

PREA Facility Audit Report: Final

Name of Facility: State Correctional Institution Mercer

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 04/14/2020

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input checked="" type="checkbox"/>
Auditor Full Name as Signed: Darlene M. Baugh	Date of Signature: 04/14/2020

AUDITOR INFORMATION	
Auditor name:	Baugh, Darlene
Address:	
Email:	piltsbaugh@gmail.com
Telephone number:	
Start Date of On-Site Audit:	03/09/2020
End Date of On-Site Audit:	03/09/2020

FACILITY INFORMATION	
Facility name:	State Correctional Institution Mercer
Facility physical address:	801 Butler Pike, Mercer, Pennsylvania - 16137
Facility Phone	
Facility mailing address:	

Primary Contact	
Name:	Lisa Graves
Email Address:	lgraves@pa.gov
Telephone Number:	724-662-1837 ext 103

Warden/Jail Administrator/Sheriff/Director	
Name:	Melinda Adams
Email Address:	meladams@pa.gov
Telephone Number:	724-662-1837 ext 100

Facility PREA Compliance Manager	
Name:	Lisa Graves
Email Address:	lgraves@pa.gov
Telephone Number:	M: (724) 662-1837 ext.

Facility Health Service Administrator On-site	
Name:	Karen Feather
Email Address:	kafeather@pa.gov
Telephone Number:	724-662-1837 ext 141

Facility Characteristics	
Designed facility capacity:	1516
Current population of facility:	1347
Average daily population for the past 12 months:	1383
Has the facility been over capacity at any point in the past 12 months?	No
Which population(s) does the facility hold?	
Age range of population:	20 to 84
Facility security levels/inmate custody levels:	2, 3, 4, 5
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	459
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	15
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	37

AGENCY INFORMATION	
Name of agency:	Pennsylvania Department of Corrections
Governing authority or parent agency (if applicable):	
Physical Address:	1920 Technology Parkway, Mechanicsburg, Pennsylvania - 17050
Mailing Address:	
Telephone number:	(717) 728-2573

Agency Chief Executive Officer Information:	
Name:	John Wetzel
Email Address:	██████████
Telephone Number:	██████████

Agency-Wide PREA Coordinator Information			
Name:	David Radziewicz	Email Address:	dradziewicz@pa.gov

AUDIT FINDINGS

Narrative:

The auditor's description of the audit methodology should include a detailed description of the following processes during the pre-audit, on-site audit, and post-audit phases: documents and files reviewed, discussions and types of interviews conducted, number of days spent on-site, observations made during the site-review, and a detailed description of any follow-up work conducted during the post-audit phase. The narrative should describe the techniques the auditor used to sample documentation and select interviewees, and the auditor's process for the site review.

Audit Narrative:

Number of Inmates: 1332

Number of Cameras: 220

The auditor arrived at S.C.I. Mercer on Monday, March 9, 2020 at 9:00 am to commence the PREA Audit. An Entrance Meeting was held with the following present: Melinda Adams, Superintendent; Paul Brocklehurst, Acting Deputy; Shane Dady, Deputy; Lisa Graves, CCPM; David Radziewicz, PREA Coordinator; and Darlene Baugh, PREA Auditor. The auditor shared that she likes to have the facility walk through at the beginning of her stay, followed by staff and inmate interviews. She also did not want to disrupt the daily operations of the facility, asking staff to notify her if they preferred to change her schedule.

During the on-site audit the following occurred:

Monday, March 9, 2020:

- Entrance Meeting
- Facility Walk Through
- Staff and Inmate Interviews

Tuesday, March 10, 2020:

- Staff and Inmate Interviews
- File Reviews
- Camera Review

Wednesday, March 11, 2020

- Staff and Inmate Interviews
- File Reviews
- Investigation File Reviews
- Exit Meeting

Exit Meeting

The Exit meeting was held on Wednesday, March 12th with the following present: Melinda Adams, Superintendent; Shane Dady, Deputy; Marcia Combine, Unit Manager; Lisa Graves, CCPM; Karen Feather, CHCA; Wendy Rouda, Unit Manager; Justin Moore, Safety Manager; April, Harvey, CAM II; Larry Boggs, FMM2; Richard Coon, COIV – IG/Security; Ed Whitman, Unit Manager; Ray Snyder, Jr., FSM1; Randy Rickert, Unit Manager; W. Joel Murray, Unit Manager; Kathleen Kocherzat, LPM;

Lesleyann Como, DATSS; Paul Brocklehurst, A/DSFM; and Auditor Darlene Baugh.

The auditor shared with the group that she appreciated everyone making her visit go smoothly and the cooperation by all the staff. She commented that the facility had done a good job with the location of the cameras and mirrors but there were a few areas that could be enhanced. (Note that after the walk through the facility several items had been addressed.) The facility has a formal plan for additional cameras and just within the last two (2) weeks were notified that they had been awarded \$275,000 for a Digital Camera conversion. This will address those areas suggested by the auditor:

- Laundry
- “Bull Pen”
- Maintenance
- Infirmary
- Commissary.

Additionally, cameras are not allowed in any education areas due to a union contract negotiation.

Other discussion:

The initial PREA Assessment and Reassessments were reviewed (PRAT), as well as noting the date of entry and signatures for the PREA information. All were completed timely (noting many inmates had been in and out of the facility and reassessments were updated). During the review two (2) inmates were noted as being at high risk of being a predator and one (1) inmate at high risk for being a potential victim. Both were reviewed for cellmate/housing and found to be appropriate.

The auditor utilized the phone in one of the housing units. The facility received an email noting the receipt of that call. It should be noted that the telephone number is not a PREA hotline. There is confusion of both inmates and staff as to the use of this number. It was recommended that this be again clarified.

Several staff shared with the auditor their concern about gender-specific posts. The auditor explained that PREA standards do not address this specific issue, although the standards require privacy for bathing, showering and toileting. This is a Department decision.

Staff when questioned have confusion about who would be considered Transgender and Intersex. The auditor suggested additional training.

The auditor shared that inmates related that they have annual reviews with their counselors that address PREA related questions. This appears to be an appropriate process.

Pre-Audit Activities

Notice of PREA Audit:

The notice of the upcoming PREA audit was forwarded to the on February 1, 2020 to be posted at least six weeks prior to the on-site audit. The facility was asked to post the notices in areas where it would be visible to staff, inmates, contractors, volunteers and visitors. The auditor received pictures of several of the posted notices on February 3, 2020, showing the locations of the notices. In addition, the postings were placed in all of the housing units, the chapel, education, the programming trailer, activities, commissary, parole, medical, the visiting room, the lobby, and the main entrance to the facility. The

purpose of this Notice is to allow any individual, including a third party, with a PREA concern or issue, to include an allegation of sexual abuse or sexual harassment, to correspond confidentially with the PREA Auditor.

The auditor received one (1) letter prior to the on-site review. The inmate that send this letter was interviewed and his investigation file was reviewed. The investigation was appropriately completed.

During the discussion with this inmate, the auditor asked what he wanted the auditor to do. He stated that he felt he deserved money for the finding of "unfounded" and because of the method of his medical examination.

PREA posters and notices of the audit were posted throughout the facility.

Pre-Audit Discussion:

A telephone conversation was held with David Radziewicz and Lisa Graves on February 18, 2020.

Discussion points included questions posed on an issues log, advocacy center and SANE services contacts, shift schedules, history of the facility, map of the facility, programs provided, housing units, status of held inmates, the contract Psychiatrist, personnel files, training logs and unannounced rounds documentation.

Outreach to Outside Advocates:

The auditor called and left a message for Lizette Olsen, Executive Director at AWARE of Mercer County on February 21, 2020. She was told that Ms. Olsen would not be available until after March 10, 2020.

A second phone call was made to AWARE on March 16, 2020 for Ms. Olsen. Her voice mail message had not changed and an attempt to contact someone at their main switchboard had no answer.

Tyler Babcock, MSN, MBA, RN, CEN; Unit Director of Emergency Departments at the University of Pittsburgh Medical Center Horizon Hospital was contacted on February 21, 2020. He oversees the daily operations of Emergency Services which includes forensic examinations completed by SANE staff. The process to initiate their services includes a call from the facility to the charge nurse who contacts a SANE staff member and an advocate at AWARE (Advocacy). After the SANE staff initiates the preliminary discussion with the inmate, he/she will call the appropriate Police Department (jurisdiction). Upon completion of the exam, the inmate will leave the Hospital with a prescription and/or recommendation for follow-up. The facility physician will write the order.

Mr. Babcock states that the SANE staff are shared with three (3) hospitals. They call the SANE staff in if not in the hospital at the time of the needed examination. Currently, the three (3) hospitals are developing an on-call system.

MOU:

The agency is currently in the process of transferring its outside reporting mechanism to the inspector general's office from the Pennsylvania state police. However, the Pennsylvania State Police will remain the outside criminal investigation entity.

On-Site Audit Activities

Site Review:

The auditor conducted a site review of the entire facility, along with those present for the Entrance Meeting. The area inside the fence is quite extensive.

The following areas were visited (inside the fence):

Control/Entrance Corridor

Visitation

Psychology Department

Medical Department

Infirmity Unit

Dietary Department

Receiving & Discharge/Property

Parole Offices

Custodial Trades/Barbershop/Education Classrooms

Gym

Laundry

Commissary

Chapel

Education

Library

Dining Room

Satellite Dining Room

All Housing

Exercise Areas

Recycling Building

Maintenance

Kitchen

Outside the fence:

Administration Building

Auto Maintenance

Carpentry Shop

Grounds Building

Warehouse

Selection of Staff and Residents for interviews:

Supplemental files were added to the OAS that contained staff/positions and shifts. Other files included inmates and specialized populations. The auditor chose random staff and inmates to be interviewed. To ensure that the facility would be able to organize interviews to eliminate additional strains to the operations, the auditor provided the inmate list to the facility, one week prior to the audit.

The list of staff who were randomly chosen was provided to the facility upon the auditor's arrival with the understanding that some of the staff would be unavailable due to scheduling or other reasons. If this

were to occur, names would be substituted.

Inmate Interviews: (40)

African American: 7

Hispanic: 4

Caucasian: 11

African American, Sexual Abuse at Mercer: 1

African American, Cannot Read: 1

African American, Physical Disability: 1

African American, Prior Sexual Abuse: 3

Hispanic, Spoke Little English: 1

Hispanic, LEP: 1

Iraqi, Physical Disability: 1

Caucasian, Prior Sex Abuse, Sexual Abuse at Mercer: 1

Caucasian, Physical Disability: 3

Caucasian, Prior Sexual Abuse: 2

Caucasian, Sexual Abuse at Mercer: 1

Caucasian, Prior Sexual Abuse, Mental Health: 1

Caucasian, Bi-Sexual, Prior Sexual Abuse: 1

At the time of the on-site visit, no Intersex or Transgender Inmates were held at the facility.

Staff, Contractors and Volunteer Interviews: (29)

Superintendent

Deputy Superintendent of Centralized Services

Correctional Classification Program Manager

Pennsylvania PREA Coordinator

Correctional Health Services Manager

Contracted Social Worker

Lieutenant – PREA Investigator

Dietary Supervisor

Licensed Psychologist Manager

Maintenance Foreman

School Principal

Field Human Resources Officer

Iman

Counselor

The following staff represent all three (3) shifts:

Captains: 3

Lieutenant: 2

Sergeant: 3

Correctional Officer: 7

Facility Staff Plan Annual Review:

Administrative Level staff review the prior years staffing review to determine what additional items need to be addressed. When this plan is completed, Central Office Staff travels to the individual facility and walks through the facility in order to understand the documented needs. Both parties review the documentation before a determination is made.

This prior year, the facility took over hospital security in Pittsburgh, due to the staffing needs, over fifty (50) new staff were added to S.C.I. Mercer's roster. Facilities have the ability to request an interim survey if additional needs are determined.

Shift Reports Documenting Unannounced PREA Rounds:

Correctional Classification Program Manager (CPM) completes a yearly schedule, by month, assigning supervisors to complete Unannounced Rounds. Supervisors document the date of each location, and time on paper and in red in the building logbook. Additionally, the supervisors complete a form indicating any distinctive needs; i.e.: camera issues, etc. This documentation sheet is sent to Central Office. (Forms are in a statewide format.)

The auditor had access to all 2019 logs. Random dates were reviewed which showed rounds were completed.

Certificates of Training / PREA Acknowledgment Statements / Staff / Contractors / Volunteer:

PREA Training Certificates were available to the auditor, who reviewed for dates and signatures. All individuals stated that their PREA training is included in their yearly training and via Computer Based Training (CBT). Via this format, training completion is noted.

Victimization / Aggressor Assessments / Reassessments: (37)

Process: As inmates arrive at the facility, they are seen by medical for their assessment. Medical staff at that time completes the initial PREA Assessment (PRAT), given PREA brochure, sees the PREA video and signs documents showing that he has received PREA information. In twenty (20) to thirty (30) days the inmate is seen by their unit counselor to complete the Reassessment.

One year from the date of the Reassessment, the inmate meets with his counselor to review and update the Reassessment. This is also done when changes occur with the inmate. (Inmates confirmed that this happens yearly, as long as they have been at the facility.)

Findings: The initial PREA Assessment and Reassessments were reviewed (PRAT), as well as noting the date of entry and signatures for the PREA information. All were completed timely (noting many inmates had been in and out of the facility and reassessments were updated). During the review two (2) inmates were noted as being at high risk of being a predator and one (1) inmate at high risk for being a potential victim. Both were reviewed for cellmate/housing and found to be appropriate.

Incident Reports/Investigations/Notification to Residents:

The auditor reviewed a total of eleven (11) investigation files. Ten (10) of the files were from 2019, with one being from 2018. The 2018 file was from the individual who wrote to the auditor prior to the on-site review.

After each investigation is completed by the facility, the investigation file is forwarded to their central office for approval of the findings. Documentation of approval is then return to the facility. It was at this time that the inmate receives notification of the finding.

Investigations approved by Central Office:

- Unsubstantiated – Harassment by a C.O. – Notice to Inmate on 3-6-20
- Substantiated – Stalking by Inmate – Notice to Inmate on 11-4-19
- Unsubstantiated – Touching by Inmate – Notice to Inmate 9-24-19
- Unfounded – Harassment by C.O. – Notice to inmate 11-1-19
- Unsubstantiated – Verbal Abuse by Unit Manager – Notice 4-18-19

Moved to State Police:

- Substantiated – Inmate on Inmate – Notice 1-29-20

Court Docket and Hospital information included in file.

In Approval Process:

- Unfounded – Sexual Abuse by Inmate
- Unfounded – Sexual Harassment by C.O.
- Unsubstantiated – Sexual Abuse by Inmate

Moved to BII:

- Staff relationship with inmate. Now married. Staff resigned.

The auditor received one (1) letter prior to the on-site review. The inmate that send this letter was interviewed and his investigation file (2018) was reviewed. The investigation was appropriately completed. During the discussion with this inmate, the auditor asked what he wanted the auditor to do.

He stated that he felt he deserved money for the finding of “unfounded” and because of the method of his medical examination.

Coordinated Response Plan:

The Response Plan is well written, with a copy being placed in each investigation file.

Post Audit Activities:

AUDIT FINDINGS

The facility has done a good job following policies and documenting their actions. The auditor finds no standards to be in non-compliance.

AUDIT FINDINGS

Facility Characteristics:

The auditor's description of the audited facility should include details about the facility type, demographics and size of the inmate or resident population, numbers and type of staff positions, configuration and layout of the facility, numbers of housing units, description of housing units including any special housing units, a description of programs and services, including food service and recreation. The auditor should describe how these details are relevant to PREA implementation and compliance.

Department History:

Pennsylvania has a distinguished reputation in penology. The commonwealth was the birthplace of the penitentiary concept, also known as the Pennsylvania System. Eastern State Penitentiary opened in 1829, on a cherry orchard outside of Philadelphia, and it was considered at the time to be "the world's greatest penitentiary." Known to historians as "the first true penitentiary," Eastern State operated until 1970.

The Bureau of Correction was created by an act of Legislature in September 1953. The foundation was based on a report by Retired Army Major General Jacob L. Devers and his special committee to investigate prison problems. The committee was convened shortly after riots at Pittsburgh and Rockview early in 1953. It was the committee's mission to recommend ways to improve the correctional system and reduce unrest. Up to this point the state's prisons fell under the Department of Welfare. Here they were governed by their own boards of trustees. The Devers Committee suggested the establishment of one agency, whose sole purpose was to manage the state prison system. Appointed by Gov. John S. Fine, Arthur T. Prasse was selected as the first commissioner of corrections, where he remained until 1970.

In 1980, the Bureau of Correction changed hands from the former Pennsylvania Department of Justice, to the newly created Office of General Counsel to the Governor. Constitutional changes resulted in an elected state attorney general, and the disbanding of the Justice Department. In 1984, under Act 245, the Bureau of Correction was elevated to cabinet-level status, making it the Pennsylvania Department of Corrections.

Today, under Secretary John E. Wetzel, the department -- with a budget of \$1.9 billion -- oversees 24 state correctional institutions, one motivational boot camp, 10 community corrections centers, nearly 23 contract facilities, a training academy, approximately 15,000 employees and more than 50,600 inmates.

Their mission is to reduce criminal behavior by providing individualized treatment and education to offenders, resulting in successful community reintegration through accountability and positive change.

The Department is headed by a secretary, an executive deputy secretary, three regional deputy secretaries and a deputy secretary for administration.

S.C.I. Mercer

The State Correctional Institution at Mercer initially was established as a State Regional Correctional Facility (SRCF) on June 23, 1978. Located in Findley Township, Mercer County, SRCF Mercer opened on July 5, 1978, receiving short-term male county offenders from 14 Northwestern Pennsylvania counties. Capacity at that time was 180 minimum security inmates with a staff complement of 100.

SRCF Mercer was designed as an open, campus-like setting positioned on 304 acres of land and was

classified as a Level 2 (L-2) facility. In 2008, SRCF Mercer changed from a regional facility to a State Correctional Institution. On July 1, 2008, the custody level of the institution changed to a level 2-3 facility. Throughout the years there have been various construction projects undertaken, leading to the current inmate capacity of 1,516 inmates.

Number of Acres Inside Perimeter: 37

Number of Acres Outside Perimeter: 202

Number of Operational Structures: 37

Number of Housing Units: 13

Academic and Vocational Education:

The Education Building at SCI Mercer was originally a bowling alley located in Meadville, Pa. The building was donated, disassembled and reassembled on-grounds using both contractor and inmate labor.

The vocational programs on average serve 108 students per month. Vocational programming in Auto Mechanics, Building Trades, and Custodial Maintenance are programs currently offered with each providing half-day programming schedules.

Educational Classes include:

- Academic Education through GED
- Vocational Education: Building Trades, Business Education, Auto Mechanics, Custodial Maintenance, Barber Management

Community Work Program

The CWP program involves taking selected inmates with outside clearance who are near completion of their sentence into the community to perform voluntary, unskilled labor for governmental and non-profit public service agencies.

CARE Canine Program: In May of 2011, SCI Mercer, along with Stray Haven Animal Shelter in Greenville, implemented a dog training program with inmates as the dog handlers/trainers. The program was named CARE (Corrections Adoptive Rescue Endeavor). Currently the facility has one (1) dog in this program.

The facility has also adopted another dog program, noted nationally as "Guardian Angels". German Shepherds are raised by selected inmates who will be matched to veterans.

There are thirteen housing units with a total of 56 segregation beds in HU M and 24 in the 3A Tertiary unit:

HU A, cell block, double celled, capacity 110

HU B, cell block, double celled, capacity 60

HU C, cell block, double celled, capacity 58

HU D, dormitory, capacity 14

HU 3A, tertiary unit, capacity 24

HU E, cell block, double celled, capacity 60

HU F, cell block, double celled, capacity 206

HU G, dormitory, capacity 248

HU H, cell block, doubled celled, capacity 252
HU I, cell block, double celled, capacity 60
HU J, cell block, double celled, capacity 58
HU L, cell block, capacity 56
HU M, Restricted Housing, double celled, capacity 56
HU N, cell block, doubled celled, capacity 252

Camera upgrades and video monitoring equipment installation began in November 2017 in conjunction with Head End Equipment. The Head End Equipment behind Control was upgraded from analog to IP address, 10 new workstations were installed, the Closed-Circuit TV (CCTV) room equipment was upgraded along with the monitors in Control. This project was completed in September 2018.

Additional Cameras since July 2017: 41

Five kiosks were installed in November 2017, for the new Video Visitation Program: three installed on the visitor side and one on the inmate side of the non-contact rooms in the visiting room and one was installed in the Administrative Building lobby area.

Groundbreaking for the kitchen expansion was held on May 23, 2018 and completed in August of 2019.

There are also 48 fixed position cameras located on the perimeter fencing, as well as a number of Tilt-Pan-Zoom cameras. These cameras are utilized by the Central Control Center and CCTV Monitoring Officer to compliment the Outside Perimeter Patrol Officer that is posted 24 hours a day. These cameras are accented by high mast lighting for the hours between dusk and dawn.

SCI-Mercer's Food Service Department is in two locations. The main dining hall is located in Building 4, which includes the inmate dining hall with seating for 232; the staff dining hall with seating for 60; the food prep, dishwashing, coolers and freezers; and the back-prep areas. In 2011, SCI-Mercer added the satellite dining hall in Building 29, which seats 208 inmates, has a dishwashing area, and serves the same meal as mainline in Building 4.

SCI-Mercer's Medical Department provides a full range of services to the inmate population as may be necessary to maintain adequate health. These services are provided 24 hours a day, seven days a week by full-time medical staff employed by the Department of Corrections. SCI-Mercer's medical and mental health services can be divided into three main branches: (1) Medical with 33 state employees, six contract staff, and one contract Psychiatrist; (2) Dental with three state employees; (3) Psychology with six state employees.

Mental health staff consists of one Licensed Psychology Managers, four Psychological Service Associates/Specialists, and one clerk typist. The mental health staff direct group/individual counseling and crisis intervention

The Psychology Department offers the following services:

Sex Offender High Intensity, Low Intensity, Booster and Support Groups
Mending Fences Workshop

Mental Health Support Group
Individual Counseling
Crisis Intervention
Mental Health Re-entry Services
Co-Occurring Substance Use Disorder group (in conjunction with SUD staff)
Seeking Safety Group
Certified Peer Specialist Support Supervision
Coordination of Certified Peer Specialist Support-led Groups
Veteran's Support Group
Grief Support Group
Open-Ended Grief Support Group
Mental Health Awareness
Self-Help Support Group (Wellness and Recovery)
Parole Interview Preparation

The Substance Use Disorder (SUD) Department provides a variety of services to the offender population. These include outpatient groups, an inpatient Therapeutic Community (TC), a Recovery Unit, and self-help meetings.

Batterers
Thinking for a Change
Violence Prevention – Moderate Intensity
Violence Prevention – High Intensity
Inside Out Dads

AUDIT FINDINGS

Summary of Audit Findings:

The OAS will automatically calculate the number of standards exceeded, number of standards met, and the number of standards not met based on the auditor's compliance determinations. If relevant, the auditor should provide the list of standards exceeded and/or the list of standards not met (e.g. Standards Exceeded: 115.xx, 115.xx..., Standards Not Met: 115.yy, 115.yy). Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.

Number of standards exceeded:	1
Number of standards met:	44
Number of standards not met:	0

Number of Standards Exceeded: 1

Standards Exceeded: 115.17

Number of Standards Met: 44

Standards Exceeded: 115.11, 115.12, 115.13, 115.14, 115.15, 115.16, 115.18, 115.21, 115.22, 115.31, 115.32, 115.33, 115.34, 115.35, 115.41, 115.42, 115.43, 115.51, 115.52, 115.53, 115.54, 115.61, 115.62, 115.63, 115.64, 115.65, 115.66, 115.67, 115.68, 115.71, 115.72, 115.73, 115.76, 115.77, 115.78, 115.81, 115.82, 115.83, 115.86, 115.87, 115.88, 115.89

Number of Standards Not Met: 0

Standards Not Met: 0

Standards

Auditor Overall Determination Definitions

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

Auditor Discussion Instructions

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.

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Policy # DC-ADM 008-1; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education / Bulletin DC-ADM 008, Prison Rape Elimination Act (PREA) Procedures Manual Section 1 – Sexual Abuse/Sexual Harassment Prevention – Responsibilities DC-ADM 008, Prison Rape Elimination Act (PREA) Procedures Manual Glossary of Terms DC-ADM 008, Prison Rape Elimination Act (PREA) Procedures Manual Section 17 – Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation DC-ADM 801, Inmate Discipline Procedures Manual Section 1 – Misconducts/Rule Violations DC-ADM 801, Inmate Discipline Procedures Manual Section 1 – Misconducts/Rule Violations; Class I Charges (Formal Resolution Only); C. Class II Charges (Eligible for Informal Resolution) 4.1.1, Human Resources and Labor Relations Procedures Manual Section 7 – Standardization of Pre-Disciplinary Conferences Department of Corrections Secretary’s Office: Areas of Responsibility PREA Coordinator’s Position Description Correctional Classification Program Manager (PREA Compliance Manager) Position Description SCI PREA Contact List SCI Mercer Table of Organization Department Organization Chart Interview with Agency’s PREA Coordinator Interview with Agency’s PREA Compliance Manager</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) A. 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. (28 C.F.R. §115.11[a]) Anyone who engages in, fails to report, or knowingly condones sexual abuse or sexual harassment of an inmate shall be subject to disciplinary action, up to and including termination, and may be subject to criminal prosecution. An inmate, reentrant, detainee, 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.¹ A claim of consent will not be accepted as an affirmative defense for engaging in sexual abuse or sexual harassment of an inmate.</p> <p>C. The Department shall designate a Department PREA Coordinator to develop, implement, and oversee the Department’s efforts to comply with the National PREA Standards across all facilities; and each facility shall designate a PREA Compliance Manager to coordinate the facility’s efforts to comply with the Standards. (28 C.F.R. §115.11[b][c])</p>

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- Section 20 – Data Collection and Retention

Policy # DC-ADM 008-1; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education / Bulletin

A. Prevention

The Department will take appropriate actions to ensure zero tolerance toward all forms of sexual abuse and sexual harassment in order to promote the safety of inmates. The Department will implement federal Prison Rape Elimination Act (PREA) Standards to ensure that all aspects of operations work toward preventing, detecting, and responding to such conduct resulting in a safer environment. (28 C.F.R. §115.11[a])¹

1. Department PREA Coordinator Duties

There is one statewide PREA Coordinator responsible for PREA compliance across the Department and each of its facility types. The Department 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 Department PREA Coordinator shall report directly to the Director of the Bureau of Standards, Audits, and Accreditation and shall be responsible for the below listed duties. (28 C.F.R. §115.11[b])

e. In accordance with Department policies 6.3.1, "Facility Security;" 8.3.1, "Community Corrections Security;" and PBPP policy 2.5.4, "Office Security and Badge Display," work with each facility on an annual basis to assess, determine, and document whether adjustments are needed to: the staffing plan, deployment of the video monitoring systems and other monitoring technologies, and the resources the facility has available to commit to ensure adherence to

the staffing plan. The Department PREA Coordinator shall also review any documentation for non-compliance with a staffing plan. (28 C.F.R. §115.11) (28 C.F.R. §115.13[c])

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

DC-ADM 801, Inmate Discipline Procedures Manual Section 1 – Misconducts/Rule Violations

Section 1 – Misconducts/Rule Violations

A. General

1. Every inmate under the jurisdiction of the Department is expected to follow Department rules and regulations. If an inmate violates Department rules and regulations, the violation shall be reported and disposed of either by an informal or formal process.¹ The informal resolution process shall be used for those violations that are considered less serious in nature, while the formal resolution process shall be used for violations of a more serious nature. The Misconduct Charges (Attachment 1-A) provides a list of prohibited behavior that may result in the commencement of disciplinary procedures. As explained in Section 2 of this procedure's manual, only Class I charges #35 through #46 and Class II charges are subject to informal resolution by the Unit Management Team. Class I charges #1 through #34 shall be disposed of formally by the Hearing Examiner.

2. For inmates on the active Mental Health/Intellectual Disability (MH/ID) Roster, those suffering from a serious mental illness (SMI) (refer to Department policy 13.8.1, "Access to Mental Health Care," Section 10), or juvenile inmates (for purposes of this policy, those inmates who are under the age of 18), all Class I and II charges # 26 through # 52 are eligible for informal resolution. In addition, for inmates carried on the active MH/ID Roster or juvenile inmates, informal resolution to include assignment to the Residential Treatment Unit (RTU) or other appropriate treatment program/unit can be considered with input from the Psychiatric Review Team (PRT).

DC-ADM 801, Inmate Discipline Procedures Manual Section 1 – Misconducts/Rule Violations

A. Class I Charges (Formal Resolution Only)

- 14. Involuntary deviate sexual intercourse
- 19. Engaging in sexual acts with others or sodomy
- 25. Sexual Harassment
- 28. Indecent exposure

C. Class II Charges (Eligible for Informal Resolution)

- 53. Kissing or inappropriate physical contact

4.1.1, Human Resources and Labor Relations Procedures Manual Section 7 – Standardization of Pre-Disciplinary Conferences

14. If all matters have been adequately covered and no further investigation is required, the PDC shall be concluded. At this point, the factfinder/designee who presented the facts, the employee, clerical staff, and any Union representatives shall be dismissed so the committee may meet in private. The committee reviews the facts of the case and a recommendation regarding whether the charge(s) are substantiated or unsubstantiated shall be formulated. For violations of Department policy DC-ADM 008, the Department shall impose no standard higher

than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. (28 C.F.R. §115.72)

9. Any substantiated charges of:

4.1.1, Human Resources and Labor Relations Procedures Manual Section 7 – Standardization of Pre-Disciplinary Conferences 7-9 Issued: 5/29/2018 Effective: 6/5/2018

a. violation of Department policy DC-ADM 008.

(1) In accordance with Prison Rape Elimination Act of 2003, Standard 28 C.F.R. §115.76(b), termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.

(2) In accordance with the Prison Rape Elimination Act of 2003, Standard 28 C.F.R. §115.76(c), disciplinary sanctions for violations of agency policies related to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be 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.

DC-ADM 008, Prison Rape Elimination Act (PREA) Procedures Manual Section 1 – Sexual Abuse/Sexual Harassment Prevention – Responsibilities

1. Prevention

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

1. Department PREA Coordinator Duties

There is one statewide PREA Coordinator responsible for PREA compliance across the Department and each of its facility types. The Department 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 Department PREA Coordinator shall report directly to the Director of the Bureau of Standards, Audits, and Accreditation and shall be responsible for the below listed duties. (28 C.F.R. §115.11[b])

a. Develop and revise policy that meets, at a minimum, the published federal PREA Standards, as well as incorporating best practices for the trauma-informed care of victims of sexual abuse and sexual harassment in a confinement setting.

b. Oversee PREA Compliance Division (PCD) staff to ensure Department-wide compliance with federal PREA Standards.

c. Work with PCD staff and PREA Compliance Manager (PCM/designee) at each facility to ensure compliance with PREA policies and procedures.

d. Develop PREA-related curriculum and training materials for inmates, staff, volunteers, and contract service providers in coordination with the Training Academy, when applicable.

e. In accordance with Department policies 6.3.1, "Facility Security;" 8.3.1, "Community Corrections Security;" and PBPP policy 2.5.4, "Office Security and Badge Display," work with each facility on an annual basis to assess, determine, and document whether adjustments are needed to: the staffing plan, deployment of the video monitoring systems and other monitoring technologies, and the resources the facility has available to commit to ensure adherence to the staffing plan. The Department PREA Coordinator shall also review any documentation for noncompliance with a staffing plan. (28 C.F.R. §115.11) (28 C.F.R. §115.13[c])

- f. Coordinate with the Pennsylvania Coalition Against Rape (PCAR), to ensure that the Department is providing all related parties with the most current information on sexual abuse and sexual harassment.
- g. Coordinate with the Pennsylvania State Police (PSP) regarding investigations and referral of sexual abuse cases that occurred while the alleged inmate victim is under the supervision of the Department.
- h. Work with PCMs to schedule all required PREA audits, oversee the completion of all audit responses, and ensure ongoing PREA Standards compliance.
- i. Coordinate the Administrative PREA Accommodation Committee (A-PAC) and convene the committee to review inmates who have identified as transgender or intersex, in accordance with Section 19 of this procedure's manual.
- j. Chair the Central Office PREA Administrative Review Committee in accordance with Section 16 of this procedure's manual.
- k. Remain up to date with PREA Resource Center Certification requirements and PREA information as it becomes available through the PREA Resource Center, Department of Justice (DOJ), or other credible sources relating to PREA.
 1. State Correctional Institution (SCI), Community Corrections Center (CCC), and Lockup PCMs shall report to the Department PREA Coordinator as directed in this procedure's manual.
 2. Each Contracted Agency shall assign a PREA Coordinator referred to as the Contract Agency PREA Coordinator in this procedure's manual. The Contract Agency PREA Coordinator may also serve as the PCM at single facility contract agencies. The Contract Agency PREA Coordinator shall ensure, at a minimum, facility compliance with the:
 - a. PREA conditions in Department contract;
 - b. Department policy related to PREA;
 - c. federal PREA Standards;
 - d. development of supplemental PREA policy to cover areas specific to the contract agency (personnel, federal reporting, etc.), and aligns with Department policy;
 - e. ensure each facility of the agency is audited by a DOJ Certified PREA Auditor at least once each three-year audit cycle; and
 - f. Community Contract Facilities (CCF) shall report to the Contracted Agency PREA Coordinator as directed in this procedure's manual.

PREA Compliance Manager (PCM) Duties – General

PCMs in each facility type shall be responsible for, but not limited to, ensuring and maintaining compliance with the following general duties and those duties as subsequently specified for each facility type:

- a. The Corrections Classification and Program Manager (CCPM) has been designated as the PCM at each SCI and shall be given sufficient time and authority to coordinate the facility's compliance with Department policy and federal PREA Standards. (28 C.F.R. §115.11[c])
- b. Develop local procedures, coordinated response plans and practice which enables the facility to demonstrate ongoing facility compliance with the PREA Standards and Department PREA policy.
- c. Submit monthly reports on the PREA Monthly Report Form (Attachment 1-A) to the CR, DOC PREA Reports resource account.
- d. Ensure that every reported incident/allegation of sexual abuse/sexual harassment is reported and documented, without delay and in accordance with the chain of command at each facility type.

- e. Review the initial reported allegation and related investigative packet, medical assessment(s), psychological assessment, and any other relevant factors as provided by the Security Office.
- f. Ensure all inmates are screened for risk of victimization and abusiveness as outlined in Section 9 of this procedure's manual.
- g. Ensure retaliation monitoring of the following inmates:
- (1) those that have reported institutional sexual abuse or sexual harassment allegations;
 - (2) those that have allegedly been sexually abused;
 - (3) those that have expressed a fear of retaliation due to cooperation with an investigation of an alleged incident of sexual abuse or sexual harassment related to this procedures manual; and/or
 - (4) specifically, the PCM shall ensure that such inmates are provided with the opportunity to meet with staff assigned to complete retaliation monitoring at each facility type, i.e., a corrections counselor at SCIs, Facility Director in CCCs/CCFs, and Pennsylvania Board of Probation and Parole (PBPP) District Director/Deputy District Director in lockups, in accordance with the Department Retaliation Monitoring Form (refer to Section 13 of this procedures manual), who, if not the PCM, shall then report to the PCM. If the PCM determines that the initial monitoring indicates a continuing need, the periodic status checks shall be extended beyond 90 days by designated staff. (28 C.F.R. §115.67[c][d])
- h. Ensure retaliation monitoring of staff who report sexual abuse or sexual harassment. In SCIs, the PCM shall notify the Deputy Superintendent for Centralized Services (DSCS) when staff require monitoring due to report of alleged sexual abuse or sexual DC-ADM 008, Prison Rape Elimination Act (PREA) Procedures Manual Section 1 – Sexual Abuse/Sexual Harassment Prevention – Responsibilities 1-4 Issued: 3/22/2019 Effective: 4/22/2019 harassment, or because of an expressed fear of retaliation due to cooperation with an investigation of inmate sexual abuse or sexual harassment, per PREA Standard 28 C.F.R. §115.67[a][c][e] and in accordance with Section 13 of this procedures manual.
- i. Chair the PREA Sexual Abuse Incident Review (SAIR) Committee and convene the committee to review sexual abuse investigations for those cases, which are found to be substantiated and unsubstantiated, in accordance with Section 16 of this procedure's manual. Reviews shall be conducted within 15 working days of receipt of the Bureau of Investigation and Intelligence's (BII) notification the investigation was deemed satisfactory.
- j. Chair the local PREA Accommodation Committee (PAC) and convene the committee to review inmates who have identified as transgender or intersex, in accordance with Section 19 of this procedure's manual.
- k. Keep an updated list of all multi-lingual staff at the facility that would be able to provide translation for any PREA-related issue.
- l. Conduct and document unannounced rounds to identify and deter sexual abuse and sexual harassment in SCIs in accordance with Department policy 6.3.1, Section 19, utilizing the PREA Administrative Tour Documentation Form. This form shall be submitted with the PREA Monthly Report Form. (28 C.F.R. §115.13[d]) In CCCs and CCFs, tours shall be conducted in accordance with Subsection A.4.f. below.
- m. In accordance with Department policies 6.3.1, 8.3.1, and 2.5.4, work with the administration of the facility and the Department PREA Coordinator, on an annual basis to assess, determine, and document whether adjustments are needed to the staffing plan, deployment of the video monitoring systems, and other monitoring technologies and the resources the facility has available to commit to ensure adherence to the staffing plan. (28 C.F.R. §115.13[c])

- n. In situations where the staffing plan is not complied with, the Facility Manager shall document the justification for the deviations from the plan and forward written documentation to the Executive Deputy Secretary, Executive Deputy Secretary for Institutional Operations (EDSI)/Regional Deputy Secretary, and Department PREA Coordinator/designee for review. (28 C.F.R. §115.13[b]) The facility shall use the Security Staffing Survey in accordance with Department policies 6.3.1, Section 15; 8.3.1, Section 15; and 2.5.4.
- o. Ensure that when Department staff learn that an inmate is subject to a substantial risk of imminent sexual abuse, appropriate and immediate action shall be taken to protect that inmate. (28 C.F.R. §115.62)
- p. Coordinate PREA audits in conjunction with respective staff and the Department PREA Coordinator for Department sites or Contract Agency PREA Coordinator for contracted sites. Ensure that all required responses to the National PREA Resource DC-ADM 008, Prison Rape Elimination Act (PREA) Procedures Manual Section 1 – Sexual Abuse/Sexual Harassment Prevention – Responsibilities 1-5 Issued: 3/22/2019 Effective: 4/22/2019 Center Pre-Audit Questionnaire applicable to the facility type are completed and submitted within applicable timeframes.
- q. Remain up to date with PREA information as it becomes available through the Department PREA Coordinator, PREA Resource Center, DOJ, or other credible sources relating to PREA.
- r. Ensure staff, contractors, volunteers, and inmates are trained in accordance with the PREA standards and Department PREA policy;
- s. Maintain copies of any Memoranda of Understanding (MOU)/Letter of Agreement (LOA) with the local hospital and/or Rape Crisis Center. If the facility is not part of an active MOU, the PCM shall document attempts to enter into such MOUs/LOAs annually. (28 C.F.R §115.21[c] & 28 C.F.R §115.53[c])

Comments:

SCI Mercer operates under the DOC's DC ADM 008 PREA policy.

