

**PREA AUDIT REPORT**     Interim     Final

**ADULT PRISONS & JAILS**

**Date of report:** January 23, 2015

<b>Auditor Information</b>			
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<b>Telephone number:</b> 832-833-9126			
<b>Date of facility visit:</b> September 21-23, 2015			
<b>Facility Information</b>			
<b>Facility name:</b> State Correctional Institution at Fayette			
<b>Facility physical address:</b> 50 Overlook Drive, La Belle, PA 15450-1050			
<b>Facility mailing address:</b> <i>(if different from above)</i> <a href="#">Click here to enter text.</a>			
<b>Facility telephone number:</b> 724-364-2200			
<b>The facility is:</b>	<input type="checkbox"/> Federal	<input checked="" type="checkbox"/> State	<input type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
<b>Facility type:</b>	<input checked="" type="checkbox"/> Prison	<input type="checkbox"/> Jail	
<b>Name of facility's Chief Executive Officer:</b> Scott Nickelson			
<b>Number of staff assigned to the facility in the last 12 months:</b> 599			
<b>Designed facility capacity:</b> 2297			
<b>Current population of facility:</b> 1990			
<b>Facility security levels/inmate custody levels:</b> Maximum Security; custody levels 2, 3, 4, and 5			
<b>Age range of the population:</b> 20-81			
<b>Name of PREA Compliance Manager:</b> Debra Hawkinberry		<b>Title:</b> Corrections Classification Program Manager	
<b>Email address:</b> dhawkinber@pa.gov		<b>Telephone number:</b> 724-364-2200 x1200	
<b>Agency Information</b>			
<b>Name of agency:</b> Pennsylvania Department of Corrections			
<b>Governing authority or parent agency:</b> <i>(if applicable)</i> <a href="#">Click here to enter text.</a>			
<b>Physical address:</b> 1920 Technology Parkway, Mechanicsburg, PA17050			
<b>Mailing address:</b> <i>(if different from above)</i> <a href="#">Click here to enter text.</a>			
<b>Telephone number:</b> 717-728-2573			
<b>Agency Chief Executive Officer</b>			
<b>Name:</b> John E. Wetzel		<b>Title:</b> Secretary of Corrections	
[REDACTED]		[REDACTED]	
<b>Agency-Wide PREA Coordinator</b>			
<b>Name:</b> Jennifer Feicht		<b>Title:</b> PREA Coordinator	
<b>Email address:</b> jfeicht@pa.gov		<b>Telephone number:</b> 724-662-1837	

## **AUDIT FINDINGS**

### **NARRATIVE**

A Prison Rape Elimination Act Audit of the State Correctional Institution at Fayette was conducted from September 21, 2015 to September 23, 2015. The purpose of the audit was to determine compliance with the Prison Rape Elimination Act standards which became effective August 20, 2012.

An entrance meeting was held the morning of the onsite audit with the following persons: Acting Superintendent- Scott A. Nickelson, Deputy Superintendent for Facilities Management- Steven Gates, Deputy Superintendent for Centralized Services- Eric T. Armel, PREA Coordinator- Jennifer Feicht, Corrections Classification and Programs Manager/PREA Compliance Manager- Debra Hawkinberry, and Administrative Officer- Lori Hay.

The auditor wishes to extend its appreciation to Superintendent Scott Nickelson and his staff for the professionalism they demonstrated throughout the audit and their willingness to comply with all requests and recommendations made by the auditor.

The auditor would also like to recognize PREA Coordinator Jennifer Feicht and PREA Compliance Debra Hawkinberry for their hard work and dedication to ensure the facility is compliant with all PREA standards.

After the entrance meeting, the auditor was given a tour of all areas of the facility, including; all general population housing units, Restrictive Housing Unit, laundry, recreation yard, gym, chapel, education classrooms, CI Warehouse, commissary, barber shop, control rooms, maintenance, staff dining, inmate dining, kitchen, medical, intake, property, outside warehouse, and auto shop. During the tour, several informal interviews were conducted with inmates and staff throughout the facility.

A total of 25 staff were interviewed with at least one staff member interviewed from each interview category, with the exception of the interviews related to educational staff who supervise youthful inmates, line staff who supervise youthful inmates, and non-medical staff involved in cross-gender searches (these interview types were not applicable to this facility).

Staff interviews were conducted with staff from all three shifts.

A total of 17 inmates were interviewed with at least one inmate interviewed from each interview category, with the exception of the interviews related to youthful inmates and inmates placed in segregated housing for risk of sexual victimization (these interview types were not applicable to this facility).

Telephone interviews were conducted with the Agency Head, Agency Contract Administrator, and the SAFE/SANE staff.

The count on the first day of the audit was 1990. The count on the final day of the audit was 1984.

Throughout the pre-audit and onsite audit, open and positive communication was established between the auditor and facility staff. During this time, the auditor discussed his concerns with PREA Coordinator Jennifer Feicht and PREA Compliance Manager Debra Hawkinberry.

When the audit was completed, the auditor conducted an exit briefing on September 23, 2015. The auditor gave an overview of the audit and thanked the staff for all their hard work and commitment to the Prison Rape Elimination Act.

## **DESCRIPTION OF FACILITY CHARACTERISTICS**

The State Correctional Institution at Fayette was opened in August 2003. SCI-Fayette is located in Luzerne Township, Fayette County, on 258 acres of land. Fifty-three acres are inside the perimeter fence. The facility has a total of 36 buildings: 11 Housing Units, Administrative Building, Facilities Management Complex, Inmate Visiting Complex, Health Services Building, Correctional Industries and a Program Services Building. The Auto Shop, Warehouse, and Utility Building are located outside the perimeter fence.

The mission is to protect the public by confining persons committed to their custody in safe, secure facilities and provide opportunities for inmates to acquire skills and values necessary to become productive, law-abiding citizens, while respecting the rights of crime victims.

The housing units operate under the unit management system. Two of the housing units are operated as restricted housing units. Two other housing units are for special need offenders: ten of the housing units have tiers. The other is dormitory style with a small tier area. This unit is where the majority of the institution's outside workers are housed and is considered an honor block.

There is a barbershop with nine barber chairs and sinks with hot and cold running water. Commissary is available to the population on a weekly basis. The institution is surrounded by a double 14-foot high perimeter welded mesh fence.

All staff entering the facility must swipe a proximity card encoded with their name, employee number and photograph. Employees must then place their thumb/finger into the reader to verify identity. The same procedure is followed by employees leaving the secured perimeter of the facility. Readers are located at the Control Center and the Sallyport. The institution uses Personal Alarm Transmitters carried by staff.

State-of-the-art digital cameras are located throughout the facility and can be monitored from several areas. Call-out sheets are used for pre-scheduled offender movement. This is supplemented by individual passes issued by a unit officer. The armory is well-ordered and inventories are accurate. Post Orders are appropriately signed.

The institution has a well-rounded recreation program. There are both indoor and outdoor recreation areas. There is a full-size gym with bleachers and a scoreboard. There is a weight room with exercise equipment. Recreational opportunities include flag football, intramural basketball, indoor soccer, fitness class, tournaments and therapeutic recreation. Offender referees, scorekeepers, and timers are trained in various sports. Movies are aired on the institutional channel daily.

SCI-Fayette has three full-time Chaplains, five Contract Chaplains, and numerous volunteers to meet the needs of the population. Worship services and study groups are held for Catholic, Protestant, Jewish, Jehovah Witness, Native American and Islamic faiths. There is a library of Religious Materials in the Chapel Area.

Offender work programs are available as clerks in various areas, warehouse and maintenance shops, janitors, food service, grounds, the garage, Correctional Industries, and the Community Works Program.

SCI-Fayette has two Correctional Industry Shops. The tag shop makes license plates for the state beginning with the blank plate to be stamped with the number, applying the colors, through to quality control. The other shop is the metal fabrication shop consisting of welding, fabrication, painting and shipping of products. Products fabricated include cabinets, shelves, security benches and furniture used in cells.

Vocational programs are currently offered in carpentry, business education, heating and air conditioning and welding. A verified GED or High School Diploma is required for entry into a vocational program.

Academic classes in ABE, Pre-GED, and GED are offered. The GED exam is administered at the institution. A graduation ceremony is held. The institution offers individual cell study for offenders unable to attend classes in the general population. Offenders who wish to enroll in correspondence courses must have the approval of the Education Department.

## **SUMMARY OF AUDIT FINDINGS**

After a review of the pre-audit questionnaire, as well as documents uploaded during the pre-audit, it was determined the facility would need corrective action to become PREA compliant. After approximately three months of corrective action, it was determined the facility is now compliant with all standards.

Number of standards exceeded: 4

Number of standards met: 37

Number of standards not met: 0

Number of standards not applicable: 2

## Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM008 PREA Procedures Manual Section 2 states the Department will take appropriate actions to ensure a zero tolerance toward all forms of sexual abuse and sexual harassment in order to promote the safety of inmates. The Department will implement federal Prison Rape Elimination Act (PREA) Standards to ensure that all aspects of operations work toward preventing, detecting and responding to such conduct resulting in a safer environment.

Definitions of prohibited behaviors regarding sexual assault and sexual harassment were located in the Glossary of Terms.

Sanctions for those found to have participated in prohibited behaviors were located in policy 801

Inmate Discipline, as well as DC-ADM008 Section 7- Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation for employees.

There is one statewide PREA Coordinator responsible for PREA compliance across the Department.

The statewide PREA Coordinator's sole responsibility is to develop, implement and oversee Department efforts to comply with the federal PREA Standards in all of the Department's facilities. The statewide PREA Coordinator will have the authority to make necessary decisions to ensure compliance and report directly to the Executive Deputy Secretary.

