexual abuse of a **reentrant** by a staff member, contractor, volunteer, or individual who has business with or uses the resources of the Department includes any of the following acts, with or without the consent of the **reentrant**:

For purposes of this definition the term “actor” refers to a staff member, contractor, volunteer, or individual who has business with or uses the resources of the Department.

- 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 actor 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 actor 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 actor has the intent to abuse, arouse, or gratify sexual desire;
- 6) *any attempt, threat, or request by an actor to engage in the activities described in paragraphs 1) – 5) of this section;
- 7) *any display by an actor of his or her uncovered genitalia, buttocks, or breast in the presence of a **reentrant**; or
- 8) *voyeurism by an actor.

d. A properly conducted pat search will not be considered sexual abuse.

Sexual Coercion – occurs when a **reentrant** is forced to submit to sexual activity by threat of violence, for protection or some other factor imposed by the perpetrator.

***Sexual Harassment** –

- a. *repeated and unwelcome sexual advances, requests for sexual favors or verbal comments, gestures, or actions of a derogatory or offensive sexual nature, by one **reentrant** directed toward another;
- b. *repeated verbal comments or gestures of a sexual nature to a **reentrant** by a staff member, contractor, volunteer, or individual who has business with or uses the resources of the Department including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures; and
- c. ***“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 sexual 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 his/her self as: this can include refusing to label oneself with a sex.

Sexual Orientation – romantic and/or physical attraction to members of the same, opposite, or both sexes.

***Staff** – an employee of the Department of Corrections or an employee of a Community Contract Facility. The word staff and employee may be used interchangeably throughout this policy.

***Strip Search** – a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person’s breasts, buttocks, or genitalia.

***Transgender** – a person whose gender is different from the person’s birth sex.

Transsexual – a person whose physical anatomy does not match his/her gender identity, and seeks sex confirmation surgery or hormone treatment.

Transvestite – a person who engages in gender non-conforming behavior, such as adopting the gender expression of the opposite sex for the purposes of sexual or emotional gratification, but does not necessarily consider his/her gender identity to be different from his/her sex.

Victims Advocate/Qualified Community-Based Organization Staff Member – a representative of a Rape Crisis Center that is qualified to provide crisis intervention, and accompaniment of advocacy services. In Pennsylvania, a prerequisite of qualification is completion of 40 hours of Sexual Assault Counselor training through the Rape Crisis Center.

***Volunteer** – an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

***Voyeurism by a staff member, contractor, volunteer, or individual who has business with or uses the resources of the Department** – an invasion of privacy of a **reentrant** for reasons unrelated to official duties, such as peering at a **reentrant** who is using a toilet **during a security round** to perform bodily functions; requiring a **reentrant** to expose his/her buttocks, genitals, or breasts; or taking images of all or part of a **reentrant’s** naked body, or of a **reentrant** performing bodily functions.

***Youthful Reentrant** – any person under the age of 18 who is under adult court supervision and a **reentrant** of a community confinement facility.