The position description of the PREA Coordinator is extensive and detailed. The position serves as the Chief of the PREA Compliance Division, reporting directly to the Director of the Bureau of Standards, Audits, and Accreditation, and is responsible for directing the statewide PREA program. David Radziewicz, Chief, PREA Compliance Division serves in this capacity. Mr. David Radziewicz is a certified PREA Auditor.

The Facility's PREA Compliance Manager duties are assigned to the Corrections Classification Program Manager (CCPM). Ms. Lisa Graves serves in this capacity. The CCPM reports to the Deputy Superintendent for Centralized Services, Shane Dady, who in turn reports to the Superintendent of the institution. The Superintendent reports to the Western Regional Deputy Secretary; he reports to the Executive Deputy Secretary. The EDS reports to the Secretary of Corrections.

The S.C.I. statewide PREA Contact List contains the facility name, telephone, name of the PCM, AO1 (Administrative Officer 1) and Investigator, plus their extension. Currently there is not a AO1 assigned to S.C.I. Mercer.

Correctional Classification Program Manager (PREA Compliance Manager) Position

Description contains a lengthy list of PREA related responsibilities, including becoming PREA Auditor certified. Ms. Graves has not become PREA certified to date.
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115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 2: Contracting PREA Contract Compliance Monitoring Report</p> <p>On or after August 20, 2012 or since the last PREA audit, whichever is later: The number of contracts for the confinement of inmates that the agency entered into or renewed with private entities or other government agencies: 0 The number of contracts that DID NOT require contractors to adopt and comply with PREA standards: 0</p> <p>On or after August 20, 2012, or since the last PREA audit, whichever is later, the number of contracts that DO NOT require the agency to monitor contractor's compliance with PREA standards: 0</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 2: Contracting</p> <p>A. Contracting with Other Entities for Housing of Inmates</p> <p>1. The Department shall include in any new contract or contract renewal for the housing of a reentrant with a private entity or other entities, including other government agencies, the entity's obligation to adopt and comply with the Prison Rape Elimination Act (PREA) Standards and the Department's policies related to PREA compliance. (28 C.F.R. §115.12[a])</p> <p>4. The PREA Compliance Division (PCD), in consultation with the Bureau of Community Corrections (BCC) Contract Facility Coordinator (CFC), 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. The outcomes shall be documented on the PREA Contract Compliance Monitoring Report (Attachment 2-A). (28 C.F.R. §115.12[b]) Contract monitoring shall be completed for each contracted facility between August 20 and October 31 of each audit year.</p> <p>5. In years which the contracted facility completes its official PREA audit; a final audit report, certifying full compliance, shall fulfill the Department's contract monitoring obligations.</p> <p>Comments: There have been no new contracts since the last PREA audits in the agency in January 2020. Contracts were last renewed February 1, 2019.</p> <p>The facility provided seven (7) PREA Contract Compliance Monitoring Reports which is an internal PREA audit of contracted facilities (Diversion Program for those who do not have a home plan, community confinement).</p>



115.13	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Policy # DC-ADM 008-1; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education / Bulletin</p> <p>DC-ADM 008, Prison Rape Elimination Act (PREA) Procedures Manual Section 1 – Sexual Abuse/Sexual Harassment Prevention – Responsibilities</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 3: Supervision and Monitoring</p> <p>6.3.1, Facility Security Procedures Manual Section 15 – Correctional Officer Staffing System</p> <p>PREA Supervision and Monitoring Worksheet (28 C.F.R §115.13[a][c])</p> <p>Security Staffing Survey Process</p> <p>SCI Mercer Camera Locations</p> <p>SCI-Mercer PIDS Meeting January 8, 2019 and July 9, 2019</p> <p>Memorandum re: Justification and Post Orders for SCI Mercer Body Scanner Officer dated September 13, 2019</p> <p>Memorandum re: Justification and Post Orders for SCI Mercer Medical Rover Officer dated September 13, 2019</p> <p>Memorandum re: Justification and Post Orders for SCI Mercer Sally Port Officer dated September 13, 2019</p> <p>Memorandum re: Justification for an additional Corrections Officer III, dated September 25, 2019</p> <p>Memorandum re: Justification and Post Orders for SCI Mercer Zone 3 Sergeant dated September 13, 2019</p> <p>Memorandum re: Justification for increased staffing compliment at SCI Mercer dated September 24, 2019</p> <p>Memorandum re: Justification for Intelligence Lieutenant dated October 23, 2019</p> <p>Memorandum re: Justification for increased staffing compliment due to hospitals dated September 13, 2019</p> <p>Monthly Population Report dated January 31, 2019</p> <p>SCI Mercer Facility Narrative Summary 2019</p> <p>Staffing Plan Review dated July 31, 2019</p> <p>Post Assignment Roster</p> <p>6.3.1, Facility Security Procedures Manual Section 19 – Managerial Visits/Inspections; PREA Administrative Tour Documentation Form</p> <p>Monthly PREA Administrative Tour Schedule 2019</p> <p>Email from Lisa Graves to Supervisors re: Unannounced Rounds dated January 9, 2019</p> <p>Yearly Review of Staffing Plan</p> <p>Supervisor's Report of Unannounced Rounds</p> <p>Interview with Warden</p> <p>Interview with PREA Compliance Manager</p> <p>Interview with PREA Coordinator</p> <p>Interview with Supervisor Staff</p> <p>Site Review</p>

Since August 20, 2012, or last PREA audit, whichever is later:

The average daily number of inmates: 1383

The average daily number of inmates on which the staffing plan was predicated: 1383

Policy # DC-ADM 008-1; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education / Bulletin

e. In accordance with Department policies 6.3.1, "Facility Security;" 8.3.1, "Community Corrections Security;" and PBPP policy 2.5.4, "Office Security and Badge Display," work with each facility on an annual basis to assess, determine, and document whether adjustments are needed to: the staffing plan, deployment of the video monitoring systems and other monitoring technologies, and the resources the facility has available to commit to ensure adherence to the staffing plan. The Department PREA Coordinator shall also review any documentation for non-compliance with a staffing plan. (28 C.F.R. §115.11) (28 C.F.R. §115.13[c])

l. Conduct and document unannounced rounds to identify and deter sexual abuse and sexual harassment in SCIs in accordance with Department policy 6.3.1, Section 19, utilizing the PREA Administrative Tour Documentation Form. This form shall be submitted with the PREA Monthly Report Form. (28 C.F.R. §115.13[d]) In CCCs and CCFs, tours shall be conducted in accordance with Subsection A.4.f. below.

m. In accordance with Department policies 6.3.1, 8.3.1, and 2.5.4, work with the administration of the facility and the Department PREA Coordinator, on an annual basis to assess, determine, and document whether adjustments are needed to the staffing plan, deployment of the video monitoring systems, and other monitoring technologies and the resources the facility has available to commit to ensure adherence to the staffing plan. (28 C.F.R. §115.13[c])

n. In situations where the staffing plan is not complied with, the Facility Manager shall document the justification for the deviations from the plan and forward written documentation to the Executive Deputy Secretary, Executive Deputy Secretary for Institutional Operations (EDSI)/Regional Deputy Secretary, and Department PREA Coordinator/designee for review. (28 C.F.R. §115.13[b]) The facility shall use the Security Staffing Survey in accordance with Department policies 6.3.1, Section 15; 8.3.1, Section 15; and 2.5.4.

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 3: Supervision and Monitoring

A. Supervision and Monitoring

The Department shall ensure that each facility develops, documents, and makes its best efforts to comply on a regular basis with a staffing plan as found in Department policies 6.3.1, "Facility Security," 8.3.1, "Community Corrections Security," and 2.5.4, "Office Security and Badge Display," that provides for adequate levels of staffing, and where applicable, video monitoring, to protect inmates against sexual abuse. (28 C.F.R. §115.13[a])

1. In calculating adequate staffing levels and determining the need for video monitoring at State Correctional Institutions (SCIs), facilities shall take into consideration:

- a. generally accepted detention and correctional practices;
- b. any judicial findings of inadequacy;
- c. any findings of inadequacy from Federal investigative agencies;
- d. any findings of inadequacy from internal or external oversight bodies;
- e. all components of the facility's physical plant (including "blind-spots" or areas where staff

or inmates may be isolated);

- f. the composition of the inmate population;
- g. the number and placement of supervisory staff;
- h. facility programs occurring on a particular shift;
- i. any applicable State or local laws, regulations, or standards;
- j. the prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- k. any other relevant factors.

2. In circumstances of non-compliance with the staffing plan, the Facility Manager/designee shall document, in writing, and justify all deviations from the plan. (28 C.F.R. §115.13[b]) This documentation shall be forwarded to the Executive Deputy Secretary, Executive Deputy Secretary for Institutional Operations (EDSI)/Regional Deputy Secretary, PREA Coordinator at CR, DOC PREA Reports resource account, Central Office/Bureau of Community Corrections (BCC) Security Major, BCC Regional Director, and Pennsylvania Board of Probation and Parole (PBPP) Regional Director (only when deviations from minimum staffing occur while the lockup is in use).

3. In accordance with Department policies 6.3.1, 8.3.1, and 2.5.4, whenever necessary, but no less frequently than once a year, each facility shall assess, determine, and document whether adjustments are needed to: (28 C.F.R. §115.13[c])¹

- a. the staffing plan established pursuant to Subsections A.1. above and A.5. below;(28 C.F.R. §115.13[c][1])
- b. the facility's deployment of video monitoring systems and other monitoring technologies; (28 C.F.R. §115.13[c][2])
- c. the resources the facility has available to commit to ensure adherence to the staffing plan; and. (28 C.F.R. §115.13[c][3])
- d. Community Corrections Centers (CCCs) and Lockups shall also assess whether adjustments are necessary to prevailing staffing patterns within the facility. (28 C.F.R. 115.113/213[c][2])

4. The annual reviews shall be conducted in consultation with the PREA Compliance Manager (PCM) at that facility and the Department PREA Coordinator. (28 C.F.R. §115.13[c])

6.3.1, Facility Security Procedures Manual Section 15 – Correctional Officer Staffing System; Security Staffing Survey Process; SCI-Mercer PIDS Meeting January 8, 2019 and July 9, 2019; 6.3.1, Facility Security Procedures Manual Section 19 – Managerial Visits/Inspections; PREA Administrative Tour Documentation Form

These policies and meeting notes are confidential.

PREA Supervision and Monitoring Worksheet (28 C.F.R §115.13[a][c]) follows those items listed in this standard.

SCI Mercer Facility Narrative Summary 2019

This document is an extensive document that describes every aspect of this facility.

Staffing Plan Review dated July 31, 2019

1. Does the facility staffing plan meet generally accepted detention and correctional practices? yes

Comments: SCI Mercer's staffing plan meet the standards established by the American Correctional Association (ACA).

1. Is the facility subject to any judicial findings of Inadequacy? No

2. Has the facility been found inadequate by Federal investigative agencies? No

3. Has the facility been found inadequate by Internal or external oversight bodies? No

Comments: The facility has no findings of Inadequacy relative to staffing from its most recent operations inspection.

4. Are there components of the facilities physical plant where blind spots exist? Yes

Comments: · The round units (B, C, E, I, J, and L) have a unique layout, which makes constant observation difficult. Cameras inside the units cover the backdoor and stairwell, but not the hallways. There are also blind spots in the bathrooms on G block, as well as the bathroom on 3A, and the stairwells on A and F block. Blind spots also exist in the Maintenance Department.

The housing unit officer on each block, as well as the maintenance gate officer is required to make a minimum of one security round per hour. Zone Sergeants, Lieutenants, and Unit Managers also conduct rounds. There is also a camera plan in place to update and add cameras as funding becomes available. The addition of the cameras in the stairwells on A and F block has already been initiated.

5. Are there areas where staff or Inmates may be Isolated? No

Comments: There are no areas in which staff or inmates can be Isolated. Commissioned Officers as well as management and administrative staff, make tours of all areas of the facility.

6. Does the composition of the facility's inmate population present safety concerns or are there any group dynamics of concern? No.

Comments: SCI Mercer is a level 2 minimum security institution. The majority of the population is close to their minimum dates. There are currently no safety concerns or concerning group dynamics. There is not a large active STG population at SCI Mercer.

7. Are there sufficient supervisory staff assigned to each shift? Yes

Comments: There are two Captains and five Lieutenants assigned to the 0600 – 1400 and 1400 to 2200 shift. There are two Captains and one Lieutenant assigned to 2200 to 0600 shift. At least one Commissioned Officer conducts a tour of the facility every shift.

8. What institutional programs take place within the facility and during which times do those programs run? Are there sufficient staff assigned to supervise the programming occurring on each shift? Yes

Comments: Programming is facilitated in building 28 from 0800 to 1600. There is one officer assigned to this building during operation hours. Programs, religious services, and education classes also take place in the chapel, building 14, and building 26 from 0800 to 1600 and from 1800 to 2000. There is one officer assigned to building 14 and one officer assigned to building 26 during operational hours. The local 2 officer is responsible for conducting rounds in the chapel. There is also a program services rover on the 1400 – 2200 shift. This post conducts rounds of all areas where programming occurs and is based out of the chapel, as there is no officer post there. Zone Sergeants and Lieutenants also conduct rounds.

9. Are there any applicable State or local laws, regulations, or standards? No

Comments: There are no applicable state or local laws, regulations, or standards governing staffing.

10. Were there any substantiated incidents of sexual abuse since the last staffing plan review? No

11. If so, what measures have been taken to address the vulnerability of the area?

Comments: N/A; There have not been any substantiated incidents of sexual abuse within the last year.

12. Are there areas of the facility with multiple unsubstantiated incidents of sexual abuse since the last staffing plan review? No

13. If so, what measures have been taken to address potential vulnerabilities of the area(s)?

Comments: N/A; Unsubstantiated incidents of sexual abuse have not occurred in one area.

They have occurred inside cells in various housing units.

14. Are there any other relevant factors to be considered in the staffing plan? No

Comments: There are no other factors to consider at this time regarding staff complement.

Considerations to enhance sexual safety:

1. Are adjustment to the current staffing plan necessary? No

2. Are adjustments of the current video monitoring plan necessary? Yes

Yes; SCI Mercer has developed a camera plan in which current cameras will be updated and additional cameras will be installed. The plan provides for additional cameras on all housing units, except the two prototypical units (H and N) which already have sufficient camera coverage; as well as the Chapel, Library, Activities Department, Commissary, Medical Department, Maintenance Department, Dietary Department and all outside buildings.

Additional cameras are dependent upon funding.

3. Are there adequate resources available to fulfill the current staffing plan? Yes

DC-ADM 008, Prison Rape Elimination Act (PREA) Procedures Manual Section 1 – Sexual Abuse/Sexual

Harassment Prevention – Responsibilities

I. Conduct and document unannounced rounds to identify and deter sexual abuse and sexual harassment in SCIs in accordance with Department policy 6.3.1, Section 19, utilizing the PREA Administrative Tour Documentation Form. This form shall be submitted with the PREA Monthly Report Form. (28 C.F.R. §115.13[d]) In CCCs and CCFs, tours shall be conducted in accordance with Subsection A.4.f. below.

Monthly PREA Administrative Tour Schedule 2019

This document assigns specific supervisory staff to make unannounced rounds during specific shifts and months during 2019.

Email from Lisa Graves to Supervisors re: Unannounced Rounds dated January 9, 2019

This email notes the format for unannounced has changed, the new format, documentation and the related PREA standard.

Comments:

The latest staffing plan documentation for SCI Mercer is from 2018, when a program services rover post was added to the 2-10 shift. A staffing plan survey was completed in 2019, with a site visit occurring on 09/26/19; however, the results of the staffing plan have not yet been received. Attached were justifications for multiple positions that were requested in SCI Mercer's 2019 staffing survey.

Note: In 2017, one (1) Pennsylvania institution was closed. As a result, S.C.I. Mercer's mission was changed. They now monitor all hospital posts within the Pittsburgh area, which caused a shortage of staff for facility operations. Since that time, fifty (50) + correctional officers were added to their roster.

The overall population report on the public website separates out the Delaware inmate

population (307) from the Pennsylvania inmate population total only; any inmates housed for the state of Delaware are included in the inmate populations for each facility. S.C.I. Mercer was holding 5 of those inmates at the time that the OAS was completed.

Overtime is hired to ensure that the staffing plan is complied with.

Twelve (12) post assignment rosters were provided in OAS, showing those positions that were covered by over-time.

The facility does not deviate from the staffing plan. Overtime, whether it is voluntary or mandatory, is always hired to ensure compliance with the staffing plan.

The OAS included that unannounced rounds were completed on all three shifts during all 12 months in 2019. Staff are not given prior notice as to when the tours will be conducted throughout the month. Direction sent to staff regarding the tours were attached to the OAS. (6.3.1, Facility Security Procedures Manual Section 19 – Managerial Visits/Inspections)

In addition, a Monthly PREA Administrative Tour Schedule is provided to supervisors to indicate who is responsible for unannounced rounds. More information is at the beginning of this report.

The facility is under no judicial findings of inadequacy.

115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 7: Youthful Inmates Memorandum from Facility PREA Compliance Manager dated January 9, 2020 Site Visit</p> <p>In the past 12 months: The number of housing units to which youthful offenders are assigned that provide sight and sound separation between youthful and adult offenders in day rooms, common areas, showers, and sleeping quarters: 0 The number of youthful inmates placed in the SAME HOUSING UNIT as adults in this facility: 0 In the past 12 months, the number of youthful inmates who have been placed in isolation in order to separate them from adult inmates: 0</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 7: Youthful Inmates</p> <p>A. Housing of Youthful Inmates – State Correctional Institutions (SCI)</p> <p>1. A youthful inmate (under the age of 18) shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through the use of a shared dayroom or other common space, shower area, or sleeping quarters.(28 C.F.R. §115.14[a])</p> <p>2. In areas outside of housing units, the facility shall either:</p> <p>a. maintain sight and sound separation between youthful inmates and adult inmates; or (28 C.F.R. §115.14[b][1])</p> <p>b. provide direct security staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact. (28 C.F.R. §115.14[b][2]) 2</p> <p>5. The Department shall make every effort to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, the Department shall not deny youthful inmates daily large muscle exercise and any legally required special education services to comply with this provision. Youthful inmates shall have access to other programs and work opportunities to the greatest extent possible. (28 C.F.R. §115.14[c])</p> <p>Memorandum from Facility PREA Compliance Manager dated January 9, 2020 “SCI-Mercer does not house Youthful Offenders. All offenders assigned to SCI-Mercer are 18 years of age or older.”</p> <p>Comments: SCI Mercer does not house youthful inmates.</p>

115.15	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 8: Limits to Cross-Gender Viewing and Searches</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 8: Limits to Cross-Gender Viewing and Searches / Cross Gender Search Validation Form</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 19: Working with Transgender and Intersex Inmates</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention</p> <p>6.3.1, Facility Security Procedures Manual Section 15 – Correctional Officer Staffing System</p> <p>6.3.1, Facility Security Procedures Manual Section 30 – Searches</p> <p>6.3.1, Facility Security Procedures Manual Section 47 – Dry Cell Procedures</p> <p>Memorandum regarding Gender Specific Posts dated July 15, 2015</p> <p>Memorandum regarding Cross-gender Strip and Cross-gender Visual Body Cavity Searches dated: January 9, 2020</p> <p>Memorandum regarding Limits to Cross Gender Viewing and Searches dated January 9, 2020</p> <p>Memorandum regarding Limits to Cross Gender Viewing and Searches (Transgender/Intersex) dated January 9, 2020</p> <p>“Female on the Unit” Posting / Email dated January 9, 2020 stating same</p> <p>Post Orders – Correctional Officer 1</p> <p>In-Service Training Curriculum; Subject: Offender Searches</p> <p>Transgender Searches Refresher Training Completion for Month of January 2020</p> <p>2015 Training Log for Offender Searches</p> <p>List of Staff that Completed Pat Search Training during Basic Training; 2016-2019 Training Curriculum</p> <p>Staff Training Documentation</p> <p>Interviews of Staff</p> <p>Interviews of Inmates</p> <p>Site Review</p> <p>In the past 12 months: The number of cross-gender strip or cross-gender visual body cavity searches of inmates: 0</p> <p>The number of cross-gender strip or cross-gender visual body cavity searches of inmates that did not involve exigent circumstances or were performed by non-medical staff: 0</p> <p>In the past 12 months: The number of pat-down searches of female inmates conducted by male staff: 0 The number of pat-down searches of female inmates conducted by male staff that did not involve exigent circumstances: 0</p>

6.3.1, Facility Security Procedures Manual Section 15 – Correctional Officer Staffing System; 6.3.1, Facility Security Procedures Manual Section 30 – Searches; 6.3.1, Facility Security Procedures Manual Section 47 – Dry Cell Procedures; Post Orders – Correctional Officer 1

These policies are confidential.

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 8: Limits to Cross-Gender Viewing and Searches

A. Limits to Cross-Gender Viewing and Searches

1. Staff shall be trained to conduct all inmate searches professionally, respectfully, and in the least intrusive manner possible, consistent with security needs. Staff shall conduct all searches in accordance with Department policies 6.3.1, “Facility Security,” Section 30; 8.3.1, “Community Corrections Security,” Section 30; Procedure 2.5.4, “Office Security and Badge Display;” 4.3.6, “Search Seizure;” and 4.3.9. “Custody and Transportation.” (28 C.F.R. §115.15) A properly conducted pat search involving incidental contact with an inmate’s genitals shall not be considered a violation of sexual abuse policies.
2. Staff shall not conduct cross-gender strip searches except in exigent circumstances, in accordance with Department policies 6.3.1, Section 30; 8.3.1, Section 30; and 2.5.4. (28C.F.R. §115.15 [a])
 - a. All cross-gender strip searches shall be documented on the Cross-Gender Search Validation Form (Attachment 8-A). (28 C.F.R. §115.15[c]) (28 C.F.R. §115.115[b])
 - b. A copy of the Cross-Gender Search Validation Form shall be maintained by the Security Office in an annual file for audit verification purposes in accordance with Section 20 of this procedure’s manual.
 3. Cavity searches shall only be conducted in State Correctional Institutions (SCIs), when performed by a physician, in accordance with Department policy 6.3.1, Section 30. (28C.F.R. §115.15[a])
 4. No SCI, CCC, or CCF shall permit cross-gender pat down searches of female inmates, absent exigent circumstances. Facilities shall not restrict female inmates’ access to regularly available programming or other out-of-cell opportunities in order to comply with this provision. (28 C.F.R. §115.15[b])
 - a. In order to comply with the pat search requirement, the female facilities should continuously analyze staffing plans to make appropriate adjustments to ensure PREA compliance.
 - b. Areas of consideration should include search teams, work supervisors, staff that monitor 24-hour cameras, and transportation staff.
 - c. All cross-gender pat searches of female inmates shall be documented on the Cross-Gender Search Validation Form. (28 C.F.R. §115.15[c])
 - d. A copy of the Cross-Gender Search Validation Form shall be maintained by the Security Office in an annual file for audit verification purposes in accordance with Section 20 of this procedure’s manual.
 5. 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 or security rounds. This limitation not only applies to in-person viewing, but also all forms of remote viewing as well. (28 C.F.R. §115.15[d])
 6. Staff of the opposite gender shall announce their presence when entering an inmate

housing unit in accordance with the following: (28 C.F.R. §115.15[d]) (28 C.R.F §115.115[c])

a. each facility shall have the authority to develop and shall be responsible for implementing local procedures to ensure that a consistent announcement is made each time a staff member, contractor, or volunteer of the opposite gender enters; or exits and reenters a unit where inmates may be able to shower, change clothing, or perform bodily functions. The presence of an opposite gender staff on the unit shall not exempt an announcement from being made when an additional opposite gender staff member(s) enters the location;

b. available resources to execute such announcements may vary by facility; however, generally acceptable practices include the following:

(1) an announcement made by the officer working the control desk via the intercom system;

(2) a specific tone system that is utilized only for the purpose of announcing a member of the opposite gender entering unit. When such a system is utilized, inmates shall be educated on the tone system utilization;

(3) the opposite gender staff person makes an audible announcement of his/her presence; and

(4) facilities and units housing deaf inmates shall develop alternative methods of notifying inmates of the presence of opposite gender staff, such as a specialized sign or light, to indicate the presence of an opposite gender staff.

c. while not a requirement, it is recommended that facilities post signage at the entrance to each housing unit where inmates may be able to shower, change clothing, or perform bodily functions to advise opposite gender staff of housing unit announcement procedures prior to entering the housing unit; and

d. when an opposite gender staff member, contractor, or volunteer is entering a housing unit and it is unknown to him/her whether the opposite gender announcement has been made on his or her behalf, the entering staff member shall announce his/her presence. However, this requirement shall not be understood to excuse any staff person from making announcements consistent with local procedures developed by the facility.

7. Staff shall be trained in how to conduct cross-gender pat searches, and in searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs and Department policies 6.3.1, Section 30, and 8.3.1 Section 30. (28 C.F.R. §115.15[f]) (28 C.F.R. §115.115[e])

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 8: Limits to Cross-Gender Viewing and Searches / Cross Gender Search

Validation Form

Documentation Form

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 19: Working with Transgender and Intersex Inmates

1. The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. (28 C.F.R. §115.15[e]) (28 C.F.R. §115.115[d])

2. The facility PAC may approve individualized, facility-specific accommodations to meet safety and privacy needs of transgender and intersex inmates. An inmate shall address disputed

facility-specific accommodations through the grievance procedures outlined in Department policy DC-ADM 804, "Inmate Grievance System."

H. Searches

Pat searches and strip searches of transgender and intersex inmates shall be conducted in accordance with Department policies 6.3.1, "Facility Security," Section 30; 8.3.1 "Community Corrections Security" Section 30; and 2.5.4, "Office Security and Badge Display." (28 C.F.R. §115.15[f])

J. Special Accommodations

1. Transgender and intersex inmates shall be given the opportunity to shower separately and privately from other inmates. (28 C.F.R. §115.42[f]) (28 C.F.R. §115.242[e])

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention

d. The following forms and reports shall be maintained by the Institutional or Bureau of Community Corrections (BCC) Security Office:

(1) Cross-Gender Search Validation Form; (28 C.F.R. §115.15[c]) (28 C.F.R. §115.115[b]);

"Female on the Unit" Posting

This posting state "ALL FEMALE STAFF ARE TO ANNOUNCE THEIR PRESENCE WHEN ENTERING THE HOUSING UNITS BY THE UNIT OFFICER OR STAFF MEMBER." There is also an email dated January 9, 2020, reminding staff of this required announcement.

In-Service Training Curriculum; Subject: Offender Searches

Training Objectives include:

1. Perform a clothed search of an offender.
2. Explain the techniques performed while conducting an unclothed search of an offender.
3. Perform a clothed search of a transgender or intersex offender in accordance with the National PREA Standard 115.15.

Comments:

The memorandum regarding Memorandum Gender Specific Posts dated July 15, 2015 stated "In September 2014, Facility Managers/designees were tasked to develop a Plan of Action to remove the viewing capabilities from monitoring stations of cameras that had the potential to violate the cross gender viewing standard 115.1.5 (d) and provide justification for individual posts that are being requested gender specific. Upon review of the provided documentation of each facility, the below listed posts shall be considered gender specific."

The following posts were addressed with an explanation for each:

- Transport Officer:
- Search Team Officers
- Risp Officer
- Visiting Room Search Officer
- R&D CO2/ Intake Officer C01
- Infirmary / POC I Dry Cell
- Sally Port CO2 /Sally Port CO1

- L-5's / Specialized Treatment Units
- DOC Bus Transport
- Outside Hospital Rover
- Compound Rovers/Canopy
- C.I. Rover
- Youthful Offender Housing / Supervision

The facility reports there have been no cross-gender strip or cross-gender visual body cavity searches of inmates at SCI Mercer.

The Memorandum regarding Cross-gender Strip and Cross-gender Visual Body Cavity Searches dated: January 9, 2020 states: "There have been no instances of any cross-gender strip searches or any cross-gender body cavity searches at SCI Mercer since the last PREA audit.

This includes any cross-gender searches that may have been conducted during exigent circumstances."

The Memorandum regarding Limits to Cross Gender Viewing and Searches dated January 9, 2020 states: "There have been no female inmates housed at SCI Mercer since the last PREA audit."

The second Memorandum regarding Limits to Cross Gender Viewing and Searches dated January 9, 2020 States "There have been no transgender or intersex inmates housed at SCI Mercer since the last PREA audit or during the last 12 months. Therefore, there were no searches conducted on transgender or intersex inmates during this timeframe."

The facility stated in the OAS "Per the facility Training Coordinator, offender search training is not a mandatory training at the facility level. Since 2015, all new security staff receive the training when they attend the Basic Training Academy. A list of security staff that have completed this training at the Training Academy has been attached. I have also attached the last facility search training roster from 2015. We are currently in the process of conducting a Transgender Search Refresher in block training for Security staff. A list of those that have completed it thus far is attached." Interviews conducted with staff indicate that they have received training on Transgender/Intersex inmates. Each were able to discuss the professional methods for pat-downs.

At the time of the on-site visit, no Intersex or Transgender Inmates were held at the facility.

Staff shared that cross-gender strip searches are not allowed and are only conducted for security reasons by same gender staff. Confirmed by inmates.

Inmates shared that showering, toileting and dressing is done outside of staff view. All stated that staff, when doing rounds may see that an inmate is on the toilet within their cell but the view is incidental. Showers in the round housing units are not single but staff do announce

themselves before entering and do not enter when inmates respond.

115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 006; Subject: Reasonable Accommodations for Inmates with Disabilities Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 4: Sexual Access to Special Populations Proprio LS, LLC Contract (Language Services) Management Directive; Subject: Hiring/Contracting Sign Language Interpreters/Translators Braille Inmate Intake Handout (photo) Memorandum regarding Language Line Services dated August 16, 2019 Pennsylvania Department of Corrections - Foreign Language Employee Directory Zero Tolerance Poster (Spanish) Inmate Handbook (Spanish) Sexual Abuse Inmate Training (Spanish) Memorandum dated January 9, 2020; Subject: Inmates with Disabilities and Inmates who are Limited English Proficient Approved Contractor List dated January 10, 2020 Interview with Supervisors Interviews with Inmates who have disabilities or are limited English Proficient Interviews with Staff Site Review Inmate Handbook</p> <p>In the past 12 months, the number of instances where inmate interpreters, readers, or other types of inmate assistants have been used and it was not the case that an extended delay in obtaining another interpreter could compromise the inmate's safety, the performance of first response duties under §115.64, or the investigation of the inmate's allegations: 0</p> <p>Policy # DC-ADM 006; Subject: Reasonable Accommodations for Inmates with Disabilities This is a "Staff Use Only".</p> <p>Proprio LS, LLC Contract (Language Services) This was a bill for \$2250.00.</p> <p>Management Directive; Subject: Hiring/Contracting Sign Language Interpreters/Translators</p> <ol style="list-style-type: none"> 1. PURPOSE. To establish policy, responsibilities, and procedures for procuring the services of interpreters/translators for commonwealth activities. 3. OBJECTIVE. To ensure that interpreters/translators hired for commonwealth activities are state-registered with the Pennsylvania Department of Labor and Industry (L&I), Office for the Deaf and Hard of Hearing (ODHH) in compliance with the Sign Language Interpreter and Translator State Registration Act (Act 57- 2004), as amended, 63 P.S. § 1725.1 et. seq.

Descriptions of Certifications:

- National Interpreter Certification (NIC)
- National Interpreter Certification Advanced (NIC Advanced)
- National Interpreter Certification Master (NIC Master)
- Certificate of Interpretation (CI)
- Certificate of Transliteration (CT)
- Certified Deaf Interpreter (CDI)
- Comprehensive Skills Certificate (CSC)
- Master Comprehensive Skills Certificate (MCSC)
- National Association of the Deaf (NAD)
- Level 4: Above Average Performance
- Level 5: Superior Performance (If not a native user, then could almost pass for one)

Memorandum regarding Language Line Services dated August 16, 2019

This memo contains instructions on the use of the Language Line. It also notes that the facility has three (3) interpreters on staff for Arabic, French and Spanish.

Pennsylvania Department of Corrections - Foreign Language Employee Directory

This directory is a list of all approved department employees that can provide interpretation; listed by language and location.

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 4: Access to Special Populations

A. Access to Information for Special Populations

1. Pursuant to Department policy DC-ADM 006, "Reasonable Accommodations for Inmates with Disabilities," and BCC-ADM 005, "Resident Legal," the Department shall ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the Department's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. (28 C.F.R. §115.16[a])¹
2. Written materials shall either be delivered in alternative formats that accommodate the inmate's disability or the information shall be delivered through alternative methods, such as reading it to the inmate or communicating through an interpreter, which ensures the understanding of the PREA-related material. (28 C.F.R. §115.16[a])
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 (PCM) shall ensure that only staff members or qualified contractors who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary, provide translation for inmates. (28 C.F.R. §115.16[b][c]) If a multi-lingual staff member is not available, then the current contracted translation service must be utilized.
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 responder duties under PREA Standard 28 C.F.R. §115.64, or the investigation of the inmate's allegations (28 C.F.R. §115.16[c]). Justification for any use of an inmate interpreter shall be documented accordingly.

Memorandum dated January 9, 2020; Subject: Inmates with Disabilities and Inmates who are Limited English Proficient

This memo states "There have been no instances where an inmate interpreter, reader, or other type of inmate assistant was required or utilized for PREA related purposes at SCI Mercer in the last 12 months or since the last audit cycle."

Comments:

The Management Directive; Subject: Hiring/Contracting Sign Language Interpreters/Translators is more detailed than what appears above.

The facility states "There have been no instances at SCI Mercer where inmate interpreters, readers, or other types of inmate assistants have been used." Confirmed with staff.

Inmates who were interviewed that identified as hard of hearing stated that staff did loudly discuss PREA but also read the materials.

Three inmates were identified as being LEP. One interview occurred utilizing a Proprio interpreter. One individual was able to understand if spoken to slowly, and the last individual knew English.