The Corrections Classification and Program Manager (CCPM) has been designated as the PREA Compliance Manager (PCM) at each facility and has been given sufficient time and authority to coordinate that facility's compliance with Department policy and federal PREA Standards. The PREA Compliance Manager reports to the Deputy of Centralized Services.

Interviews with the PREA Coordinator indicates she is allotted ample time to oversee the agency's efforts to ensure PREA compliance in all of its facilities. There are 27 PREA Compliance Managers that report to the PREA Coordinator. The PREA Coordinator communicates with the PREA Compliance Managers on a regular basis via telephone and email, and conducts regular site visits at the facilities.

Interviews with the PREA Compliance Manager indicates she is allotted ample time to oversee the facility's PREA compliance.

During the onsite audit, the auditor was advised the agency sent the PREA Coordinator as well as other staff members to the Department of Justice Auditor Training. The auditor was advised this is an

example of the agency's commitment to the Prison Rape Elimination Act.

#### **Standard 115.12 Contracting with other entities for the confinement of inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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DC-ADM008 PREA Procedures Manual Section 2 states the Department shall include in any new contract or contract renewal for the housing of an inmate (on or after the effective date of this procedure) with a private entity or other 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.

The contracted entity will undergo regular, mandated audits on a three-year basis, as required by the National PREA Standards.

The Department shall provide for contract monitoring to ensure that the contract service provider is complying with the PREA Standards with any new contract or contract renewal.

There have been three contracts for the confinement of inmates that the agency entered into or renewed with private entities or other government agencies on or after August 20, 2012. The contracted facilities include: Lackawanna County, Columbia County, and York County. These agreements include specific language requiring the counties to agree to adopt and comply with all PREA regulations. These agreements also include the Department's right to inspect the facility at any reasonable time. The agency has existing contracts with approximately 16 other facilities. Through interviews with the PREA Coordinator, it was discovered when these contracts come up for renewal, they will include language specific to PREA requirements.

Interviews with the Agency Contract Administrator indicates facilities the agency contracts with for the confinement of its inmates would be audited annually. In addition, monthly site visits would be conducted on the facility and investigations would be monitored to ensure compliance with the standards.

#### **Standard 115.13 Supervision and monitoring**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the

relevant review period)

- Does Not Meet Standard (requires corrective action)

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6.3.1, Facility Security Procedures Manual Section 15 outlines the agency's staffing plan and the staffing plan audit process.

The PREA Coordinator/designee shall:

- a. serve as a liaison between Executive Staff and the facility PREA Compliance Manager;
- b. review all completed Corrections Officer Staffing Audits submitted by the Central Office Staffing Audit Team; and
- c. when necessary, meet with the Secretary, the EDS, the respective RDS, Facility Manager, and the Central Office Security Division staff member who chaired the audit team to review the findings of the audit.

The PREA Compliance Manager shall:

- a. have opportunity to provide input by documenting any concerns and/or suggestions they may have and submitting them to the Major-of-the-Guard for review prior to the audit being conducted.
- b. prior to the scheduled audit, management and the PREA Compliance Manager shall meet to discuss Corrections Officer staffing issues and may prepare a joint plan for review by the Central Office Staffing Audit Team.
- c. at the conclusion of the audit process, the Central Office Staffing Audit Team shall meet with the PREA Compliance Manager, and discuss any concerns, questions, and/or suggestions of the PREA Compliance Manager.

Post assignments shall be made without regard to gender except where reasonable accommodation to inmate privacy cannot be maintained **and when they are not in conflict with PREA standards.**

DC-ADM008 PREA Procedures Manual Section 2 states one of the Statewide PREA Coordinator's and PREA Compliance Manager's duties include; working with each facility on an annual basis to assess, determine, and document whether adjustments are needed to: the staffing plan, deployment of the video monitoring systems and other monitoring technologies, and the resources the facility has available to commit to ensure adherence to the staffing plan. The statewide PREA Coordinator will also review any documentation for non-compliance with a staffing plan.

The Department shall ensure that each facility develops, documents and makes its best efforts to comply on a regular basis, but no less than once a year, with a staffing plan as found in Department policy 6.3.1, Section 15 that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse.

In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:

- 1) Generally accepted detention and correctional practices;
- 2) Any judicial findings of inadequacy;
- 3) Any findings of inadequacy from Federal investigative agencies;
- 4) Any findings of inadequacy from internal or external oversight bodies;
- 5) All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
- 6) The composition of the inmate population;
- 7) The number and placement of supervisory staff;
- 8) Facility programs occurring on a particular shift;
- 9) Any applicable State or local laws, regulations, or standards;
- 10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- 11) Any other relevant factors.

In circumstances of non-compliance with the staffing plan, the Facility Manager/designee shall document, in writing, and justify all deviations from the plan. This documentation will be forwarded to the Executive Deputy Secretary, Regional Deputy Secretary, and Central Office Security Major.

Whenever necessary, but no less frequently than once a year, each facility shall assess, determine and document whether adjustments are needed to:

- 1) The facility's deployment of video monitoring systems and other monitoring technologies; and
- 2) The resources the facility has available to commit to ensure adherence to the staffing plan.

The annual reviews will be conducted in consultation with the PREA Compliance Manager at that facility and the statewide PREA Coordinator.

Staff of the opposite gender shall announce their presence when entering an inmate housing unit in accordance with the following:

- 1) When the status quo of the gender supervision on a housing unit changes from exclusively same gender, to mixed- or cross-gender supervision, the opposite gender staff are required to verbally announce their arrival on the unit. The announcement is required for both custody and non-custody staff, and may include, for example, a clinician or case worker who spends time on the unit, or senior staff making supervisory rounds.

- 2) When an opposite gender staff member is entering a housing unit and it is unknown to him/her whether any other opposite gender staff are present, the entering staff member will announce their presence; and
- 3) This announcement may be made by the officer working at the control desk, via the intercom system; and
- 4) The announcement may also be made via a specific tone system that is utilized only for the purpose of announcing a member of the opposite gender entering the housing unit. Inmates will be educated on the tone system utilization.

Under DC-ADM 008, Section 2, the PREA Compliance Manager, in coordination with the Deputy Superintendents and other upper level administrative staff, including Major(s), shall conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. These tours are required to be conducted in a confidential manner and on all shifts.

Since August 20, 2012, the average daily number of inmates was 2,026, which was the same number of inmates on which the staffing plan was predicated.

During the 2015 audit cycle, there have not been any deviations from the staffing plan.

During the onsite audit, the auditor viewed the supervisor log books and discovered unannounced rounds were conducted consistently on all three shifts.

Staff interviews indicate the facility has developed a staffing plan based on the requirements under PREA. The PREA Coordinator is consulted regarding assessments and/or adjustments to the staffing plan. Interviews further indicate unannounced rounds are being conducted by intermediate and higher-level facility staff on a regular basis. These rounds are occurring daily on all three shifts. Unannounced rounds are documented in the housing unit log book. In addition, each supervisor is required to generate a summary report and document any areas of concern in the PREA Administrative Tour Documentation Form. Supervisors stress to staff they are prohibited from alerting other staff of the unannounced rounds being conducted. Failure to comply with this directive may result in disciplinary action.

#### **Standard 115.14 Youthful inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

XX Not Applicable

DC-ADM 008 PREA Procedures Manual Section 2 states a youthful inmate (under the age of 18) shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through the use of a shared dayroom or other common space, shower area, or sleeping quarters.

In areas outside of housing units, the facility shall either:

- 1) Maintain sight and sound separation between youthful inmates and adult inmates; or
- 2) Provide direct security staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.

Upon initial reception to the Department, youthful inmates will enter into an expedited classification process as outlined in Department policy 11.2.1, "Reception and Classification."

- 1) Male youthful inmates will be transferred to SCI Pine Grove within 24 hours of reception by the Department.
- 2) Female youthful inmates, under the age of 18, will immediately be placed into the Youthful Inmate Unit at SCI Muncy.

Due to the extremely low number of female youthful inmates that the Department houses at any given time, there are specific provisions that must be followed.

- 1) Youthful inmates will have a separate housing unit, with sight and sound separation from adult inmates, where they are able to have a separate shower area, separate day room and separate sleeping quarters from adult inmates.
- 2) Any time that the youthful inmate leaves the separate housing unit, they must be accompanied and supervised directly by a staff member.
- 3) The staff member is to ensure that there is no inappropriate contact, physical, or verbal, between the youthful inmate(s) and an adult inmate.

The Department shall make every effort to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, the Department shall not deny youthful inmates daily large muscle exercise and any legally required special education services to comply with this provision. Youthful inmates shall have access to other programs and work opportunities to the greatest extent possible.

During the pre-audit, the auditor was advised SCI Fayette does not house youthful offenders.

**Standard 115.15 Limits to cross-gender viewing and searches**

- Exceeds Standard (substantially exceeds requirement of standard)

- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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6.3.1 Facility Security Procedures Manual Section 30- Searches states that absent exigent circumstances, a female staff member shall search a female inmate. A male staff member shall search a male inmate. ***Transgender or intersex inmates shall be searched by the same gender staff member consistent with the gender of inmates housed at that facility. For Quehanna Boot Camp, searches will be completed by the same gender staff member, consistent with the gender of inmates housed at the sending facility.***

SCI Fayette does not house female inmates; therefore, PREA standards pertaining to searches of female inmates is not applicable.

DC-ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training states all cross-gender strip searches shall be documented on the Cross-Gender Strip Search Validation Form. Beginning August 20, 2015, all cross-gender pat searches of female inmates shall be documented on the Cross Gender Pat Search Validation Form.

In the past 12 months, there have not been any cross-gender strip or cross-gender visual body cavity searches of inmates.

DC-ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training states inmates shall be able to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. This limitation not only applies to in-person viewing, but also to all forms of remote viewing.

