

## ZERO TOLERANCE POLICY

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

## WHAT IS SEXUAL ABUSE?

**Sexual Abuse** - As defined by the National Standards to Prevent, Detect, and Respond to Prison Rape includes sexual abuse of an inmate by another inmate, detainee, or resident by another inmate, detainee, or resident; and sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

1. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
  - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - b. Contact between the mouth and the penis, vulva or anus;
  - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; and
  - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
2. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without the consent of the inmate, detainee, or resident:
  - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - b. Contact between the mouth and the penis, vulva, or anus;
  - c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
  - d. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
  - e. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
  - f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above in paragraphs (a)-(e) of this section;
  - g. Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of an inmate; and
  - h. Voyeurism by staff member, contractor, or volunteer.

## WHAT IS SEXUAL HARASSMENT?

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

1. Repeated and unwelcome sexual advances, requests for sexual favors or verbal comments, gestures, or actions of a derogatory or offensive sexual nature, by one inmate, detainee, or resident directed toward another; and

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

### UNDERSTANDING CONSENT

Sexual abuse happens when consent is not given freely such as when sexual favors are provided in exchange for commissary or protection, someone is manipulated, threatened, or intimidated into a sexual act or a threat or attempt of or physical violence is used.

If someone is engaging in a “relationship” with someone, it does not mean that they are agreeing to sexual acts with that person or any other person. Even if someone has agreed to sexual acts previously, it does not mean that they are agreeing in the future. Anyone can stop or change their mind during a sexual act. If this happens, both parties should stop.

### WHAT TO DO IF YOU HAVE BEEN SEXUALLY ABUSED

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

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

**Victims of sexual abuse have access to support services free of charge. Write to:**

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

**You may also contact your facility’s PREA Compliance Manager to arrange for access to this service with the facility’s local rape crisis center.**

### HOW YOU CAN REPORT SEXUAL ABUSE OR SEXUAL HARASSMENT

1. Tell any staff member to immediately report the incident.
2. Tell any supervisor or manager to immediately report the incident.
3. Make a written request to any staff member, supervisor, or manager.
4. Send a written report to the third-party reporting address established with the **Office of State Inspector General (OSIG)**.

ATTN: PREA Coordinator  
Office of State Inspector General  
555 Walnut Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101

5. Have your family call to notify the facility or contact **OSIG**.

Reports can be made anonymously and by third parties.

**NOTE:** written reports require processing time and may not prompt immediate action. If you need immediate attention, please notify a staff member or have your family contact the facility or **OSIG**.