115.17	Hiring and promotion decisions
	<p>Auditor Overall Determination: Exceeds Standard</p> <p>Auditor Discussion</p> <p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 17: Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention 01.01.04, Centralized Clearances Procedures Manual; Section 4 – Centralized Clearance Check Procedures 01.01.04, Centralized Clearances Procedures Manual; Section 4 – Centralized Clearance Check Procedures / Centralized Clearance Check Information Request 04.01.01, Human Resources and Labor Relations Procedures Manual; Section 40 – Conducting Pre-Employment Background Investigations 04.01.01, Human Resources and Labor Relations Procedures Manual; Section 41 – Employment of Job Applicants Having Prior Adverse Contacts with Criminal Justice Agencies 04.01.01 Recruitment Selection Placement for Non-CS Positions Position Vacancy Interest Form E-mail regarding Findings of Employment Background Checks Contract EE Assigned to S.C.I. Mercer Checklist for Background Check Requests (Samples) Interview with Human Resources Staff</p> <p>In the past 12 months: The number of persons hired who may have contact with inmates who have had criminal background record checks: 21</p> <p>In the past 12 months: The number of contracts for services where criminal background record checks were conducted on all staff covered in the contract who might have contact with inmates: 0</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 17: Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation 5. contract agency hiring, firing, and promotional practices must comply with the National PREA Standards. (28 C.F.R. §115.17, 115.76)</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention 4. Criminal background record checks are maintained in the Centralized Clearances database for staff and contractors as outlined in Department policy 1.1.4, “Centralized Clearances.” (28 C.F.R. §115.17[c][d]) This form shall be retained for at least seven years in accordance with Pennsylvania Office of Administration Agency Records Retention and Disposition Schedule.</p> <p>Position Vacancy Interest Form</p>

This form contains the following:

The following questions must be answered in conjunction with the Prison Rape Elimination Act:

Have you ever been employed in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997) to include state facilities for persons who are mentally ill, disabled or intellectually disabled, or chronically ill or handicapped; residential care or treatment facilities for juveniles; and facilities that provide skilled nursing, intermediate or long-term care, or custodial or residential care? (28 C.F.R. §115.17) YES or NO

Have you engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (As defined in 42 U.S.C. 1997)? (28 C.F.R. §115.17 [a][1]) YES or NO

Have you had substantiated against you allegations of sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution (As defined in 42 U.S.C. 1997), or have you ever resigned during a pending investigation of an allegation of sexual abuse of a confined individual? (28 C.F.R. §115.17 [a][2][3]) YES or NO

Have you had substantiated against you allegations of sexual harassment in the workplace, or have you ever resigned during a pending investigation of sexual harassment? (28 C.F.R. §115.17 [a][b]) YES or NO

Have you ever been convicted or civilly or administratively adjudicated for engaging or attempting to engage in sexual activity in the community facility by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? (28 C.F.R. §115.17 [a][1][2][3][4]) YES or NO

1.1.4, Centralized Clearances Procedures Manual; Section 4 – Centralized Clearance Check Procedures

A. Candidate

1. The candidate (civilian who is requesting clearance) is responsible for completing Section A on the Centralized Clearance Check Information Request Form (Public) (Attachment 4-A) which is available on the Department's public website (www.cor.pa.gov). Third parties may not complete forms on the candidate's behalf without the candidate's validation of the final document. If additional space is needed, the candidate may use additional paper. All fields in Section A shall be completed by the candidate including his/her social security number. If the candidate has not been issued a social security number, he/she may provide another form of federal identification information such as a passport, visa, or alien registration information. If particular information does not apply to the candidate, the candidate should indicate N/A in the applicable section of the form. Omission of pertinent information or the falsification of information shall be grounds for immediate disapproval or possible criminal prosecution.
2. A clearance is only valid for a maximum of 24 months for volunteers, agency temps, mentors, reentry service providers, contract service providers, official visitors, public visitors, interns, organizations, Vendor I and Vendor II. Clearances may be issued for shorter periods and the length of any clearance approval should always represent the period that the individual actually requires access. (28 C.F.R. §115.17 [e] Contractors)

1. Requestor

1. A facility requestor's responsibilities include the following:

- a. informing the candidate that the Centralized Clearance Check Information Request Form (Public) is available on the Department's public website at www.cor.pa.gov;
- b. reviewing Section A of the form for any incomplete/illegible fields. No spaces should be blank and if a question does not apply to the candidate, "Not Applicable (N/A)" should be entered in the appropriate space. If any incomplete/illegible fields are identified, the form will be returned to the candidate for verification of the information in question and the approval process will be delayed as a result;
- c. completing Section B on the Centralized Clearance Check Information Request Form (Public) (This section of the form must be completed in its entirety and the nature of the access is required [full or limited]). The requestor should also indicate if there are special provisions applicable to the candidate such as "outside secured perimeter only." (The inclusion of specific documentation in Section B by the requestor will help to expedite the clearance approval process for the approving authority);
- d. sending a PREA Current/Prior Employer Letter, if applicable, as outlined below in Subsection C.3. and in accordance with Department policy 4.1.1, "Human Resources and Labor Relations," Section 40;
- e. forwarding all Centralized Clearance Check Information Request Forms (Public) to the requestor's home facility Security Office two weeks prior to the requested access begin date or clearance expiration date. Requests to expedite a clearance will be considered on a case by case basis. (Section B must be completed by the requestor or the form will not be processed. The requestor should not retain personal copies of submitted forms); and
- f. notifying the facility Security Office when a clearance should be inactivated due to voluntary separation or loss of privileges. (The clearance and any issued Department photo ID must be deactivated.)

C. Consistent with the Prison Rape Elimination Act (PREA)

1. Prior to the engagement of any contractors, the contractor and all of the contractor's employees and/or subcontractors that may have contact with inmates shall be investigated to ensure that the Department does not enlist the services of any person(s) who:
 - a. has engaged in sexual abuse in a prison, jail, lockup, community facility, juvenile facility, or other institution, as defined in 42 U.S.C. §1997 (28 C.F.R. §115.17 [a][1]); and/or
 - b. has 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. (28 C.F.R. §115.17 [a][2] and [3])
2. The Department shall also consider any incidents of sexual harassment when determining whether to enlist the services of any contractor who may have contact with inmates. (28 C.F.R. §115.17 [b][2])
3. If a contractor or the contractor's employee or subcontractor indicates on the Centralized Clearance Check Information Request Form (Public) that he/she has worked in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution, as defined in 42.U.S.C. §1997, the requestor shall send a PREA Current/Prior Employer Letter to that candidate's previous employer, wait two weeks for a response from the employer, document the request for information, and provide that documentation to the facility Security Office. (28 C.F.R. §115.17[c][2])

6. Consistent with PREA, the facility Security Office shall maintain a copy of the Centralized

Clearance Check Information Request Form, a copy of the PREA Current/Prior Employer Letter, and a copy of the information provided from the previous employer for seven years, for all contractors who indicate that they have worked in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution, as defined in 42 U.S.C. §1997. (28 C.F.R. §115.17[a])

11. conducting criminal history checks on all contractors every two years. The CCU will contact the applicable facility and requestor and communicate its findings in accordance with Department policy 4.1.1. (28 C.F.R. §115.17[e])

6. The Centralized Clearance Check Information Request Form (Public) contains a signature line in which the candidate acknowledges that he/she completed the form, agrees that the information contained in the application is accurate, and agrees that he/she assumes all risks and liabilities associated with entering the applicable facility or facilities. Any falsified information will be grounds for a clearance disapproval or possible criminal prosecution.

F. Processing of Centralized Clearances

1. The facility Security Office/CCU shall complete a full clearance check on all contract service providers, interns, and all medical staff submitted for agency temp positions. A full clearance check includes a query of the following systems:

a. National Crime Information Center/Commonwealth Law Enforcement Assistance Network (NCIC/CLEAN) criminal history;

(1) Driver License Query (DQ);

(2) Pennsylvania Master Name Index (MN) and if applicable, Pennsylvania Rap Sheet (RS); and

(3) Interstate Identification Index (III) Inquiry (QH) and if applicable, III Rap Sheet Request (QR).

b. Pennsylvania's Justice Network (JNET) driver's history;

c. JNET secure web docket sheets;

d. visitor tracking;

e. inmate telephone calls (Securus Technologies);

f. email and monetary transactions (Global Tel Link and JPay); and

NOTE: If any flags or warrants are produced from a NCIC/CLEAN criminal history search, the operator should contact that respective criminal justice agency.

g. results of the PREA Current/Prior Employer Letter.

2. The facility Security Office/CCU shall complete a limited clearance check on volunteers, agency temps (non-medical), mentors, reentry service providers, official visitors, public visitors, organizations, Commonwealth Employees (non-DOC), and vendors. A limited clearance check includes a query of the NCIC/CLEAN criminal history system (in accordance with Subsection F.1.a. above) and a review of the results of the PREA Current/Prior Employer Letter, if applicable (28 C.F.R. §115.17[c]).

3. Information obtained during the full or limited clearance check will determine a candidate's approval or denial.

a. A contract service provider, intern, or medical staff submitted for agency temp positions will be disapproved based on the same criteria for those job applicants having prior adverse contacts with criminal justice agencies in accordance with Department policy 4.1.1, Section 41.

b. Volunteers, agency temps (non-medical), mentors, reentry service providers, official visitors, public visitors, organizations, and/or vendors will be disapproved for the following:

- (1) falsification or omission of pertinent information on the Centralized Clearance Check Information Request Form (Public);
- (2) pending misdemeanor or felony criminal charges;
- (3) any active warrants (excluding bench warrants);
- (4) currently under the supervision of the Pennsylvania Board of Probation and Parole (PBPP), any other probation supervision or currently participating in or awaiting acceptance into an Accelerated Rehabilitative Disposition (ARD), Intermediate Punishment Program (IPP), or other diversion program;
- (5) a maximum sentence expiration date from the Department of Corrections (DOC) or release from the supervision of the PBPP within one year with an underlying offense which occurred more than five years ago;
- (6) any misdemeanor conviction, in which less than two years has elapsed since the date of conviction and less than one year has elapsed since the release from supervision or confinement;
- (7) any felony conviction, in which less than five years has elapsed since the date of conviction and less than one year has elapsed since the release from supervision or confinement;
- (8) previous DOC employee, contract service provider, or volunteer whose services were involuntarily terminated; and
- (9) current and enforceable protection from abuse orders from staff or inmates. c. Disclosed communications with an active inmate (visits, telephones calls, emails, mail, or monetary transactions) within three months from the signature on the Centralized Clearance Check Information Request Form (Public) will be disapproved for only that respective facility. This information is to be documented in the centralized clearance system.

4. Any vendor requesting access to DOC Info should be classified as a Vendor II and an intermediate background check is required. This check will then be documented in the centralized clearance system. This includes all the queries outlined in Subsection F.1. above of this procedure's manual.

5. It is within the discretion of the Facility Manager/designee to permit or deny volunteers, agency temps, mentors, reentry service providers, official visitors, public visitors, organizations, and/or vendors to serve in his/her facility.

G. Pennsylvania Prison Society (PPS)

1. The PPS will provide the Centralized Clearance Check Information Request Form (Public) to the CCU to be entered into the centralized clearance system. The CCU will complete a limited clearance check on all PPS members (in accordance with Subsection F.2. above).

2. A visitor tracking query will also be conducted on each PPS member and, if they are active on the personal visitor list, they will not be permitted to visit that respective institution as an official visitor. (See Department policy 1.1.6, "Volunteers and Interns in the Department," Section 6.)

3. A list of the PPS members will be maintained by the CCU and distributed to all facilities on a monthly basis.

4. Names of PPS members who would otherwise be denied clearance, will be provided to the PPS liaison for further discussion with PPS. These members will not be denied by PA DOC, but may be denied by PPS and, subsequently, removed from the approved list.

01.01.04, Centralized Clearances Procedures Manual; Section 4 – Centralized Clearance Check Procedures / Centralized Clearance Check Information Request

This form is utilized for those individuals wishing to visit an inmate or the facility. It is a request

for Agency Temp Services, Contract Service Providers, Intern/Externs, Organizations, Reentry Services, Vendor, Volunteer Program, Official Visitor, Government, PA Prison Society, Public Visitor, Ministry, Criminal Justice Agency, Entertainment, Sports, Activities, Guest Speaker. Other

4.1.1, Human Resources and Labor Relations Procedures Manual; Section 40 – Conducting Pre-Employment Background Investigations

Section 40 – Conducting Pre-Employment Background Investigations

Background investigations for all candidates for positions in the Department will be in accordance with Management Directive 515.15, Identification, Employment, and Education Verification Checks and M505.5, Commercial Driver License, Drug and Alcohol Testing, and Licensing Requirements and processed in the manner listed below.1 (28 C.F.R. §115.17[c][1], §115.217 [c][1])

A. General Processing

1. Human Resource Offices will submit a background check request for all prospective new hires and rehires that have been separated for more than 60 days to the Office of Special Investigations and Intelligence (OSII) which will contain the following items:

e. Prison Rape Elimination Act (PREA) Current/Prior Employer Letter(s) (Attachment 40-B) (if applicable);

3. Consistent with the PREA

a. Prior employment in any type of prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997) to include state facilities for persons who are mentally ill, disabled, or intellectually disabled, or chronically ill or handicapped; residential care or treatment facilities for juveniles; and facilities that provide skilled nursing, intermediate, or long-term care, or custodial or residential care will be further investigated to ensure that the candidate has not been found to have any of the following: (28 C.F.R. §115.17 [a][1], §115.217 [c][2])

(1) has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); and (28 C.F.R. §115.17 [a][1], §115.217 [a][1])

(2) has 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. (28 C.F.R. §115.17 [a][2][3], §115.217 [a][2][3])

b. Human Resource Offices will be responsible for sending the PREA Consent to Release of Information Form, along with the PREA Current/Prior Employer Letter to the attention of applicable employer's Human Resource Office, receiving and reviewing their responses, and determining whether the applicant may be hired consistent with the PREA. Human Resource Offices should wait a minimum of two weeks for a response before proceeding with the hiring process. Completed forms will be forwarded to the Background Coordinator.

(1) If the answer is "Yes" to any of the questions, then the Background Coordinator will obtain the Office of Chief Counsel's concurrence that the candidate will be considered unsuitable for hire.

(2) If the answers are "No" or if no response is received, then the Background Coordinator will ensure that the letter is included in the candidate's appointment package.

c. Human Resource Offices will be responsible for ensuring that candidates complete the Position Vacancy Interest Form (Attachment 40-C) when submitting application materials to

job postings. Consistent with the PREA, responses must be reviewed and considered when determining whether to hire or promote anyone. 4.1.1, Human Resources and Labor Relations Procedures Manual Section 40 – Conducting Pre-Employment Background Investigations 40-3 Issued: 7/13/2018 Effective: 7/13/2018

4. OSII will conduct a full background investigation and complete the following on all applicants:

a. check of the applicant's name, home address, and telephone number(s) against each facility's inmate visitor and telephone lists;

b. request a ten-year driver's certified driving record;

c. access Pennsylvania State Police (PSP) investigative files; and d. in addition, some information that should be solicited, dependent on a particular applicant or position, could include all or some of the following:

- (1) confirmation of licensing status/certification;
- (2) professional license/certification verification;
- (3) military records;
- (4) criminal justice documentation; and (5) drug-related convictions.

5. When a detailed investigation is completed, it will be provided to the Background Coordinator who will notify the Human Resource Office of the candidate's results.

a. Candidates with reports containing no derogatory information may proceed in the hiring process and the Background Coordinator will ensure that the package has been scanned into the Case Management System.

b. Candidates with reports containing results of adverse contacts as outlined in Section 41 of this procedures manual will be reviewed and processed in accordance with Management Directive 515.15, M505.5, and Section 41 of this procedures manual.

Current Employer Questionnaire

This form includes those PREA questions that are listed below.

04.01.01 Recruitment Selection Placement for Non-CS Positions includes the following forms:

- Authorization to Obtain Information/Waiver
- Conditions of Employment
- Supplementary Employment
- Consent to Release Information for Prison Rape Elimination Act Compliance
- Personal Background Questionnaire
- Background Investigation Questionnaire, which includes the following

D. Have you ever been employed in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997) to include state facilities for persons who are mentally ill, disabled, or intellectually disabled, or chronically ill or handicapped; residential care or treatment facilities for juveniles; and facilities that provide skilled nursing, intermediate or long-term care, or custodial or residential care? If yes, please list the location below: YES NO

E. Have you engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution? If yes, please describe the circumstances below: YES NO

F. Have you had substantiated against you allegations of sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution, or have you ever resigned during a pending investigation of an allegation of sexual abuse of a confined

individual? If yes, please describe the circumstances below: YES NO

G. Have you had substantiated against your allegations of sexual harassment in the workplace, or have you ever resigned during a pending investigation of sexual harassment? If yes, please describe the circumstances below: YES NO

H. For current/former military personnel ONLY – In the course of your military service, did your duties involve the supervision of prisoners or detainees? If yes, please describe the circumstances below: YES NO

CRIMINAL HISTORY Based on the question asked, it is your responsibility to list every conviction regardless of your age at the time of the conviction (including Federal and Military), Felony, Misdemeanor, Summary or Traffic Offense, for which you have been convicted. If you were under the age of 18 at the time of the offense and were convicted as an adult, you must list the conviction. Do not list the offense if you were adjudicated as a delinquent or if the offense was expunged.

Criminal history records are readily available from the Pennsylvania State Police or other State Central Repository and local law enforcement authorities. It is your responsibility to check with all appropriate authorities to determine what, if any, records of convictions they may have regardless of the response from the State Police or State Central Repository. Responses such as “I don’t know” or “I can’t remember” are unacceptable. Failure to list any conviction will be considered a deliberate falsification and will be grounds for removal from consideration for employment.

4.1.1, Human Resources and Labor Relations Procedures Manual; Section 41 – Employment of Job

Applicants Having Prior Adverse Contacts with Criminal Justice Agencies

Section 41 – Employment of Job Applicants Having Prior Adverse Contacts with Criminal Justice Agencies A. Guidelines

1. The Department will ensure that any job applicant who has had adverse contact with a criminal justice agency will be evaluated as to his/her suitability for employment.
2. Consistent with Public Law 108-79, 28 C.F.R. Part 115, 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, juvenile facility or other institution (as defined in 42 U.S.C. 1997) to include state facilities for persons who are mentally ill, disabled, or intellectually disabled, or chronically ill or handicapped; residential care or treatment facilities for juveniles; and facilities that provide skilled nursing, intermediate or long-term care, or custodial or residential care;
 - b. has 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; and/or
 - c. has been convicted of any offense under the following (or equivalent out of state offense): (1) Title 18 Pa. C.S.A. Chapter 31 – Sexual Offenses; or (2) Title 18 Pa. C.S.A. Chapter 59 – Public Indecency.
2. Also, consistent with the PREA, the Department will consider any incidents of sexual harassment in determining whether to hire or promote anyone.

04.01.01 Human Resources and Labor Relations Procedure Manual; Section 3 – Employee Arrests – Felony, Misdemeanor, or Summary Offenses

All Department of Corrections employees are cross checked against the Justice Network (JNET) system on a daily basis to identify employees that have had negative contact with law enforcement (i.e., any criminal citation, criminal charge, arrest, etc.).

It is the employee's responsibility to report any negative contact with law enforcement (i.e., any criminal citation, criminal charge, arrest, etc.) to his/her supervisor, security, or designee. The employee should report such contact as soon as possible or no later than his/her next scheduled workday.

**Procedures for Commonwealth Law Enforcement Agency Network (CLEAN)/JNET
Notification of Criminal Charges of Staff**

1. Consistent with the standards of the Prison Rape Elimination Act (PREA):
28 C.F.R. §115.17 Hiring and promotion decisions, the BHR will, upon notification from the Office of Special Investigations and Intelligence (OSII) that an employee has been criminally charged, contact the respective facility with their findings. (28 C.F.R. §115.17[e])
2. Please refer to the procedures table in Subsection A. above for the required procedures and the individual(s) responsible for carrying out the procedures for employees charged with sexually violent crimes.

Comments:

Approved Contractor List dated January 10, 2020:

This list includes the contractor name, company/organization, clearance check date and expiration date. Several samples of clearances were included in the OAS. The companies/organizations included Centurian, Wellpath, Aleph Institute, Roman Catholic Diocese of Erie, Protestant Chaplain, GeoGroup (social services), 2 dental contracts. These background checks are run every two (2) years.

Daily, Central Office staff does a constant run the names of all employees who are employed with the Department of Corrections. When a 'hit' for any charge (even traffic) appears, an email is sent to the employing facility. The type of 'hit' determines the action that the facility will take

The OAS included several copies of e-mails, notifying the facility of employee arrests.

The policy refers to the Pennsylvania Prison Society. This is an organization named under statute as an 'Official Visitor' considered an advocate for inmates.

115.18	Upgrades to facilities and technologies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 5: Sexual Protective Custody Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 6: Sexual Abuse and Sexual Harassment Prevention; Upgrades to Facilities and Technology Dietary Expansion Cameras Meeting Minutes dated April 9, 2019 PIDS Meeting Minutes dated January 8, 2019 Interview with Superintendent Interview with Deputy Superintendent Site Review 2019 Staffing Plan Review Equipment Updated, Surveillance, Monitoring, etc. (minutes from meetings)</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 6: Sexual Abuse and Sexual Harassment Prevention; Upgrades to Facilities and Technology</p> <p>A. Upgrades to Facilities and Technologies</p> <ol style="list-style-type: none"> 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. (28 C.F.R. §115.18[a]) 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. (28 C.F.R. §115.18[b]) 3. The involvement of the Department PREA Coordinator or the facility PREA Compliance Manager in the decision-making process shall be documented in meeting minutes, memorandum, or another written format. <p>PIDS Meeting Minutes dated January 8, 2019 Confidential discussion.</p> <p>Comments: SCI Mercer's Dietary Department was expanded in 2019.</p> <p>Dietary Expansion Cameras Meeting Minutes dated April 9, 2019 included an update of the current cameras (18) located in the Dietary Department. "All cameras were reviewed regarding security and PREA issues; all were deemed in suitable locations. Cameras will be reviewed as part of the institution's yearly camera review for PREA standards."</p>

Per the OAS "Installation of cameras in the Medical bullpen, the body scanner room, and the stairwells of A and F units was discussed during PIDS meetings in 2019. Additional cameras on H and N units was also discussed. January, August, and December meeting minutes are attached. Dietary expansion camera meeting minutes are also attached."

Camera upgrades and video monitoring equipment installation began in November 2017 in conjunction with Head End Equipment. The Head End Equipment behind Control was upgraded from analog to IP address, 10 new workstations were installed, the Closed-Circuit TV (CCTV) room equipment was upgraded along with the monitors in Control. This project was completed in September 2018.

Additional Cameras since July 2017: 41

At the end of February 2020, the facility was notified that their request for a Digital Camera Conversion was approved for FY2020 at \$275,000.

115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Policy # DC-ADM 008-1; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education / Bulletin</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 14: Responding to Reports of Sexual Abuse</p> <p>Assurances to Victims of Sexual Abuse – Handout (Spanish and English)</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 15: Access to Outside Confidential Support Services</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment</p> <p>Memorandum of Understanding Between the Pennsylvania State Police and the Pennsylvania Department of Corrections dated February 16, 2017</p> <p>Amendment #1 to Memorandum of Understanding Between the Pennsylvania State Police and the Pennsylvania Department of Corrections</p> <p>Shift Commander Checklist (PREA)</p> <p>Initial Response Checklist – Alleged Victim</p> <p>Initial Response Checklist – Alleged Abuser</p> <p>A National Protocol for Sexual Assault Medical Forensic Examinations Adults/Adolescents; Second Edition, U.S. Department of Justice, Office on Violence Against Women</p> <p>Forensic Examination Law</p> <p>Letter of Agreement with UPMC Horizon</p> <p>After Care Hospital Plan from UPMC Horizon (Discharge Instructions)</p> <p>E-mail dated July 31, 2019, Facility/ Unit Director, Emergency Department / UPMC Horizon</p> <p>Letter of Agreement between AWARE and SCI Mercer</p> <p>Notice dated December 20, 2019 of Telephone Numbers for UPMC Horizon and Aware</p> <p>Medical Care/ Mental Health/ Advocacy Services Sign-off Form</p> <p>Extraordinary Occurrence Report dated November 4, 2019</p> <p>A Letter from the Secretary of Corrections to the Commissioner of the Pennsylvania State Police dated February 16, 2016</p> <p>Inmate Written Statement of Sexual Abuse/Harassment Form</p> <p>Interviews with Staff</p> <p>Interview with SAFE/SANE provider</p> <p>Interview with PREA Compliance Manager</p> <p>Interview with Inmates who Reported a Sexual Abuse</p> <p>Review Investigation Files</p> <p>Medical File Review</p> <p>In the past 12 months:</p> <p>The number of forensic medical exams conducted: 1</p> <p>The number of exams performed by SANEs/SAFEs: 1</p> <p>The number of exams performed by a qualified medical practitioner: 0</p>

Policy # DC-ADM 008-1; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education / Bulletin

s. Maintain copies of any Memoranda of Understanding (MOU)/Letter of Agreement (LOA) with the local hospital and/or Rape Crisis Center. If the facility is not part of an active MOU, the PCM shall document attempts to enter into such MOUs/LOAs annually. (28 C.F.R §115.21[c] & 28 C.F.R §115.53[c])

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 14: Responding to Reports of Sexual Abuse

2. All forensic medical examinations shall be provided in community based medical facilities pursuant to the local LOA, MOU, or determination of forensic services availability.

a. secure any reported crime scene until appropriate steps can be taken to collect evidence; and (28 C.F.R. §115.64[a][2])

b. if the abuse occurred within the last 96 hours that still allows for the collection of physical evidence, request the alleged victim and ensure that the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. (28 C.F.R. §115.64[a][3] [4])

1. secure any video, audio, photographic, or actual physical evidence of, or potentially related to, the incident;

5. ensure completion of the Initial Response Checklist – Alleged Victim (Attachment 14-B), and Initial Response Checklist – Alleged Abuser (Attachment 14-C) as applicable; and

a. Abuse Occurred Within the Past 96 Hours (Victim)

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

(1) The alleged victim shall be immediately transported to an outside hospital to be examined by a medical professional who is skilled and experienced in the use of a rape kit for the collection of forensic evidence. In order to determine the appropriate medical facility for transport, the following is required:

a. the facility shall utilize the medical facility with whom it has entered into or attempted to enter into a LOA or MOU for SAFE or SANE services; and (28 C.F.R. §115.21[c])

b. verify in advance of the transport that the local hospital can provide access to a SANE or a SAFE. If SAFEs or SANEs cannot be made available, the facility shall utilize any alternate medical facility with which it has entered into a LOA/MOU, or in the absence of an alternate facility; verify the examination can be performed by other qualified medical practitioners.

(1) Nursing shall complete a DC-493, Emergency Room Transfer Form and forward a copy to the hospital in accordance with Department policy 6.3.1, "Facility Security," Section 22. Any hospital records or reports returned with the inmate shall be maintained in the inmate's medical record.

(2) Security staff shall take steps to gather and/or preserve direct and circumstantial evidence, including any available physical or DNA evidence and shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for

administrative proceedings and criminal prosecutions. (28 C.F.R. §115.71[c]) (28 C.F.R. §115.21[a]) Medical shall observe the evidence collection process in circumstances where the officer is of the opposite gender of the inmate. Instructions for PREA Evidence Retention (Attachment 14-G) have been provided as a sample guideline for this purpose.

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

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

(1) The facility physician/PA/NP shall examine the alleged abuser.

(2) Photographs shall not be taken to demonstrate the absence of injury. Photographs of the alleged abuser may be taken, in accordance with Department policy DC-ADM 001, "Inmate Abuse," Section 1, to document injuries sustained during the abuse.

d. Abuse Occurred Within the Past 96 Hours (Victim)

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

1. The alleged victim shall be immediately transported to an outside hospital to be examined by a medical professional who is skilled and experienced in the use of a rape kit for the collection of forensic evidence. In order to determine the appropriate medical facility for transport, the following is required:

a. the facility shall utilize the medical facility with whom it has entered into or attempted to enter into a LOA or MOU for SAFE or SANE services; and (28 C.F.R. §115.21[c])

b. verify in advance of the transport that the local hospital can provide access to a SANE or a SAFE. If SAFEs or SANEs cannot be made available, the facility shall utilize any alternate medical facility with which it has entered into a LOA/MOU, or in the absence of an alternate facility; verify the examination can be performed by other qualified medical practitioners.

c. Treatment services shall be provided to the alleged victim without financial cost and regardless of whether the alleged victim names the abuser or cooperates with any investigation arising out of the incident. (28 C.F.R. §115.83[g]) (28 C.F.R. §115.21[c]) (28 C.F.R. §115.82[d]) (28 C.F.R. §115.182[b])

a. The facility PCM shall initiate attempts to enter into a letter of agreement (LOA) or memoranda of understanding (MOU) with the hospital or shall document its attempts to enter into such an agreement. (28 C.F.R. §115.21[c]). The PCM does not have authority to approve the LOA or MOU, which must be routed to the Department PREA Coordinator.

(3) Security staff shall take steps to gather and/or preserve direct and circumstantial evidence, including any available physical or DNA evidence and shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. (28C.F.R. §115.71[c]) (28 C.F.R. §115.21[a]) Medical shall observe the evidence collection process in circumstances where the officer is of the opposite gender of the inmate. Instructions for PREA Evidence Retention (Attachment 14-G) have been provided as a sample guideline for this purpose.

Assurances to Victims of Sexual Abuse – Handout (Spanish and English)

“You shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. (28 C.F.R. §115.82[a])

Medical treatment and crisis intervention services shall be provided without financial cost to you. The facility shall inform you, prior to giving you access to outside confidential support services, of the extent to which such communication shall be monitored. (28 C.F.R. §115.21[c], §115.53[b], §115.82[d], §115.83[g])

Administrative and criminal investigations shall be completed for all allegations of sexual abuse and sexual harassment. (28 C.F.R. §115.22[a])

Allegations of sexual abuse and sexual harassment shall be investigated by the Pennsylvania Department of Corrections or referred to an agency with the legal authority to conduct criminal investigations, and victims shall be notified of the investigative outcome. (28 C.F.R. §115.22[b], §115.73[a])

You shall be monitored for follow-up for at least 90 days following a report of sexual abuse to ensure you are free from retaliation and are receiving requested treatment services. (28 C.F.R. §115.67[c])

If you have any questions or need help accessing services, please inform your facility’s PREA Compliance Manager.

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

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 15: Access to Outside Confidential Support Services

A. Inmate Access to Outside Confidential Rape Crisis Services

2. The PCM in each facility type shall coordinate victim services related to sexual abuse for his/her facility and work with the PCAR approved local rape crisis center to establish a PREA Rape Crisis Center Letter of Agreement (LOA)/Memorandum of Understanding (MOU) or shall document its attempts to enter into such an agreement. (28 C.F.R. §115.21[d]) (28 C.F.R. §115.53[c])

a. The facility PCM shall initiate attempts to enter into a LOA/MOU with the rape crisis center or shall document and preserve record of its attempts to enter into such an agreement for audit purposes. (28 C.F.R. §115.21[c]) The PCM shall not sign as the authorized Department representative to approve the LOA/MOU.

a. If the inmate is taken to a local hospital for a forensic examination, they should be afforded the opportunity for support services provided by a victim advocate. If requested, the victim advocate shall meet the alleged victim at that hospital to accompany and support the alleged victim through the forensic medical examination process and investigatory interview. They may also provide emotional support, crisis intervention, information, and referrals. (28 C.F.R. §115.21[d][e])

b. If the inmate discloses outside the 96-hour timeframe or the allegation does not require

an outside forensic medical examination, the facility PCM shall make arrangements for the victim advocate to meet with the inmate at the facility or via telephone, if the alleged victim wishes to speak with an advocate. This meeting should occur in a private area with video surveillance and no audio to ensure confidentiality. The safety of the victim advocate should be paramount in determining where the interaction will occur. (28 C.F.R. §115.21[d])

5. An inmate shall be offered the opportunity to talk with a victim advocate upon receipt of an allegation and receive continued care when they have been a victim of facility sexual abuse, no matter if they reported the facility sexual abuse immediately, were reportedly abused in another facility, or made a delayed disclosure.

a. If the inmate is taken to a local hospital for a forensic examination, they should be afforded the opportunity for support services provided by a victim advocate. If requested, the victim advocate shall meet the alleged victim at that hospital to accompany and support the alleged victim through the forensic medical examination process and investigatory interview. They may also provide emotional support, crisis intervention, information, and referrals. (28 C.F.R. §115.21[d][e])

b. If the inmate discloses outside the 96-hour timeframe or the allegation does not require an outside forensic medical examination, the facility PCM shall make arrangements for the victim advocate to meet with the inmate at the facility or via telephone, if the alleged victim wishes to speak with an advocate. This meeting should occur in a private area with video surveillance and no audio to ensure confidentiality. The safety of the victim advocate should be paramount in determining where the interaction will occur. (28 C.F.R. §115.21[d])

c. Generally, there are no predetermined number or lengths of victim advocacy service contacts. Services shall continue, as long as they do not pose a security threat to the safety of the facility or others.

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment

A. General Responsibilities

1. All allegations of potentially identified criminal behavior shall be referred by the Security Office to the Bureau of Investigations and Intelligence (BII) or Pennsylvania State Police (PSP), who have the legal authority to conduct criminal investigations. (28 C.F.R. §115.22[b])

2. If the case is being investigated for criminal charges, the Department investigators shall suspend the administrative investigation and allow the criminal investigation to take precedence. The Security Office, Bureau of Community Corrections (BCC) Major, and BII shall coordinate with the criminal investigator/District Attorney's Office (as applicable) to determine when to resume the administrative investigation to avoid interference with the criminal investigation.

5. 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 Initial Response Checklists and the Instructions for PREA Evidence Retention contained within Section 14 of this procedures manual, and Department policies 6.3.1, "Facility Security," Section 15 and 8.3.1, "Community Corrections Security," Section 35. (28 C.F.R. §115.21[a])

6. The protocol established for evidentiary purposes shall be developmentally appropriate

for youth, where applicable, in accordance with PREA Standard 28 C.F.R. §115.21[b].

Guidelines for PREA Evidence Retention

Forensic Examination Law

Forensic Rape Examinations (18 P.S. §11.707 and 37 Pa Code §411.42)

Forensic Rape Exam (FRE) services provided by SAFE/SANE nurses are eligible. However, SAFE/SANE nurses are not eligible to file a claim individually. The claim must be submitted through a hospital or licensed health care provider.

Forensic Rape Exam (FRE) services provided by SAFE/SANE nurses are eligible. However, SAFE/SANE nurses are not eligible to file a claim individually. The claim must be submitted through a hospital or licensed health care provider. FRE. Payment by VCAP is to be considered by the provider as payment in full. If its brought to your attention that a hospital is billing a victim for the costs associated with a FRE, please contact VCAP immediately. 18 P.S. §11.707(h)

****The victim should not be billed in any of these scenarios or at any other time.****

Letter of Agreement with UPMC Horizon was signed on August 12, 2014.

“UPMC Horizon("Hospital") is a licensed health care facility that may provide health care services to offenders housed in a state correctional institution, community corrections center or community corrections facility. An offender who is the victim of an alleged sexual abuse may be transported to Hospital for a sexual assault forensic examination. Hospital employs and/or has issued credentials to one or more certified sexual assault nurse examiners.”

“The DOC wishes to comply with PREA and the regulations issued thereunder. A portion of the PREA regulations establishes standards for conducting examinations of victims of sexual abuse allegedly committed in a state correctional institution, community corrections center or community contract facility. The PREA regulations require that sexual assault examinations be conducted by a certified sexual assault nurse examiner. The PA Department of Corrections policy requires that a victim of an alleged sexual abuse have up to 96 hours to present themselves for an examination. Hospital agrees that it will examine a victim of an alleged sexual abuse committed in a state correctional institution, community corrections center or community contract facility who presents themselves to the Hospital within 96 hours of the alleged abuse. Hospital also agrees that any such examination will be performed by a certified sexual assault nurse examiner.”

E-mail dated July 31, 2019, Facility/ Unit Director, Emergency Department / UPMC Horizon

“Per our conversation, you will soon have a total of 5 SANE nurses on call, once a few nurses complete their training. There is no issue with providing these services to our inmates, if needed. As mentioned, if we needed to bring an inmate to UPMC Horizon due to a sexual assault incident, a staff member from the institution would call to let you know they were coming.”

Letter of Agreement between AWARE and SCI Mercer dated May 15, 2014

“This Letter of Agreement made this 15th day of May 2014, sets forth the terms under which

AWARE, Inc will assist the Department of Corrections ("Department") in complying with the federal Prison Rape Elimination Act."

"2. AWARE, Inc will, in connection with an alleged sexual assault occurring at any Department facility in Mercer County:

- a. Provide advocacy for and accompany the victim to the hospital or other location where a forensic examination is to be conducted;
- b. Provide confidential supportive services to the victim either by telephone, mail or in person;
- c. Accompany the victim to court proceedings concerning the alleged sexual assault;
- d. Work with designated Department officials to obtain any necessary security clearance and follow all facility guidelines for safety and security;
- e. Maintain a trained pool of advocates to respond to sexual assault survivors at Department facilities in Mercer County; and
- f. Maintain confidentiality as required by state standards for certified crisis counselors and AW ARE, Inc policies and procedures.
- g. AWARE, Inc will provide the necessary release forms to the advocate on behalf of an offender."

Notice dated December 20, 2019 of Telephone Numbers for UPMC Horizon and Aware
This notice for staff also includes the terminology to utilize while calling for a SANE and Advocate.

A Letter from the Secretary of Corrections to the Commissioner of the Pennsylvania State Police dated February 16, 2016; Updated in 2017.

A segment of this letter reads "to prove the Department's compliance with the national standards, would you kindly confirm PSP's commitment and adherence to the conditions set forth in the MOU by supplying supporting documentation where applicable, or a plan to address any unmet requirements." ... "August 2016 ends the first three-year PREA audit cycle and marks a milestone in this endeavor, The Department is hopeful that any unresolved terms of the MOU can be effectuated in the near future. Again, thank you for the support and cooperation provided by your agency."

Comments:

Criminal investigations are conducted by the Pennsylvania State Police. In rare circumstances, criminal investigations may be conducted by the Bureau of Investigations and Intelligence if sexual abuse is discovered during an ongoing unrelated investigation.