DC-ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training states staff of the opposite gender shall announce their presence when entering an inmate housing unit in accordance with the following:

- 1) When the status quo of the gender supervision on a housing unit changes from exclusively same gender, to mixed- or cross-gender supervision, the opposite gender staff is required to verbally announce their arrival on the unit. The announcement is required for both custody and non-custody staff, and may include, for example, a clinician or case worker who spends time on the unit, or senior staff making supervisory rounds.
- 2) When an opposite gender staff member is entering a housing unit and it is unknown to him/her whether any other opposite gender staff are present, the entering staff member will announce their presence; and
- 3) This announcement may be made by the officer working the control desk via the intercom system; and

4) This announcement may also be made via a specific tone system that is utilized only for the purpose of announcing a member of the opposite gender entering the housing unit. Inmates will be educated on the tone system utilization.

DC-ADM 0008 PREA Procedures Manual Section 9- Working with Transgender/Intersex Inmates states the facility shall not search or physically examine a transgender/intersex inmate for the sole purpose of determining the inmate's status. If the inmate's genital status is unknown, it may be determined by conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. Transgender/Intersex inmates shall be searched in a professional and respectful manner, and in the least intrusive manner possible consistent with security needs.

During the pre-audit, the auditor was provided with a PowerPoint presentation of the facility's training for offender searches. Absent exigent (important, vital, needful) circumstances, a female staff member shall search a female offender and a male staff member shall search a male offender. Transgender or intersex offenders shall be searched by the gender staff member consistent with the gender of offenders housed at that facility.

The agency recently finalized its policy on Transgender/Intersex searches. All staff were sent a memo on September 23, 2015, discussing this new policy. The auditor was provided with a copy of staff training logs, documenting 33% of all staff have received formal training regarding searches on Transgender/Intersex offenders. The facility anticipates all staff will have received formal training on the new Transgender/Intersex search policy before the end of the year.

Interviews with random staff indicated some staff were well aware of the prohibition of conducting strip searches on transgender inmates for the sole purpose of determining their genital status as well, while other staff were not. A refresher training memo was sent to all staff discussing these topics prior to the completion of the Final Report. Interviews with both staff and inmates indicate when female staff enter the male housing units, an announcement is made of their presence and male inmates are rarely naked in full view of the female staff (when this occurs it appears to be accidental and extremely rare).

During the onsite audit, the auditor discovered camera views in the Control Room and in the Shift Commander's Office which viewed showers and toilets. These posts were not designated as gender specific posts. These same camera views were available in gender specific posts in the RHU and the Infirmary. The auditor also discovered a camera view of a shower in R & D. The auditor discussed his concerns with the staff, and prior to the conclusion of the Final Report, the auditor was provided with a completed work order as well as an affirmation from the PREA Compliance Manager that these views have been removed from the Control Room and Shift Commander's Office. The auditor was provided with a work order for signs for the RHU doors, prohibiting female staff from entering this gender specific post. There were no other areas in the facility which were non-gender specific posts that had camera views of showers and/or toilets.

#### **Standard 115.16 Inmates with disabilities and inmates who are limited English proficient**

Exceeds Standard (substantially exceeds requirement of standard)

- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 006 Reasonable Accommodations for Inmates with Disabilities Manual Section 1-General Procedures, DC-ADM 006 Reasonable Accommodations for Inmates with Disabilities Manual Section 2- Accommodations, DC-ADM 818 Automated Inmate Telephone System, and DC-ADM 006 Reasonable Accommodations for Inmates with Disabilities Manual Section 3- Specific Disabilities outlines the agencies approach to providing services to inmates with disabilities.

DC-ADM 0008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training states:

- 1) Pursuant to Department policy DC-ADM 006, "Reasonable Accommodations for Inmates with Disabilities," the Department shall ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the Department's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.
- 2) Written materials will either be delivered in alternative formats that accommodate the inmate's disability or the information will be delivered through alternative methods, such as reading it to the inmate or communicating through an interpreter, which ensures the understanding of the PREA related material.
- 3) The Department shall take reasonable steps to ensure meaningful access to all aspects of the Department's efforts to prevent, detect and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide qualified interpreters. The PREA Compliance Manager will ensure that only staff members or qualified contractors who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary, provide translation for inmates. If a multi-lingual staff member is not available, then the "AT&T Language Line" or equivalent service must be utilized.
- 4) The Department shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter would compromise the inmate's safety, the performance of first response duties under PREA Standard, or the investigation of the inmate's allegations. Justification for any use of an inmate assistant shall be documented accordingly.

In the past 12 months, there have been no instances where inmate interpreters, readers, or other types of inmate assistants have been used.

During the pre-audit, the auditor was provided with a copy of a contract with Propio Language Services. This contract shows to be valid from September 1, 2014 to June 30, 2016.

During the onsite audit, the auditor observed PREA posters posted in the housing units that contained information in both English and Spanish.

While onsite, the auditor conducted an interview with a Spanish speaking inmate, utilizing the language line. Using this service, the auditor was able to communicate effectively with the Spanish speaking inmate.

The interview with the Agency Head indicates the agency has access to the TTY phone for the hearing impaired, a language line service for non-English speaking inmates, and provides handouts and inmate handbooks in both English and Spanish. In addition, the agency has recently used one of its facilities to transcribe text into braille for the vision impaired.

#### **Standard 115.17 Hiring and promotion decisions**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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4.1.1 Human Resources and Labor Relations Manual Section 41- Employment of Job Applicants Having Prior Adverse Contacts with Criminal Justice Agencies states:

Consist with the Prison Rape Elimination Act (PREA), the Department shall not hire or promote anyone who:

- a. has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, or other correctional institution;
- b. has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse;
- c. has been civilly or administratively adjudicated to have engaged in the activity described above; and/or
- d. the Department will consider any incidents of sexual harassment in determining whether to hire or promote anyone.

Centralized Clearances 1.1.4 states prior employment of contractors will be further investigated to ensure that the Department does not enlist the services of any contractor(s) who may have contact with inmates who:

- a. have engaged in sexual abuse in a prison, jail, lockup, community facility, juvenile facility, or other institution (as defined as 42 U.S.C. 1997); and/or
- b. have been convicted or civilly or administratively adjudicated for engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse.

The Department shall consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates.

The PREA Current/Prior Employer Letter is used to solicit specific information from prior employers regarding the applicant’s previous misconduct.

In the past 12 months, there were 38 out of 38 staff who may have contact with inmates who have had criminal background record checks conducted by the facility.

In the past 12 months, there were 58 out of 58 contracts for services where criminal background record checks were conducted on all staff covered in the contract who might have contact with inmates.

04.01.01 Human Resources and Labor Relations Manual Section 40- Conducting Employee Background Investigations states Human Resources Offices will be responsible for ensuring the PREA Annual Employee Compliance Verification Form is completed in conjunction with each employee’s annual Employee Performance Review.

The DOC application requires employees to take an oath sworn before a Notary Public that this application and any attachments contain no misrepresentations, falsifications, omissions, or concealment of material fact.

Interviews with the Human Resources staff indicate criminal background checks are conducted on all newly hired employees. Contractor and volunteer backgrounds are conducted by the security staff. Through interviews with Administrative Staff, it was discovered the Agency utilizes “JNET,” which notifies them immediately, anytime a staff member is arrested. This system is real-time; therefore, documented background checks for employees every 5 years is not necessary.

**Standard 115.18 Upgrades to facilities and technologies**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific**

**corrective actions taken by the facility.**

DC-ADM008 PREA Procedures Manual Section 2 states:

- 1) When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Department shall consider the effect of the design, acquisition, expansion or modification upon the Department’s ability to protect inmates from sexual abuse.
- 2) When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Department shall consider how such technology may enhance the Department’s ability to protect inmates from sexual abuse.

The facility has recently added a CI Warehouse and placed a Welding Shop (Vocational Program) inside of the CI Warehouse. They have also acquired and set up a snow shed which is located outside of the secure perimeter by the Utility Plant. There have been upgrades made to the monitors in the Dietary Manager’s Office. There has also been a blurring mechanism installed to one of the cameras on J Unit, to prevent cross-gender viewing.

Interviews indicate camera technology is not used to replace staff; however, it is used as a tool to supplement them and maximize visual contact throughout the facility with the goal of eliminating blind spots.

**Standard 115.21 Evidence protocol and forensic medical examinations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The facility is responsible for conducting only administrative investigations. Criminal investigations will be conducted by the Pennsylvania State Police.

DC-ADM 008 PREA Procedures Manual Section 5- Investigating Allegations of Sexual Harassment and/or Sexual Abuse states to the extent the Department is responsible for investigating allegations of sexual abuse, the Department shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions, in accordance with the Response to Allegation of Sexual Abuse Checklists (Shift Commander Cover Sheet [Attachment 4-A], Initial Response – Victim [Attachment 4-B], Initial Response – Abuser [Attachment 4-C], the Instructions for PREA Evidence Retention [Attachment 4-E] and as well as Department policy 6.3.1, “Facility Security,” Section 15. The uniform evidence protocol was adapted from or otherwise based on the most recent edition of the DOJ’s Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations,

Adults/Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011.

The protocol established for evidentiary purposes shall be developmentally appropriate for youth, where applicable, in accordance with PREA Standard 115.21.

Forensic Medical Examinations are offered at Uniontown Hospital and are conducted by non-certified physicians who have received specialized training (internally) in conducting such investigations.