Amendment #1 to Memorandum of Understanding Between the Pennsylvania State Police and the

Pennsylvania Department of Corrections "PSP and DOC entered into the MOU on February 16, 2017 to ensure that a mechanism exists for investigating alleged sexual crimes committed within state correctional facilities in compliance with the federal Prison Rape Elimination Act (42 USC § 15601 et seq.)("PREA") and the regulations listed thereunder;"

This memorandum occurred as a result of "on October 19, 2017, DOC entered into a Memorandum of Understanding MOU-17-206 with the Pennsylvania Board of Probation and

Parole ("PBPP") to coordinate overlapping functions, to increase efficiency and provide for the continuity of supervision delivery and of rehabilitative efforts, specifically including the areas of reentry (parole supervision and community corrections) and administrative functioning (records, business operations);"; "as a result of MOU-17-206 between PBPP and DOC, DOC is now responsible for overseeing 26 PBPP lockup detention facilities within its District Offices that fall under the scope of PREA standards;" "should an allegation of potentially criminal behavior occur within one of these facilities, DOC is required to refer the allegation for criminal investigation. To ensure investigative consistency across all state correctional facilities, the Parties wish to extend the MOU to cover investigative responsibility for allegations occurring within PBPP lockup detention facilities;" "the Parties wish to amend the terms of the MOU to specify that PBPP lockup detention facilities are to be included in the definition of "state correctional facilities"; and "capitalized terms not otherwise defined in this MOU shall have the meanings ascribed to them in the MOU."

WHEREAS, PSP and DOC entered into the MOU on February 16, 2017 to ensure that a mechanism exists for investigating alleged sexual crimes committed within state correctional facilities in compliance with the federal Prison Rape Elimination Act (42 USC § 15601 et seq.) ("PREA") and the regulations listed thereunder;" Signed 8-3-2018.

The agency is currently in the process of transferring its outside reporting mechanism to the inspector general's office from the Pennsylvania state police. However, the Pennsylvania State Police will remain the outside criminal investigation entity.

Shift Commander Checklist (PREA) is a well-documented form. Attachments for this form include Initial Response Checklist – Alleged Victim, Initial Response Checklist – Alleged Abuser. All elements of this standard are within these documents.

SCI Mercer has a Letter of Agreement with UPMC Horizon to provide SAFE/SANE services. Tyler Babcock, MSN, MBA, RN, CEN; Unit Director of Emergency Departments at the University of Pittsburgh Medical Center Horizon Hospital was contacted on February 21, 2020. He oversees the daily operations of Emergency Services which includes forensic examinations completed by SANE staff. The process to initiate their services includes a call from the facility to the charge nurse who contacts a SANE staff member and an advocate at AWARE (Advocacy). After the SANE staff initiates the preliminary discussion with the inmate, he/she will call the appropriate Police Department (jurisdiction). Upon completion of the exam, the inmate will leave the Hospital with a prescription and/or recommendation for follow-up. The facility physician will write the order.

Mr. Babcock states that the SANE staff are shared with three (3) hospitals. They call the SANE staff in if not in the hospital at the time of the needed examination. Currently, the three (3) hospitals are developing an on-call system.

The auditor called and left a message for Lizette Olsen, Executive Director at AWARE of Mercer County on February 21, 2020. She was told that Ms. Olsen would not be available until after March 10, 2020. A follow-up phone call showed that the same message was on Ms. Olsen's phone and attempts to contact the receptionist failed.

After Care Hospital Plan from UPMC Horizon (Discharge Instructions) from November 4, 2019 was inclusive for all care instructions (sexual assault, contusion of ribs)

The "Extraordinary Occurrence Report" dated November 4, 2019 is an incident report related to a PREA Allegation. Good Format.

115.22	Policies to ensure referrals of allegations for investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Assurances to Victims of Sexual Abuse – Handout (Spanish and English) Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 14: Responding to Reports of Sexual Abuse PREA Tracking System Printout (3-5-19 to 1-8-20) Extraordinary Occurrence Report (noted earlier in this report) PREA Case Data Form Inmate Written Statement of Sexual Abuse/Harassment Form Interview with Superintendent Interview with Supervisors Interview with PREA Compliance Manager Interview with Investigative Staff Review of Investigation Files Website</p> <p>In the past 12 months: The number of allegations of sexual abuse and sexual harassment that were received: 10 The number of allegations resulting in an administrative investigation: 10 The number of allegations referred for criminal investigation: 4</p> <p>Assurances to Victims of Sexual Abuse – Handout (Spanish and English) “You shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. (28 C.F.R. §115.82[a])</p> <p>Medical treatment and crisis intervention services shall be provided without financial cost to you. The facility shall inform you, prior to giving you access to outside confidential support services, of the extent to which such communication shall be monitored. (28 C.F.R. §115.21[c], §115.53[b], §115.82[d], §115.83[g])</p> <p>Administrative and criminal investigations shall be completed for all allegations of sexual abuse and sexual harassment. (28 C.F.R. §115.22[a])</p> <p>Allegations of sexual abuse and sexual harassment shall be investigated by the Pennsylvania Department of Corrections or referred to an agency with the legal authority to conduct criminal investigations, and victims shall be notified of the investigative outcome. (28 C.F.R. §115.22[b], §115.73[a])</p> <p>You shall be monitored for follow-up for at least 90 days following a report of sexual abuse to</p>

ensure you are free from retaliation and are receiving requested treatment services. (28 C.F.R. §115.67[c])

If you have any questions or need help accessing services, please inform your facility's PREA Compliance Manager.

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

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment
Section 18 – Investigating Allegations of Sexual Abuse and/or Sexual Harassment

Every report, complaint, or allegation of sexual abuse and sexual harassment, including uninvolved party and anonymous reports shall be investigated promptly, thoroughly, and objectively. Investigations shall be conducted in accordance with all related Department policies and Prison Rape Elimination Act (PREA) Standard 28 C.F.R. §115.71. (28 C.F.R. §115.22[a][d]) (28 C.F.R. §115.61[e]) (28 C.F.R. §115.71[a])¹

1. All allegations of potentially identified criminal behavior shall be referred by the Security Office to the Bureau of Investigations and Intelligence (BII) or Pennsylvania State Police (PSP), who have the legal authority to conduct criminal investigations. (28 C.F.R. §115.22[b])
- b. Report all sexual abuse and sexual harassment allegations to the BII's CR, CEN Sexual Abuse resource account. All requests for investigative numbers should originate from the facility Security Office. (28 C.F.R. §115.22[b])
3. The BII shall, within five business days:
 - a. update the PREA Tracking System and respond with the BII case number; (28 C.F.R. §115.22[b])
 - b. determine the entity (i.e., BII, Pennsylvania State Police [PSP], or Security Office) to conduct the investigation; and
 - c. notify the initiating facility of investigative responsibilities.
5. If BII directly receives an allegation to be assigned locally, they shall immediately contact the facility Security Office who shall complete the steps in Subsection B. above and notify the corresponding PSP barracks for any criminal investigative action warranted as determined by BII. (28 C.F.R. §115.22[c])

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 14: Responding to Reports of Sexual Abuse

This policy contains the Shift Commander Checklist (as previously mentioned in this report), to include a completed report.

Comments:

After each investigation is completed by the facility, the investigation file is forwarded to their central office for approval of the findings. Documentation of approval is then return to the

facility. It was at this time that the inmate receives notification of the finding. A more detailed description of the file review is noted at the beginning of this report.

Four abuse cases were referred by SCI Mercer staff to PSP; PSP investigated 1 case, and there are currently pending charges against the alleged perpetrator. SCI Mercer will also complete an administrative investigation on this.

Six investigations are still in the process of being completed. Four of the 6 are in process and not yet due to BII. One is being conducted by BII and has not yet been completed. One has been completed and sent to BII; the approval letter has not yet been received.

115.31	Employee training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Material Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 19: Working with Transgender and Intersex Inmates Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention PREA Curriculum / Lesson Plan Professional Boundaries: Safety, Awareness and Expectations; Basic Training Curriculum / Participant Guide / Facilitators Guide Dynamics of Sexual Abuse and Sexual Harassment in Confinement: Males; Training Dynamics of Sexual Abuse and Sexual Harassment in Confinement: Females; Training 2019 PREA Policy Update; 2019 Web-based Training PREA Essentials Refresher Training 2020 / Curriculum PREA Training and Understanding Verification Form PREA Training Roster – 2019 PREA Essentials Training Roster – 2019 Contractors/Volunteers/Public Visitors/Non-Department Employee PREA Training Acknowledgement of Understanding and Duty to Report (with signatures) Interviews with Staff Review of Staff Training Records / Signatures Interview with Contractors who have Contact with Inmates Review of Volunteer / Contractors Training Records</p> <p>In the past 12 months: The number of staff employed by the facility, who may have contact with inmates, who were trained or retrained in PREA requirements: 455 (Only staff out long term did not complete the training, i.e.: long term medical or military)</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education</p> <p>A. Employee, Contractor, and Volunteer Training¹ - General</p> <p>1. Employee Training (Basic Training)</p> <p>a. Staff at all Department facility types shall receive standardized Basic Training and Refresher Training curriculum that addresses or exceeds the Prison Rape Elimination Act (PREA) Standard requirements for each facility type.</p> <p>b. The PREA Compliance Manager (PCM), in conjunction with the Training Coordinator at each facility type, shall ensure that all employees who have contact with inmates receive the following training: (28 C.F.R. §115.31[a])</p> <p>(1) the zero-tolerance policy against sexual abuse and sexual harassment within the</p>

Department; (28 C.F.R. §115.31[a][1])

(2) how staff are to fulfill their responsibilities under the Department's sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures as defined in this policy; (28 C.F.R. §115.31[a][2]) (28 C.F.R. §115.131[a])

(3) inmates' right to be free from sexual abuse and sexual harassment; (28 C.F.R. §115.31[a][3]) (28 C.F.R. §115.131[a][1])

(4) the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment; (28 C.F.R. §115.31[a][4]) (28 C.F.R. §115.131[a][3])

(5) the dynamics of sexual abuse and sexual harassment in confinement; (28 C.F.R. §115.31[a][5]) (28 C.F.R. §115.131[a][2])

(6) the common reactions of sexual abuse and sexual harassment victims; (28 C.F.R. §115.31[a][6])

(7) how to detect and respond to signs of threatened and actual sexual abuse; (28 C.F.R. §115.31[a][7]) (28 C.F.R. §115.131[a][4])

(8) how to avoid inappropriate relationships with inmates; (28 C.F.R. §115.31[a][8])

(9) how to communicate effectively and professionally with inmates, including Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) or gender nonconforming inmates; and (28 C.F.R. §115.31[a][9]) (28 C.F.R. §115.131[a][5])

(10) how to comply with relevant laws of Pennsylvania related to mandatory reporting of sexual abuse to outside authorities. (28 C.F.R. §115.31[a][10]) (28 C.F.R. §115.131[a][6])

c. Newly hired staff members shall receive this training as part of basic training at the Training Academy.

d. During even numbered years, PREA education shall be provided in the form of a refresher of the initial basic staff training information for all staff members. Staff shall be required to verify that they have received the updates and understand the included items on the PREA Training and Understanding Verification Form (Attachment 11-A) to be kept in the staff member's training file in accordance with Section 20 of this procedures manual. Training completed via web-based platform with automated tracking shall not require the completion of the PREA Training and Understanding Verification Form. (28 C.F.R. §115.31[c][d]) (28 C.F.R. §115.131[b])

e. During odd numbered years, PREA education shall be provided in the form of an update to this procedures manual for all staff members to ensure knowledge of the agency's current sexual abuse and sexual harassment policies and procedures. Staff shall be required to verify that they have received the information and understand the included items on the PREA Training and Understanding Verification Form. This information shall be kept in the employee's training file in accordance with Section 20 of this procedure's manual. Training completed via web-based platform with automated tracking shall not require the completion of the PREA Training and Understanding Verification Form. (28 C.F.R. §115.31[c][d]) (28 C.F.R. §115.131[b])

f. Staff shall receive training in accordance with Department policy 5.1.1, "Staff Development and Training." Such training shall be tailored to the gender of the inmates at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa. (28 C.F.R. §115.31[b]) Staff transferring from an exclusively male facility to an exclusively female facility, or vice versa, shall receive additional training by the facility PCM/designee. Training shall be documented on the PREA Training and Understanding Verification Form and include, at a minimum:

(1) gender specific posts within the facility;

- (2) facility specific procedures for announcing opposite gender staff;
- (3) pat search and strip search procedures within the facility, including any restrictions based upon staff gender;
- (4) areas within the facility which are restricted based upon staff gender; and
- (5) a review of the Dynamics of Sexual Abuse and Sexual Harassment in Confinement Handout (Attachment 11-B).

1. Staff shall be required to sign off that they have received the information and understand the included items on the PREA Training and Understanding Verification Form unless completed through web-based training. This information shall be kept in the staff member's training file in accordance with Section 20 of this procedure's manual. (28 C.F.R. §115.34[c])

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 19: Working with Transgender and Intersex Inmates

A. General

1. Each facility shall ensure that staff effectively interact professionally and respectfully toward transgender and intersex inmates. (28 C.F.R. §115.31[a]) This specialized population may require a more non-traditional approach to best satisfy their housing, security, programming, and other needs.

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention

C. Document Retention – Staff and Contractors

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

2. PREA Training and Understanding Verification Form for staff shall be kept in the employee's training file. (28 C.F.R. §115.31[d]) (28 C.F.R. §115.131[c]) This form shall be retained for at least one year after the employee's separation.

PREA Curriculum / Lesson Plan

Performance Objectives:

1. Explain the Prison Rape Elimination Act (PREA) and its impact on the PA DOC.
2. Describe the Department's zero-tolerance policy for sexual abuse and sexual harassment.
3. Identify the rights of staff and inmates.
4. Fulfill responsibilities under the Department's sexual abuse and sexual harassment prevention, detection, reporting and responding policies and procedures.
5. Explain the dynamics of sexual abuse and sexual harassment in a confinement setting.
6. Recognize the common reactions to sexual abuse and sexual harassment by inmate victims.
7. Detect and respond to signs of threatened and actual sexual abuse.
8. Avoid inappropriate relationships with inmates and recognize consequences of misconduct.
9. Communicate effectively and professionally with all inmates including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming individuals.
10. Comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Professional Boundaries: Safety, Awareness and Expectations; Basic Training Curriculum / Participant Guide / Curriculum /Lesson Plan

Performance Objectives:

At the conclusion of this course, the participants will be able to:

1. Provide information on professional boundaries in correctional settings.
2. Understand agency expectations for individual professional boundaries.
3. Recognize inappropriate behavior and the consequences for safety and culture.
4. Develop skills and personal strategies to maintain healthy professional boundaries.

Dynamics of Sexual Abuse and Sexual Harassment in Confinement: Males; Training Dynamics of Sexual Abuse and Sexual Harassment in Confinement: Females; Training

Each is a one (1) page document which includes dynamics, vulnerable populations, reasons why individuals engage in sexual activity in confinement, impact of sexual abuse

2019 PREA Policy Update

Overall Redesign

- The Prison Rape Elimination Act (PREA) policy DC-ADM 008 has been revised in its entirety
 - Addresses DOC-PBPP consolidation
 - Smaller sections
 - Covers three standards series
- Adult Prisons and Jails §115.11-115.89
- Community Confinement Standards §115.211- 115.289
- Lockup Standards §115.111-115.189

Web-based Training

Training is also available online. There is an extensive list of subject matter available.

PREA Training and Understanding Verification Form / For Classroom Training Only / Not Required for Web Based Training Courses states:

Under DC-ADM 008, Section 11, all staff, contractors, and volunteers (to include contract services providers, public visitors, or Non-Department Employees) are required to participate in and acknowledge understanding and comprehension of PREA training commensurate with the level of contact they have with inmates.

Name: _____ Facility(ies):

And:

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

(Contractors and Volunteers): I acknowledge my responsibility to provide proof of training, upon request, to DOC or otherwise may be requested to repeat mandatory PREA training, to ensure compliance with PREA mandates.

Participant Signature: _____

Witness Signature:

Date: _____

Comments:

The PREA training curriculum includes the elements named in this standard. It also contains a participant guide and handout, lesson plan and coversheet.

- Page 7 of the Lesson Plan (IG) discusses how inmates have the right to be free from sexual abuse and sexual harassment.
- Page 7 of the Lesson Plan (IG) discusses how both inmates and staff have the right to be free from retaliation for reporting incidents of sexual abuse and sexual harassment.
- Pages 12-14 of the Lesson Plan (IG) discuss the dynamics of sexual abuse and sexual harassment in confinement.
- Pages 13 and 14 of the Lesson Plan (IG) discuss the common reactions of victims to sexual abuse and sexual harassment.
- Page 14 of the Lesson Plan (IG) discusses how to detect and respond to signs of threatened and actual sexual abuse.
- How staff can avoid inappropriate relationships with inmates is covered in the Basic Training PREA Lesson Plan (IG) on pages 15 and 16. This topic is also covered in the Professional Boundaries course.
- How to communicate effectively and professionally with all inmates is covered in the Basic Training PREA Lesson Plan (IG) on page 17.
- Mandatory reporting is covered on page 10 of the Lesson Plan (IG).

Professional Boundaries: Safety, Awareness and Expectations Curriculum is well written.

PREA training materials are applicable to both males and females. Staff that transfer between male and female institutions are provided with additional on-the-job training. Staff members at female facilities also must participate in WOPAC training.

The Department has sixteen (16) different training modules focused on the incarcerated female. A sample of those modules include: Parental Rights Concerns, Cross Gender Communication, Abuse and Resulting Trauma.

The 2019 PREA Policy Update made changes in the following areas (that address prisons, areas of changes for other types of facilities are not included in the following list):

Section 3: Supervision and Monitoring

- Revisions to 6.3.1 Section 15 (28 C.F.R §115.13)

Section 6: Upgrades to Facilities and Technologies

- Demonstration and documentation of the PCM's involvement in:

– Planning and design of significant expansion or modification existing facilities (28 C.F.R §115.18[a])

– Planning for installation or updating of video monitoring or other monitoring technology (28 C.F.R §115.18[b])

Section 9: Risk Screening

- Training requirements (28 C.F.R §115.41)
- Assessors

Section 11: Training and Education

- Standardized trainings (28 C.F.R §115.31[a][c]; §115.32; §115.33, §115.34)
- Staff transferring from an opposite gender facility (28 C.F.R §115.31[b])
- Prominent display of educational and reporting procedures (28 C.F.R §115.33[f])
- Inmates with specialized employment (28 C.F.R §115.51)
- Education in PBPP facilities (28 C.F.R §115.32[a])
- Revised inmate education facilitator's guide (28 C.F.R §115.33[b])

Section 12: Reporting Sexual Abuse and Sexual Harassment

- Revised PREA posters (28 C.F.R §115.33[f])
- Reporting to other confinement facilities (28 C.F.R §115.63)
- Who completes interfacility reports
- Redundant allegations made through the administration of the PRAT
- PBPP reporting procedures

Section 13: Protection Against Retaliation

- Methods of protecting individuals from retaliation (28 C.F.R §115.67[a])

Section 14: Responding to Reports of Sexual Abuse

- Letter of Agreement (LOA)/Memoranda of Understanding (MOU) procedures (28 C.F.R §115.21[c])
- Shift Commander checklists (28 C.F.R §115.64)
- Documenting access to emergency services (28 C.F.R §115.82)

Section 15: Access to Outside Support Services

- Letter of Agreement (LOA)/Memoranda of Understanding (MOU) procedures (28 C.F.R §115.53[c])
- Inmate access to the Office of Victim Advocate (OVA) Institutional Victim Assistance Coordinator (IVAC) (28 C.F.R §115.53[a])

Section 16: Sexual Abuse Incident Review (SAIR)

- Revised SAIR review template (28 C.F.R §115.86[d])

Section 17: Discipline Related to Sexual Abuse, Sexual Harassment and Retaliation

- Discipline tracking (28 C.F.R §115.87[c])

Section 18: Investigating Allegations of Sexual Abuse and Sexual Harassment

- Allegations disproven by video surveillance or other electronic monitoring data (28 C.F.R §115.71[f])
- Retaliation Investigations (28 C.F.R §115.67)
- Reporting Investigative Outcomes to Inmates (28 C.F.R §115.73)

Section 19: Working with Transgender and Intersex Inmates

- PREA Accommodation Committee (PAC) (28 C.F.R §115.42[c][e])
- Inmates committed to a facility consistent with gender identity (28 C.F.R §115.42[c][e])
- Administrative PREA Accommodation Committee (A-PAC) (28 C.F.R §115.42[c][e])
- BCC case management (28 C.F.R §115.42[c][e])

Each area listed above has a detailed explanation of the changes. A training module was attached in the OAS.

PREA refresher training is conducted bi-annually in even number years. In odd number years, staff receive policy update trainings. Although, staff related that they complete yearly Computer Based Training which includes elements of PREA.

Training Roster - 2019

The facility provided a list of all employees and the date that they completed PREA training.

PREA Essentials Training Roster - 2019

The facility provided a list of all employees and the date that they completed PREA training.

115.32	Volunteer and contractor training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education Volunteers/Public Visitors/Non-Department Employee Training; Acknowledgement of Understand and Duty to Report Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA Procedure Manual); Section 20: Data Collection and Retention Training Policy Training Records Training Sign-off Sheets: Staff, Medical, Contractors and Volunteers Interviews with Contractors</p> <p>The number of volunteers and individual contractors, who have contact with inmates, who have been trained in agency policies and procedures regarding sexual abuse/harassment prevention, detection, and response: Volunteers: 37 Contractors: 15</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education</p> <p>5. Contractors and Volunteers</p> <p>a. Contractors and volunteers who have contact with inmates (to include contract service providers, public visitors, or Non-Department Employees) shall receive training on their responsibilities under the Department’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures. They shall be trained during orientation sessions and annual training reflective of the level of contact that they have with inmates. (28 C.F.R. §115.32[a]) (28 C.F.R. §115.132[b])</p> <p>(1) Level 1 – For contractors and volunteers who have a high level of contact (five hours or more per week on average) with inmates, the training shall be the same as regular staff members receiving both pre-service and annual training. (28C.F.R. §115.32[b]) (28 C.F.R. §115.132[b])</p> <p>(2) Level 2 – For contractors who have a sporadic level of contact (less than five hours per week on average) with inmates, they shall receive a brief orientation by the Security Office in conjunction with the Security Briefing required by Department policy 6.3.1, “Facility Security,” to include information on the Department’s zero tolerance policy, how to make a report, and to whom to make a report. The Contractors/Volunteers PREA Training (Attachment 11-C) shall be utilized for training with Level 2. The Security Office, in conjunction with the Security Briefing required by Department policy 6.3.1, shall be responsible for providing this outline to all Level 2 contractors. Once this information is reviewed, the trainee shall keep a copy of the Contractors/Volunteers PREA Training.</p> <p>(3) Level 2 – For volunteers who have a sporadic level of contact (less than five hours per week on average) with inmates, they shall receive a brief orientation by the volunteer</p>

coordinator/designee to include information on the Department's zero tolerance policy, how and to whom to make a report. The Contractors/Volunteers PREA Training shall be utilized for training with Level 2. The Volunteer Coordinator/designee shall be responsible for providing the Contractors/Volunteers PREA Training to all Level 2 volunteers. Once this information is reviewed, the trainee shall keep a copy of the Contractors/Volunteers PREA Training.

b. All contractors and volunteers shall be required to sign and acknowledge the PREA Training and Understanding Verification Form. (28 C.F.R. §115.32[b]) (28 C.F.R. §115.132[b]) The Volunteer Coordinator at each facility shall be responsible for documenting the PREA training that each volunteer has received and maintain the documentation in the volunteer file in accordance with Section 20 of this procedures manual. PCMs shall be responsible for maintaining PREA Training and Understanding Verification Forms for all contractors. PREA Training shall be effective for a period of one year. (28 C.F.R. §115.32[c])

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

**Contractors/Volunteers/Public Visitors/Non-Department Employee Training;
Acknowledgement of Understand and Duty to Report**

This two (2) page document includes a policy statement, Definitions, Prohibitions, Reporting Requirements, First Responder Duties and Acknowledgement of Understanding and Duty to Report. Under the Section noted as Acknowledgement of Understand and Duty to Report it states:

“Under DC-ADM 008, Section 11, all staff, contractors, volunteers, and any other individuals authorized to enter a facility, whether under escort or not, who will have sight or sound contact with inmates, (to include contract service providers, public visitors, or Non-Department Employees) are required to acknowledge their understanding and comprehension of prohibited sexually abusive and sexually harassing activity and PREA reporting requirements commensurate with the level of contact they have with inmates.

Name: _____ (print)
Facility: _____ (print)

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

Participant Signature: _____
Witness Signature: _____
Date: _____ “

**Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual;
Section 20: Data Collection and Retention**

C. Document Retention – Staff and Contractors

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

3. The PREA Training and Understanding Verification Form for contractors shall be maintained by the PCM, as appropriate. (28 C.F.R. §115.32[c]). This form shall be retained for at least one year after the contractor's separation.

D. Document Retention – Volunteers

The PREA Training and Understanding Verification Form for Volunteers shall be maintained at the individual facility for audit verification purposes in the Volunteer File. (28C.F.R. §115.32[c])

Comments:

Contractors with a high level of contact with inmates receive the same basic training and refresher training as staff; this includes the chapel, SUD, Veteran's Service Unit, and medical contractors. The facility does not currently have any volunteers that have a high level of contact with inmates that would require the same level of training as staff.

The facility provided copies of PREA training documentation in OAS, with signatures, for fifteen (15) volunteers and (4) contractors. Also provided was training records of contractors for PREA Essentials, (15).

Training Roster - 2019

The facility provided a list of all employees and the date that they completed PREA training.

PREA Essentials Training Roster - 2019

The facility provided a list of all employees and the date that they completed PREA training.

115.33	Inmate education
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education Sexual Abuse/Sexual Harassment/ Inmate/Reentrant Education Program; Inmate Education Facilitator's Guide PREA Orientation Spread Sheet Orientation Call-Out Form (Sample) Inmate Orientation Schedule (Sample) Memorandum Regarding Inmate Education dated January 15, 2020 PREA Inmate Intake Handout (English and Spanish) PREA Inmate Education Verification Form (English and Spanish) Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 12: Reporting Sexual Abuse and Sexual Harassment Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 14: Responding to Reports of Sexual Abuse Zero Tolerance Poster (English and Spanish) Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA Procedure Manual); Section 20: Data Collection and Retention Sexual Abuse Harassment Training (Spanish and English) Inmate PREA Information Handout Braille Inmate Intake Handout Photo PREA Inmate Education Verification Form Assurances to Victims of Sexual Abuse (Spanish and English): Inmate Movie Channel Schedule Interviews with Staff Interviews with Inmates Interviews with Intake Staff Files of Inmates entering facility in last 12 months / PREA signature sheets Site Review Offender Education Materials Inmate Handbook (Spanish and English) 2019 Inmate Handbook Supplement</p> <p>Of inmates admitted during the past 12 months: The number who were given this information at intake: 875</p> <p>Of inmates admitted during the past 12 months whose length of stay in the facility was for 30 days or more: 729 The number who 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: 729</p>

**Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual;
Section 11: Training and Education**

B. Inmate Education

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. Braille versions of the intake materials shall be available to inmates at initial reception sites. (28 C.F.R. §115.33[d]) (28 C.F.R. §115.233[c])

1. During the intake process, all inmates, including new admissions, incoming transfers, and 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. In SCIs, medical staff shall provide a copy of the PREA Inmate Intake Handout (Attachment 11-D) to the inmate immediately upon facility intake. (28 C.F.R. §115.33[a]) If an inmate is seen by the facility's Initial Reception Committee (IRC) during the first day of the intake process; representatives of the IRC may provide this handout.
2. Within the first 30 days of reception, additional information shall be provided to all inmates, including new admissions, incoming transfers, and PVs. All inmates shall be shown a video regarding their rights to be free from sexual abuse, sexual harassment, and retaliation. They shall also be provided information regarding Department policies and procedures for responding to such incidents including any facility specific reporting or response procedures. 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 Inmate Education Facilitator's Guide (Attachment 11-E) and to answer questions. (28 C.F.R. §115.33[b]) (28 C.F.R. §115.233[b])
3. The PREA video, "PREA: What You Need To Know" is available for use. Each facility shall have access to this video or other supplement in Spanish and English, with subtitles. (28 C.F.R. §115.33[d]) (28 C.F.R. §115.233[c])
 - a. The staff facilitator shall remain in the room during the playing of the video to observe inmates, looking for reactions. Security staff shall not conduct this education program.
 - b. Additionally, the staff facilitator shall ask questions, as outlined in the Inmate Education Facilitator's Guide, at the end of the video to determine comprehension of the materials.
 - c. The staff facilitator shall offer to meet privately with any inmates to discuss issues related to the video or other supplement.
4. In SCIs, the PREA video or another supplement is to be played a minimum of twice per month over the inmate television channel. (28 C.F.R. §115.33[f])
5. Key information shall be continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats. Each facility shall ensure that PREA information is prominently displayed, at a minimum, in each housing unit, common area, recreation area, medical area, and programming area within the facility. (28 C.F.R. §115.33[f]) (28 C.F.R. §115.233[e])
6. In SCIs, during the inmate's annual review, the counselor shall discuss issues related to sexual abuse in prison and offer the inmate an opportunity to discuss related concerns. The counselor shall provide a PREA Inmate Intake Handout at the time of his/her annual review.
7. Sexual abuse, sexual harassment, and retaliation training which includes a review of the agency's PREA inmate educational video "PREA: What You Need To Know" or other

supplement, shall be documented by the inmate signing the PREA Inmate Education Verification Form (Attachment 11-F). This form shall be filed in the DC-14 in accordance with Section 20 of this procedure's manual. (28 C.F.R. §115.33[e]). Provision of PREA Inmate Education shall be documented in an Inmate Cumulative Adjustment Record (ICAR) entry or any equivalent program utilized by the Department in its facility types.

PREA Inmate Intake Handout (English and Spanish)

This two (2) page document includes the Department's Zero Tolerance Policy, What is Sexual Abuse, What is Sexual Harassment, Understanding Consent, What to Do If You Have Been Sexually Abused, How You Can Report Sexual Abuse of Sexual Harassment.

It also includes:

"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 Pennsylvania State Police (PSP).

BCI/PREA Coordinator

1800 Elmerton Avenue

Harrisburg, PA 17110

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

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 PSP."

PREA Inmate Education Verification Form (English and Spanish)

This form states:

"I acknowledge on this date _____ I received and understand the training on the Prison Rape Elimination Act (PREA). I understand that the Department of Corrections maintains a zero-tolerance policy in regard to inmate sexual abuse, sexual harassment, and retaliation. I received a copy of the PREA Inmate Intake Handout immediately upon my arrival to this facility. I was trained on the definitions of sexual abuse and sexual harassment, how to report such incidents, and the agency's policies and procedures for responding to such incidents. All questions have been answered by staff facilitators. Finally, I understand that I have an obligation to report all forms of sexual abuse and sexual harassment and that I will be protected from retaliation for doing so."

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual;

Section 12: Reporting Sexual Abuse and Sexual Harassment

7. Each facility shall ensure that PREA Posters are prominently displayed, at a minimum, in each housing unit, common area, recreation area, medical area, and programming area within the facility. (28 C.F.R. §115.33[f])

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 14: Responding to Reports of Sexual Abuse

7. A notification describing available services to alleged victims titled, "Assurances to Victims of Sexual Abuse," (Attachment 14-J) shall be laminated, when possible, and posted in facility common areas accessed by inmates. (28 C.F.R. §115.33[e]) The facility shall add the address for local rape crisis services prior to printing and laminating the notification. (28 C.F.R. §115.53[a]) Phone numbers may not be posted without the written consent of the rape crisis organization providing services.

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention

B. Document Retention – Inmates

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

a. The following forms shall be maintained in the DC-14, Counselor File/Reentrant Case file:
(1) PREA Inmate Education Verification Form (28 C.F.R. §115.33[e]) (28 C.F.R §115.233[d]);

Inmate PREA Information Handout

This two (2) page document includes: the Zero-Tolerance Police, What is Sexual Abuse?, What is Sexual Harassment?, Understanding Consent, What to do if you have been Sexually Abused, Victims of sexual abuse have access to support services free of charge. Write to:, 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.

Per the OAS: SCI Mercer began tracking PREA orientation via a spreadsheet in April 2019.

The counselor who conducts the training, documents all arrivals, along with the date they completed PREA training. The 30-day window is automatically calculated in the spreadsheet.

If anyone is outside of the 30-day window, the reason is documented. This is mainly due to ATA's or outside hospital stays; however, the training is given ASAP upon their return.

Examples of the call outs for orientation are also attached for each month. A blank orientation schedule has been included.

Sexual Abuse/Sexual Harassment/ Inmate/Reentrant Education Program; Inmate Education Facilitator's Guide

Objectives:

Upon completion of the class, the student should be expected to be able to:

- A. define sexual abuse and sexual harassment;
- B. explain the Department and this facility's Zero Tolerance Policy regarding sexual abuse and sexual harassment;
- C. explain how to report an incident of sexual abuse and sexual harassment;
- D. explain what will happen when there has been a report of sexual abuse or sexual harassment;

E. explain the Agency's policy on inmates/reentrants having the right to be free from retaliation; and

F. reactions to incidents of sexual abuse.

Memorandum Regarding Inmate Education dated January 15, 2020

"All inmates arriving at SCI Mercer are provided comprehensive education, both in person and via video, regarding their rights to be free from sexual abuse, sexual harassment, and retaliation for reporting such incidents. Agency policies and procedures for responding to such incidents are also covered in this training, which is conducted within 30 days of an inmate's arrival to SCI Mercer."

Assurances to Victims of Sexual Abuse (Spanish and English):

You shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. (28 C.F.R. §115.82[a])

Medical treatment and crisis intervention services shall be provided without financial cost to you. The facility shall inform you, prior to giving you access to outside confidential support services, of the extent to which such communication shall be monitored. (28 C.F.R. §115.21[c], §115.53[b], §115.82[d], §115.83[g])

Administrative and criminal investigations shall be completed for all allegations of sexual abuse and sexual harassment. (28 C.F.R. §115.22[a])

Allegations of sexual abuse and sexual harassment shall be investigated by the Pennsylvania Department of Corrections or referred to an agency with the legal authority to conduct criminal investigations, and victims shall be notified of the investigative outcome. (28 C.F.R. §115.22[b], §115.73[a])

You shall be monitored for follow-up for at least 90 days following a report of sexual abuse to ensure you are free from retaliation and are receiving requested treatment services. (28 C.F.R. §115.67[c])

If you have any questions or need help accessing services, please inform your facility's PREA Compliance Manager.

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

Inmate Handbook (Spanish and English)

G. Prison Rape Elimination Act (PREA) (DC-ADM 008)

The Pennsylvania DOC has a Zero Tolerance Policy for sexual abuse or sexual harassment. This means that no sexual abuse or sexual harassment is tolerated, including abuse by inmates and by staff. Furthermore, inmates and staff who report sexual abuse or sexual harassment, or cooperate in a PREA investigation, shall be protected from retaliation. Sexual abuse includes sexual abuse by another inmate or sexual abuse by a staff member, contractor, or volunteer. (28 C.F.R. §115, §115.11)

1. Sexual activity between a staff member and an inmate can never be consensual and is always against the law.

2. Zero Tolerance means that 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 criminally prosecuted.
3. Sexual abuse of an inmate by another inmate 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: (28 C.F.R. §115.6)
 - 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.
4. Sexual abuse of an inmate by a staff member, contractor, or volunteer includes any of the following acts, with or without the consent of the inmate: (28 C.F.R. §115.6)
 - 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 actor 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 actor 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 actor has the intent to abuse, arouse, or gratify sexual desire;
 - f. any attempt, threat, or request by an actor to engage in the activities described above;
 - g. any display by an actor of his/her uncovered genitalia, buttocks, or breast in the presence of an inmate; and
 - h. voyeurism--voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.
5. Sexual Harassment
 - a. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature, by one inmate directed toward another.
 - b. Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer including demeaning references to gender, sexually suggestive, or derogatory comments about body or clothing, or obscene language or gestures. (28 C.F.R. §115.6)
6. Methods of Reporting for Inmates, Friends, Family, and the General Public
 - a. An inmate who is a victim of sexual abuse or sexual harassment by another inmate or staff member should:
 - (1) make a verbal or written report to any staff member;
 - (2) submit a DC-135A, Inmate's Request to Staff Member; or

(3) submit a written report to the Sexual Abuse Reporting Address: BCI/PREA Coordinator, 1800 Elmerton Ave., Harrisburg, PA 17110. 2017 Inmate Handbook Page 9 b. Third party reports can be made to the Sexual Abuse Reporting Address, BCI/PREA Coordinator, 1800 Elmerton Ave., Harrisburg, PA 17110. (28 C.F.R. §115.51, §115.54)

7. Victims of Sexual Abuse Have Access to Free Support Services (28 C.F.R. §115.53) Write to request more information: PCAR, Pennsylvania Coalition Against Rape, P.O. Box 400, Enola, PA 17025. You may also contact your facility's PREA Compliance Manager for access to this service.

3. A grievance regarding an allegation of a sexual nature (abuse/harassment) against a staff member or inmate-on-inmate sexual abuse will not be addressed through the Inmate Grievance System and must be addressed through DC-ADM 008, "PREA."

2019 Inmate Handbook Supplement

D. Prison Rape Elimination Act (PREA) (DC-ADM 008)

The Pennsylvania Department of Corrections has a Zero Tolerance Policy for sexual abuse or sexual harassment. This means that no sexual abuse or sexual harassment is tolerated, including abuse by inmates and by staff. Sexual abuse includes sexual abuse by another inmate and sexual abuse by a staff member, contract service provider, volunteer, or other individual who has business with or uses the resources of the Department.

1. Sexual activity between a staff member and an inmate can never be consensual and is always against the law.

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

b. An inmate, employee, contract service provider, volunteer, and/or individual who has business with the Department is subject to disciplinary action up to and including possible dismissal and termination if he/she is found to have engaged in sexual harassment or sexual contact with an inmate.

2. Inmate-on-Inmate sexual abuse 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 unable to consent or refuse:

a. contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

b. contact between the mouth and the penis, vulva or anus;

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

d. any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

3. Staff-on-Inmate sexual abuse includes any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contract service provider, official visitor, or other agency representative is prohibited, including:

a. any sex, penetration, or sexual touching for the purpose of gratifying a sexual desire;

b. any attempt, threat, or request to engage in any type of sexual activity;

c. any exposure of the genitals, buttocks, or breasts of an employee, volunteer, contract service provider, official visitor or other agency representative; and/or

- d. any voyeurism as a means to invade privacy while an inmate is unclothed, bathing or performing bodily functions.
- 4. Sexual Harassment includes the following:
 - a. repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another; and
 - b. repeated verbal comments or gestures of a sexual nature to an inmate by a staff member including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- 5. Methods of Reporting for Inmates
 - a. An inmate who is a victim of sexual abuse or sexual harassment by another inmate or staff member should:
 - (1) make a verbal or written report to any staff member;
 - (2) submit a DC-135A, Inmate Request to Staff; or
 - (3) write to BCI/PREA Coordinator at 1800 Elmerton Avenue, Harrisburg, PA 17110

Comments:

As inmates arrive at the facility, they are seen by medical for their assessment. Medical staff at that time completes the initial PREA Assessment (PRAT), given PREA brochure, sees the PREA video and signs documents showing that he has received PREA information. In twenty (20) to thirty (30) days the inmate is seen by their unit counselor to complete the Reassessment.

One year from the date of the Reassessment, the inmate meets with his counselor to review and update the Reassessment. This is also done when changes occur with the inmate. (Inmates confirmed that this happens yearly, as long as they have been at the facility.)

Any inmates that are unable to attend PREA orientation within 30 days (due to ATA, hospital, etc.) are educated upon their return. PREA education occurs on a weekly basis (every Thursday at 0900) during inmate orientation. (The auditor was not present on a Thursday to review the class.)

Reporting procedures are universal throughout all facilities in the Pennsylvania Department of Corrections.

The PREA video that is shown to inmates is subtitled in both English and Spanish. PREA materials are also available in both Spanish and English written format. Orientation instructors are able to make individualized accommodations for each inmate.

A braille version of the PREA intake handout (in Spanish and English) is available. Also, the PREA video includes audio explanations and the training is facilitated by an instructor who is able to provide verbal answers for any questions.

Inmates interviewed stated that they receive the PREA information verbally and well as in written form when they arrive.

PREA information is found on pages 7 and 8 of the 2019 Mercer Handbook Supplement attachment. This handbook is given to all inmates during their initial intake to SCI Mercer.

Inmate Movie Channel Schedule

Monday - 0800 Prison Rape Elimination Act (PREA) - English and Spanish

Tuesday - 1310 Prison Rape Elimination Act (PREA) - English and Spanish

Thursday - 1310 Prison Rape Elimination Act (PREA) - English and Spanish

Inmates jokingly reported that the video is on television "all the time".

115.34	Specialized training: Investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education PREA Investigator Training Roster and Training Curriculum Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment Inmate Written Statement of Sexual Abuse/Harassment Form Verification of Training of Investigators/Records Interviews with Investigative Staff Training Curriculum</p> <p>The number of investigators the agency currently employs: 9</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11 Training and Education</p> <p>4. Specialized Staff Training</p> <p>a. Investigations</p> <p>(1) Any staff designated to conduct sexual abuse investigations shall complete employee basic and refresher training in accordance with Subsection A.1. above prior to receiving specialized training for investigations. (28 C.F.R.§115.34[a])</p> <p>(a) This specialized training shall include, but is not limited to: interviewing sexual abuse victims, common reactions of sexual abuse and sexual harassment victims, sexual abuse evidence collection in confinement settings, proper use of Miranda warnings, the Garrity rule, and the criteria and evidence required to substantiate a case for administrative action or prosecutorial referral. (28 C.F.R. §115.34[b])</p> <p>(b) This training shall be developed by the Department PREA Coordinator/designee and standardized for Department wide training purposes.</p> <p>(2) This specialized training shall occur on a semi-annual basis, at a minimum.</p> <p>(3) Staff shall be required to sign off that they have received the information and understand the included items on the PREA Training and Understanding Verification Form unless completed through web-based training. This information shall be kept in the staff member's training file in accordance with Section 20 of this procedure's manual. (28 C.F.R. §115.34[c])</p> <p>(4) The Department, any state entity, or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations. (28 C.F.R.§115.34[d])</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment</p> <p>3. Where sexual abuse is alleged, the Department shall use investigators who have received specialized training in sexual abuse investigations pursuant to PREA Standards 28 C.F.R. §115.34[a] and 28 C.F.R. §115.71[b].</p>

PREA Investigator Training Roster /Curriculum

This spreadsheet contains the name, training date, method of training, training hours for nine (9) staff assigned to SCI Mercer.

Investigator Training – 1 Introduction to Sexual Abuse and Sexual Harassment Investigations

Investigator Training – 2 Evidence Protocol and Forensic Medical Examinations

Investigator Training – 3 Interviewing Victims and Suspected Perpetrators

Investigator Training – 4 Investigative Outcomes

Investigator Training – 5 Documentation

Investigator Training – 6 Prosecutorial Collaboration: Techniques to get Prison Cases Prosecuted

Investigator Training – 7 Allegation Processing Procedures

Comments:

A review of the Investigator Training curriculums noted two (2) items: Garrity and Miranda is included in Module 3 and that all training is inclusive and well written. The interviewed investigator was able to share his specialized training.

In addition, the PREA Coordinator provides training to investigators twice yearly.

115.35	Specialized training: Medical and mental health care
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Sexual Training and Education PREA Medical and Mental Care Standards Participant Guide (Training) PREA Specialized Training Medical and Mental Health Care Standards Curriculum Medical/Mental Health Training Rosters (with signatures) Interviews with Medical and Mental Health Staff Training logs of Medical and Mental Health Staff Exam Logs</p> <p>The number of all medical and mental health care practitioners who work regularly at this facility who received the training: 39 The percent of all medical and mental health care practitioners who work regularly at this facility who received the training required by agency policy: 100%</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education</p> <p>b. Medical/Mental Health Practitioners</p> <p>(1) Any staff providing medical/mental health services in any State Correctional Institution (SCI), CCC, or CCF, whether on a full or part-time status, shall receive specialized training on working with victims of sexual abuse and sexual harassment. (28 C.F.R. §115.35[d]) For the purposes of this training requirement, medical staff shall include all licensed medical staff, as well as non-licensed contact medical staff such as dental assistants, Correctional Health Care Administrators (CHCAs), and contracted provider staff.</p> <p>(a) This specialized training shall include, but is not limited to:</p> <ol style="list-style-type: none"> i. how to detect and assess signs of sexual abuse and sexual harassment, ii. how to preserve physical evidence of sexual abuse, iii. how to respond effectively and professionally to victims of sexual abuse and sexual harassment; and iv. how and to whom to report allegations or suspicions of sexual abuse and sexual harassment. (28 C.F.R. §115.35[a][1][2][3][4]) <p>(c) This training shall be developed by the Department PREA Coordinator/designee and standardized for Department wide training purposes.</p> <p>(d) All new medical/mental health staff shall receive this training within the first six months of employment with the Department. The training shall either be provided by the current contracted medical health provider or locally by staff who have been trained.</p> <p>(d) Staff shall be required to sign off that they have received the information and understand the included items on the PREA Training and Understanding Verification Form. This information shall be kept in the employee's training file in accordance with Section 20 of this procedure's manual. (28 C.F.R. §115.35[c])</p> <p>The PREA Medical and Mental Care Standards Participant Guide (Training) is a seven</p>

(7) page document utilized by staff during a training module.

PREA Specialized Training Medical and Mental Health Care Standards Curriculum

Performance Objectives

1. How to detect and assess signs of sexual abuse and sexual harassment §115.35(a)-1
2. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment
§115.35(a)-4
3. How to respond effectively and professionally to victims of sexual abuse and sexual harassment §115.35(a)-3
4. How to preserve physical evidence of sexual abuse §115.35(a)-2

Comments:

All Psychology staff are trained. The CHCA and Registered Nurse Supervisors participated in the training, and they, in turn, ensure all staff in their department are trained. Documentation was provided.

Medical Staff at this facility do not complete forensic medical examinations.

115.41	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 9: Screening for Risk of Victimization PREA Risk Assessment Tool (PRAT) User Guide PREA Risk Assessment Tool (PRAT) User Guide Revised 2019 PREA Risk Assessment Tool (PRAT) Training Curriculum PRAT Computer Screens PA DOC PREA Risk Assessment Tool Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 10: Medical and Mental Health Screenings Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 19: Working with Transgender and Intersex Inmates Interviews with Inmates Interviews with Staff Interview with PREA Coordinator Interview with Compliance Manager Offender File Review Site Review</p> <p>In the past 12 months: The number of inmates entering the facility (either through intake or transfer) whose length of stay in the facility was for 72 hours or more who were screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their entry into the facility: 773</p> <p>In the past 12 months: The number of inmates entering the facility (either through intake or transfer) who were reassessed for their risk of sexual victimization or being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received through intake: 735</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 9: Screening for Risk of Victimization</p> <p>A. Screening for Risk of Victimization and Abusiveness</p> <p>1. All inmates shall be assessed utilizing the PREA Risk Assessment Tool (PRAT) (Attachment 9-A) during:</p> <ol style="list-style-type: none"> a. the intake screening process; b. upon receipt into another facility; c. 20-30 days after receipt into a State Correctional Institution (SCI), Community Corrections Center (CCC), or Community Contract Facility (CCF); d. whenever an inmate is involved in an incident of sexual abuse; and e. at his/her annual review, for risk of being sexually abused by other inmates or sexually abusive toward other inmates. (28 C.F.R. §115.41[a])

2. The information received through the administration of the PRAT questions shall be used to inform housing, bed placement, work, education, and program assignments with the goal of keeping separate those inmates at high risk for being sexually victimized from those at high risk of being sexually abusive. (28 C.F.R. §115.42[a]) The sensitive information collected through these tools shall be kept as confidential as possible so as not to be used to the inmate's detriment by staff or other inmates. (28 C.F.R. §115.41[i])
3. The PREA Risk Assessments shall be conducted utilizing the PRAT. The tool shall be an objective screening instrument and consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization or abusiveness: (28 C.F.R. §115.41[c][d])
 - a. whether the inmate has a mental, physical, or developmental disability; (28 C.F.R. §115.41[d][1])
 - b. the age of the inmate; (28 C.F.R. §115.41[d][2])
 - c. the physical build of the inmate; (28 C.F.R. §115.41[d][3])
 - d. whether the inmate has previously been incarcerated; (28 C.F.R. §115.41[d][4])
 - e. whether the inmate's criminal history is exclusively nonviolent; (28 C.F.R. § 115.41[d][5])
 - f. whether the inmate has prior convictions for sex offenses against a child or an adult;(28 C.F.R. §115.41[d][6])
 - g. whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; (28 C.F.R. §115.41[d][7])
 - h. whether the inmate has previously experienced sexual victimization; (28 C.F.R. § 115.41[d][8])
 - i. the inmate's own perception of vulnerability; and (28 C.F.R. §115.41[d][9])
 - j. whether the inmate is detained solely for civil immigration purposes. (28 C.F.R. §15.41[d][10])
4. The initial assessment, which is to be conducted within 72 hours of reception, shall consider prior acts of abuse, prior convictions for violent offenses, and history of prior facility violence or sexual abuse, as known to the Department, in order to assess inmates for the risk of being sexually abusive. (28 C.F.R. §115.41[b][e])
5. CCFs may utilize the PRAT or a different agency-specific tool that meets PREA standards. The PRAT information and scores should only be shared with designated staff and stored in a secure location. The tool must be made available for review upon request by the Department of Corrections (DOC) and adequate records kept for assessment of audit compliance.
6. The PRAT shall be administered as follows.
 - a. The PRAT shall be completed in the WebTAS system in all Department sites. If staff use the paper format of any assessment to collect information, it must be entered into the WebTAS system as soon as an inmate has been assigned a number and is available in the WebTAS system for entry. The paper copy of the assessment(s) shall be shredded upon entry into the WebTAS system. Until the form is entered into WebTAS, the facility shall ensure that the results are not shared with parties for unrelated purposes and are immediately available to inform appropriate placement in housing, bed placement, education, work, and programming assignments.
 - b. All staff responsible for administering the PRAT shall receive training on its administration. This training may be facilitated by any staff member who has completed PRAT training conducted by the PREA Coordinator/designee.
 - c. Within the first 72 hours of reception to the Department and receipt into another facility, the PRAT shall be conducted by qualified health care, unit management, or a designated CCC/CCF staff member. (28 C.F.R. §115.41[b])

- d. Considering varying organizational resources, facilities may designate other non-security staff, such as social workers, to conduct 72 hour and 20-30-day PRAT assessments, so long as those staff have received training on the PRAT's administration.
- e. A reassessment shall be conducted by the inmate's assigned counselor between calendar day 20 and 30 of every inmate's arrival in the system or receipt into another facility utilizing the PRAT. (28 C.F.R. §115.41[f]) The assigned counselor will be responsible for monitoring those inmates that are in need of a PRAT reassessment between 20-30 calendar days following their reception to the facility and ensuring it is completed. Additionally, the counselor shall reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility staff since the intake screening. (28 C.F.R. §115.41[g])
- f. Reassessments shall not be completed prior to calendar day 20 nor later than calendar day 30, following an inmate's reception to the facility. Any assessment conducted outside this time period in conjunction with an annual review shall not satisfy the requirement for this assessment.
- g. Any inmate who reports sexual victimization during the administration of a PRAT should be asked to voluntarily provide details to determine whether a sexual abuse investigation is warranted or to trigger notification of alleged sexual abuse to another confinement facility. Those details should include:
- (1) the name or a description of the alleged abuser(s);
 - (2) the location of the alleged incident;
 - (3) the date(s), time(s) or timeframe(s) when the alleged abuse occurred; and
 - (4) any potential witnesses to the alleged act.
- h. When there is an allegation of sexual abuse in SCIs, the Licensed Psychology Manager (LPM)/designee shall administer the PRAT to all involved inmates within 24 hours or the next business day of the allegation being made. (28 C.F.R. §115.41[g])
- i. Every inmate shall be reassessed at the annual review conducted by his/her counselor utilizing the PRAT.
- j. An inmate's risk level shall be reassessed by the PREA Compliance Manager (PCM), utilizing the PRAT, when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of victimization or abusiveness. (28 C.F.R. §115.41[g])
- k. Inmates shall not be disciplined for refusing to answer, or for not disclosing complete information in response to the questions regarding prior victimization, disabilities, their perception of vulnerability, or their sexual orientation. (28 C.F.R. §115.41[h])
- l. If an inmate refuses to answer the PRAT questions, the staff member administering the tool shall discuss with the inmate the purpose of answering the questions for safety purposes. If the inmate continues to refuse to answer the PRAT questions, the staff member administering the tool shall document that the inmate refused to answer the questions and respond to those questions which can be answered with file information.

**Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual;
Section 10: Medical and Mental Health Screenings**

B. Medical and Mental Health Screenings

1. Both medical and mental health practitioners shall ask inmates, during the intake screening, about any history of victimization or perpetration of sexual abuse, either in a correctional setting or in the community. (28 C.F.R. §115.41[a])¹
2. If the screening pursuant to PREA Standard 28 C.F.R. §115.41 indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in

the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. (28 C.F.R. 115.81[a][c]) The offering of this meeting shall be documented on the PREA Risk Assessment Tool (PRAT) question asking whether a medical or mental health meeting is requested. Staff shall complete the appropriate referral documentation for those inmates accepting the follow-up meeting.

3. If the screening pursuant to PREA Standard 28 C.F.R. §115.41 indicates that an 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. (28 C.F.R. §115.81[b]) The offering of this meeting shall be documented on the PRAT question asking whether a medical or mental health meeting is requested. In addition, when it becomes known that an inmate is an inmate-on-inmate abuser, a mental health evaluation shall be conducted within 60 days of learning of such abuse history and offered treatment when deemed appropriate by mental health practitioners. (28 C.F.R. §115.83[h])

4. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans, security and management decisions, including housing, bed placement, work, education, and program assignments, or otherwise required by Federal, State, or local law. (28 C.F.R. §115.81[d])

5. Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18. (28 C.F.R. §115.81[e]).

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 19: Working with Transgender and Intersex Inmates

B. Reception and Classification – General

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

PREA Risk Assessment Tool (PRAT) User Guide

The core purpose of the PRAT is to provide an objective means of identifying an inmate's relative risk of becoming a victim of sexual abuse or an abuser in the prison setting with the goal of addressing the safety concerns of vulnerable populations. The PRAT assigns a victim and an abuser score to identify those at high risk for victimization and those at high risk of being sexually abusive.

PREA Risk Assessment Tool (PRAT) Training Curriculum

Performance Objectives

1. Understand and explain the reason for conducting the PREA Risk Assessment Tool (PRAT).
2. Demonstrate proficiency in identifying the differences between sexual orientation, gender identity and gender expression, as it relates to risk.
3. Demonstrate proficiency in administering the PRAT.
4. Identify the 4 decision areas that are informed by the PRAT.
5. Provide PRAT training to others at your respective facilities.

Comments:

The PREA Risk Assessment Tool contains all required elements. Policies are detailed.

As inmates arrive at the facility, they are seen by medical for their assessment. Medical staff at that time completes the initial PREA Assessment (PRAT), given PREA brochure, sees the PREA video and signs documents showing that he has received PREA information. In twenty (20) to thirty (30) days the inmate is seen by their unit counselor to complete the Reassessment. If an inmate leaves the institution for any reason (i.e.: court), there is an updated assessment completed.

One year from the date of the Reassessment, the inmate meets with his counselor to review and update the Reassessment. This is also done when changes occur with the inmate. (Inmates confirmed that this happens yearly, as long as they have been at the facility.)

When an inmate scores for high predator or high victim risk, an alert is placed at the top of the inmate's system screen. The alert does not explain the reason for the notice. The Unit Manager, who completes the bed assignments, is able to see the reason for the alert and is then able to make appropriate housing decisions.

Inmates are not disciplined for not providing information.

115.42	Use of screening information
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 4: Access to Special Populations Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 9: Screening for Risk of Victimization PREA Risk Assessment Tool User Guide dated July 2019 PREA Risk Assessment Tool Training Curriculum 11.2.1. Reception and Classification Procedures Manual; Section 5 – Single Celling and Double Celling Housing Potential Sexual Assault Victim Report dated January 15, 2020 Institution Sexual Predator List January 15, 2020 Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 19: Working with Transgender and Intersex Inmates PREA Accommodation Committee (PAC) Checklist (Transgender) PREA Accommodation Committee (PAC) Reassessment Checklist Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention Interview with PREA Compliance Manager Interview with Staff Responsible Documentation of Risk-Based Housing Decisions Interviews with Special Populations Site Review</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 4: Access to Special Populations B. Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Populations 1. The Department shall not place LGBTI inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates. (28 C.F.R. §115.42[g]) (28 C.F.R. §115.242[f]) Additional information regarding transgender and intersex populations can be found in Section 19 of this procedure’s manual.</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 9: Screening for Risk of Victimization 2. The information received through the administration of the PRAT questions shall be used to inform housing, bed placement, work, education, and program assignments with the goal of keeping separate those inmates at high risk for being sexually victimized from those at high risk of being sexually abusive. (28 C.F.R. §115.42[a]) The sensitive information collected through these tools shall be kept as confidential as possible so as not to be used to the inmate’s detriment by staff or other inmates. (28 C.F.R. §115.41[i])</p>

c. The Department shall make individualized determinations to ensure the safety of each inmate. (28 C.F.R. §115.42[b])

1. Tracking PRAT Scores – SCIs

a. Upon completion of the PRAT, in SCIs, if an inmate scores in the “high risk” category, this information shall be immediately entered into the Unit Management System, under Security Concerns. No actual PRAT scores are to be entered due to confidentiality.

1. If High Risk for Victimization, “Potential Sexual Assault Victim” checkbox shall be selected and comments entered as “PRAT High Risk Victim.”

2. If High Risk for Abuser, “Institutional Sexual Predator” checkbox shall be selected and comments entered as “PRAT High Risk Abuser.”

3. If High Risk for both Victim and Abuser, both corresponding checkboxes shall be selected and comments entered as “PRAT High Risk Victim/Abuser.”

NOTE: The facility sexual predator procedures as outlined in Department policy 11.2.1, “Reception and Classification,” Section 5 do not apply to those inmates entered ONLY due to PRAT assessment score. These inmates should not be Z and H coded or overridden to a higher custody level unless additional information indicates a need and staffing has been completed to approve such.

b. For any identified facility sexual predators, refer to Department policy 11.2.1, Section 5, for appropriate custody level and program code assignment. In addition, a mental health evaluation will be conducted on these abusers within 60 days of learning of such abuse history and offered treatment when deemed appropriate by mental health practitioners. (28 C.F.R. §115.83[h])

c. The Department shall make individualized determinations to ensure the safety of each inmate. (28 C.F.R. §115.42[b])

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 19: Working with Transgender and Intersex Inmates (See Comments Section below)

4. Once an inmate has been identified as a transgender or intersex individual, notification shall be sent to the PREA Compliance Manager (PCM).

a. All pertinent information regarding the transgender or intersex individual should be discussed on a need-to-know basis and shared only with the appropriate staff to provide necessary services and determine appropriate housing, bed, work, education, and programming assignments. (28 C.F.R. §115.42[a])

b. The PCM shall confidentially meet with the transgender or intersex inmate within five business days of notification and complete the PREA Accommodation Committee (PAC) Checklist (Attachment 19-A). Following this assessment, the inmate shall be re-assessed every six months to review any threats to safety that may have been experienced by the inmate in accordance with Subsection G. below. (28 C.F.R. §115.42[d])

C. PREA Accommodation Committee (PAC)

1. The purpose of the PAC is to make individualized determinations about transgender or intersex inmates’ privacy, housing, and programming assignments to ensure their safety at the current facility. (28 C.F.R. §115.42[b])

D. Administrative PREA Accommodation Committee (A-PAC)

1. In deciding whether to assign a transgender or intersex inmate to a facility that is consistent with his/her gender identity, and in making other privacy, housing, and programming assignments, the Department shall consider, on a case-by-case basis, whether a placement would ensure the health and safety of all impacted inmates and whether the placement or accommodation could potentially present management or security problems. (28 C.F.R. §115.42[c])

3. A transgender/intersex inmate's own views, with respect to his/her own safety shall be given serious consideration. (28 C.F.R. §115.42[e]) (28 C.F.R. §115.242[d])

F. Transfer

2. The OPM shall not place transgender or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates. (28 C.F.R. §115.42[g])

3. The A-PAC shall reconvene with the local PAC to reconsider housing placement for the transgender or intersex inmate if circumstances arise which pose a threat to the safety and security of the facility or the health and safety of the transgender or intersex inmate. (28 C.F.R. §115.42[c])

G. Case Management

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

4. When information is received that is indicative of a threat to the safety of a transgender or intersex inmate, the PCM shall convene the PAC within five business days. (28 C.F.R. §115.42[d])

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention

b. The following forms shall be maintained in the DC-15, Inmate Records Jacket:

(2) PREA Accommodation Committee Checklist; and (28 C.F.R. §115.42[d]).

(3) PREA Accommodation Committee Reassessment Checklist. (28 C.F.R. §115.42[d])

PREA Risk Assessment Tool User Guide dated July 2019

This User Guide is the staff companion to the PREA Risk Assessment Tool (PRAT). This user guide provides detailed information to explain the intent of the assessment's questions and factors which should be scored as indicators of risk. By following this user guide, staff in various job classifications in all PA DOC facilities will administer the tool in a consistent manner that ensures data integrity and tool fidelity, thus contributing to the safety of vulnerable populations in Pennsylvania's state prisons.

PREA Risk Assessment Tool Training Curriculum

Performance Objectives

1. Understand and explain the reason for conducting PREA risk assessment.

2. Demonstrate proficiency in identifying the differences between sexual orientation, gender identity and gender expression, as it relates to risk.

3. Demonstrate proficiency in administering the PREA risk assessments.
4. Identify the 4 decision areas that are informed by the PREA risk assessments.
5. Provide PRAT training to others at your respective facilities.

11.2.1. Reception and Classification Procedures Manual; Section 5 – Single Celling and Double Celling Housing

1. Selection criteria governing inmates to be double-celled are listed below.
 - c. The Unit Management staff shall review the inmates' records to determine whether there is an imbalance of power between the inmates that could lead to victimization of the weaker inmate. This review shall include: misconducts (especially assaultive and sexually assaultive behavior), an inordinate number of cell partners for either inmate; evaluate for "Housing Concerns" (Potential Sexual Assault Victim and/or Institutional Sexual Predator), and review of the Prison Rape Elimination Act (PREA) Risk Assessment Tool (PRAT) scores as outlined in Department policy DC-ADM 008, "PREA." (28 C.F.R. §115.42[b]) Any identified Housing Concerns must be recorded in DOC Info by clicking on the appropriate box on the "Security Concerns" screen of the Unit Management System and entering the reason for this designation in the Comments box.
 - C. Evaluating and Processing Inmates for Single Cell Status ("Z" Code)
 - c. An inmate who staff believes may be victimized as a result of double-celling, multiple celling, or placement in a dormitory.
 - d. An inmate who has a documented history of aggressive or predatory behavior towards cell partners or who staff have reason to believe would exhibit assaultive or predatory behavior towards cell partners.
 - e. An inmate assigned Program Code "Z" due to assaultive tendencies towards cell partners or who staff have reason to believe would be assaultive toward cell partners:
 - (1) shall be Custody Level 4 or greater as determined by the PACT in accordance with Section 3 of this procedures manual. Staff shall make a notation in the "Security Concerns" section of the Unit Management System, specifying the type of assaultive behavior (e.g., physical/ sexual);
 - (2) who is identified as a Facility Sexual Predator must be assigned Custody Level 4 or 5 and Program Codes "Z" and "H";

Potential Sexual Assault Victim Report dated January 15, 2020

This report is a computer generated one and a quarter (1 ¼) page report which lists their inmate number, housing location, counselor and custody level.

Institution Sexual Predator List January 15, 2020

This report is a computer generated two and a quarter (2 ¼) page report which lists their inmate number, housing location, counselor and custody level.

PREA Accommodation Committee (PAC) Checklist (Transgender)

While meeting with an inmate, the following is discussed: Gender at Birth, Gender Identification, Social Transition, Medical Considerations, Legal Considerations, Safety/Security Considerations, Privacy Considerations, Other Considerations, Does the Inmate concur with the PAC housing placement recommendation?

It should be noted that each area mentioned in the previous paragraph contains numerous more questions.

PREA Accommodation Committee (PAC) Reassessment Checklist

This document reviews the information discussed with the inmate to determine any changes.

Comments:

The facility has not housed any identified transgender or intersex inmates during the audit period. All inmates interviewed identified as their sex assigned at birth.

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 19:

Working with Transgender and Intersex Inmates

This policy is extensive and detailed. Due to its length as it relates to this standard, only certain portions are noted in the above policy review.

When an inmate scores for high predator or high victim risk, an alert is placed at the top of the inmate's system screen. The alert does not explain the reason for the notice. The Unit Manager, who completes the bed assignments, is able to see the reason for the alert and is then able to make appropriate housing, work and programming decisions.

There were no identified Transgender or Intersex inmates at the facility during the audit. The PCM and Counselor noted that if so, an updated reassessment would occur twice per year. Housing would allow for single shower opportunity.

115.43	Protective Custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA Procedure Manual); Section 5: Protective Custody Involuntary Administrative Custody Services Access Restriction Form DC-ADM Administrative Custody Procedures Manual; Section 1: Placement in Administrative Custody Status DC-ADM Administrative Custody Procedures Manual; Section 3: Administrative Custody Housing Status Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA Procedure Manual); Section 2: Administrative Hearings Memorandum dated January 15, 2020; Subject: Involuntary Segregation Initial Response Checklist – Alleged Victim Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention Review of Records and Documentation of Housing Assignments of Inmates at High Risk for Sexual Victimization and Predatory Behavior Interview of Staff Interview of Superintendent Interview with Deputy Superintendent Interview with PREA Compliance Officer Documentation of Housing Assignments of Inmates at High Risk for Victimization and Predator Behavior</p> <p>The number of inmates at risk of sexual victimization who were held in involuntary segregation housing in the past 12 months for one to 24 hours awaiting completion of assessment: 0</p> <p>In the past 12 months, the number of inmates at risk of sexual victimization who were assigned to involuntary segregated housing for longer than 30 days while awaiting alternative placement: 0</p> <p>From a review of case files of inmates at risk of sexual victimization who were held in involuntary segregated housing in the past 12 months, the number of case files that include BOTH (a) a statement of the basis for facility’s concern for the inmate’s safety, and (b) the reason or reasons why alternative means of separation could not be arranged: 0</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 5: Protective Custody B. Protective Custody Inmates at a high risk for sexual victimization or inmates who have allegedly been sexually abused 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</p>

and Security staff in conjunction with the Facility Manager/designee, and a determination has been made that there are no other available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the inmate in involuntary AC for less than 24 hours while completing the assessment. (28 C.F.R. §115.43[a]) (28 C.F.R. §115.68)

1. The staff must consider other alternative placements for an alleged victim and make the appropriate placement. (28 C.F.R. §115.43[c])
2. Placement in AC is permissible when the alleged victim requests or agrees to be temporarily secured there.
3. Alternative placements can include, but are not limited to, anyone, or combination of, the following temporary options:
 - a. relocation to a different housing unit;
 - b. placement in a cell closer to the Corrections Officer's desk within the unit;
 - c. Z-Code; and/or
 - d. placement in the Special Needs Unit (SNU).
4. If an involuntary AC housing assignment is made in accordance with Subsection B. above, the Shift Commander shall clearly document on the DC-141, Part 1, (Other) Report, the following information: (28 C.F.R. §115.43[d])
 - a. the basis for the staff member's concern for the inmate's safety; (28 C.F.R. §115.43[d][1])
 - b. the other alternative means of separation that were explored; and
 - c. the reason why no alternative means of separation can be arranged. (28 C.F.R. §115.43[d][2])
5. If the Shift Commander assigns an inmate to involuntary AC for the purpose of protection from sexual victimization, access to programs, privileges, education, or work opportunities shall be afforded to that inmate to the extent possible. If the facility restricts access to these opportunities, the facility shall document in the Involuntary Administrative Custody Services Access Restriction Form (Attachment 5-A): (28 C.F.R. §115.43[b])
 - a. the opportunities that have been limited; (28 C.F.R. §115.43[b][1])
 - b. the duration of the limitation; and (28 C.F.R. §115.43[b][2])
 - c. the reasons for such limitations. (28 C.F.R. §115.43[b][3])
6. 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 a period of 30 days. (28 C.F.R. §115.43[c])
7. In accordance with Department policy DC-ADM 802, "Administrative Custody Procedures," at least every 30 days, the Program Review Committee (PRC) shall ensure each inmate is reviewed to determine whether there is a continuing need for separation from the general population. This review shall be documented on the DC-141, Part 1, (Other) Report. (28 C.F.R. §115.43[e])

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention

- c. The following forms shall be maintained by the PREA Compliance Manager (PCM) in an annual electronic file for each form individually:
 - (2) Involuntary AC Services Access Restriction Form; and (28 C.F.R. § 115.43[d][1][2][3])

Involuntary Administrative Custody Services Access Restriction Form

Under DC-ADM 008, Section 5, inmates held in involuntary administrative custody must be afforded access to programs, privileges, education, and work opportunities. If an inmate is

denied these services, staff must document the services that were denied and the reason for the denial. (This form is the documentation).

DC-ADM Administrative Custody Procedures Manual; Section 1 Placement in Administrative Custody Status

A. Involuntary Protective Custody (PC)

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 the Shift Commander. The Shift Commander in conjunction with the Prison Rape Elimination Act (PREA) Compliance Manager and the on-call administration representative (e.g., Facility Manager, Deputy Superintendent for Facilities Management [DSFM], Deputy Superintendent for Centralized Services [DSCS]), will determine 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. (§115.43[a])

1. The staff must consider other alternative placements for an alleged victim and make the appropriate placement.
2. The staff should take into consideration the alleged victim's opinion regarding his/her own safety. Placement in AC is permissible when the victim requests or agrees to it. (§115.42[c])
3. Alternative placements can include, but are not limited to, anyone, or combination of, the following temporary options:
 - a. moving to a different housing unit;
 - b. placement in a cell closer to the Corrections Officer's desk within the unit;
 - c. placement in a single cell (Z Code); and
 - d. placement in the Special Needs Unit (SNU).
4. If an involuntary AC housing assignment is made, the Shift Commander shall clearly document on the DC-141, Part 1 (Other) Report in the DC-15, the following information:
 - a. the basis for the staff member's concern for the inmate's safety; (§115.43[d][1])
 - b. the other alternative means of separation that were explored; and
 - c. the reason why no alternative means of separation can be arranged. (§115.43[d][2])
5. If the Shift Commander assigns an inmate to involuntary AC for the purpose of protection from sexual victimization, access to programs, privileges, education, or work opportunities shall be afforded to that inmate to the extent possible. If the facility restricts access to these opportunities, the facility shall document in the Involuntary Administrative Custody Services Access Restriction Form in accordance with Department policy DC-ADM 008, "Prison Rape Elimination Act (PREA)," Section 2 and in the DC-15: (§115.43[b])
 - a. the opportunities that have been limited; (§115.43[b][1])
 - b. the duration of the limitation; and (§115.43[b][2])
 - c. the reasons for such limitations. (§115.43[b][3])
6. 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. (§115.43[c])
7. At least every 30 days, the Program Review Committee (PRC) shall ensure each such 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 (Other). PRC review of PREA-related cases shall include the PREA Compliance Manager (PCM) as a member of the reviewing committee. (§115.43[e])

DC-ADM Administrative Custody Procedures Manual; Section 3: Administrative Custody Housing Status

Adherence to the guidelines set forth in Section 1, Subsection A. of this procedures manual shall occur when inmates at a high risk for sexual victimization or inmates who have alleged sexual abuse are involuntarily placed into Protective Custody (PC) after a determination has been made that no other available alternative means of separation exist from likely abusers. (28 C.F.R. §115.43)

8. For any inmate placed into involuntary AC due to high risk for sexual victimization or after allegedly suffering sexual abuse, the facility shall document the following information for limiting the privileges enumerated in Subsection A. 2-7 above on the Involuntary Administrative Custody Services Access Restriction Form (refer to Section 2 of Department policy DC-ADM 008, "Prison Rape Elimination Act [PREA]") to specify:
 - a. the specific opportunities that have been limited; (28 C.F.R. §115.43[b][1])
 - b. the duration of the limitation; and (28 C.F.R. §115.43[b][2])
 - c. the reasons for such limitations. (28 C.F.R. §115.43[b][3])

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA Procedure Manual); Section 2: Administrative Hearings

Section 2 – Administrative Hearings

Adherence to the guidelines set forth in Section 1, Subsection A. of this procedures manual shall occur when inmates at a high risk for sexual victimization or inmates who have alleged sexual abuse are involuntarily placed into Protective Custody (PC) after a determination has been made that no other available alternative means of separation exist from likely abusers. (28 C.F.R. §115.43)

A. General

An administrative hearing shall be conducted as outlined below.

1. The hearing shall be conducted by the Program Review Committee (PRC).
When an inmate is placed into involuntary Administrative Custody (AC) due to high risk for sexual victimization or after allegedly suffering sexual abuse, the hearing shall take place within 24 hours of placement or the next business day.
2. The reason(s) for the inmate's AC confinement must be explained to the inmate in writing and the inmate must be provided with the DC-141, Part 1, Other Report.
When an inmate is placed into involuntary AC due to high risk for sexual victimization or after allegedly suffering sexual abuse, the DC-141, Part 1, must articulate: (28 C.F.R. §115.43[d])
 - a. the basis for the staff member's concern for the inmate's safety; (28 C.F.R. §115.43[d][1]);
 - b. the other alternative means of separation that were explored; and
 - c. the reason why no alternative means of separation can be arranged. (28 C.F.R. §115.43[d][2]).
5. Inmates placed into involuntary AC due to high risk for sexual victimization or after allegedly suffering sexual abuse must continue to be reviewed by the PRC every 30 days (28 C.F.R. §115.43[e]).

Memorandum dated January 15, 2020

Subject: Involuntary Segregation states: There have been no instances during the previous 12 months of any inmates being involuntarily placed in segregated housing due to being at high risk for sexual victimization.

Comments:

The Shift Commander Checklists were attached. It should be noted that both inmates were housed on housing unit H, which is a general population unit.

As noted previously, there were no inmates held in involuntary segregation within the past year. Interviews indicated that if were necessary, policy would be followed.