DC-ADM 008 PREA Procedures Manual Section 4- Responding to Reports of Sexual Abuse states treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

During the pre-audit, the auditor was provided with documentation of attempts to enter into an agreement with Uniontown Hospital. Dialogue was established between both the facility and the hospital; however, a formal agreement has not been reached. The auditor spoke with a representative from Uniontown Hospital and they advised even though the MOU is not finalized, the hospital would still perform forensic exams for the facility whenever needed. The auditor was advised six physicians have received specialized training (internally) in conducting forensic examinations, but they are not considered certified SAFEs/SANEs. The auditor was advised the hospital does not have certified SAFEs/SANEs; however, these six staff would conduct forensic examinations for the general public as well as the inmates at SCI Fayette. The auditor was advised that in the event one of these staff members were not available, one of the on-duty emergency room nurses and/or doctors would conduct the examination according to hospital policy.

Within the last 12 months, there has been one forensic medical examination conducted. This examination was conducted by a SANE/SAFE at Uniontown Hospital.

During the pre-audit, the auditor was provided with a documented MOU for victim advocate services; Crime Victim’s Center. The auditor contacted Crime Victim’s Center and was advised by their representative they have staff available to respond and provide victim advocate services in the event an inmate was sexually abused.

During the pre-audit, the auditor was provided with an MOU between the Secretary of Corrections and the Pennsylvania State Police (PSP), dated September 24, 2013. The auditor was provided with documentation from PSP to the agency stating PSP will follow the subject standard of 115.21.

Interviews with a random sample of staff indicate the majority of staff are well aware of how to preserve evidence and to whom they need to forward reports of sexual abuse.

**Standard 115.22 Policies to ensure referrals of allegations for investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance**

**determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 5- Investigation Allegations of Sexual Harassment and/or Sexual Abuse states every report, complaint or allegation of sexual harassment/sexual abuse, including third party and anonymous reports, shall be investigated promptly, thoroughly, and objectively.

During the past 12 months, there have been 74 allegations of sexual abuse and/or sexual harassment that were received. Of these, 74 were investigated administratively and none were investigated criminally.

DC-ADM 008 PREA Procedures Manual Section 5- Investigation Allegations of Sexual Harassment and/or Sexual Abuse states sexual abuse/sexual harassment investigations are conducted by the Office of Special Intelligence and Investigations (OSII) and/or the Pennsylvania State Police (PSP).

The agency documents all referrals of allegations of sexual abuse or sexual harassment for criminal investigation. This policy is located on the Agency website.

Interviews indicate all Criminal Investigations are conducted by the Pennsylvania State Police (PSP). Administrative Interviews are conducted by trained facility staff and/or the Office of Special Investigation and Intelligence (OSII).

### **Standard 115.31 Employee training**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training states the PREA Compliance Manager, in conjunction with the Training Coordinator at each facility, shall ensure that all staff members are: informed that sexual contact with an inmate is prohibited and that an inmate has a right to report if sexual contact occurs, through the basic PREA training. This training will include, at a minimum, the following information:

- 1) The zero tolerance policy against sexual abuse and sexual harassment within the Department;
- 2) How staff are to fulfill their responsibilities under the Department’s sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures as defined in this

policy;

- 3) Inmates' right to be free from sexual abuse and sexual harassment;
- 4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- 5) The dynamics of sexual abuse and sexual harassment in confinement;
- 6) The common reactions of sexual abuse and sexual harassment victims;
- 7) How to detect and respond to signs of threatened and actual sexual abuse;
- 8) How to avoid inappropriate relationships with inmates;
- 9) How to communicate effectively and professionally with inmates, including LGBTI or gender nonconforming inmates; and
- 10) How to comply with relevant laws of Pennsylvania related to mandatory reporting of sexual abuse to outside authorities.

A review of the 2015 PREA Course Lesson Plan indicates all topics above are covered during training.

Training is tailored to the gender of the inmates at the facility.

During the pre-audit, the auditor was advised all staff, who may have contact with inmates, were trained or retrained on the PREA requirements enumerated above.

Between trainings the agency provides employees who may have contact with inmates with information about current policies regarding sexual abuse and sexual harassment. Policy updates are disseminated through management.

Employees who may have contact with inmates receive refresher training on PREA requirements annually.

At the conclusion of the training, all staff, contractors, and volunteers are required to sign the PREA Training and Understanding Verification Form.

Random staff interviews indicate staff had received the required PREA training.

### **Standard 115.32 Volunteer and contractor training**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training states contractors and volunteers (to include interns, contract service providers, public visitors, or Non-Department Employees) will receive training on their responsibilities under the Department’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures. They will be trained during orientation sessions and annual training reflective of the level of contact that they have with inmates.

All contractors and volunteers will be required to sign and acknowledge the PREA Training and Understanding Verification Form. The Volunteer Coordinator at each facility will be responsible for documenting the PREA training that each volunteer has received and maintain the documentation in the volunteer file in accordance with Section 1 of this procedures manual. PCMs will be responsible for maintaining PREA Training and Understanding Verification Forms for all contractors. PREA Training will be effective for a period of one year.

In the past 12 months, there have been 45 volunteers and individual contractors who have been trained in agency policies and procedures regarding sexual abuse/harassment prevention, detection, and response.

All volunteers and contractors who have contact with inmates have been notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

During the pre-audit, the auditor was provided with a sample of documentation confirming that volunteers/contractors understand the training they have received.

Interviews with Volunteers/Contractors indicate Volunteers and Contractors are provided with PREA education including the agency’s zero tolerance policy as well as to whom they would forward any sexual abuse reports.

### **Standard 115.33 Inmate education**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training states each facility shall provide inmate education explaining the zero tolerance policy regarding sexual abuse and sexual harassment, and how to report incidents or suspicions of sexual abuse, sexual harassment or retaliation, and what to do if he/she is the victim of such. This information shall be provided in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.

During the intake process, all inmates, including Parole Violators (PVs), shall receive information explaining the zero tolerance policy regarding sexual abuse and sexual harassment, and how to report incidents or suspicions of sexual abuse, sexual harassment or retaliation, and what to do if he/she is the victim of sexual abuse, sexual harassment or retaliation. Medical will provide a copy of the Sexual Abuse Awareness Informational Brochure to the inmate immediately upon intake and document.

Within the first 30 days of reception, additional information will be provided to all inmates, including Parole Violators, either during orientation at the Diagnostic and Classification Center (DCC) and reception sites or upon return to Department custody. All inmates will be shown a video regarding their rights to be free from sexual abuse, sexual harassment, and retaliation. They will also be provided information regarding Department policies and procedures for responding to such incidents. Inmate education may be provided to inmates individually or in groups. A staff member must be present at all times to facilitate discussion, in conjunction with the Facilitator's Guide (Attachment 2-J) and to answer questions.

The PREA video, "PREA: What You Need to Know" is available for use. Each facility shall have access to this video in Spanish and English, with subtitles.

- 1) An Intake Counselor shall remain in the room during the playing of the video to observe inmates, looking for reactions.
- 2) Additionally, the Intake Counselor shall ask questions, as outlined in the Facilitator's Guide, at the end of the video to determine comprehension on the materials.
- 3) As equally important, the Intake Counselor shall offer to meet privately with any of the inmates if they request, to discuss issues related to the video.

An inmate who did not receive the education at the DCC shall receive this training within one year of the effective date of the PREA standards. This education may be provided as a group presentation or individually during the inmate's annual/semi-annual case review, as needed.

Any inmate that is transferred must receive education upon transfer, only to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.

- 1) The PREA video is to be played a minimum of two times each month over the inmate television channel.
- 2) During the inmate's annual review, the Counselor will discuss issues related to sexual abuse in prison and offer the inmate an opportunity to discuss related concerns. The counselor will provide a Sexual Abuse Awareness Informational Brochure at the time of his/her annual review.
- 3) Sexual abuse, sexual harassment and retaliation training shall be documented by the inmate

signing the PREA Inmate Education Verification Form (Attachment 2-K). This form will be filed in the DC-14. Provision of PREA Inmate Education shall be documented in an Inmate Cumulative Adjustment Record (ICAR) entry.

During the past 12 months, 759 inmates were admitted and 681 received such information at intake. All inmates, with the exception of those that went to the SMU, received comprehensive education on their rights to be free from both sexual abuse/harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents within 30 days of intake. The auditor was advised all but approximately 20 inmates have received comprehensive education. The auditor was advised these inmates are a threat to security and housed in SMU. When these inmates return to the general population, they will receive this education. Any long term SMU inmate will receive comprehensive education during their SMU confinement.

Additional information about the agency's PREA policies is continuously and readily available or visible through posters, inmate handbooks, and other written formats. During the pre-audit, the auditor was provided with a copy of the inmate handbook, PREA inmate educational posters, and PREA staff educational posters.

During an interview with a member of the intake staff, it was discovered inmates receive PREA education as soon as they arrive at the facility, as part of their orientation. This education consists of a brochure containing information on their rights under PREA as well as how to report information related to sexual abuse. The intake staff member discusses this information with the inmates and answers any questions the inmates may have. Within a week, the new intakes for that week watch a PREA educational video. Inmates are required to sign an acknowledgement that they have received this education.

#### **Standard 115.34 Specialized training: Investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training states Investigations - In addition to the Basic PREA Training provided to all staff, any staff designated to conduct sexual abuse investigations shall receive additional training in accordance with PREA Standard 115.31 and Specialized training: Investigations.

1) This specialized training will include, but is not limited to: interviewing sexual abuse victims, proper use of Miranda warnings, the Garrity rule, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or

prosecutorial referral.