115.51	Inmate reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 12: Reporting Sexual Abuse and Sexual Harassment</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 1: Mail Processing Procedures</p> <p>11.5.1. Records Office Operations Procedure Manual; Section 1: Processing of Receptions</p> <p>PREA Inmate Intake Handout</p> <p>Zero Tolerance Poster (English and Spanish)</p> <p>PREA Reports via Inmate’s Request to Staff Member Form</p> <p>PREA Reports Made via Grievance – Rejection</p> <p>Employee Report of Incident</p> <p>Letter to BCI/PREA Coordinator (Staff Retaliation)</p> <p>PREA Training Curriculum</p> <p>PREA Policy Updates / Web Based</p> <p>PREA 2018 Essentials Training / Web Based</p> <p>PREA Essentials Refresher Training 2020</p> <p>Interview of PREA Compliance Manager</p> <p>Site Review</p> <p>PREA Posters</p> <p>MOU with outside Advocacy Agency</p> <p>Inmate Handbook</p> <p>Department Website</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 12: Reporting Sexual Abuse and Sexual Harassment</p> <p>A. General</p> <p>1. Staff, contractors, volunteers, and inmates shall report knowledge or suspicion of the following:</p> <p>a. sexual abuse;</p> <p>b. sexual harassment;</p> <p>c. retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and;</p> <p>d. staff neglect or violation of responsibilities that may have contributed to such incidents. (28 C.F.R. §115.51[a])</p> <p>3. Staff shall accept, and document reports made verbally, in writing, anonymously, and from uninvolved parties, as defined in the glossary of terms, and promptly forward to the facility’s designated investigators as follows: (28 C.F.R. §115.51[c]) (28 C.F.R. § 115.61[e]) (28 C.F.R. §115.161[d])</p> <p>a. in State Correctional Institutions (SCIs), reports shall be forwarded to the Shift Commander;</p> <p>4. All reports received by the Sexual Abuse Reporting Address, established for the third-party and anonymous reporting of sexual abuse or sexual harassment to the Pennsylvania</p>

State Police (PSP), shall be handled as follows: (28 C.F.R. §115.51[b])

- a. when the PSP receives Prison Rape Elimination Act (PREA)-related complaint correspondence at this address, the letter shall be scanned and emailed to the Department's PREA Notification email address (CR, DOC PREA Notification) for tracking purposes and dissemination to the appropriate facility;
- b. the PREA Compliance Division (PCD) staff are responsible for monitoring the email box for follow-up and referral purposes; and
- c. this information shall be maintained within the investigative file, in accordance with Section 20 of this procedure's manual.

A. Methods of Reporting for Inmates

1. An inmate who is an alleged victim of any of the items identified in Subsection A.1. above shall report the allegation to a staff member as soon as possible.
2. A report may be made to any staff member in the facility including, but not limited to, the facility PREA Compliance Manager (PCM), Medical staff, Psychology staff, Corrections Officers, Community Corrections Monitors, Parole Agents, and Counselors. (28 C.F.R. § 115.51[c])
3. As soon as a staff member, contractor, or volunteer receives a report of sexual abuse or sexual harassment, either verbally or in writing, he/she is required to notify the appropriate facility chain of command as specified in Subsection A.3. above immediately. (28 C.F.R. §115.51[c])
4. Methods of reporting include the following: (28 C.F.R. §115.51[a])
 - a. verbal report to any staff member;
 - b. submitting a DC-135A, Inmate's Request to Staff Member or other written correspondence;
 - c. submitting a written report to the Sexual Abuse Reporting Address with the PSP: BCI/PREA Coordinator, 1800 Elmerton Avenue, Harrisburg, PA 17110 as outlined on the PREA Reporting Poster (Attachment 12-C); and (28 C.F.R. §115.54)
 - d. reports from families or friends directly to the facility or to PSP.
7. Every inmate must be provided with immediate access to at least one of the methods indicated above through which he/she may privately report items identified in Subsection A.1. above. (28 C.F.R. §115.51[a])

6. The Sexual Abuse Reporting Address with the PSP is an option for employees, contract service providers, or volunteers to privately report an allegation of sexual abuse, sexual harassment, or retaliation. (28 C.F.R. §115.51[d]) (28 C.F.R. §115.54) The reporting address is: BCI/PREA Coordinator, 1800 Elmerton Avenue, Harrisburg, PA 17110, as outlined on the PREA Reporting Poster.

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

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

PREA Inmate Intake Handout includes the following:
How you can Report Sexual Abuse or Sexual Harassment

Tell any staff member to immediately report the incident.

Tell any supervisor or manager to immediately report the incident.

Make a written request to any staff member, supervisor, or manager.

Send a written report to the third-party reporting address established with the Pennsylvania State Police (PSP).

BCI/PREA Coordinator

1800 Elmerton Avenue

Harrisburg, PA 17110

Have your family call to notify the facility or contact PSP.

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 PSP.

Inmate Handbook

H. Prison Rape Elimination Act (PREA) (DC-ADM 008)

The Pennsylvania DOC has a Zero Tolerance Policy for sexual abuse or sexual harassment.

This means that no sexual abuse or sexual harassment is tolerated, including abuse by inmates and by staff. Furthermore, inmates and staff who report sexual abuse or sexual harassment, or cooperate in a PREA investigation, shall be protected from retaliation. Sexual abuse includes sexual abuse by another inmate or sexual abuse by a staff member, contractor, or volunteer. (28 C.F.R. §115, §115.11)

1. Sexual activity between a staff member and an inmate can never be consensual and is always against the law.
2. Zero Tolerance means that 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 criminally prosecuted.
3. Sexual abuse of an inmate by another inmate 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: (28 C.F.R. §115.6)
 - 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.
4. Sexual abuse of an inmate by a staff member, contractor, or volunteer includes any of the following acts, with or without the consent of the inmate: (28 C.F.R. §115.6)
 - 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 actor 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 actor 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 actor has the intent to abuse, arouse, or gratify sexual desire;
- f. any attempt, threat, or request by an actor to engage in the activities described above;
- g. any display by an actor of his/her uncovered genitalia, buttocks, or breast in the presence of an inmate; and
- h. voyeurism--voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

5. Sexual Harassment

- a. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature, by one inmate directed toward another.
- b. Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer including demeaning references to gender, sexually suggestive, or derogatory comments about body or clothing, or obscene language or gestures. (28 C.F.R. §115.6)

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

- a. An inmate who is a victim of sexual abuse or sexual harassment by another inmate or staff member should:
 - (1) make a verbal or written report to any staff member;
 - (2) submit a DC-135A, Inmate's Request to Staff Member; or
 - (3) submit a written report to the Sexual Abuse Reporting Address: BCI/PREA Coordinator, 1800 Elmerton Ave., Harrisburg, PA 17110.
- b. Third party reports can be made to the Sexual Abuse Reporting Address, BCI/PREA Coordinator, 1800 Elmerton Ave., Harrisburg, PA 17110. (28 C.F.R. §115.51, §115.54)

7. Victims of Sexual Abuse Have Access to Free Support Services (28 C.F.R. §115.53) Write to request more information: PCAR, Pennsylvania Coalition Against Rape, P.O. Box 400, Enola, PA 17025. You may also contact your facility's PREA Compliance Manager for access to this service.

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 1: Mail Processing Procedures

10. All outgoing mail shall include on the envelope the fully approved inmate name, Department inmate number, and return address printed in a legible, undisguised manner on the upper, left-hand corner of the envelope. An envelope not bearing this information will be opened and returned to the inmate, if identified. Non-privileged correspondence shall include the central incoming inmate mail processing center return address as listed above. Privileged correspondence will have the facility mailing address with the inmate's name and number as the return address. EXCEPTION: To preserve the confidentiality of inmates reporting allegations of sexual assault to the Pennsylvania State Police (PSP), an envelope addressed to: BCI/PREA Coordinator, 1800 Elmerton Avenue, Harrisburg, PA 17110 is not required to include the inmate name or Department number. [28 C.F.R. §115.51(b)] PSP has asked that

an inmate reporting an allegation of sexual assault include his or her name and inmate number within the body of the letter contained inside the envelope so that PSP can identify the person making the allegation and communicate with them as PSP deems necessary.

11.5.1. Records Office Operations Procedure Manual; Section 1: Processing of Receptions

O. Civil Immigration Cases (§115.41[d], §115.51[b], §115.53[a])

1. The Department does not accept or house inmates that are detained solely for civil immigration purposes.
2. Prior to rejecting the reception of an inmate who is detained solely for civil immigration purposes, the Records Office shall contact the Records Administrator/Assistant Records Administrator by telephone for direction before declining the commitment.

PREA Training Curriculum

Staff are also required to report any staff neglect or violations of responsibilities that may have contributed to an incident or retaliation.

Although staff are mandated to report all PREA related activity as part of their official duties, staff can also make anonymous reports to the sexual abuse reporting address or www.tipsubmit.com

Staff are required to maintain the confidentiality of information reported to them by only sharing details with supervisory staff and responders (i.e., immediate security or management). Disclosing reports to those staff who are not involved in response decisions is prohibited.

Comments:

The Pennsylvania DOC does not house inmates that are detained solely for civil immigration purposes.

Verbal reports are to be immediately documented on a DC-121 part 3 Employee Report of Incident and forwarded to the Shift Commander.

Staff members may choose to report PREA allegations via the PSP (Pennsylvania State Police) address provided. This can be done anonymously.

Staff are informed of procedures via PREA policy, annual training, PREA posters.

If an inmate submits a grievance related to PREA, the grievance is automatically rejected. However, the grievance rejection notification is forwarded to the Compliance Officer or to a Captain to initiate an investigation.

The OAS included a letter to BCI/PREA Coordinator in relation to a staff retaliation. That is an on-going investigation.

Inmate interviews showed that inmates knew multiple methods of reporting sexual abuse and sexual harassment, as did staff. Including reporting it to outside sources (postings).

As noted previously, there is confusions about the toll-free number listed by the telephones, by both staff and inmates. This is not a direct PREA hotline, although it can be utilized as such. The auditor suggested that it be clarified again to all.

115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 12: Reporting Sexual Abuse and Sexual Harassment Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 1: Grievances and Initial Review PREA Grievance Rejection Notice Inmate Handbook Interview with Inmates who Reported a Sexual Abuse Interview with Supervisors Logs of Grievances and findings</p> <p>The past 12 months: The number of grievances filed that alleged sexual abuse: 0 The number of grievances alleging sexual abuse that reached final decision within 90 days after being filed: 0</p> <p>The number of grievances alleging sexual abuse filed by inmates in the past 12 months in which the inmate declined third-party assistance, containing documentation of the inmate's decision to decline: 0</p> <p>The number of emergency grievances alleging substantial risk of imminent sexual abuse that were filed in the past 12 months: 0 The number of those grievances that had an initial response within 48 hours: 0 In the past 12 months, the number of inmate grievances alleging sexual abuse that resulted in disciplinary action by the agency against the inmate for having filed the grievance in bad faith: 0</p> <p>The number of grievances alleging substantial risk of imminent sexual abuse filed in the past 12 months that reached final decisions within 5 days: 0</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 12: Reporting Sexual Abuse and Sexual Harassment 6. Inmates shall not utilize the inmate grievance system to report sexual abuse or sexual harassment by a staff member or inmate-on-inmate sexual abuse, as defined in the Glossary of Terms for this procedures manual. However, if an inmate files a grievance related to staff-on-inmate sexual abuse/sexual harassment or inmate-on-inmate sexual abuse, the Facility Grievance Coordinator shall reject the grievance and forward it to the facility Security Office in SCIs or the BCC-MOC in CCCs, CCFs, and Lockups, in addition to the PCM/designee for tracking and investigation. The inmate shall be notified of the rejection and forwarding of the allegation for investigation. (28 C.F.R. §115.52[a])</p>

**Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual;
Section 1: Grievances and Initial Review**

2. The Inmate Grievance System is intended to deal with a wide range of issues, procedures, or events that may be of concern to an inmate. It is not meant to address incidents of an urgent or emergency nature including allegations of sexual abuse. Any allegation of a sexual nature (abuse/harassment) against a staff member or inmate-on-inmate sexual abuse must be addressed through Department policy DC-ADM 008, "Prison Rape Elimination Act (PREA)." When faced with an incident of an urgent or emergency nature, the inmate shall contact the nearest staff member for immediate assistance.

1. A grievance regarding an allegation of a sexual nature (abuse/harassment) against a staff member or inmate-on-inmate sexual abuse will not be addressed through the Inmate Grievance System and must be addressed through Department policy DC-ADM 008, in accordance with Subsection C.4.b. below. 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 against a staff member regarding an allegation of a sexual nature (abuse/harassment) or inmate-on-inmate sexual abuse, the grievance will be immediately forwarded to the Security Department as well as the PREA Compliance Manager in accordance with Department policy DC-ADM 008 to start an investigation and will not be addressed through the Inmate Grievance System.

a. When the grievance is in regard to Department policy DC-ADM 008, the Facility Grievance Coordinator/designee shall do the following:

(1) immediately forward a copy of the grievance to the Security Office to be investigated in accordance with Department policy DC-ADM 008 as well as to the PREA Compliance Manager;

and

(2) the rejection notice to the inmate shall state: "Sexual abuse is taken seriously by the Department of Corrections. Any allegations of a sexual nature (abuse/harassment) against a staff member or inmate-on-inmate sexual abuse must be investigated to make sure that inmates are safe in this facility. This grievance is being forwarded to the Security Office and the PREA Compliance Manager for initiation of an investigation."

Comments:

PA DOC does not permit inmates to utilize the Inmate Grievance system to report allegations of sexual abuse. However, if an inmate reports a PREA incident via the grievance system, the grievance is forwarded to the Compliance Manager and/or Captain for follow-up/investigation.

The agency is exempt from this standard.

115.53	Inmate access to outside confidential support services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008-1; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education Assurances to Victims of Sexual Abuse – Handout (Spanish and English) Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 15: Access to Outside Confidential Support Services 11.5.1. Records Office Operations Procedure Manual; Section 1: Processing of Receptions Sexual Abuse/Sexual Harassment Inmate/Reentrant Education Program; Facilitator’s Guide PREA Inmate Intake Handout (Spanish and English) Assurances to Victims of Sexual Abuse Handout (Spanish and English) If you are the Reported Victim of Sexual Abuse – SCI Form AWARE Brochure AWARE Confidentiality Statement AWARE Letter of Agreement Handbooks Brochure - PREA Zero Tolerance Posters (Spanish and English) Notices Interviews with Inmates Interviews with Inmates who Reported Sexual Abuse Interviews with Staff MOU with Advocacy Agencies Site Review</p> <p>Policy # DC-ADM 008-1; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education</p> <p>s. Maintain copies of any Memoranda of Understanding (MOU)/Letter of Agreement (LOA) with the local hospital and/or Rape Crisis Center. If the facility is not part of an active MOU, the PCM shall document attempts to enter into such MOUs/LOAs annually. (28 C.F.R §115.21[c] & 28 C.F.R §115.53[c])</p> <p>Assurances to Victims of Sexual Abuse – Handout (Spanish and English) “You shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. (28 C.F.R. §115.82[a])</p> <p>Medical treatment and crisis intervention services shall be provided without financial cost to you. The facility shall inform you, prior to giving you access to outside confidential support services, of the extent to which such communication shall be monitored. (28 C.F.R. §115.21[c], §115.53[b], §115.82[d], §115.83[g])</p> <p>Administrative and criminal investigations shall be completed for all allegations of sexual</p>

abuse and sexual harassment. (28 C.F.R. §115.22[a])

Allegations of sexual abuse and sexual harassment shall be investigated by the Pennsylvania Department of Corrections or referred to an agency with the legal authority to conduct criminal investigations, and victims shall be notified of the investigative outcome. (28 C.F.R. §115.22[b], §115.73[a])

You shall be monitored for follow-up for at least 90 days following a report of sexual abuse to ensure you are free from retaliation and are receiving requested treatment services. (28 C.F.R. §115.67[c])

If you have any questions or need help accessing services, please inform your facility's PREA Compliance Manager.

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

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA); Procedure Manual Section 15: Access to Outside Confidential Support Services

A. Inmate Access to Outside Confidential Rape Crisis Services

1. The Department works in collaboration with the Pennsylvania Coalition Against Rape (PCAR) and its member centers. The facility PREA Compliance Manager (PCM), in conjunction with the Department PREA Coordinator/designee has worked to establish mutual agreements with local rape crisis centers where all Department facilities are located. (28 C.F.R. §115.53[c])
 2. The PCM in each facility type shall coordinate victim services related to sexual abuse for his/her facility and work with the PCAR approved local rape crisis center to establish a PREA Rape Crisis Center Letter of Agreement (LOA)/Memorandum of Understanding (MOU) or shall document its attempts to enter into such an agreement. (28 C.F.R. §115.21[d]) (28 C.F.R. §115.53[c])
 - a. The facility PCM shall initiate attempts to enter into a LOA/MOU with the rape crisis center or shall document and preserve record of its attempts to enter into such an agreement for audit purposes. (28 C.F.R. §115.21[c]) The PCM shall not sign as the authorized Department representative to approve the LOA/MOU.
 - b. Once signed by the rape crisis center, State Correctional Institution (SCI), Community Corrections Center (CCC), and Lockup PREA Sexual Assault Forensic Examiner (SAFE)/Sexual Assault Nurse Examiner (SANE) LOAs/MOUs, shall be sent to the Department's Office of Chief Counsel via CR, CEN Legal Assistance Center resource account to be vetted and executed by the Secretary.
 - c. Community Contract Facilities (CCFs) may utilize the Department's PREA Rape Crisis Center LOA as a template and vet through the Contract Agency's legal department to ensure compliance with the national PREA standards.
 - d. Each facility shall maintain the signed document for review upon request, in accordance with Section 20 of this procedure's manual, and forward a copy to the Department's PREA resource account (CR, DOC PREA Reports). CCCs and CCFs shall also provide a copy to the Bureau of Community Corrections (BCC) Regional Director/designee.
 3. The PCM shall ensure that inmates are offered and provided with access to outside victim advocates for emotional supportive services related to sexual abuse which has occurred in a

confinement setting. During non-working hours, the Shift Commander shall be responsible to ensure the aforementioned support services in SCIs. Supportive services may be provided via a variety of methods including in person, during a non-monitored phone call, and/or in writing. (28 C.F.R. §115.53[a])

4. The PCM shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. (28 C.F.R. §115.53[b])

a. Each facility shall ensure that if facility phones or public pay phones within the facility are monitored, that the level of monitoring is clearly posted next to the phone. This shall be posted in English and Spanish.

b. If a CCF facility monitors reentrant mail, the level of monitoring must be clearly posted in the facility handbook and reentrant bulletin boards.

Sexual Abuse/Sexual Harassment Inmate/Reentrant Education Program; Facilitator's Guide

Counseling Programs for Victims – If you have been the victim of sexual abuse by staff or an inmate/reentrant(s), you may seek counseling and/or advice from a qualified professional. Crisis counseling, coping skills, suicide prevention, and mental health counseling are all available to you through the local rape crisis center. The rape crisis center is independent from the Department and this facility.

If you are the Reported Victim of Sexual Abuse – SCI Form (Spanish and English)

You are offered timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. (28 C.F.R. §115.82[a])

Medical treatment and crisis intervention services shall be provided without financial cost to you. The facility shall inform you, prior to giving you access to outside confidential support services, of the extent to which such communication shall be monitored. (28 C.F.R. §115.21[c], §115.53[b], §115.82[d], §115.83[g])

The form also gives the inmate the options of accepting or declining a medical examination, mental health evaluation and rape crisis services. The inmate signs the form after indicating his preference.

AWARE Brochure

“Since 1976, AWARE has been serving victims of domestic and sexual violence, their family members and friends.” The brochure contains contact information for this advocacy center.

11.5.1. Records Office Operations Procedure Manual; Section 1: Processing of Receptions O. Civil Immigration Cases (§115.41[d], §115.51[b], §115.53[a])

The Department does not accept or house inmates that are detained solely for civil immigration purposes.

Prior to rejecting the reception of an inmate who is detained solely for civil immigration purposes, the Records Office shall contact the Records Administrator/Assistant Records Administrator by telephone for direction before declining the commitment.

AWARE Letter of Agreement

This Letter of Agreement made this 15th day of May 2014, sets forth the terms under which AWARE, Inc will assist the Department of Corrections ("Department") in complying with the federal Prison Rape Elimination Act.

2. AWARE, Inc will, in connection with an alleged sexual assault occurring at any Department facility in Mercer County:

- a. Provide advocacy for and accompany the victim to the hospital or other location where a forensic examination is to be conducted;
- b. Provide confidential supportive services to the victim either by telephone, mail or in person;
- c. Accompany the victim to court proceedings concerning the alleged sexual assault;
- d. Work with designated Department officials to obtain any necessary security clearance and follow all facility guidelines for safety and security;
- e. Maintain a trained pool of advocates to respond to sexual assault survivors at Department facilities in Mercer County; and
- f. Maintain confidentiality as required by state standards for certified crisis counselors and AWARE, Inc policies and procedures.
- g. AWARE, Inc will provide the necessary release forms to the advocate on behalf of an offender.

Comments:

PA DOC does not house inmates solely for civil immigration purposes.

Upon movement to a forensic examination, an AWARE advocate is made available to an inmate. The inmate is offered continuing meetings, if the inmate wishes.

Meetings between a counselor from AWARE and inmates occur in the attorney/client room of the visiting room. If a counselor were not able to come to the facility, there is an inmate phone booth available in building 28 that the counselor could call to speak with the inmate. It is a private booth, and the calls are not monitored. During an inmate interview, he stated that an advocate from AWARE was at the hospital during his forensic examination, and he continues to see the advocate. (He had a scheduled appointment with this advocate the next day.)

"AWARE declined to provide any signed agreements; however, attached is a blank confidentiality agreement that AWARE clients sign."

115.54	Third-party reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 12: Reporting Sexual Abuse and Sexual Harassment Sexual Abuse/Sexual Harassment Inmate/Reentrant Education Program; Facilitator’s Guide Zero Tolerance Poster (English and Spanish) Inmate Handbook Website</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 12: Reporting Sexual Abuse and Sexual Harassment</p> <p>1. Staff shall accept, and document reports made verbally, in writing, anonymously, and from uninvolved parties, as defined in the glossary of terms, and promptly to the facility’s designated investigators as follows: (28 C.F.R. §115.51[c]) (28 C.F.R. §115.61[e]) (28 C.F.R. §115.161[d])</p> <p>d. reports from families or friends directly to the facility or to PSP.</p> <p>5. Inmates in need of immediate assistance should notify a staff member or have an uninvolved party immediately contact the facility or PSP.</p> <p>D. Methods of Reporting for Friends, Family, and the General Public</p> <p>1. The Sexual Abuse Reporting Address with the PSP is an option for the general public to report an allegation of sexual contact. The reporting address is: BCI/PREA Coordinator, 1800 Elmerton Avenue, Harrisburg, PA 17110.</p> <p>2. A writer may choose to include his/her name and contact information, but it is not necessary in making a report; complaints can be made anonymously. (28 C.F.R. §115.54)</p> <p>4. Methods of reporting include the following: (28 C.F.R. §115.51[a])</p> <p>c. submitting a written report to the Sexual Abuse Reporting Address with the PSP: BCI/PREA Coordinator, 1800 Elmerton Avenue, Harrisburg, PA 17110 as outlined on the PREA Reporting Poster (Attachment 12-C); and (28 C.F.R. §115.54)</p> <p>C. Methods of Reporting for Staff, Contractors, and Volunteers</p> <p>6. The Sexual Abuse Reporting Address with the PSP is an option for employees, contract service providers, or volunteers to privately report an allegation of sexual abuse, sexual harassment, or retaliation. (28 C.F.R. §115.51[d]) (28 C.F.R. §115.54) The reporting address is: BCI/PREA Coordinator, 1800 Elmerton Avenue, Harrisburg, PA 17110, as outlined on the PREA Reporting Poster.</p> <p>Sexual Abuse/Sexual Harassment Inmate/Reentrant Education Program; Facilitator’s Guide</p>

If you have experienced unwanted sexual abuse or sexual harassment, or if you have witnessed an act of sexual abuse or sexual harassment, the Department and this facility have established multiple ways for you to make a report. It is important that you tell a staff member as soon as possible if you have information regarding sexual abuse or sexual harassment.

The third-party reporting address will accept anonymous reports and is located on all PREA posters within this facility and on the Inmate Intake Handout provided to you during intake. All written reports shall be kept anonymous, upon request, to the extent allowable by law.

Third-Party Reports – Have your family call to notify the facility or contact PSP.

Reports can be made anonymously by others or uninvolved parties.

Inmate Handbook

H. Prison Rape Elimination Act (PREA) (DC-ADM 008)

The Pennsylvania DOC has a Zero Tolerance Policy for sexual abuse or sexual harassment.

This means that no sexual abuse or sexual harassment is tolerated, including abuse by inmates and by staff. Furthermore, inmates and staff who report sexual abuse or sexual harassment, or cooperate in a PREA investigation, shall be protected from retaliation. Sexual abuse includes sexual abuse by another inmate or sexual abuse by a staff member, contractor, or volunteer. (28 C.F.R. §115, §115.11)

1. Sexual activity between a staff member and an inmate can never be consensual and is always against the law.

2. Zero Tolerance means that 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 criminally prosecuted.

3. Sexual abuse of an inmate by another inmate 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: (28 C.F.R. §115.6)

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.

4. Sexual abuse of an inmate by a staff member, contractor, or volunteer includes any of the following acts, with or without the consent of the inmate: (28 C.F.R. §115.6)

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 actor 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 actor 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 actor has the intent to abuse, arouse, or gratify sexual desire;

f. any attempt, threat, or request by an actor to engage in the activities described above;

g. any display by an actor of his/her uncovered genitalia, buttocks, or breast in the presence of an inmate; and

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

5. Sexual Harassment

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

b. Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer including demeaning references to gender, sexually suggestive, or derogatory comments about body or clothing, or obscene language or gestures. (28 C.F.R. §115.6)

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

a. An inmate who is a victim of sexual abuse or sexual harassment by another inmate or staff member should:

(1) make a verbal or written report to any staff member;

(2) submit a DC-135A, Inmate's Request to Staff Member; or

(3) submit a written report to the Sexual Abuse Reporting Address: BCI/PREA Coordinator, 1800 Elmerton Ave., Harrisburg, PA 17110.

b. Third party reports can be made to the Sexual Abuse Reporting Address, BCI/PREA Coordinator, 1800 Elmerton Ave., Harrisburg, PA 17110. (28 C.F.R. §115.51, §115.54)

7. Victims of Sexual Abuse Have Access to Free Support Services (28 C.F.R. §115.53)

Write to request more information: PCAR, Pennsylvania Coalition Against Rape, P.O. Box 400, Enola,

PA 17025. You may also contact your facility's PREA Compliance Manager for access to this service.

3. A grievance regarding an allegation of a sexual nature (abuse/harassment) against a staff member or inmate-on-inmate sexual abuse will not be addressed through the Inmate Grievance System and must be addressed through DC-ADM 008, "PREA."

Comments:

Family and friends can report allegations to PSP (Pennsylvania State Police) or directly to the facility. Instructions, as well as contact information, is contained on the DOC's website.

115.61	Staff and agency reporting duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 12: Reporting Sexual Abuse and Sexual Harassment Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment Employee Report of Incidents Memorandum regarding Staff and Agency Reporting Duties dated January 16, 2020 Inmate Written Statement of Sexual Abuse/Harassment Form Interview with Supervisor Interview with PREA Coordinator Interview with PREA Compliance Officer Interviews with Staff Interview with Medical Staff Interview with Mental Health Staff</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 12: Reporting Sexual Abuse and Sexual Harassment</p> <p>A. General</p> <ol style="list-style-type: none"> 1. Staff, contractors, volunteers, and inmates shall report knowledge or suspicion of the following: <ol style="list-style-type: none"> a. sexual abuse; b. sexual harassment; c. retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and; d. staff neglect or violation of responsibilities that may have contributed to such incidents. (28 C.F.R. §115.51[a]) 2. Anyone who reports sexual abuse, sexual harassment, or retaliation should provide as many details as possible regarding the incident(s), including the following information: <ol style="list-style-type: none"> a. comprehensive description of incident(s); b. names of all parties involved; c. date(s); d. time(s); e. place(s) of alleged incidents; and f. witness(es), if any. 3. Staff shall accept, and document reports made verbally, in writing, anonymously, and from uninvolved parties, as defined in the glossary of terms, and promptly forward to the facility's designated investigators as follows: (28 C.F.R. §115.51[c]) (28 C.F.R. § 115.61[e]) (28 C.F.R. §115.161[d]) <ol style="list-style-type: none"> a. in State Correctional Institutions (SCIs), reports shall be forwarded to the Shift Commander; 4. All reports received by the Sexual Abuse Reporting Address, established for the third-party and anonymous reporting of sexual abuse or sexual harassment to the Pennsylvania

State Police (PSP), shall be handled as follows: (28 C.F.R. §115.51[b])

- a. when the PSP receives Prison Rape Elimination Act (PREA)-related complaint correspondence at this address, the letter shall be scanned and emailed to the Department's PREA Notification email address (CR, DOC PREA Notification) for tracking purposes and dissemination to the appropriate facility;
 - b. the PREA Compliance Division (PCD) staff are responsible for monitoring the email box for follow-up and referral purposes; and
 - c. this information shall be maintained within the investigative file, in accordance with Section 20 of this procedure's manual.
5. If the alleged victim is under the age of 18, the Department shall refer the allegation to the designated State or local services agency under applicable mandatory reporting laws as outlined by the Pennsylvania Department of Human Services. (28 C.F.R. §115.61[d]) (28 C.F.R. §115.161[c])

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

1. Any staff member, contract service provider, and volunteer shall immediately report to the Shift Commander/BCC Facility Director/PBPP District Director/Deputy District Director if he/she has knowledge, suspicion, or information regarding items identified in Subsection A. 1.above occurring in any confinement facility, regardless whether the facility is affiliated with the Department. (28 C.F.R. §115.61[a])
2. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse in accordance with Subsection C.1. above, to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services. (28 C.F.R. §115.61[c])
3. Verbal reports shall be immediately documented on the DC-121, Part 3, Employee Report of Incident. (28 C.F.R. §115.51[c]) DC-135As or other written correspondence regarding PREA allegations shall be retained in the appropriate investigative file in accordance with Section 20 of this procedure's manual. Reports shall be held in strict confidence and shall precipitate the immediate commencement of an investigation. (28 C.F.R. §115.61[a])
4. A DC-121, Part 2, Extraordinary Occurrence Report shall be filed in every SCI sexual abuse allegation, requiring transport to an outside medical facility for a forensic medical examination in accordance with Department policy 6.3.1, "Facility Security."
5. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse allegation to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions, where sexual abuse with an inmate is reported. (28 C.F.R. §115.61[b])

F. Inter-Facility Reports

1. Reporting to Other Confinement Facilities – SCIs
 - a. An inmate may file a report of sexual abuse sustained while confined at another facility. (28 C.F.R. §115.63[a])

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment

Every report, complaint, or allegation of sexual abuse and sexual harassment, including uninvolved party and anonymous reports shall be investigated promptly, thoroughly, and objectively. Investigations shall be conducted in accordance with all related Department policies and Prison Rape Elimination Act (PREA) Standard 28 C.F.R. §115.71. (28 C.F.R. §115.22[a][d]) (28 C.F.R. §115.61[e]) (28 C.F.R. §115.71[a])¹

Memorandum regarding Staff and Agency Reporting Duties dated January 16, 2020

There have been no instances of staff neglect or violation of responsibilities at SCI Mercer during the audit period that may have contributed to an incident or retaliation.

Comments:

Interviews showed that staff were fully aware of their responsibility to immediately report any/all knowledge, suspicion or information about any occurrence of sexual abuse or sexual harassment. They were also aware of the confidentiality necessary with this type of situation.

S.C.I. Mercer does not house anyone under the age of eighteen (18).

115.62	Agency protection duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Policy # DC-ADM 008-1; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education / Bulletin</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 14: Responding to Reports of Sexual Abuse</p> <p>Policy # DC-ADM 008-1; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 1: Sexual Abuse/Sexual Harassment Prevention – Responsibilities</p> <p>Memorandum regarding Involuntary Segregation dated January 15, 2020</p> <p>Memorandum regarding Agency Protection Duties dated January 16, 2020</p> <p>Response to Allegation of Sexual Abuse Checklist</p> <p>Interview with Superintendent</p> <p>Interview with Deputy Superintendent</p> <p>Interview with Staff</p> <p>In the past 12 months, the number of times the agency or facility determined that an inmate was subject to substantial risk of imminent sexual abuse: 0</p> <p>If the agency or facility made such determinations in the past 12 months, the average amount of time that passed before taking action: n/a</p> <p>The longest amount of time elapsed before taking action, if not immediate (please explain): n/a</p> <p>Policy # DC-ADM 008-1; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education / Bulletin</p> <p>o. Ensure that when Department staff learn that an inmate is subject to a substantial risk of imminent sexual abuse, appropriate and immediate action shall be taken to protect that inmate. (28 C.F.R. §115.62)</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 14: Responding to Reports of Sexual Abuse</p> <p>b. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the alleged victim, in accordance with PREA Standard 28 C.F.R. §115.62 and shall immediately notify the appropriate medical and mental health practitioners. (28 C.F.R. §115.82[b])</p> <p>Memorandum regarding Involuntary Segregation dated January 15, 2020</p> <p>“There have been no instances during the previous 12 months of any inmates being involuntarily placed in segregated housing due to being at high risk for sexual victimization.”</p> <p>Policy # DC-ADM 008-1; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 1: Sexual Abuse/Sexual Harassment Prevention – Responsibilities</p> <p>o. Ensure that when Department staff learn that an inmate is subject to a substantial risk of</p>

imminent sexual abuse, appropriate and immediate action shall be taken to protect that inmate. (28 C.F.R. §115.62)

Response to Allegation of Sexual Abuse Checklist

This form contains several responsibilities listed under each of these categories: Get the Alleged Victim to a Safe Location, Get the Alleged Victim to the Medical Department, Secure the Crime Scene, Brief and Confidential consultation conducted with the Victim by Medical Personnel, Evidence Collected from the Victim by a Commissioned Officer and Observed by Medical Personnel in accordance with the Instructions for PREA Evidence Retention, Transport Victim to the Outside Hospital as Directed by Medical Staff and Determine Temporary Housing Status for Victim - Shift Commander. Name/Title, Date/Time and Signature are required under each category.

Memorandum regarding Agency Protection Duties dated January 16, 2020

“There have been no instances during the audit period where a determination was made that an inmate was subject to a substantial risk of imminent sexual abuse.”

Comments:

SCI Mercer operates under the DOC's DC ADM 008 PREA policy.

Attachment 14B and bed management reports were attached for the only allegation that involved cellmates during the audit period. The bed moves indicate that the AV was moved from the cell that he shared with the AA prior to him even reporting the allegation.

“Any action would be taken immediately once a threat is known.”

Interviews indicated that all staff would take immediate action to remove an inmate who was in imminent danger of sexual abuse. All were able to share the moves they would make to ensure safety.

115.63	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 12: Reporting Sexual Abuse and Sexual Harassment Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention Notification of Sexual Abuse Allegation to Another Facility Form Interview with Superintendent Interview with Deputy Superintendent Interview with PREA Compliance Manager Documentations of Notifications</p> <p>In the past 12 months, the number of allegations the facility received that an inmate was abused while confined at another facility: 2 In the past 12 months, the number of allegations of sexual abuse the facility received from other facilities: 5</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 12: Reporting Sexual Abuse and Sexual Harassment</p> <p>F. Inter-Facility Reports</p> <ol style="list-style-type: none"> 1. Reporting to Other Confinement Facilities – SCIs <ol style="list-style-type: none"> a. An inmate may file a report of sexual abuse sustained while confined at another facility. (28 C.F.R. §115.63[a]) b. It is the Facility Manager’s responsibility to notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. When possible, reports shall be forwarded via email, with a copy to CR, DOC PREA Reports and the PCM, to the affected head of the facility or appropriate office of the agency where the alleged abuse occurred and documented on the Notification of Sexual Abuse Allegation to Another Facility (Attachment 12-D). (28 C.F.R. §115.63[a]) c. In the absence of the Facility Manager, the Acting Facility Manager shall be responsible for making such notification. d. Notification must be provided as soon as possible, but no later than 72 hours after receiving the allegation. (28 C.F.R. §115.63[b]) e. Documentation of the notification shall be maintained by the PCM in a file for audit verification purposes in accordance with Section 20 of this procedure’s manual. (28C.F.R. §115.63[c]) f. When the facility receiving an allegation that an inmate was sexually abused in a Department facility can confirm that the allegation has been previously reported, entered into the PREA Tracking System (PTS) and investigated; such notification is not required. The facility receiving the allegation shall document the PTS incident number on the Notification of Sexual Abuse Allegation to Another Facility and retain all associated documents for audit verification purposes. Notification shall occur for all allegations that are not documented in the

PTS.

a. Both PCMs shall coordinate the information flow to ensure:

- (1) the facility housing the alleged victim completes applicable first responder duties and checklists as specified in Section 14 of this procedures manual;
- (2) the Department facility where the alleged incident occurred conducts the investigation;
 - (1) when an alleged victim reports an incident occurring in a Department facility that is no longer in operation; it shall be the responsibility of the facility holding the inmate to complete the investigation based upon available information;
 - (2) a thorough and expedient investigative process follows; and
 - (3) the inmate receives information regarding the investigative outcome in a confidential and timely manner as to comply with Section 18 of this procedure's manual.

1. Reporting to Other Confinement Facilities – CCCs, CCFs, Lockups

a. Upon receiving an allegation that a reentrant was sexually abused while confined at another facility, the BCC Facility Director/PBPP District Director/Deputy District Director/designee shall document the receipt of the allegation via a DC-121, Part 3 or Incident Report Form and verbally notify the BCC-MOC without delay. The BCC-MOC shall prepare a confidential report; PREA Report – Sexual Abuse. The affected facility will be provided a copy of the confidential report and contact information in an electronic format for any follow-up questions. A copy of the notification, attachments, and any electronic correspondence associated with its distribution shall be maintained in the BCC Security Office case file. (28 C.F.R. §115.263[a][b])

b. The BCC Director shall make initial contact with the Facility Director or appropriate office of the agency where the alleged abuse occurred by utilizing the PREA Report – Sexual Abuse to coordinate any immediate actions that may need to be taken. The BCC Director shall make follow-up contact with the affected Facility Director or appropriate office of the agency where the alleged abuse occurred to make the formal notification to the affected facility within 72 hours of report. A copy of the notification, attachments, and any electronic correspondence associated with its distribution shall be maintained in the BCC Security Office case file. (28 C.F.R. §115.263[a][b])

3. Reports Received from Other Confinement Facilities

a. Upon receipt of an allegation from another facility that an inmate was sexually abused while confined at that location, the Facility Manager/designee or agency office that receives such notification shall document the receipt of the allegation in the agency's PTS.

b. The Facility Manager or agency office that receives such notification, shall immediately notify the Security Office in SCIs or the BCC-MOC in CCCs, CCFs, and Lockups to initiate a PREA investigation as outlined in Section 20 of this procedure's manual. (28 C.F.R. §115.63[d])

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

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention

c. The following forms shall be maintained by the PREA Compliance Manager (PCM) in an annual electronic file for each form individually:

- (3) Notification of Sexual Abuse Allegation to Another Facility, and any electronic correspondence associated with its transmission. (28 C.F.R. §115.63[c])

Notification of Sexual Abuse Allegation to Another Facility Form includes Involved Inmate(s) and/or Staff Member, Summary of Verbal Notification, Notification of Allegation Information, Summary of Verbal Notification, Actions Taken, Allegation Was Received (In Writing or Verbal Notification) and Method of Notification (In Writing or Verbal Notification).

Comments:

In the past 12 months, the number of allegations the facility received that an inmate was abused while confined at another facility: "Upon receipt of the inmate's statement of abuse, the incident was documented and DC ADM 008 Attachment 12D was completed and emailed to the Superintendent for her to send to the respective facility heads. The inmates in question were also seen by Psychology and services were offered. Retaliation monitoring was completed for one inmate in question; the other inmate's allegation had already been investigated and found to be unfounded."

Two Notifications of Sexual Abuse Allegation to Another Facility Forms were provided to the auditor, along with the form showing services offered (declined).

In the past 12 months, the number of allegations of sexual abuse the facility received from other facilities: 5. One allegation was reported twice, so there was a total of 4 different allegations. Two had already been investigated. One is currently in the process of being investigated by SCI Mercer, and another is currently under investigation by BII (Bureau of Investigations and Intelligence). Four emails were provided showing the following findings: one (1) unsubstantiated, one (1) unfounded and two results are not known.

115.64	Staff first responder duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 4: Access to Special Populations</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 14: Responding to Reports of Sexual Abuse</p> <p>Initial Response Checklist – Alleged Abuser Form</p> <p>Initial Response Checklist – Alleged Victim Non-Contact</p> <p>Initial Response Checklist – Alleged Victim</p> <p>Shift Commander Checklist</p> <p>PREA Immediate Response Procedures Pocket Card – Staff</p> <p>PREA Immediate Response Procedures Pocket Card – Medical Staff</p> <p>Interviews with Staff</p> <p>Interviews with Contract Staff</p> <p>Investigation Files</p> <p>In the past 12 months, the number of allegations that an inmate was sexually abused: 7 Of these allegations, the number of times the first security staff member to respond to the report separated the alleged victim and abuser: 1</p> <p>In the past 12 months, the number of allegations where staff were notified within a time period that still allowed for the collection of physical evidence: 1</p> <p>Of these allegations the number of times the first security staff member to respond to the report:</p> <p>Preserved and protected any crime scene until appropriate steps could be taken to collect any evidence. 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. 1</p> <p>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. 1</p> <p>Of the allegations that an inmate was sexually abused made in the past 12 months, the number of times a non-security staff member was the first responder: 1</p> <p>Of those allegations responded to first by a non-security staff member, the number of times that staff member requested that the alleged victim not take any actions that could destroy physical evidence: 1</p> <p>Of those allegations responded to first by a non-security staff member, the number of times that staff member:</p> <p>Requested that the alleged victim not take any actions that could destroy physical evidence. Notify security staff.</p>

**Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual;
Section 4: Access to Special Populations**

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 responder duties under PREA Standard 28 C.F.R. §115.64, or the investigation of the inmate's allegations (28 C.F.R. §115.16[c]). Justification for any use of an inmate interpreter shall be documented accordingly.

**Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual;
Section 14: Responding to Reports of Sexual Abuse**

B. First Responder Duties in SCIs

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

1. Security staff shall:

- a. notify the Shift Commander;
- b. immediately separate the alleged victim and alleged abuser during the initial response. (28 C.F.R. §115.64[a][1]) The necessity for continued or permanent separation from any individual must be supported by investigatory facts;
- c. secure any reported crime scene until appropriate steps can be taken to collect evidence; and (28 C.F.R. §115.64[a][2])
- d. if the abuse occurred within the last 96 hours that still allows for the collection of physical evidence, request the alleged victim and ensure that the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. (28 C.F.R. §115.64[a][3][4])

2. Non-Security staff shall:

- a. immediately notify the Shift Commander; and
- 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. (28 C.F.R. §115.64[b])

C. Shift Commander/designee Responsibilities Involving Sexual Contact

Upon notification of a report of sexual abuse involving sexual contact, the Shift Commander/designated security staff shall initiate the Shift Commander Checklist (Attachment 14-A) and:

1. ensure that the alleged victim and alleged abuser are separated during the initial response. (28 C.F.R. §115.64[a][1]) Determine the least traumatizing placement for the alleged victim, which may be the same or different general population unit;

D. Shift Commander/designee Responsibilities Non-Contact Abuse Allegations

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

1. ensure that the alleged victim and alleged abuser do not have further direct contact during the initial response. (28 C.F.R. §115.64[a][1]) Determine the least traumatizing placement for the alleged victim, which may be the same or different general population unit;

Initial Response Checklist – Alleged Abuser Form

Under each of the following categories there are several listed responsibilities. Those categories include

Escort the Alleged Abuser to the Medical Department, Brief and Confidential consultation conducted with the Alleged Abuser by Medical Personnel, Evidence Collected from the Alleged Abuser by Commissioned Officer in accordance with the Instructions for PREA Evidence Retention and Determine Temporary Housing Status for Alleged Abuser – Shift Commander. Name/Title, Date/Time and Signature are required under each category.

Initial Response Checklist – Alleged Victim Non-Contact

Under each of the following categories there are several listed responsibilities: Determine Housing Status for Alleged Victim – Shift Commander and Ensure Access to Mental Health Services and Referral for Investigation. Shift Commander review is required as well as Name/Title, Date/Time and Signature

Initial Response Checklist – Alleged Victim

This form contains several responsibilities listed under each of these categories: Get the Alleged Victim to a Safe Location, Get the Alleged Victim to the Medical Department, Secure the Crime Scene, Brief and Confidential consultation conducted with the Victim by Medical Personnel, Evidence Collected from the Victim by a Commissioned Officer and Observed by Medical Personnel in accordance with the Instructions for PREA Evidence Retention, Transport Victim to the Outside Hospital as Directed by Medical Staff and Determine Temporary Housing Status for Victim - Shift Commander. Name/Title, Date/Time and Signature are required under each category.

Comments:

The Shift Commander Checklist is utilized to ensure that all checklists, forms, critical steps and notifications are completed. The checklist is well written.

The Initial Response Checklist - Alleged Victim contains all the elements required in this standard.

Eight (8) completed Checklists/Forms were provided for the auditor.

In the past 12 months, the number of allegations that an inmate was sexually abused: 7
2 were unsubstantiated, and 5 are not yet complete.

Of these allegations, the number of times the first security staff member to respond to the report separated the alleged victim and abuser: 1

There was only one incident where the AA and AV were together. They were immediately separated. However, this turned out to be a consensual incident. All other incidents were reported after the incident occurred and parties were already separated.

In the past 12 months, the number of allegations where staff were notified within a time period that still allowed for the collection of physical evidence: 1

One allegation occurred within the time frame to be able to collect evidence; however, both

inmates had already showered and changed clothing. The victim did save his clothing that he wore at the time of the incident in a bag; PSP took this evidence.

Of these allegations the number of times the first security staff member to respond to the report:

Preserved and protected any crime scene until appropriate steps could be taken to collect any evidence. 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. 1

Upon request, the alleged victim had reportedly already showered, changed clothes, used the bathroom, and ate.

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. 1

Upon request, the alleged victim had reportedly already showered, changed clothes, used the bathroom, and ate.

Of the allegations that an inmate was sexually abused made in the past 12 months, the number of times a non-security staff member was the first responder: 1

Of the allegations made by inmates housed at Mercer, one was reported to a Corrections Counselor.

Of those allegations responded to first by a non-security staff member, the number of times that staff member requested that the alleged victim not take any actions that could destroy physical evidence: 1

AV had already taken actions that may have destroyed physical evidence.

Of those allegations responded to first by a non-security staff member, the number of times that staff Member Requested that the alleged victim not take any actions that could destroy physical evidence.

Notify security staff. 1

The Counselor notified his supervisor, who in turn notified security staff.

115.65	Coordinated response
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 14: Responding to Reports of Sexual Abuse Memorandum regarding Local Institution Plan dated May 1, 2019 Institution Plan Interview with Superintendent Investigation Files</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 14: Responding to Reports of Sexual Abuse</p> <p>The facility shall develop a written 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 may be in the form of a local facility policy or documented facility specific plan. (28 C.F.R. §115.65)</p> <p>Memorandum regarding Local Institution Plan dated May 1, 2019</p> <p>The plan includes the following elements: First Responder Duties, Shift Commander Responsibilities, Emergency Medical Treatment Services, Mental Health Treatment Services,</p> <p>Comments: A review of the plan shows it to be inclusive. Each investigation file had the completed facility checklist included.</p>

115.66	Preservation of ability to protect inmates from contact with abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>4.1.1 Human Resources and Labor Relations Procedure Manual; Section 5: Suspension Without Pay</p> <p>For Exempt Employees Under the Fair Labor Standards Act and Suspension during Investigation for Exempt and Non-Exempt Employees</p> <p>Act 195 Interest Arbitration Award</p> <p>Memorandum from Secretary of Corrections dated February 13, 2015 regarding Suspensions Pending</p> <p>Investigation for Civil Service Covered Employees</p> <p>PSCOA Contract</p> <p>FOSCEP Contract (Educational and Cultural Employees / Federation of State Cultural and Educational Professionals)</p> <p>OPEIU MOU (OPEIU Healthcare Pennsylvania, Local 112)</p> <p>PDA Agreement (Pennsylvania State System of Higher Education and Pennsylvania Doctors Alliance)</p> <p>CIVEA Agreement (The Correctional Institution Vocational Education Association, Pennsylvania State Education Association, National Education Association)</p> <p>SEIU Local 668 Agreement</p> <p>SEIU Local 668 Agreement; Effective July 1, 2019 to June 30, 2023</p> <p>AFSCME Master Memorandum; July 1, 2019 to June 30, 2023</p> <p>Interview with Superintendent</p> <p>4.1.1 Human Resources and Labor Relations Procedure Manual; Section 5: Suspension Without Pay</p> <p>For Exempt Employees Under the Fair Labor Standards Act and Suspension during Investigation for Exempt and Non-Exempt Employees</p> <p>1. In deciding to suspend an employee pending investigation, the Department must be able to demonstrate that the “nature of the allegations” are such that there is cause to remove the employee from the institution pending investigation and not that the employee committed the offenses.</p> <p>A. Generally Applicable Workplace Conduct Rules</p> <p>1. The FLSA regulations, for exempt employees, permit suspensions of less than a full workweek for violations of written workplace policies applicable to all employees. This provision applies to generally applicable written work rules which prohibit serious workplace misconduct, which includes, but is not limited to, workplace violence, sexual abuse, sexual harassment, substance abuse, internet access policies, Code of Ethics violations, or violations of state or federal law. Discipline for these infractions should be consistent with Section 6 of this procedure’s manual.</p> <p>D. Immediate Suspension and Removal from the Workplace</p> <p>1. For all employees, suspension pending investigation should only be considered when the alleged offenses are of such a severe nature that it warrants immediate removal from the</p>

workplace.

a. An employee must be afforded a brief and informal hearing prior to being suspended pending investigation. In attendance should be the employee assigned to conduct the investigation, the Superintendent/Facility Manager or acting Facility Manager, and another witness, preferably the Field Human Resource Officer. In addition, the employee may request union representation.

b. For any employee who is unavailable for the pre-suspension meeting (i.e., incarcerated or refusing to respond to calls from the institution) the employee should be ordered via written notification, with a copy to the local union official, to report to the institution to participate in the meeting. If the employee is incarcerated and prior to ordering the employee to report to the institution to participate in the pre-suspension meeting, attempt to arrange with the local jail to hold the pre-suspension meeting there or via videoconference or telephone.

(1) If an employee ignores the written order to attend the meeting, the employee is to be notified in writing that he/she is being suspended pending investigation.

(2) The notice should include a summary of efforts to contact the employee, a summary of the allegations against him/her, and that he/she may contact the institution to provide his/her response to the allegations. The Labor Relations Division should be consulted for additional assistance.

c. Meeting minutes of the pre-suspension meeting are not required, however, the topics discussed must be documented and should consist of three parts:

(1) the investigator will give notice of the allegations against the employee being as specific as possible and clearly relayed that the investigation is ongoing;

(2) the investigator will give an explanation of the evidence giving rise to the allegations; and

(3) the employee will have the opportunity to respond to the allegations. A written statement should be requested; but a verbal response is acceptable. The employee is under no obligation to present any information at this time.

d. Once the meeting is completed, the Facility Manager/designee will consult the Regional Deputy Secretary to make a determination on whether to suspend the employee pending investigation.

(1) Notification to the employee may be provided verbally but must be followed up in writing no later than the following business day utilizing the Sample Suspension Pending Letter (Attachment 5-A).

(2) The written notification must include summary of the pre-suspension meeting, a review of the issues discussed, and a listing of the attendees. A copy of the letter should also be sent to the Labor Relations Division.

(3) The written notification must also inform the employee that if the suspension will exceed 91 days, the employee's benefits will end effective the 92nd day. A follow-up notification should be sent a minimum of 30 days prior to the expiration of the 91-day period utilizing the Sample Follow-Up to Suspension Pending Letter (Attachment 5-B).

(4) If the employee is suspended pending investigation during his/her work shift, he/she should be paid for the remainder of his/her shift. The written notification should state the employee's suspension pending investigation is effective on the date/time he/she was escorted out of the facility and that he/she would be paid for the full shift on that date. The written notification should also state the date the leave without pay is effective, which would be the next scheduled workday.

e. For H-1 employees, if allegations stem from an inmate complaint, the employee must be given written notification of the allegations 24 hours prior to conducting the pre-suspension

meeting. This is covered under article 33, section 20 of the collective bargaining agreement. The exception to requirement of the 24-hour notification is when the inmate allegation falls under the purview of the Prison Rape Elimination Act (PREA) 28 C.F.R. Part 115.

NOTE: If the employee must be removed from the workplace immediately due to the nature of the allegations and a 24-hour notice is not possible, the employee must be served written notice of the allegations prior to removal from the workplace and will continue to be compensated until the pre-suspension meeting can be held, no more than 24 hours later.

Act 195 Interest Arbitration Award

Arbitration between Pennsylvania State Corrections Officers Association and Commonwealth of Pennsylvania, Department of Corrections and Public Welfare signed November 7, 2014.

"The Pennsylvania State Corrections Officers Association (hereafter referred to as "PSCOA" and the Commonwealth of Pennsylvania, Department of Corrections and Public Welfare (hereafter referred to as the "Commonwealth"), are parties to a collective bargaining agreement which expired June 30, 2014. An impasse occurred in the negotiations between the parties regarding the terms and conditions to be effective for the July 1, 2014 Agreement."

"Article 33, Section 20 shall be amended to provide that the Commonwealth shall have no requirement to furnish 24 hours advance written notification of inmate or patient charges in accordance with Section 20, when an allegation falls within the purview of the Prison Rape Elimination Act of 2003."

Memorandum from Secretary of Corrections dated February 13, 2015 regarding Suspensions Pending Investigation for Civil Service Covered Employees

This memo includes directives for suspension, pay and return to service.

PSCOA Contract

Article 26 – Discharge Demotion, Suspension and Discipline was provided to the auditor.

A letter to David Haasenritter (PREA Auditor) from Ty Stanton (Director of Human Resources) dated January 13, 2015 regarding PREA Standard §115.66.

"This correspondence is regarding PREA Standard § 115.66 Preservation of ability to protect inmates from contact with abusers (a).

The PA Department of Corrections believes that we are in compliance with the standard based on the following rationale. 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."

There were attachments to the letter, including the new contract language quoted above in Act 195 Interest Arbitration Award.

On January 12, 2015, a memorandum was provided by the Secretary of Corrections regarding Suspension Pending Investigation {Revised}. This memo clarifies the suspension format.

Also attached was a Memorandum dated March 12, 2012 regarding Suspension Pending Investigations.

FOSCEP Contract

No language applicable to PREA standards were found.

OPEIU Agreement

No language applicable to PREA standards were found.

CIVEA Agreement

No language applicable to PREA standards were found.

PDA Agreement

“Section 2. The Employer does not condone sexual harassment of any employee and encourages employees who, after appropriate consideration of all relevant facts, believe that he/she is the object of such conduct, to report such allegations as soon as possible. The burden of substantiating such an allegation rests with the charging party. Because of the seriousness of such allegations which could result in discipline or discharge of the person charged, it is understood that unsubstantiated allegations may result in disciplinary actions against the charging party.

Substantiated instances of such harassment will be remedied by the Employer. An arbitrator may decide only whether or not the charging party has substantiated that sexual harassment has occurred, but what constitutes the appropriate remedy will be determined by the Employer in its sole discretion.

An employee who has filed a sexual harassment complaint as well as the alleged offender will be notified of the outcome of the investigation.”

SEIU Local 668 Agreement

No language applicable to PREA standards were found.

SEIU Local 668 Agreement Effective July 1, 2019 to June 30, 2023

“Setting forth recommendations resulting from Meet and Discuss sessions between the Commonwealth and SEIU, Local 668”

No language applicable to PREA standards were found.

AFSCME Master Memorandum; July 1, 2019 to June 30, 2023

No language applicable to PREA standards were found.

Comments:

Several Pennsylvania State Labor Contracts are still in negotiations. Only some have been ratified.

Note: Due to contract negotiations with the Teachers Union, no cameras are allowed in any education/training/etc. classroom.

115.67	Agency protection against retaliation
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008-1; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education / Bulletin Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 13: Protection Against Retaliation Retaliation Monitoring Form Assurances to Victims of Sexual Abuse – Handout (Spanish and English) Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment Memorandum regarding Agency Protection Against Retaliation dated January 16, 2020 Inmate Written Statement of Sexual Abuse/Harassment Form Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention Interview with Superintendent Interview with Counselor (Retaliation) Interview with Inmates who Reported a Sexual Abuse Documentation of Protective Measures / Monitoring Methods Interview with Staff</p> <p>The length of time that the agency/facility monitors the conduct or treatment: 90 days The number of times an incident of retaliation occurred in the past 12 months: 0</p> <p>Policy # DC-ADM 008-1; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Training and Education / PREA g. Ensure retaliation monitoring of the following inmates: (4) specifically, the PCM shall ensure that such inmates are provided with the opportunity to meet with staff assigned to complete retaliation monitoring at each facility type, i.e., a corrections counselor at SCIs, Facility Director in CCCs/CCFs, and Pennsylvania Board of Probation and Parole (PBPP) District Director/Deputy District Director in lockups, in accordance with the Department Retaliation Monitoring Form (refer to Section 13 of this procedures manual), who, if not the PCM, shall then report to the PCM. If the PCM determines that the initial monitoring indicates a continuing need, the periodic status checks shall be extended beyond 90 days by designated staff. (28 C.F.R. §115.67[c][d]) h. Ensure retaliation monitoring of staff who report sexual abuse or sexual harassment. In SCIs, the PCM shall notify the Deputy Superintendent for Centralized Services (DSCS) when staff require monitoring due to report of alleged sexual abuse or sexual harassment, or because of an expressed fear of retaliation due to cooperation with an investigation of inmate sexual abuse or sexual harassment, per PREA Standard 28 C.F.R. §115.67[a][c][e] and in accordance with Section 13 of this procedures manual.</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual;</p>

Section 13: Protection Against Retaliation

A. Protection Against Retaliation

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

1. Any individual, who seeks to deter an inmate or other individual from reporting sexual abuse or sexual harassment, or who in any manner, harasses or intimidates any person who reports the alleged contact is subject to discipline. (28 C.F.R. §115.67[a])
2. Staff that require retaliation monitoring due to report of sexual abuse or sexual harassment, or because of an expressed fear of retaliation due to cooperation with an investigation of inmate sexual abuse or sexual harassment shall meet with:
 - a. the Deputy Superintendent for Centralized Services (DSCS) in State Correctional Institutions (SCIs);
 - b. the Facility Director in Community Corrections Centers (CCCs); and
 - c. the District Director/Deputy District Director in Pennsylvania Board of Probation and Parole (PBPP) offices/sub-offices.
3. Monitoring shall include, but is not limited to:
 - a. a review of negative performance reviews;
 - b. negative treatment by staff;
 - c. negative treatment by inmates; and,
 - d. staff reassignments.
4. Contact shall be made with the identified staff for at least 90 days and documented on the Department Retaliation Monitoring Form (Attachment 13-A).
5. The Department shall employ multiple protection measures, such as housing changes or transfer for inmate victims or abusers, or removal of alleged staff or inmate abusers from contact with victim. Protection measures will be determined on an individualized basis, as necessary to protect individuals from retaliation.
6. Alternative methods of protecting individuals from retaliation, such as, but not limited to constant video surveillance with audio recording, may be employed within specialized housing units. The necessity for permanent separation must be supported by investigatory facts.
7. The Department shall also make available emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment, or for cooperating with investigations. (28 C.F.R. §115.67[b])
8. For at least 90 days following a report of sexual abuse or sexual harassment, the Department shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse or sexual harassment, and of inmates who were reported to have suffered sexual abuse or sexual harassment to see if there are changes that may suggest possible retaliation by inmates or staff and shall act promptly to remedy such retaliation. Retaliation monitoring shall be documented on the Department Retaliation Monitoring Form and maintained in accordance with Section 20 of this procedure's manual. Items the Department shall monitor include:
 - a. disciplinary reports;
 - b. housing reports;
 - c. program changes;
 - d. negative performance reviews; and
 - e. reassignments of staff.
9. Making a report of sexual abuse or sexual harassment or participation in an investigation to such allegations does not exempt any individual from factual disciplinary reports, justified

program changes, and defensible performance reviews.

10. The Department shall continue monitoring beyond 90 days if the initial monitoring indicates a continuing need or is requested by the alleged victim when there is evidence of retaliation. (28 C.F.R. §115.67[b][c])

11. Additionally, if any other individual who cooperates with an investigation expresses fear of retaliation, the Department shall take appropriate measures to protect that individual against retaliation. (28 C.F.R. §115.67[e])

12. The Department shall continue to monitor for retaliation upon inter-facility transfer. The PREA Compliance Manager (PCM)/designee shall be responsible for forwarding the Department Retaliation Monitoring Form to the receiving facility's PCM/designee for continuation of the monitoring obligation.

13. The Department's obligation to monitor shall terminate if the inmate is released from custody or the investigation is determined to be unfounded. (28 C.F.R. §115.67[f])

1. Contact shall be made with the identified staff for at least 90 days and documented on the Department Retaliation Monitoring Form (Attachment 13-A).

Assurances to Victims of Sexual Abuse – Handout (Spanish and English)

“You shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. (28 C.F.R. §115.82[a])

Medical treatment and crisis intervention services shall be provided without financial cost to you. The facility shall inform you, prior to giving you access to outside confidential support services, of the extent to which such communication shall be monitored. (28 C.F.R. §115.21[c], §115.53[b], §115.82[d], §115.83[g])

Administrative and criminal investigations shall be completed for all allegations of sexual abuse and sexual harassment. (28 C.F.R. §115.22[a])

Allegations of sexual abuse and sexual harassment shall be investigated by the Pennsylvania Department of Corrections or referred to an agency with the legal authority to conduct criminal investigations, and victims shall be notified of the investigative outcome. (28 C.F.R. §115.22[b], §115.73[a])

You shall be monitored for follow-up for at least 90 days following a report of sexual abuse to ensure you are free from retaliation and are receiving requested treatment services. (28 C.F.R. §115.67[c])

If you have any questions or need help accessing services, please inform your facility's PREA Compliance Manager.

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

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment

g. determine if additional measures are necessary to protect involved individuals from

retaliation. (28 C.F.R. §115.67)

9. Retaliation (28 C.F.R. §115.67)

- a. When evidence suggestive of retaliation is discovered through retaliation monitoring, inmate report or staff report, the potential retaliation shall be addressed through an investigatory report. Any claims of retaliation made through grievance procedures shall be answered in accordance with Department policy DC-ADM 804, "Inmate Grievance System."
- b. If the investigation for the initial allegation of sexual abuse or sexual harassment remains open, potential retaliation claims may be addressed within that investigative summary. If the investigation for the initial allegation has been closed, a separate investigation, under a local investigative number, cross-referenced the PREA investigation number, shall be completed and submitted to BII to attach to the PREA case file.
- c. When investigating potential acts of retaliation, the investigator shall complete the following procedures:
 - (1) review supporting documentation or reported evidence of retaliation;
 - (2) review and copy all housing unit logbooks, medical documentation, work-related reports, misconduct reports, inmate grievances, and other pertinent documentation as applicable to the potential retaliation;
 - (3) review all available and applicable video footage and save the video footage to a media storage device to submit with the investigative report. Thoroughly describe the contents of the video footage in an investigative insert and describe any insight it provides to the veracity of the allegation;
 - (4) review applicable intelligence sources, such as, but not limited to: phone calls, mail monitoring, Inmate Cumulative Adjustment Records;
 - (5) interview the inmate or staff complainant(s) and obtain a written statement following the interview. If the complainant refuses to be interviewed or provide a written statement, said refusal, including date, time, and persons present, shall be documented and included in the investigative report;
 - (6) determine whether the alleged retaliation is substantiated, unsubstantiated, or unfounded; and
 - (7) when retaliation is substantiated, notify the PREA Compliance Manager (PCM) for further action. (28 C.F.R. §115.67[c])

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention

c. The following forms shall be maintained by the PREA Compliance Manager (PCM) in an annual electronic file for each form individually:

- (1) Department Retaliation Monitoring Form; (28 C.F.R. §115.67)

C. Document Retention – Staff and Contractors

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

1. Department Retaliation Monitoring Form shall be maintained by the PCM, as appropriate. (28 C.F.R. §115.67) This form shall be retained for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. (28 C.F.R. §115.71[i])

Memorandum regarding Agency Protection Against Retaliation dated January 16, 2020

"There have been no instances during the audit period where a staff member required

retaliation monitoring. This would include any staff members who reported sexual abuse or sexual harassment or who expressed fear of retaliation due to cooperating with a sexual abuse or sexual harassment investigation. In the event this would occur, the Deputy Superintendent for Centralized Services, Shane Dady, would meet with the staff member for retaliation monitoring.

There have been no instances during the audit period where it was found that an inmate or staff member was subjected to retaliation due to reporting or cooperating with a sexual abuse or sexual harassment investigation. Two inmates reported possible retaliation issues during the course of PREA investigations; however, these reports of retaliation were deemed to be unfounded and unsubstantiated.

There have also been no instances where it was determined that retaliation monitoring for an inmate or staff member was necessary longer than 90 days.

Comments:

The PREA Compliance Manager, Lisa Graves, is responsible for assigning Corrections Counselors to monitor inmates for any retaliation issues. The Deputy Superintendent for Centralized Services, Shane Dady, is responsible for monitoring staff for retaliation concerns.

The interview with the Counselor indicated that he was aware of the responsibilities associated with monitoring retaliation.

The inmates who reported sexual abuse said that they are often asked how they are doing. They did not have complaints about retaliation.

115.68	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 5: Protective Custody Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 1: Placement in Administration Custody Status Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 2: Administrative Hearings Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 3: Administrative Custody Housing Status Memorandum regarding Post-allegation Protective Custody dated January 17, 2019 Interview with Superintendent Interview with Staff On-Site Visit</p> <p>The number of Inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completions of assessment: 0</p> <p>In the past 12 months, the number of inmates who allege to have suffered sexual abuse who were assigned to involuntary segregated housing for longer than 30 days while awaiting alternative placement: 0</p> <p>From a review of case files of inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months, the number of case files that include BOTH: 0</p> <p>(a) A statement of the basis for facility’s concern for the inmate’s safety (b) The reason or reasons why alternative means of separation could not be arranged.</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 5: Protective Custody B. Protective Custody Inmates at a high risk for sexual victimization or inmates who have allegedly been sexually abused shall not be placed involuntarily in Administrative Custody (AC) as a means of protection unless an assessment of all available alternatives has been made by Psychology and Security staff in conjunction with the Facility Manager/designee, and a determination has been made that there are no other available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the inmate in involuntary AC for less than 24 hours while completing the assessment. (28 C.F.R. §115.43[a]) (28 C.F.R. §115.68)</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual;</p>

Section 1: Placement in Administration Custody Status

A. Involuntary Protective Custody (PC)

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 the Shift Commander. The Shift Commander in conjunction with the Prison Rape Elimination Act (PREA) Compliance Manager and the on-call administration representative (e.g., Facility Manager, Deputy Superintendent for Facilities Management [DSFM], Deputy Superintendent for Centralized Services [DSCS]), will determine 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. (§115.43[a])

1. The staff must consider other alternative placements for an alleged victim and make the appropriate placement.
2. The staff should take into consideration the alleged victim's opinion regarding his/her own safety. Placement in AC is permissible when the victim requests or agrees to it. (§115.42[c])
3. Alternative placements can include, but are not limited to, anyone, or combination of, the following temporary options:
 - a. moving to a different housing unit;
 - b. placement in a cell closer to the Corrections Officer's desk within the unit;
 - c. placement in a single cell (Z Code); and
 - d. placement in the Special Needs Unit (SNU).
4. If an involuntary AC housing assignment is made, the Shift Commander shall clearly document on the DC-141, Part 1 (Other) Report in the DC-15, the following information:
 - a. the basis for the staff member's concern for the inmate's safety; (§115.43[d][1])
 - b. the other alternative means of separation that were explored; and
 - c. the reason why no alternative means of separation can be arranged. (§115.43[d][2])
5. If the Shift Commander assigns an inmate to involuntary AC for the purpose of protection from sexual victimization, access to programs, privileges, education, or work opportunities shall be afforded to that inmate to the extent possible. If the facility restricts access to these opportunities, the facility shall document in the Involuntary Administrative Custody Services Access Restriction Form in accordance with Department policy DC-ADM 008, "Prison Rape Elimination Act (PREA)," Section 2 and in the DC-15: (§115.43[b])
 - a. the opportunities that have been limited; (§115.43[b][1])
 - b. the duration of the limitation; and (§115.43[b][2])
 - c. the reasons for such limitations. (§115.43[b][3])
6. 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. (§115.43[c])
7. At least every 30 days, the Program Review Committee (PRC) shall ensure each such 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 (Other). PRC review of PREA-related cases shall include the PREA Compliance Manager (PCM) as a member of the reviewing committee. (§115.43[e])

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 2: Administrative Hearings

Adherence to the guidelines set forth in Section 1, Subsection A. of this procedures manual shall occur when inmates at a high risk for sexual victimization or inmates who have alleged

sexual abuse are involuntarily placed into Protective Custody (PC) after a determination has been made that no other available alternative means of separation exist from likely abusers. (28 C.F.R. §115.43)

A. General

An administrative hearing shall be conducted as outlined below.

1. The hearing shall be conducted by the Program Review Committee (PRC).

When an inmate is placed into involuntary Administrative Custody (AC) due to high risk for sexual victimization or after allegedly suffering sexual abuse, the hearing shall take place within 24 hours of placement or the next business day.

2. The reason(s) for the inmate's AC confinement must be explained to the inmate in writing and the inmate must be provided with the DC-141, Part 1, Other Report.

When an inmate is placed into involuntary AC due to high risk for sexual victimization or after allegedly suffering sexual abuse, the DC-141, Part 1, must articulate: (28 C.F.R. §115.43[d])

a. the basis for the staff member's concern for the inmate's safety; (28 C.F.R. §115.43[d][1]);

b. the other alternative means of separation that were explored; and

c. the reason why no alternative means of separation can be arranged. (28 C.F.R. §115.43[d][2]).

f. Inmates placed into involuntary AC due to high risk for sexual victimization or after allegedly suffering sexual abuse must continue to be reviewed by the PRC every 30 days (28 C.F.R. §115.43[e]).

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 3: Administrative Custody Housing Status

Adherence to the guidelines set forth in Section 1, Subsection A. of this procedures manual shall occur when inmates at a high risk for sexual victimization or inmates who have alleged sexual abuse are involuntarily placed into Protective Custody (PC) after a determination has been made that no other available alternative means of separation exist from likely abusers. (28 C.F.R. §115.43)

8. For any inmate placed into involuntary AC due to high risk for sexual victimization or after allegedly suffering sexual abuse, the facility shall document the following information for limiting the privileges enumerated in Subsection A. 2-7 above on the Involuntary Administrative Custody Services Access Restriction Form (refer to Section 2 of Department policy DC-ADM 008, "Prison Rape Elimination Act [PREA]") to specify:

a. the specific opportunities that have been limited; (28 C.F.R. §115.43[b][1])

b. the duration of the limitation; and (28 C.F.R. §115.43[b][2])

c. the reasons for such limitations. (28 C.F.R. §115.43[b][3])

Memorandum regarding Post-allegation Protective Custody dated January 17, 2019

There have been no instances during the previous 12 months of any inmates who alleged to have suffered sexual abuse that were held involuntarily in Administrative/Segregated/Protective custody to await completion of an assessment or alternative housing.

Comments:

There were no inmates that alleged to have suffered sexual abuse that were held in involuntary segregated housing. Interviews indicates that all know the standard requirements if this were to occur.

Although, no inmates were held in this status, a review of inmate's documentation (electronic file notes), showed that notes were well written.

115.71	Criminal and administrative agency investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 14: Responding to Reports of Sexual Abuse Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment Affidavit of Probable Cause dated November 5, 2019 Inmate Written Statement of Sexual Abuse/Harassment Form Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention Curriculum Interviews with Superintendent Interview with PREA Coordinator Interview with PREA Compliance Manager Interview with Investigative Staff Interviews with Inmates who Reported a Sexual Abuse Review of Investigative Files Review of Administrative Investigation reports Review of Criminal Investigation Reports Record Retention</p> <p>The number of substantiated allegations of conduct that appear to be criminal that were referred for prosecution since the last PREA audit: 1</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 14: Responding to Reports of Sexual Abuse (3) Security staff shall take steps to gather and/or preserve direct and circumstantial evidence, including any available physical or DNA evidence and shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. (28C.F.R. §115.71[c]) (28 C.F.R. §115.21[a]) Medical shall observe the evidence collection process in circumstances where the officer is of the opposite gender of the inmate. Instructions for PREA Evidence Retention (Attachment 14-G) have been provided as a sample guideline for this purpose.</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment Every report, complaint, or allegation of sexual abuse and sexual harassment, including uninvolved party and anonymous reports shall be investigated promptly, thoroughly, and objectively. Investigations shall be conducted in accordance with all related Department policies and Prison Rape Elimination Act (PREA) Standard 28 C.F.R. §115.71. (28 C.F.R. §115.22[a][d]) (28 C.F.R. §115.61[e]) (28 C.F.R. §115.71[a])1</p> <p>3. Where sexual abuse is alleged, the Department shall use investigators who have received</p>

specialized training in sexual abuse investigations pursuant to PREA Standards 28 C.F.R. §115.34[a] and 28 C.F.R. §115.71[b].

4. Investigators shall gather and/or preserve direct and circumstantial evidence, including any available physical, DNA, and electronic monitoring data; interview alleged victims, suspected abusers, and witnesses; and shall review prior complaints of sexual harassment and reports of sexual abuse involving the suspected abusers. (28 C.F.R. §115.71[c])

8. When the quality of evidence appears to support criminal prosecution, the Department shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. (28 C.F.R. §115.71[d])

9. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as an inmate or staff. The Department shall NOT require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth telling device as a condition of proceeding with the investigation of such an allegation. (28 C.F.R. §115.71[e])

11. The departure of the alleged victim or abuser from the employment or control of the facility or Department shall not provide a basis for terminating an investigation. (28 C.F.R. §115.71[j])

6. Sexual Abuse and Sexual Harassment Investigations

a. At a minimum, the investigator shall complete the following procedures to fulfill standard requirements:

(1) investigations into allegations occurring in the distant past and made by anonymous report shall be conducted comprehensively, objectively, and timely with documented efforts equal to similar efforts vested in current allegations made by known parties; (28 C.F.R. §115.71[a][c][f][2])

(5) review all available video footage and save the video footage to a media storage device to submit with the investigative report. Thoroughly describe the contents of the video footage in an investigative insert and describe any insight it provides to the veracity of the allegation; (28 C.F.R. §115.71[a][c][f][2])

(8) review PREA Tracking System entries for the alleged abuser to determine if potential patterns exist; and (28 C.F.R. §115.71[c][f][2])

(9) make an effort to determine whether staff actions or failures to act contributed to the abuse, specifically as it applies to administrative investigations. (28 C.F.R. § 115.71[f][1])

(3) It shall also include a description of the following:

(a) for administrative investigations, the report shall include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings; and (28 C.F.R. §115.71[f][2])

(b) for criminal investigations, the report shall include a thorough description of the physical, testimonial, legal documents, and attach copies of all documentary evidence where feasible. (28 C.F.R. §115.71[g])

c. The investigator shall prepare an investigative report, which includes: (28 C.F.R. §115.71[f][2])

(1) a description of the allegation which served as the predication for investigation;

- (2) a detailed description of the reviewed video surveillance or other electronic monitoring data which articulates how the allegation was not supported; and
- (3) a conclusion that articulates how the victim's allegation was determined to be not credible and how the evidence supports a determination of unfounded.