- 2) This training will be facilitated by specially trained “PREA Specialized Security Training Teams.” An updated list of these “PREA Specialized Security Training Teams” will be kept on file by the statewide PREA Coordinator/designee.
- 3) Training will be offered to outside law enforcement through mutual agreements facilitated by the Department.
- 4) Once all Security Office staff members and members of the Office of Special Investigations and Intelligence (OSII) have received this specialized training, it will take place on an annual basis unless it is deemed necessary to be held more frequently by the statewide PREA Coordinator or Facility Manager.
- 5) Staff will be required to sign off that they have received the information and understand the included items on the PREA Training and Understanding Verification Form. This information will be kept in the staff member’s official personnel file.
- 6) The Training Coordinator at each facility shall ensure that all current security office staff receives this training within six months of the effective date of this policy.
- 7) The Department, any state entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations.

During the pre-audit, the auditor was advised the facility has 15 staff who have received the required training in conducting sexual abuse investigations; however, only 3 of these staff actually conduct investigations.

During interviews with facility investigators, the investigators acknowledged receiving the training specific to PREA requirements. Investigators were knowledgeable that any case that appeared to be criminal would be referred for criminal prosecution. Investigators also acknowledged using a preponderance of evidence as the standard of evidence used to substantiate allegations of sexual abuse and sexual harassment.

#### **Standard 115.35 Specialized training: Medical and mental health care**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training states Medical/Mental Health Practitioners - In addition to the Basic PREA Training, any staff providing medical/mental health services, whether on a full or part-time status, shall receive additional training on working with victims of sexual abuse and sexual harassment. For the purposes of this training requirement, Medical staff will include all licensed medical staff, as well as non-licensed contact medical staff such as dental assistants, CHCAs and contracted provider staff.

- 1) This specialized training will include, but is not limited to: how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence of sexual abuse, how to respond effectively and professionally to victims of sexual abuse and sexual harassment and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- 2) This training will be coordinated by the statewide PREA Coordinator/designee.
- 3) The PREA Compliance Manager, in coordination with the Training Coordinator at each facility, shall ensure that all current medical/mental health staff receives this training within six months of the effective date of this policy.
- 4) All new medical/mental health staff shall receive this training within the first three months of employment with the Department.
- 5) Staff will be required to sign off that they have received the information and understand the included items on the PREA Training and Understanding Verification Form. This information will be kept in the staff member's official personnel file in accordance with Section 1 of this procedures manual.

During the pre-audit, the auditor was provided with a staff In-Service PREA Training roster for medical and mental health staff, documenting the understanding of the material. The auditor was also provided with a PowerPoint presentation, participant guide, and draft quiz for medical and mental health.

During the pre-audit, the auditor was advised 44 out of 44 medical and mental health care practitioners who work regularly within the facility have received the training required by agency policy. This equates to 100% of all medical and mental health staff who work regularly within the facility.

Agency medical staff at this facility do not conduct forensic medical examinations. Such examinations are conducted at Uniontown Hospital.

Interviews with the medical and mental health staff indicate they were given one day of PREA training.

**Standard 115.41 Screening for risk of victimization and abusiveness**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the

relevant review period)

- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training states all inmates shall be assessed during the intake screening process, upon receipt into another facility, whenever an inmate is involved in an incident of sexual abuse and at their annual review, for risk of being sexually abused by other inmates or sexually abusive toward other inmates. Within the first 72 hours of reception to the Department and receipt into another facility, the PREA Risk Assessment Tool (PRAT) will be conducted by qualified health care or unit management staff.

The auditor was advised the facility began conducting PRATs on May 6, 2015, and since then they have completed a PRAT on all 214 new commitments. All 214 of these PRATs occurred within 72 hours of intake. The auditor was provided with documentation showing the facility has completed 214 30-day reassessments. The auditor was advised as soon as the screening instrument was made available, her staff began screening all new intakes with the instrument within 72 hours of intake. In addition to these screenings, the existing inmate population is being screened on both annual and bi-annual reviews. Currently, approximately 2029 PRATs have been completed on 1616 inmates. The remaining inmate population are anticipated to be screened within the next three months.

While onsite, the auditor reviewed a random sample of PRATs. The majority of the initial assessments occurred within 72 hours of intake and the majority of the 30 day reassessments occurred within 20-30 days of intake. The auditor identified some of the PRATs were not being tracked and logged appropriately. This has previously been identified and the agency is actively working to correct the software issues. The auditor was provided with a back-up tracking spreadsheet the facility recently began using as a means of tracking PRATs.

During the pre-audit, the auditor was provided with a copy of the PRAT. A review of the instrument shows all the required questions are being asked and the tool is an objective point based screening instrument.

DC-ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training a reassessment will be conducted between day 20 and 30 of the inmate's arrival in the system or receipt into another facility utilizing the PRAT. The Counselor will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility staff since the intake screening. An inmate's risk level will be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of victimization or abusiveness utilizing the PRAT. Inmates shall not be disciplined for refusing to answer, or for not disclosing, complete information in response to the questions regarding prior victimization, disabilities, their perception of vulnerability or their sexual orientation.

Interviews with the PREA Coordinator and PREA Compliance Manager indicates any inmate scoring affirmatively as a potential victim and/or potential predator would initiate a "housing concern" in the computer. Staff would have access to see the "housing concern" in the computer; however, they would not have any access to the actual results of the screenings.

### Standard 115.42 Use of screening information

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training states the information received through the administration of the PRAT questions shall be used to inform housing, bed placement, work, education, and program assignments with the goal of keeping separate those inmates at high risk for being sexually victimized from those at high risk of being sexually abusive. The sensitive information collected through these tools shall be kept as confidential as possible so as not to be used to the inmate's detriment by staff or other inmates. The Department shall make individualized determinations about how to ensure the safety of each inmate.

DC-ADM 008 PREA Procedures Manual Section 9- Working with Transgender/Intersex Inmates states when deciding whether to assign a transgender/intersex inmate to a facility for male/female inmates, and in making other housing and programming assignments, the Department shall consider, on a case by case basis, whether a placement would ensure the inmate's health and safety and whether the placement would present management or security problems. A transgender/intersex inmate's own views, with respect to his/her own safety shall be given serious consideration. 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.

During the pre-audit, the auditor was provided with a PREA Risk Tracking Memo and Instructions which was sent to the Superintendents on February 18, 2015. This information discusses how to properly use the screening instrument.

Interviews with staff indicate the screening instrument is being used to keep any inmate that scores to be a potential victim from inmates that score to be a potential predator. Transgender inmates would be housed in general population and would be afforded the opportunity to shower separately. A transgender inmate's views in respect to his safety is given serious consideration in determining placement and program assignments. A transgender inmate's placement and programming assignments are reassessed every six months.

Showers consist of single showers with doors to ensure privacy.

### Standard 115.43 Protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training states Inmates at a high risk for sexual victimization or inmates that have alleged abuse shall not be placed involuntarily in Administrative Custody (AC) as a means of protection unless an assessment of all available alternatives has been made by Psychology and Security staff in conjunction with the PREA Compliance Manager, and a determination has been made that there is no other available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the inmate in involuntary AC for less than 24 hours while completing the assessment.

Within the last 12 months, there have not been any inmates placed in involuntary segregated housing for risk of sexual victimization.

In accordance with Department policy DC-ADM 802, Administrative Custody Procedures, at least every 30 days, the Program Review Committee (PRC) shall ensure each inmate is reviewed to determine whether there is a continuing need for separation from the general population. This review shall be documented on the DC-141, Part 3, Employee Report of Incident (Other).

Through staff interviews it was determined inmates at high risk of sexual victimization are not placed in segregated housing. The auditor was advised these inmates would be placed in other housing units, if at all possible. In the event an inmate at high risk of sexual victimization was placed in segregated housing, the inmate would have access to privileges and programs when at all possible. If these privileges and programs had to be restricted, the facility would document the activities restricted and the reason for the restriction.

**Standard 115.51 Inmate reporting**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 3- Reporting Sexual Abuse and Sexual Harassment states any inmate who is the victim of any of the following should report the abuse to a staff member as soon as possible:

- 1) Sexual abuse;
- 2) Sexual harassment;
- 3) Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment;
- 4) Staff neglect or violation of responsibilities that may have contributed to such incidents.

Inmates may report abuse or harassment to the Bureau of Criminal Investigations (BCI), which is Division of the Pennsylvania State Police and not part of the agency.

A report may be made to any staff member in the facility including, but not limited to, Medical staff, Psychology staff, Corrections Officers and Counselors. Staff shall accept and document reports made verbally, in writing, anonymously, and from third parties and promptly forward to the facility's designated investigators. Staff are required to document verbal reports immediately.

A Sexual Abuse Reporting Address has been established for staff as outlined on the PREA Reporting Poster (Attachment 3-A) or on the Department website to anonymously report sexual abuse, sexual harassment or retaliation to the Pennsylvania State Police.

- 1) The address for making a written report is: BCI/PREA Coordinator, 1800 Elmerton Avenue, Harrisburg, PA 17110.
- 2) A writer may choose to include his/her name and contact information, but it is not necessary in order to make the report. Reports may also be submitted online at [www.tipsubmit.com](http://www.tipsubmit.com).

A staff member, contract service provider, or volunteer, may also make a private report to the facility's PREA Compliance Manager or the statewide PREA Coordinator.

Through staff and inmate interviews it was determined inmates and staff may make a private report to any supervisor or the PREA Compliance Manager. Inmates are also provided with the mailing address to the Pennsylvania State Police Bureau of Criminal Investigation and are permitted to make a report directly to this agency. The auditor was advised by random staff that all reports; including verbal, written, anonymous, and third-party reports would be investigated. Verbal reports would be documented by the staff immediately upon receipt of such information.

#### **Standard 115.52 Exhaustion of administrative remedies**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

XX Not Applicable

DC-ADM 008 PREA Procedures Manual Section 3- Reporting Sexual Abuse and Sexual Harassment states inmates shall not utilize the inmate grievance system to report sexual abuse by a staff member or inmate-on-inmate sexual contact, as defined in the Glossary. However, if an inmate files a grievance related to sexual abuse, the Grievance Officer shall reject the grievance and forward to the facility Security Office for tracking and investigation. The inmate will be notified of this action. All sexual abuse allegations received as a grievance would immediately be forwarded to appropriate investigators.

DC-ADM 004 Inmate Grievance System Procedures Manual Section 1- Grievances and Initial Review states a grievance regarding an allegation of a sexual nature (abuse/harassment) against a staff member or inmate-on-inmate sexual contact will not be addressed through the Inmate Grievance System and must be addressed through Department policy DC-ADM 008. These allegations are taken seriously by the Department and must and will be investigated to make sure that inmates are safe in the facilities. If a grievance is filed regarding an allegation of a sexual nature (abuse/harassment) against a staff member or inmate-on-inmate sexual contact, while it will not be addressed through the inmate Grievance System, the grievance will be immediately forwarded to the Security Department as well as PREA Compliance Manager in accordance with Department policy DC-ADM 008 to start an investigation.

**Standard 115.53 Inmate access to outside confidential support services**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 4- Responding to Reports of Sexual Abuse the Department works in collaboration with the Pennsylvania Coalition against Rape (PCAR) and its member centers. The facility PREA Compliance Manager, in conjunction with the statewide PREA Coordinator, has worked to establish mutual agreements with local rape crisis centers where all Department facilities are located. Copies of these agreements shall be maintained by the Department.

The PREA Compliance Manager shall ensure that inmates are offered and provided with access to outside victim advocates for emotional supportive services related to sexual abuse which has occurred in a confinement setting. During non-working hours, the Shift Commander will be responsible to ensure the aforementioned support services. Supportive services may be provided via a variety of methods including in person, during a non-monitored phone call and/or in writing. The preferred service delivery method is in person in a confidential setting.

The PREA Compliance Manager shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

An inmate will be offered the opportunity to talk with a victim advocate and receive continued care when they have been a victim of facility sexual abuse, no matter if they reported the facility sexual abuse immediately or made a delayed disclosure.

During the pre-audit, the auditor was provided with a brochure that is given to all inmates as part of the intake education. This flier contains a mailing address to the Pennsylvania Coalition Against Rape.

During the pre-audit, the auditor was provided with a documented MOU for victim advocate services; Crime Victim's Center.

Through random inmate interviews as well as interviews with inmates who reported a sexual abuse, it was determined that many of the inmates were familiar with the victim services that are available for victims of sexual abuse. Inmates acknowledged having access to mailing addresses through posters, posted in the housing units.

#### **Standard 115.54 Third-party reporting**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 3- Reporting Sexual Abuse and Sexual Harassment states the Sexual Abuse Reporting Address is an option for the general public to report an allegation of sexual contact. A sexual abuse reporting address has been established for the general public, as listed on the Department website to anonymously report sexual abuse, sexual harassment, or retaliation to the PSP. The address for making a written report is: BCI/PREA Coordinator, 1800 Elmerton Avenue, Harrisburg, PA 17110. A writer may choose to include their name and contact information, but it is not necessary in order to make the report. Reports may also be submitted online at [www.tipsubmit.com](http://www.tipsubmit.com).

### **Standard 115.61 Staff and agency reporting duties**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 3- Reporting Sexual Abuse and Sexual Harassment states any staff member, contract service provider, volunteer or intern, shall immediately report to the Shift Commander if he/she has knowledge, suspicion, or information regarding any of the following:

- 1) Sexual abuse of an inmate;
- 2) Sexual harassment of an inmate that occurred in a facility;
- 3) Retaliation against inmates or staff who reported such an incident; and/or
- 4) Staff neglect or violation of responsibilities that may have contributed to an incident or retaliation

The incidents listed above may have occurred in any facility, whether or not it is affiliated with the Department.

A DC-121, Part 2, Report of Extraordinary Occurrence Report shall be filed in every case, apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in Department policy, to make treatment, investigation, and other security and management decisions, where sexual abuse with an inmate is reported in accordance with Department policy 6.3.1, “Facility Security.”

Through interviews with a random sample of staff as well as interviews with medical and mental health staff, it was determined that all staff have a duty to report any knowledge, suspicion, or information related to sexual abuse or sexual harassment. Staff are also required to report any retaliation towards any inmate or staff for reporting and any staff neglect that may have contributed to an incident or retaliation.

### **Standard 115.62 Agency protection duties**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the

relevant review period)

- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training ensures that when Department staff learn that an inmate is subject to a substantial risk of imminent sexual abuse, appropriate and immediate action will be taken to protect that inmate.

In the past 12 months, there has been only one instance where the agency determined an inmate was subject to substantial risk of imminent sexual abuse. This inmate requested protective custody and was moved there immediately.

Through interviews with staff, it was determined staff take immediate action to separate the alleged victim and abuser whenever it is determined an inmate may be at risk for imminent sexual abuse. The investigation would begin immediately, and a note would be placed in the computer to prevent contact between the alleged victim and abuser.

#### **Standard 115.63 Reporting to other confinement facilities**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 3- Reporting Sexual Abuse and Sexual Harassment states:

An inmate may file a report of sexual abuse, sexual harassment or retaliation sustained while confined at another facility.

It is the Facility Manager/designee's responsibility to notify the head of the facility in which the reported abuse, harassment or retaliation occurred. Notification must be provided as soon as possible, but no later than within 72 hours after receipt of information and documented on the Notification of Sexual Abuse/Harassment Allegation to Another Facility (Attachment 3-B). This document shall be maintained by the PREA Compliance Manager in an annual file for audit verification purposes in accordance with Section 1 of this procedures manual.

A copy of the notification must also be sent to the facility PREA Compliance Manager and the statewide PREA Coordinator/designee for tracking purposes.

If the facility being notified is another facility within the Department, the PREA Compliance Managers for involved facilities shall coordinate the information flow as to ensure:

- 1) All information is shared to ensure a thorough and expedient investigation is completed; and
- 2) The inmate receives information regarding the investigation in a confidential and timely manner as to comply with Section 8 of this procedures manual.

Upon receipt of an allegation from another facility that an inmate was sexually abused, harassed or retaliated against while confined at that location, the Facility Manager/designee at the receiving facility shall document the receipt of the allegation on the Notification of Sexual Abuse/Harassment Allegation to Another Facility.

The Facility Manager/designee shall immediately notify the Security Office to initiate a PREA investigation as outlined in Section 5 of this procedures manual.

The Facility Manager/designee shall send notification and supporting documentation to the facility PREA Compliance Manager and the statewide PREA Coordinator/designee within five working days of the receipt of the allegation.

During the past 12 months, the facility has received three allegations of sexual abuse from another facility. These allegations were documented and referred for investigation.

Through staff interviews, it was determined when SCI Fayette receives an allegation from another facility or agency that an incident of sexual abuse or sexual harassment occurred within their facility, the allegation would immediately be assigned to an investigator and would be investigated. SCI Fayette would also refer any allegations they receive for sexual abuse that occurred at other facilities, to the head of the outside facility. SCI Fayette would collect statements from any inmate involved who was housed at their facility and forward these statements to the outside facility to be a part of their investigation. The designated points of contact in both instances would be the PREA Coordinator and Security Office.

During the past 12 months, the facility received three allegations that an inmate was abused while confined at another facility. Two of these allegations alleged sexual abuse and the third allegation alleged sexual harassment. All three were referred to the facility where the allegation allegedly occurred. A review of the two sexual abuse allegations indicate the notifications were not given within 72 hours as required by standard 115.63. In addition, one of the notifications was from the Superintendent of SCI Fayette to the Superintendent where the allegation allegedly occurred. The other sexual abuse allegation was reported from SCI Fayette Security, through OSII, to the other facility's Security department, and was not reported from Facility Head to Facility Head as required by 115.63. It was determined the facility would undergo correction action for the reasons mentioned above.

During the Correction Action Period, the PREA Compliance Manager sent a memo to facility staff discussing the proper way, and time period, to report sexual abuse allegations that allegedly occurred at other facilities. The auditor was provided with a copy of this memo. During the Corrective Action

Period, the facility received one allegation of sexual abuse which allegedly occurred at another facility. The allegation was received by staff at SCI Fayette on December 30, 2015, and was reported to the facility where the abuse allegedly occurred on December 31, 2015. The notification was sent by the Deputy Superintendent of Centralized Services at SCI Fayette, who at the time was the Acting Superintendent, to the Superintendent of the facility where the abuse allegedly occurred.

The auditor has determined the facility now meets this standard.

#### **Standard 115.64 Staff first responder duties**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 4- Responding to Reports of Sexual Abuse states: Upon learning of an allegation that an inmate was sexually abused, the first staff member to respond shall:

#### 1) Security Staff

- a. notify the facility's main control center;
- b. immediately separate the alleged victim and alleged abuser;
- c. secure any reported crime scene until appropriate steps can be taken to collect evidence; and
- d. if the abuse occurred within the last 96 hours that still allows for the collection of physical evidence, request the alleged victim and ensure that the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

#### 2) Non-Security Staff

- a. Immediately notify the facility's main control center/security staff; and
- b. if the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence.

During the past 12 months, there have been 13 allegations that an inmate was sexually abused. Of these allegations, there was one instance, the first security staff member to respond to the report

separated the alleged victim and abuser (there was only one instance where separating the alleged victim and abuser was appropriate). Of these allegations, there was one instance where the first security staff member to respond to the report:

- 1) Preserved and protected any crime scene until appropriate steps could be taken to collect any evidence;
- 2) Requested 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; and
- 3) Ensured that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

During the past 12 months, there have been three allegations that an inmate was sexually abused where a non-security staff member was the first responder. The non-security staff member to respond to this report:

- 1) Notified security staff in all three instances.
- 2) Requested that the alleged victim not take any actions that could destroy physical evidence for one of the allegations (the other two allegations were verbal sexual abuse cases by policy, and the collection of physical evidence would not have applied).

Through interviews with inmates and staff, it was determined staff have responded promptly to outcries of sexual abuse. Staff know to separate the victim from the abuser as well as how to preserve evidence. Staff are aware to keep information related to sexual abuse investigations confidential.

#### **Standard 115.65 Coordinated response**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 4- Responding to Reports of Sexual Abuse states 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. This policy outlines the facility's coordinated response plan.

Through interviews with staff, it was determined the facility follows a statewide DOC coordinated

response plan for allegations of sexual abuse that involves a checklist of responsibilities.

#### **Standard 115.66 Preservation of ability to protect inmates from contact with abusers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The Department operates within the confines of collective bargaining agreements with eight (8) different unions. None of these collective bargaining agreements contain language that limit the ability to remove an alleged staff sexual abuser from contact with any inmates pending the outcome of an investigation or a determination of whether and to what extent discipline is warranted. In addition, the collective bargaining agreements are silent regarding suspensions pending investigation. When the contract is silent on issues, policy then governs.

A memo from the Secretary of Corrections dated January 12, 2015, states the Department does not need to demonstrate that the employee committed the suspected offenses; but rather, that the “nature of the allegations” are such that there is just cause to remove the employee from the institution pending the outcome of the investigation.

During the Agency Head interview, the Agency Head confirmed the Department operates with collective bargaining agreements; however, these agreements do not restrict the Agency from removing staff abuser from contact with inmates under these terms.

#### **Standard 115.67 Agency protection against retaliation**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and

Training states the agency will ensure retaliation monitoring of the following inmates:

- 1) Those that have reported institutional sexual abuse or sexual harassment allegations;
- 2) Those that have suffered sexual abuse; and/or
- 3) Those that have expressed a fear of retaliation due to cooperation with an investigation of an incident related to this procedures manual.

Specifically, the PREA Compliance Manager will ensure that such inmates are provided with the opportunity to meet with a corrections counselor, in accordance with Attachment 2-B, DOC Retaliation Monitoring form, who will then report to the PREA Compliance Manager. If the PREA Compliance Manager determines that the initial monitoring indicates a continuing need, the periodic status checks will be extended beyond 90 days.

Notify the Deputy of Centralized Services (DSCS) when staff require monitoring due to report of sexual abuse, or because of an expressed fear of retaliation due to cooperation with an investigation of inmate sexual abuse or sexual harassment, per PREA Standard (§115.67 [a][c][e]) and in accordance with Section 3, Subsection F. of the procedures manual.

Retaliation will be monitored for a minimum of 90 days for all allegations.

During the past 12 months, there have been no incidents of retaliation reported.

Through various staff and inmate interviews, it was discovered multiple measures are taken to ensure against retaliation. In order to protect against retaliation, the PREA Compliance Manager would complete a monitoring form and have the unit counselors monitor for retaliation. This information would be logged in a spreadsheet. Counselors would check on the inmate sometime between the first 48-96 hours, 15 days, 30 days, 60 days, and 90 days. If necessary due to the circumstances, retaliation may be monitored indefinitely.

#### **Standard 115.68 Post-allegation protective custody**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training states inmates at a high risk for sexual victimization or inmates that have alleged abuse shall not be placed involuntarily in Administrative Custody (AC) as a means of protection unless an

assessment of all available alternatives has been made by Psychology and Security staff in conjunction with the PREA Compliance Manager, and a determination has been made that there is no other available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the inmate in involuntary AC for less than 24 hours while completing the assessment.

DC-ADM 802 Administrative Custody Procedures states the facility may assign inmates to involuntary AC only until an alternative means of separation from likely abusers can be arranged and such assignment shall not ordinarily exceed 30 days.

During the past 12 months, there have been no instances where an inmate was placed in involuntary segregated housing awaiting completion of an assessment.

Through interviews with staff, it was discovered inmates who allege to have suffered sexual abuse or are at risk of sexual victimization are rarely (if ever) placed in involuntary segregated housing. Alternative housing in another general population housing unit or protective custody would be found. If an inmate were to be placed in involuntary segregated housing for these reasons, they would still have access to programs, privileges, education, and work opportunities to the extent possible. If any activities are restricted, the staff would document the opportunities limited, the duration of the limitation, and the reason for the limitation.

#### **Standard 115.71 Criminal and administrative agency investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 5- Investigating Allegations of Sexual Harassment and/or Sexual Abuse outlines both criminal and administrative agency investigations.

Substantiated allegations of conduct that appear to be criminal are referred for prosecution.

Since August 20, 2012, there have not been any substantiated allegations of conduct that appear to be criminal that were referred for prosecution.

The agency retains all written reports pertaining to the administrative or criminal investigation of alleged sexual assault or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

Through interviews with inmates who allege to have suffered from sexual abuse, it was determined

investigative staff do not require victims to take a polygraph examination as a condition for proceeding with the investigation.

Through staff interviews, it was determined the security office, PREA Compliance Manager, and facility investigators would be informed on the progress of any investigations conducted by the Pennsylvania State Police. They would receive this information by regular correspondence via phone and/or email. Investigators have received specialized training for conducting sexual abuse investigations in confinement settings. Training topics included 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 or prosecution referral. Investigations into allegations of sexual abuse or sexual harassment occur immediately upon receipt of such information. If the sexual abuse occurred within 96 hours, the alleged victim would be transported to the local hospital for a SAFE/SANE exam. Criminal investigations would be forwarded to the Pennsylvania State Police for investigation. Investigations continue, even if the staff member terminates employment or the inmate transfers to another facility. Both administrative and criminal investigations would be documented in investigation reports.

#### **Standard 115.72 Evidentiary standard for administrative investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 5- Investigating Allegations of Sexual Harassment and/or Sexual Abuse states in administrative investigations, the Department shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual harassment/sexual abuse are substantiated.

Interviews with investigative staff indicate a preponderance of evidence is used when determining whether to substantiate allegations of sexual abuse or sexual harassment.

#### **Standard 115.73 Reporting to inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 8- Notification of Inmates states following the investigation into an inmate's allegation that he/she suffered sexual abuse or sexual harassment in a facility within the Department, the Prison Rape Elimination Act (PREA) Compliance Manager at the facility where the inmate is housed shall inform the inmate, in writing on the PREA Investigation – Inmate Notification Form (Attachment 8-A) as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded.

A review of notifications indicate inmates are being responded to, in writing, as to the outcome of the investigation.

If another agency conducts the investigation, the PREA Compliance Manager shall request the relevant information from the investigative agency in order to inform the inmate.

Following an inmate's allegation that a staff member has committed sexual abuse or sexual harassment against an inmate, the PREA Compliance Manager shall subsequently inform the inmate when any of the following occurs:

- 1) The staff member is no longer posted within the inmate's unit;
- 2) The staff member is no longer employed at the facility;
- 3) The Department learns that the staff member has been criminally charged related to sexual abuse within the facility; or
- 4) The Department learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

During the past 12 months, there were eight criminal and/or administrative investigations of alleged inmate sexual abuse that were completed by the agency/facility. Of these investigations, all eight inmates were notified, verbally or in writing, of the results of the investigation. There are currently five investigations still ongoing.

During the pre-audit, the auditor was advised there was a total of eight notifications to inmates that were provided pursuant to this standard within the past 12 months. Of those notifications made within the past 12 months, eight of these notifications were documented.

During the past 12 months, there was one investigation of alleged inmate sexual abuse in the facility that were completed by an outside agency. This investigation is still pending.

Through interviews with various staff and inmates, it was determined investigators notify the inmate, in writing, as to whether the allegation was substantiated, unsubstantiated, or unfounded.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 7-Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation states any employee who violates Department sexual abuse or sexual harassment policies by engaging in, failing to report, or knowingly condoning sexual abuse or sexual harassment of an inmate shall be subject to appropriate disciplinary or administrative action up to and including termination.

When an allegation is made involving a staff member, contract service provider or volunteer this person will be removed from contact with the alleged victim until the conclusion of this investigation.

In the event that a staff member is terminated, or resigns in lieu of discharge, for violation of the this procedures manual, the Bureau of Human Resources (BHR) will notify the Office of Special Investigations and Intelligence (OSII) to determine if a potential criminal violation exists. If the violation meets criminal standards, OSII will refer the matter to the District Attorney’s Office that has jurisdiction over the affected facility.

During the past 12 months, there have not been any staff from the facility who have violated agency sexual abuse or sexual harassment policies.

Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member’s disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

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

**Standard 115.77 Corrective action for contractors and volunteers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 7-Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation states:

- 1) When an allegation is made involving a contractor or volunteer, this person will be removed from contact with the alleged victim until the conclusion of this investigation;
- 2) If a contractor or volunteer violates this procedures manual, other than by engaging in sexual abuse, the facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates;
- 3) Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates, and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

During the past 12 months, there have not been any contractors or volunteers reported to law enforcement for engaging in sexual abuse of inmates.

Staff interviews indicate that any contractor or volunteer suspected of sexual abuse or sexual harassment would be removed from the building and prohibited from contact with inmates. Remedial disciplinary measures, such as retraining, would be considered for minor policy violations, depending on the circumstances. Any contractor or volunteer found to have committed a major policy violation would be banned from the facility. Criminal charges would be filed when appropriate.

#### **Standard 115.78 Disciplinary sanctions for inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 7-Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation states:

- 1) Inmates shall be subject to disciplinary sanctions pursuant to the formal disciplinary process, following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.

- 2) Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.
- 3) The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his/her behavior when determining what type of sanction, if any, should be imposed.
- 4) When an inmate is found guilty of a Class 1 Misconduct related to sexual abuse, the Unit Manager shall refer the inmate to the Sex Offender Treatment Program for evaluation to determine whether or not the inmate is appropriate for the program and if the inmate will be required to complete the program as part of the sanctions or as a condition to access programming or other benefits.
- 5) The facility may discipline an inmate for sexual contact with staff only if it is substantiated that the staff member did not consent to such contact.
- 6) For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- 7) A reporting inmate may only be subjected to discipline if the report is determined to be unfounded with proven malicious intent at the conclusion of a full investigation.
- 8) The Department prohibits all sexual activity between inmates and may discipline inmates for such activity. The Department will not deem such activity to constitute sexual abuse if the Department through the investigative process determines that the activity is not coerced or forced.

During the past 12 months, there have not been any administrative and/or criminal findings of inmate-on-inmate sexual abuse that has occurred at the facility.

Staff interviews indicate inmates found to have engaged in sexual abuse or sexual harassment may face a misconduct hearing and/or criminal charges depending upon the circumstances.

Staff interviews indicate inmate perpetrators of sexual abuse are referred for a mental health evaluation, and this evaluation is conducted within 14 days. Follow-up care would be determined based on the initial evaluation; however, the inmate would be seen by the Mental Health staff anytime the inmate requested Mental Health services. Upon release, inmates are given information on outside resources.

Staff interviews indicate inmates who have violated the agency's sexual abuse and sexual harassment procedures would go through a disciplinary hearing. If the allegations were criminal in nature, the Pennsylvania State Police may pursue criminal charges.

**Standard 115.81 Medical and mental health screenings; history of sexual abuse**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the

relevant review period)

- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training states if the screening pursuant to PREA Standard 115.41 indicates that a prison or jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical and mental health practitioner within 14 days of the intake screening or sooner, if clinically indicated.

If the screening pursuant to PREA Standard 115.41 indicates that a prison or jail inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening. In addition, when information becomes available relating to perpetration of inmate-on-inmate sexual abuse history, a mental health evaluation will be conducted on these abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

Any information related to sexual victimization or abusiveness occurring in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans, security and management decisions, including housing, bed placement, work, education, and program assignments, or otherwise required by Federal, State, or local law.

Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18. The DC-484 (13.08.01 Delivery of Mental Health Services, Attachment 2-A) will be used for this purpose. If the inmate refuses to sign, it shall be noted on the DC-484 and signed by the witness and maintained in the medical record.

During the past 12 months, 100% of inmates who disclosed prior victimization during screening were offered a follow-up meeting with a medical or mental health practitioner.

During the past 12 months, 100% of inmates who have previously perpetrated sexual abuse were offered a follow-up meeting with a mental health practitioner.

During the onsite audit, the auditor reviewed a sample of records of both inmates who disclosed prior victimization as well as inmates who have previously perpetrated sexual abuse. The inmates sampled had documentation of a mental health evaluation within 14 days.

During the pre-audit, the auditor was provided with samples of medical/mental health logs and secondary materials.

Through various interviews with staff and inmates, it was reiterated that inmates who disclose victimization and inmates who have previously perpetrated sexual abuse are offered a follow-up meeting with medical and mental health staff. Staff obtain informed consent prior to reporting about

prior sex victimization that did not occur in an institutional setting.

**Standard 115.82 Access to emergency medical and mental health services**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 4- Responding to Reports of Sexual Abuse states:

Inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of such services are determined by medical and mental health practitioners according to their professional judgement.

The inmate victims of sexual abuse shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Through various staff and inmate interviews, it was discovered inmate victims of sexual abuse receive timely and unimpeded access to emergency treatment and crisis intervention services. If the abuse occurred within 96 hours, the inmate would immediately be taken down to medical to receive stabilization treatment and would then be transferred to the hospital. Inmates receive treatment based on the medical and/or mental health staff’s professional opinion. Victims of sexual abuse are offered timely information about access to emergency contraception and sexually transmitted infection prophylaxis.

**Standard 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These**

**recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 4- Responding to Reports of Sexual Abuse states the facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.

Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections, as medically appropriate.

DC-ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and training states when information becomes available relating to perpetration of inmate-on-inmate sexual abuse history, a mental health evaluation will be conducted on these abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

Facility is an all-male facility; therefore, PREA Standard 115.83 (d)-1 and 115.83 (e) - 1 are not applicable.

Through various staff and inmate interviews, it was determined medical treatment for sexual abuse victims would include a medical evaluation from one of the Registered Nurses working at the facility. If warranted, the inmate would be taken to the Uniontown Hospital for treatment. Mental Health staff would conduct an evaluation within the next business day.

#### **Standard 115.86 Sexual abuse incident reviews**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 6- Sexual Abuse Incident Review states each facility shall conduct a Sexual Abuse Incident Review 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 15 working days of the receipt of the notification from Office of Special Investigations and Intelligence (OSII) that the investigation was deemed satisfactory. The Prison Rape Elimination Act (PREA) Compliance Manager will chair the Sexual Abuse Incident Review Committee. The PREA Compliance Manager, in collaboration with the Facility Manager, will determine the exact composition of the team based on the nature of the incident. At a minimum, the Sexual Abuse Incident Review Team will consist of the following:

- 1) Deputy Superintendent for Centralized Services (DSCS);
- 2) Deputy Superintendent for Facilities Management (DSFM);
- 3) Licensed Psychology Manager (LPM)/designee;
- 4) Corrections Health Care Administrator (CHCA)/designee;
- 5) Security Office representative;
- 6) Unit Manager;
- 7) Corrections Counselor;
- 8) Major of Unit Management or Major of the Guard;
- 9) Deputy Superintendent for Internal Security (DSIS) (if applicable);
- 10) OSII Investigator (as applicable); and
- 11) Statewide PREA Coordinator/designee (when necessary).

The facility acknowledges staff ordinarily conduct a criminal or administrative sexual abuse incident review within 30 days of the conclusion of the sexual abuse investigation.

During the past 12 months, there have been 6 out of 11 criminal and/or administrative investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only “unfounded” incidents.

While onsite, the auditor reviewed a sample of both Criminal and Administrative Investigations of Sexual Abuse.

During the pre-audit, the auditor was provided with documentation of an incident review. The facility prepares a report of its findings from sexual incident reviews, and any recommendations for improvement, and submits such report to the facility head and PREA Compliance Manager. Recommendations are made as part of the incident review. The facility implements the recommendations for improvement or documents its reasons for not doing so.

Through interviews with staff, it was confirmed the facility conducts incident reviews at the conclusion of a sexual abuse investigation, excluding only “unfounded” incidents. The incident reviews include upper-level management officials, and allows for input from line supervisors, investigators, and medical or mental health practitioners. The review team looks to see if there are changes that need to be made to policy or procedure. The review team; considers any possible motivations for the abuse, considers whether physical barriers may have enabled the abuse, accesses the adequacy of staffing levels during different shifts in that area, accesses whether monitoring technology should be deployed or augmented to supplement supervision by staff. At the conclusion of the facility incident review, the PREA Compliance Manager would submit a report of their findings to the PREA Coordinator. If there were any deficiencies notated, there would also be documentation outlining the steps the facility plans to take in order to correct the problem.

### Standard 115.87 Data collection

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 1- Data Collection and Retention states:

The Bureau of Planning, Research and Statistics 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. The standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice.

The agency aggregates the incident-based sexual abuse data annually.

The agency maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

The agency obtains incident-based and aggregated data from every private facility with which it contracts for the confinements of its inmates.

The data from private facilities complies with the SSV reporting regarding content.

The agency provided the Department of Justice (DOJ) with data from the previous calendar year upon request.

### Standard 115.88 Data review for corrective action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 1- Data Collection and Retention states The Bureau of Planning, Research and Statistics shall review data collected and aggregated annually pursuant to PREA Auditing Standard in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training by:

- 1) Identifying problem areas;
- 2) Taking corrective action on an ongoing basis; and
- 3) Preparing an annual report of its finding and corrective actions for each facility, as well as the Department as a whole.

The report shall include a comparison of the current year's data and corrective actions taken to reduce the incident 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.

The Annual PREA Report shall be approved by the Secretary and posted on the Department website by June 30 of each year. A link to the Department website can be found below:

[http://www.cor.pa.gov/Administration/PrisonRapeEliminationACT\(PREA\)/Pages/DOC-PREA-Statistics.aspx#.VfSLPa1RHIU](http://www.cor.pa.gov/Administration/PrisonRapeEliminationACT(PREA)/Pages/DOC-PREA-Statistics.aspx#.VfSLPa1RHIU)

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.

Through various staff interviews, it was determined that sexual abuse data is submitted to the agency monthly. If a problem or trend is noticed, a plan of action would be drafted to rectify the problem. Data is retained on secure servers that are backed up. Staff acknowledged their 2013 report did not include any corrective action; however, they are currently working on their 2014 report, and this report will include corrective action. Annual reports are typically broad and are intended to capture statistical numbers. Inmate's names and specific information related to the allegations are redacted.

#### **Standard 115.89 Data storage, publication, and destruction**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

DC-ADM 008 PREA Procedures Manual Section 1- Data Collection and Retention states each facility and Office of Special Investigations and Intelligence (OSII) shall be responsible to securely maintain such files. The Department shall make all aggregated sexual abuse data from facilities under its direct control and contracted facilities, readily available to the public through the Department website, at least annually. 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.

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.

Through various staff interviews, it was determined sexual abuse data is submitted to the agency monthly. If a problem or trend is noticed, a plan of action would be drafted to rectify the problem. Data is retained on secure servers that are backed up.

**AUDITOR CERTIFICATION**

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Jeff Kovar

01-23-16

Auditor Signature

Date