8. All investigative information shall be retained by the facility Security Office in a secure location for as long as the alleged abuser is incarcerated or employed by the Department plus five years in accordance with Section 20 of this procedure's manual. (28 C.F.R. §115.71[i])

c. The purpose of the review process is to ensure the investigation complies with all material provisions of PREA Standard (28 C.F.R. §115.71) prior to submission to the BII.

n. If the case has not already been referred for criminal prosecution, BII shall refer substantiated allegations of conduct that appear to be criminal for prosecution in the county where the abuse occurred. (28 C.F.R. §115.71[h])

3. When a complaint is investigated by the PSP or other outside law enforcement agency, the facility Security Office/BCC Security Office shall be responsible for the following:

a. ensure follow-up communication with the investigating agency for updates to the investigative process; (28 C.F.R. §115.71[l])

b. request a copy of the investigative information to be included in the Department Investigative file; (28 C.F.R. §115.71[l])

c. request notification of the outcome of the investigation in order to notify the inmate in accordance with Subsection F. below; (28 C.F.R. §115.71[l], 28 C.F.R. §115.73[a][b])

4. The Department shall fully cooperate in the investigation conducted by the PSP or other applicable outside law enforcement agency. (28 C.F.R. §115.71[l])

5. All investigative review documentation shall be retained in accordance with Section 1 of this procedure's manual. (28 C.F.R. §115.71[i])

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention

C. Document Retention – Staff and Contractors

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

1. Department Retaliation Monitoring Form shall be maintained by the PCM, as appropriate. (28 C.F.R. §115.67) This form shall be retained for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. (28 C.F.R. §115.71[i])

2. The Department shall retain all criminal and administrative agency investigative reports for as long as the alleged abuser is incarcerated or employed plus five additional years. (28 C.F.R. §115.71[i])

E. Document Retention - Investigations

2. The Department shall retain all criminal and administrative agency investigative reports for as long as the alleged abuser is incarcerated or employed plus five additional years. (28 C.F.R. §115.71[i])

Affidavit of Probable Cause dated November 5, 2019

Information provided included the Affidavit and Criminal Docket Forms. The Pennsylvania State Police formally charged the alleged abuser on 11/25/19.

Comments:

Investigations are completed by the internal PREA investigator. When there appears to be a criminal case, it is referred to the Pennsylvania State Police. Gathering of evidence can also be assisted by the State Police.

Facility Investigators are well trained.

Interviews with inmates who reported sexual abuse stated that the facility acted fast upon their report, including transportation to their exam and the medical care after.

Included in the OAS were four (4) PREA investigation files. Two (2) were unsubstantiated, one (1) was substantiated and one (1) was unfounded. The substantiated case did not rise to the level of criminal proceedings.

Please note prior in this report, a description of all the investigation files reviewed.

Documentation was well written and contained interviews, video's where applicable, etc.

The Affidavit of Probable Cause dated November 5, 2019 noted above has the PSP (Pennsylvania State Police) completing their investigation and filed formal charges. SCI Mercer's administrative investigation is not yet complete, as they are awaiting information from PSP. The investigation is due on 3/31/20.

115.72	Evidentiary standard for administrative investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment PREA Grant Project: Sexual Assault Investigator Training dated January 2017; “Investigative Outcomes” Curriculum Inmate Written Statement of Sexual Abuse/Harassment Form Interview with Investigative Staff Investigation Files</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment 10. In administrative investigations, the Department shall impose no standard higher than a preponderance of the evidence, as defined in the glossary of terms, in determining whether allegations of sexual abuse or sexual harassment are substantiated. (28 C.F.R. §115.72)</p> <p>Comments: All investigation files included the inmates written statement of the allegation. All files contained evidentiary information and the conclusion based upon that information.</p>

115.73	Reporting to inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Assurances to Victims of Sexual Abuse – Handout (Spanish and English) Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment Investigations and Notifications (4) PREA Investigation - Inmate Notification Form (Victim) Inmate Written Statement of Sexual Abuse/Harassment Form Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention Inmate Notices of Determination of PREA Allegation Interview with Superintendent Interview with Investigative Staff Interviews with Inmates who Reported a Sexual Abuse Investigation Files</p> <p>In the past 12 months: The number of criminal and/or administrative investigations of alleged inmate sexual abuse that were completed by the agency/facility: 2 Of the alleged sexual abuse investigations that were completed, the number of inmates who were notified verbally or in writing of the results of the investigation: 2</p> <p>In the past 12 months: The number of investigations of alleged inmate sexual abuse in the facility that were completed by an outside agency: 0 Of the outside agency investigations of alleged sexual abuse, the number of inmates alleging sexual abuse in the facility who were notified verbally or in the writing of the results of the investigation: 0</p> <p>In the past 12 months: The number of notifications to inmates that were provided pursuant to this standard: 4 The number of those notifications that were documented: 4</p> <p>Assurances to Victims of Sexual Abuse – Handout (Spanish and English) “You shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. (28 C.F.R. §115.82[a])</p> <p>Medical treatment and crisis intervention services shall be provided without financial cost to you. The facility shall inform you, prior to giving you access to outside confidential support services, of the extent to which such communication shall be monitored. (28 C.F.R. §115.21[c], §115.53[b], §115.82[d], §115.83[g])</p>

Administrative and criminal investigations shall be completed for all allegations of sexual abuse and sexual harassment. (28 C.F.R. §115.22[a])

Allegations of sexual abuse and sexual harassment shall be investigated by the Pennsylvania Department of Corrections or referred to an agency with the legal authority to conduct criminal investigations, and victims shall be notified of the investigative outcome. (28 C.F.R. §115.22[b], §115.73[a])

You shall be monitored for follow-up for at least 90 days following a report of sexual abuse to ensure you are free from retaliation and are receiving requested treatment services. (28 C.F.R. §115.67[c])

If you have any questions or need help accessing services, please inform your facility's PREA Compliance Manager.

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

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment

m. The PCM shall inform the alleged victim(s) of the investigatory results in accordance with Subsection F. below. (28 C.F.R. §115.73[a])

e. the PCM/designee shall inform the alleged victim(s) of the investigatory results in accordance with Subsection F. below; and (28 C.F.R. §115.73[a])

c. request notification of the outcome of the investigation in order to notify the inmate in accordance with Subsection F. below; (28 C.F.R. §115.71[l], 28 C.F.R. §115.73[a][b])

F. Reporting to Inmates

1. Following the investigation into an inmate's allegation of sexual abuse or sexual harassment in a facility within the Department, the PCM at the facility where the alleged victim is housed shall inform the alleged victim, in writing within five business days of the closure of the investigation on the PREA Investigation – Inmate Notification Form

(Attachment 18-C) as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. (28 C.F.R. §115.73[a][e])

a. Inmates shall be notified when an allegation is made under PREA; however, does not meet the definition of sexual abuse or sexual harassment.

b. Uninvolved party complainants shall not be notified of investigative outcomes.

2. Following an allegation which occurs in a lockup facility, when an alleged victim remains in Department custody in any facility type, notification shall be coordinated between PCMs at the respective facilities.

3. If another law enforcement agency conducts the investigation, the PCM or Security Office in SCIs or the BCC Investigator, shall request the relevant information from the investigative agency in order to inform the inmate within ten business days of receipt of this information. (28 C.F.R. §115.73[b])

4. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the PCM shall subsequently inform the inmate when any of the following occurs:

(28 C.F.R. §115.73[c])

- a. the staff member is no longer posted within the inmate's unit; (28 C.F.R. § 115.73[c][1])
 - b. the staff member is no longer employed at the facility; (28 C.F.R. §115.73[c][2])
 - c. the Department learns that the staff member has been criminally charged related to sexual abuse within the facility; or (28 C.F.R. §115.73[c][3])
 - d. the Department learns that the staff member has been convicted on a charge related to sexual abuse within the facility. (28 C.F.R. §115.73[c][4])
5. Following an inmate's allegation that he/she has been sexually abused by another inmate, the PCM shall subsequently inform the alleged victim whenever: (28 C.F.R. § 115.73[d])
- a. the Department learns that the alleged abuser has been criminally charged related to sexual abuse within the facility; or (28 C.F.R. §115.73[d][1])
 - b. the Department learns that the abuser has been convicted on a charge related to sexual abuse within the facility. (§28 C.F.R. §115.73[d][2])
- G. Documentation of Reporting
2. All notifications must occur even in instances where an inmate has been transferred to another facility within the Department. (28 C.F.R. §115.73[e])
 3. In instances where the alleged victim has been transferred to another facility within the Department, the PCM at the investigating facility shall coordinate notification with the PCM at the facility where the inmate is currently housed to obtain the inmate's signature on the PREA Investigation – Inmate Notification Form.
 4. The Department's obligation to report the results of the investigation under this policy shall terminate if the alleged inmate victim is released from the Department's custody. (28C.F.R. §115.73[f])

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention

- d. The following forms and reports shall be maintained by the Institutional or Bureau of Community Corrections (BCC) Security Office:
 - (4) Inmate Notification Form (28 C.F.R. §115.73[e]) in the appropriate investigation file.

PREA Investigation - Inmate Notification Form (Victim)

This form contains Investigation Status, Staffing Update, Criminal Action, Additional Comments and Signatures.

Comments:

There is currently one PREA criminal investigation ongoing; charges have been filed. One inmate was notified of pending charges; the investigation is currently ongoing.

Four PREA investigations were closed during the past 12 months. One of the inmates was already released when the approval letter was received from BII, so notification was unable to be made. Notification was also made to one inmate regarding charges being filed by PSP. Copies of the notices were provided to the auditor.

The auditor also reviewed all the investigation files for 2019 (plus one from 2018 – described in beginning of report). All completed investigations included the notice to the offender of the

determination and status. This is only completed after Central Office approves of the findings.

Information between the Pennsylvania State Police and the facility is flowing. There were no complaints about information sharing.

115.76	Disciplinary sanctions for staff
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 17: Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation Memorandum dated January 17, 2020 regarding Disciplinary Sanctions for Staff Official Letter of Discipline dated July 23, 2019 4.1.1. Human Resources and Human Relations Procedure Manual; Section 7: Standardization Pre-Disciplinary Conferences 4.1.1 Human Resources and Human Relations Procedure Manual; Section 4 – Resignations in Lieu of Discharge Bulletin, Policy Subject: Human Resources and Labor Relations; Policy Number: 4.1.1 – 1, Section 4 – Resignations in Lieu of Discharge, Section 6 – The Pennsylvania Public Employee Relations Act, Section 7 – Standardization of Pre-Disciplinary Conferences (PDC)</p> <p>In the past 12 months: The number of staff from the facility who have violated agency sexual abuse or sexual harassment policies: 0 The number of those staff from the facility who have been terminated (or resigned prior to termination) for violating agency sexual abuse or sexual harassment policies: 0</p> <p>In the past 12 months, the number of staff from the facility who have been disciplined, short of termination, for violation of agency sexual abuse or sexual harassment policies: 1</p> <p>In the past 12 months, the number of staff from the facility that have been reported to law enforcement or licensing boards following their termination (or resignation prior to termination) for violating agency sexual abuse or sexual harassment policies: 0</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 17: Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation</p> <p>A. Staff Discipline</p> <p>1. Any employee who violates the Department’s zero tolerance policy as defined in the glossary of terms, shall be subject to appropriate disciplinary or administrative action up to and including termination. Discipline shall occur in accordance with Department policy 4.1.1, “Human Resources and Labor Relations.” (28 C.F.R. §115.276[a]) All forms of discipline imposed for substantiated allegations shall be recorded and tracked in the Prison Rape Elimination Act (PREA) Tracking System. (28 C.F.R. §115.87[c])</p> <p>2. All terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to professional licensing bureaus and law enforcement agencies, unless the activity was not clearly criminal. (28 C.F.R. §115.76[d])</p> <p>5. contract agency hiring, firing, and promotional practices must comply with the National PREA Standards. (28 C.F.R. §115.17, 115.76)</p>

Memorandum dated January 17, 2020 regarding Disciplinary Sanctions for Staff

There have been no sexual abuse or sexual harassment allegations in the past 12 months that have resulted in staff discipline. There was, however, staff discipline given for sexual harassment that occurred at the end of 2018.

Official Letter of Discipline dated July 23, 2019

“This is to advise you that this letter is considered official written notice of alternative discipline in lieu of suspension without pay from your position of at SCI Mercer. This action is considered a level two letter of the Alternative Discipline Program. This is also a Final Warning.”

4.1.1. Human Resources and Human Relations Procedure Manual; Section 7: Standardization Pre-Disciplinary Conferences

A. Designation of a Fact-Finder

The Facility Manager/Bureau Director or designee shall assign an appropriate staff member to serve as a fact-finder to conduct a thorough, fair, and timely investigation of the alleged violation of Department policy, procedure, Governor’s Code of Conduct, and/or the Code of Ethics. The factfinder must be a staff member who was not involved in the alleged incident/issue. For alleged violations of Department policy DC-ADM 008, “Prison Rape Elimination Act (PREA),” the factfinder shall be qualified to conduct sexual abuse investigations through the completion of the Department’s specialized investigator’s training. (28 C.F.R. §115.34)

8. Employees, including management employees, are not permitted to have legal counsel during these proceedings. However, bargaining unit employees are permitted Union representation or an attorney or legal counsel designated or employed by the Union as their representative. For matters involving potentially criminal behavior, employees shall be provided with applicable Miranda or Garrity Warnings prior to compelling testimony.

2. If all matters have been adequately covered and no further investigation is required, the PDC shall be concluded. At this point, the factfinder/designee who presented the facts, the employee, clerical staff, and any Union representatives shall be dismissed so the committee may meet in private. The committee reviews the facts of the case and a recommendation regarding whether the charge(s) are substantiated or unsubstantiated shall be formulated. For violations of Department policy DC-ADM 008, the Department shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. (28 C.F.R. §115.34)

1. Any substantiated charges of:

violation of Department policy DC-ADM 008;

(1) In accordance with Prison Rape Elimination Act of 2003, Standard 28 C.F.R. §115.76(b), termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.

(2) In accordance with the Prison Rape Elimination Act of 2003, Standard 28 C.F.R. §115.76(c), disciplinary sanctions for violations of agency policies related to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be 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.

Bulletin, Policy Subject: Human Resources and Labor Relations; Policy Number: 4.1.1 – 1, Section 4 – Resignations in Lieu of Discharge, Section 6 – The Pennsylvania Public Employee Relations Act, Section 7 – Standardization of Pre-Disciplinary Conferences (PDC), Section 6 – The Pennsylvania Public Employee Relations Act Subsection D.2.(e)(5) shall now read:

(5) All dismissal cases related to violations of inmate sexual abuse or sexual harassment of inmates shall be reported to the Office of Special Investigations and Intelligence (OSII) to determine if the activity is criminal in nature. If the violation is determined to be criminal, OSII shall report the violations to law enforcement agencies and to any relevant licensing bodies in accordance with PREA Standard §115.76 (d).

4.1.1 Human Resources and Human Relations Procedure Manual; Section 4 – Resignations in Lieu of Discharge

a. RILD for PREA-related offenses under Department policy DC-ADM 008, “PREA.”

In the event that a staff member resigns in lieu of discharge for violation of Department policy DC-ADM 008, the BHR shall notify the Office of Special Investigations and Intelligence (OSII) to determine if a potential criminal violation exists. If the violation meets criminal standards, OSII shall refer the matter to the District Attorney’s Office that has jurisdiction over the affected facility. Whether or not the matter is referred to the District Attorney’s Office, BHR shall notify any relevant licensing bodies. (28 C.F.R. §115.76[d])

b. For sample letters, please see the appropriate Acceptance Letter samples as referenced in Subsection A.1. above. Additional information on notifying relevant licensing bodies is located in Section 6 of this procedure’s manual.

2. In cases where an employee resigns while under investigation for violations of Sexual Abuse or Sexual Harassment policies, any settlement language shall include provisions that permit the employer to report to any prospective institutional employer that the employee resigned during a pending investigation. (28 C.F.R. §115.17[c][2][h]) (28 C.F.R. §115.76[d])

Comments:

There have been no closed investigations in the past 12 months that have resulted in discipline; however, there was discipline from an allegation that was made in 2018.

There have been no terminations/resignations for violations of sexual abuse or sexual harassment policies during the past 12 months.

115.77	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 17: Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation Memorandum dated January 17, 2020 regarding Corrective Action for Contractors and Volunteers Interview of Superintendent Review of Investigative reports Documentation of Referrals to Law Enforcement</p> <p>In the past 12 months, contractors or volunteers have been reported to law enforcement agencies and relevant licensing bodies for engaging in sexual abuse of inmates: 0</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 17: Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation B. Corrective Action for Contractors and Volunteers Contractors and volunteers are subject to the following:</p> <ol style="list-style-type: none"> 1. any contract employee or volunteer who violates the Department’s zero tolerance policy as defined in the glossary, shall be subject to appropriate disciplinary or administrative action. (28 C.F.R. §115.77) All forms of discipline imposed for substantiated allegations shall be recorded and tracked in the PREA Tracking System; (28 C.F.R. §115.87[c]) 2. when an allegation is made involving a contractor or volunteer, this person shall be removed from contact and communication with the alleged victim until the conclusion of this investigation; 3. if a contractor or volunteer violates this procedures manual, other than by engaging in sexual abuse, the facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates; (28 C.F.R. §115.77[b]) 4. any contractor or volunteer who has been found to have engaged in sexual abuse shall have their access to Department facilities revoked, and shall be reported to professional licensing bureaus and law enforcement agencies, unless the activity was clearly not criminal; and (28 C.F.R. §115.77[a]) 5. contract agency hiring, firing, and promotional practices must comply with the National PREA Standards. (28 C.F.R. §115.17, 115.76) <p>Memorandum dated January 17, 2020 regarding Corrective Action for Contractors and Volunteers There have been no instances at SCI Mercer during the last 12 months of a contractor or volunteer engaging in sexual abuse of inmates. Therefore, there have been no reports to law enforcement agencies or relevant licensing bodies for this type of behavior.</p> <p>Comments: There have been no instances of sexual abuse by contractors or volunteers during the past 12</p>

months.

115.78	Disciplinary sanctions for inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 17: Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation Policy Statement; Policy Subject: Inmate Discipline; Policy # DC-ADM 801 13.8.1 Access to Mental Health Care; Section 11: Sex Offender Treatment Review of Misconduct #19 – State Correctional Institutions Form (and example) Interview with Superintendent Review of Investigative Reports Interview with Medical Staff Interview with Mental Health Staff Review of Files/Records of Disciplinary Actions against inmates for Sexual Conduct with Staff Review of Medical Records</p> <p>In the past 12 months: The number of administrative findings of inmate-on-inmate sexual abuse that have occurred at the facility: 0 The number of criminal findings of guilt for inmate-on-inmate sexual abuse that have occurred at the facility: 0</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 17: Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation</p> <p>C. Inmate Discipline – General</p> <ol style="list-style-type: none"> 1. Inmates shall be subject to disciplinary sanctions pursuant to the formal disciplinary process, following an administrative finding that the inmate violated the zero-tolerance policy, engaged in inmate on inmate sexual abuse, or following a criminal finding of guilt for inmate on inmate sexual abuse. (28 C.F.R. §115.78[a]) <ol style="list-style-type: none"> 1. Sanctions shall be commensurate with the nature and circumstances of the sexual abuse, sexual harassment or retaliation committed, the inmate’s disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories. (28 C.F.R. §115.78[b]) All forms of discipline imposed for substantiated allegations shall be recorded and tracked in the PREA Tracking System. (28 C.F.R. §115.87[c]) 3. The disciplinary process shall consider whether an inmate’s mental disabilities or mental illness contributed to his/her behavior when determining what type of sanction, if any, should be imposed. (28 C.F.R. §115.78[c]) 4. When an inmate is found guilty of a Class 1 Misconduct related to sexual abuse in a facility that offers Sex Offender Treatment Programs, the Unit Manager/Facility Director shall refer the inmate to the Sex Offender Treatment Program for evaluation to determine whether or not the inmate is appropriate for the program, and if the inmate will be required to complete the program as part of the sanctions or as a condition to access programming or other benefits. (28 C.F.R. §115.78[d]) 5. The facility may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact. Discipline shall not be imposed until such a

determination is made. (28 C.F.R. §115.78[e])

6. For the purpose of disciplinary action, a report of sexual abuse made in good faith, based upon a reasonable belief that the alleged conduct occurred, shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. (28 C.F.R. §115.78[f])

7. The Department prohibits all sexual activity between inmates and may discipline inmates for such activity. The Department shall not deem such activity to constitute sexual abuse if the Department, through the investigative process, determines that the activity is not coerced. (28 C.F.R. §115.78[g])

8. Reporting inmates shall be subject to disciplinary action for sexual abuse or sexual harassment allegations which have been unfounded, and for which the investigation was satisfactorily approved by the Bureau of Investigations and Intelligence (BII).

A. Review of Misconduct #19

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

1. In SCIs

a. Psychologist Review

(1) The Deputy Superintendent for Centralized Services (DSCS)/designee shall ensure that the Licensed Psychology Manager (LPM)/designee receives a copy of the DC-141, Part 1, Misconduct Report as soon as possible, but no later than one working day.

(2) The LPM/designee shall review the DC-141, Part 1 and the case files of the involved inmates, within one working day of receipt of the DC-141, Part 1. In cases where the file review reveals a clear power imbalance between/among the involved inmates, as evidenced by disparate levels of physical strength, size, social status within the inmate population, and/or intellectual functioning, the LPM shall interview the apparently more vulnerable inmate. Additionally, when information is made available through the Security Office or the Unit Management Team suggests that extortion and/or protective pairing may be occurring, the LPM shall also interview the potential inmate abuser.

(3) At the onset of the one-on-one session, the LPM/designee shall explain to the inmate that he/she has been called in because of his/her recent misconduct and the related concern that he/she may be involved in unwanted sexual activity. Additionally, the LPM/designee shall explain that the intent in calling him/her in is to emphasize that, should he/she be subjected to unwanted sexual activity, staff are available to help. The intent is not to decide his/her guilt or innocence with respect to the misconduct.

(4) Prior to the session progressing further, the LPM/designee shall further explain that, should the inmate report involvement in unwanted sexual activity, this information cannot be kept confidential, but rather shared with Security staff on a need-to-know basis in order to ensure that he/she is protected.

(5) In the event that the inmate denies any involvement in unwanted sexual activity, the LPM/designee shall accept this without further inquiry but reiterate that staff are available to assist should the inmate ever be confronted with this problem.

(6) In the event the inmate reports that he/she is being victimized, the LPM/designee shall:
i. secure the inmate's signature on the DC-484, Mental Health Confidentiality Disclosure Statement (refer to Department policy 13.8.1, "Access to Mental Health Care");

- ii. proceed as a first responder to an allegation of sexual abuse, referring the inmate directly to the Security Office to initiate an investigation, in accordance with Section 18 of this procedure's manual; and
 - iii. ensure that the inmate is further assessed and, if indicated, treated by another psychology staff member.
- (7) The LPM shall document his/her assessment using the Review of Misconduct #19 - SCIs (Attachment 17-A) and ensure that the DSCS and PREA Compliance Manager (PCM) receive a copy.
- b. If the results of an investigation substantiate the allegation of sexual abuse, the Facility Manager shall ensure that the misconduct is removed from the victim inmate's file.
2. In CCCs, CCFs, and Lockups
- a. Reentrants are not permitted to engage in sexual acts or sodomy inside the facility.
 - b. When any reentrant is alleged to have engaged in consensual sexual acts with others or sodomy, inside the facility, the BCC Management Operations Center (MOC) shall be notified without delay. The allegation shall be documented on a DC-121, Part 3-BCC, Employee Report of Incident.
- (1) If a clear relationship dynamic exists which enables an involved reentrant to exert influence, this notification shall include any information indicative of coerced sexual activity.
 - (2) BCC Investigative staff shall make contact with any potential victim within 72 hours of receiving this report and determine whether evidence of coerced sexual activity is present.

Policy Statement; Policy Subject: Inmate Discipline; Policy # DC-ADM 801

Staff Use Only

13.8.1 Access to Mental Health Care; Section 11: Sex Offender Treatment

K. Managing Inmates without a Sexual Conviction who Sexually Assault during Incarceration.

1. If this sexual assault results in a formal legal charge and criminal conviction in a Pennsylvania court of law, this individual will then be referred for assessment according to this policy.
2. Consistent with the Prison Rape Elimination Act (PREA), all prisons shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. (28 C.F.R. §115.83[h]) If the facility offers SOT, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits. (28 C.F.R. §115.78[d]) Inmates who have been found to have engaged in sexual abuse without an accompanying criminal conviction, shall be evaluated for SOT and, if deemed appropriate, offered the opportunity to participate voluntarily in SOT.

Comments:

Per the OAS: There have been no cases of substantiated inmate-on-inmate abuse during the past 12 months. There was, however, one substantiated case of inmate-on-inmate sexual harassment. The auditor reviewed the misconduct, results of the hearing, and appeal paperwork.

However, since the completion of the OAS, there was one substantiated inmate on inmate

case which has been forwarded to the State Police. The inmate was given notice on January 29, 2020. The investigation file included not only the findings but the court docket and Hospital information.

A sex offender treatment program is offered at SCI Mercer. There is a low track and a moderate/high track.

There have been no Sex Offender Program evaluations conducted, as there have been no substantiated cases of inmate-on-inmate abuse in the past 12 months.

There have been no completed investigations within the past 12 months for an inmate that engaged in sexual acts with a staff member.

Medical and Mental Health staff stated that they are able to provide information related to an inmate's medical or mental health should be considered during any sanctioning or investigation; including the Incident Review Team.

Disciplinary actions may occur as stated in Policy # DC-ADM 801; Inmate Discipline (staff use only)

115.81	Medical and mental health screenings; history of sexual abuse
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 10: Medical and Mental Health Screenings Mental Health Contact Notes Potential Sexual Assault Victim Report Institution Sexual Predator List Mental Health Confidentiality Disclosure Document (3 with signatures) Medical and MH informed consent form Interview with Inmates who Disclose Sexual Victimization at Risk Screening Interview with Staff Interview with Medical Staff Interview with Mental Health Staff On-Site Review Medical and Mental Health File Review / Initial Reception Mental Health Questionnaire (8 + 7)</p> <p>In the past 12 months, the percent of inmates who disclosed prior victimization during screening who were offered a follow up meeting with a medical or mental health practitioner: 100%</p> <p>In the past 12 months, the percent of inmates who have previously perpetrated sexual abuse, as indicated during the screening, who were offered a follow up meeting with a mental health practitioner: 100%</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 10: Medical and Mental Health Screenings</p> <p>A. Medical and Mental Health Screenings</p> <ol style="list-style-type: none"> 1. Both medical and mental health practitioners shall ask inmates, during the intake screening, about any history of victimization or perpetration of sexual abuse, either in a correctional setting or in the community. (28 C.F.R. §115.41[a]) 2. If the screening pursuant to PREA Standard 28 C.F.R. §115.41 indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. (28 C.F.R. §115.81[a][c]) The offering of this meeting shall be documented on the PREA Risk Assessment Tool (PRAT) question asking whether a medical or mental health meeting is requested. Staff shall complete the appropriate referral documentation for those inmates accepting the follow-up meeting. 3. If the screening pursuant to PREA Standard 28 C.F.R. §115.41 indicates that an 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. (28 C.F.R. §115.81[b]) The offering of this meeting shall be documented on the PRAT question asking whether a medical or

mental health meeting is requested. In addition, when it becomes known that an inmate is an inmate-on-inmate abuser, a mental health evaluation shall be conducted within 60 days of learning of such abuse history and offered treatment when deemed appropriate by mental health practitioners. (28 C.F.R. §115.83[h])

4. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans, security and management decisions, including housing, bed placement, work, education, and program assignments, or otherwise required by Federal, State, or local law. (28 C.F.R. §115.81[d])

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

Potential Sexual Assault Victim Report

This report is one and one-half (1 ½) page list of individuals, their housing location, counselor and custody level.

Institution Sexual Predator List

This report is a two and one-quarter (2 ¼) page list of individuals, their housing location, counselor and custody level.

Comments:

Information may be appropriately shared to inform housing, bed, work, education and program assignments.

Interviews indicated that all inmates who shared prior sexual victimization or perpetration are referred for mental health follow-up with two (2) weeks. Informed consent information is presented and a form is signed by the inmate.

115.82	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 14: Responding to Reports of Sexual Abuse Assurances to Victims of Sexual Abuse – Handout (Spanish and English) If you are the Reported Victim of Sexual Abuse Form – SCI (Spanish and English) Nursing Evaluation Tool: Rape/Sexual Assault Shift Commander Checklist with Post Sexual Assault Interviews (Medical/Mental Health) – numerous After Hospital Care Plan – Inmate Instructions STI Testing Results Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment Inmate Written Statement of Sexual Abuse/Harassment Form Medical – PREA Checklist Interviews with Medical and Mental Health Staff Interview with Inmates who Reported a Sexual Abuse Interview with PREA Coordinator Interview with PREA Compliance Officer Interview with Staff Medical and Mental Health Records Interviews with Inmates On-site visit</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 14: Responding to Reports of Sexual Abuse</p> <p>F. Emergency Medical and Mental Health Treatment Services</p> <p>1. General – All Facility Types</p> <p>a. Alleged inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. (28 C.F.R. §115.82[a])</p> <p>b. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the alleged victim, in accordance with PREA Standard 28 C.F.R. §115.62 and shall immediately notify the appropriate medical and mental health practitioners. (28 C.F.R. §115.82[b])</p> <p>c. Treatment services shall be provided to the alleged victim without financial cost and regardless of whether the alleged victim names the abuser or cooperates with any investigation arising out of the incident. (28 C.F.R. §115.83[g]) (28 C.F.R. §115.21[c]) (28 C.F.R. §115.82[d]) (28 C.F.R. §115.182[b])</p> <p>e. The Victim of Sexual Abuse Services Offered (Attachment 14-F) shall be used to document an inmate’s acceptance or rejection of offered services.</p>

2. Medical in SCIs

a. The Medical Department shall follow the appropriate procedures contained in the DC-586BB NET – Rape/Sexual Assault in accordance with Department policy 13.2.1, “Access to Health Care,” Section 6, Appendix 6-A, and the procedures listed below.

b. The alleged victim shall be evaluated by facility medical personnel immediately, when there is an allegation of sexual abuse that involved physical contact, to ensure the absence of any injury requiring urgent treatment. The medical staff shall document any injuries on the DC-457, Medical Incident/Injury Report in accordance with Department policy 13.2.1, Section 6.

c. If the inmate refuses to undergo the medical exam, he/she must sign the DC-462, Release from Responsibility for Medical Treatment in accordance with Department policy 13.1.1, “Management and Administration of Health Care.”

d. Abuse Occurred Within the Past 96 Hours (Victim)

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

(1) The alleged victim shall be immediately transported to an outside hospital to be examined by a medical professional who is skilled and experienced in the use of a rape kit for the collection of forensic evidence. In order to determine the appropriate medical facility for transport, the following is required:

a. the facility shall utilize the medical facility with whom it has entered into or attempted to enter into a LOA or MOU for SAFE or SANE services; and (28 C.F.R. §115.21[c])

a. verify in advance of the transport that the local hospital can provide access to a SANE or a SAFE. If SAFEs or SANEs cannot be made available, the facility shall utilize any alternate medical facility with which it has entered into a LOA/MOU, or in the absence of an alternate facility; verify the examination can be performed by other qualified medical practitioners.

(2) Nursing shall complete a DC-493, Emergency Room Transfer Form and forward a copy to the hospital in accordance with Department policy 6.3.1, “Facility Security,” Section 22. Any hospital records or reports returned with the inmate shall be maintained in the inmate’s medical record.

(5) The facility physician/physician’s assistant (PA)/nurse practitioner (NP) shall review recommendations from the hospital emergency room (ER).

(6) If there are any questions, the ER physician shall be contacted.

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

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

(1) The facility physician/PA/NP shall examine the alleged victim.

c. Treatment services shall be provided to the alleged victim without financial cost and regardless of whether the alleged victim names the abuser or cooperates with any investigation arising out of the incident. (28 C.F.R. §115.83[g]) (28 C.F.R. §115.21[c]) (28 C.F.R. §115.82[d]) (28 C.F.R. §115.182[b])

(5) photographs shall not be taken, under any circumstances, to demonstrate the absence of injury. Photographs of the alleged victim may be taken, in accordance with Department policy DC-ADM 001, Section 1, to document injuries sustained during the abuse.

(6) The facility physician/PA/NP shall determine the need for antivirals in accordance with Department policy 13.1.1, Section 5.

(7) Regardless of when an allegation of vaginal/oral/anal penetration occurred, the facility physician shall ensure that testing of the alleged victim for sexually transmitted infections is completed in accordance with Department policy 13.1.1, Section 5.

g. For all Sexual Abuse Cases Involving Penetration or Exchange of Bodily Fluids

(1) Alleged inmate victims of sexual abuse shall be offered timely information and access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care. (28 C.F.R. §115.82[c]) Alleged inmate victims of sexual abuse while incarcerated in any facility shall also be offered testing for sexually transmitted infections, as medically appropriate. (28 C.F.R. §115.83[f])

1. Mental Health in SCIs

a. Psychological services shall follow the appropriate procedures as contained in Department policy 13.8.1, "Access to Mental Health Care."

b. Psychology staff are responsible for interviewing all alleged victims and alleged perpetrators of sexual abuse within 24 hours of the allegation being made or as soon as normal facility operations permit. If the report is made during the timeframe when psychology staff are not on shift, such as a weekend or holiday, then this interview shall take place the next business day.

(1) This interview should be conducted in a private area to ensure confidentiality, with no security staff present during the interview, unless there are documented security concerns.

(2) Prior to conducting the interview, the psychologist shall explain that, if indicated for the inmate's protection, information disclosed shall be shared only on a need-to-know basis with indicated staff (i.e., Security Office, PCM, Unit Manager, Counselor, Sexual Abuse Review Team, Pennsylvania State Police [PSP], etc.). The psychologist shall then have the inmate sign a DC-484, Mental Health Confidentiality Disclosure Statement (refer to Department policy 13.8.1, Section 2).

(3) The purpose of the interview is to evaluate and assess the current level of cognitive, mental, and emotional functioning as well as to determine overall inmate safety (the current risk of self-harm or harm to others or the fear of harm by others). In addition, crisis intervention, education about expected reactions to stressful events, and the normalization of worrisome thoughts and emotions are provided. This interview and the report are neither conducted for the purposes of an investigation nor for the purpose of documenting and illuminating the inmate's account of events and circumstances that allegedly took place as part of the incident.

(4) The results of this interview shall be documented on the DC-575, Post Sexual Assault Interview (Attachment 14-H). The DC-575 form shall be completed electronically in the electronic health record.

(5) If indicated, a referral to Psychiatry for evaluation and possible follow-up treatment shall be initiated.

(1) Alleged inmate victims of sexual abuse shall be offered timely information and access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care. (28 C.F.R. §115.82[c]) Alleged inmate victims of sexual abuse while incarcerated in any facility shall also be offered testing for sexually transmitted infections, as medically appropriate. (28 C.F.R. §115.83[f])

Assurances to Victims of Sexual Abuse – Handout (Spanish and English)

"You shall receive timely, unimpeded access to emergency medical treatment and crisis

intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. (28 C.F.R. §115.82[a])

Medical treatment and crisis intervention services shall be provided without financial cost to you. The facility shall inform you, prior to giving you access to outside confidential support services, of the extent to which such communication shall be monitored. (28 C.F.R. §115.21[c], §115.53[b], §115.82[d], §115.83[g])

Administrative and criminal investigations shall be completed for all allegations of sexual abuse and sexual harassment. (28 C.F.R. §115.22[a])

Allegations of sexual abuse and sexual harassment shall be investigated by the Pennsylvania Department of Corrections or referred to an agency with the legal authority to conduct criminal investigations, and victims shall be notified of the investigative outcome. (28 C.F.R. §115.22[b], §115.73[a])

You shall be monitored for follow-up for at least 90 days following a report of sexual abuse to ensure you are free from retaliation and are receiving requested treatment services. (28 C.F.R. §115.67[c])

If you have any questions or need help accessing services, please inform your facility's PREA Compliance Manager.

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

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA); Section 18: Sexual Abuse/Sexual Harassment Prevention – Investigating Allegations of Sexual Abuse and/or Sexual Harassment

b. BII shall coordinate with the Facility Manager/designee to ensure that alleged victims of sexual abuse receive access to medical and mental health services, required by the PREA Standards, in such a manner as to not jeopardize the integrity of any ongoing investigation; (28 C.F.R. §115.82-83)

If you are the Reported Victim of Sexual Abuse Form – SCI (Spanish and English)

You are offered timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. (28 C.F.R. §115.82[a])

Medical treatment and crisis intervention services shall be provided without financial cost to you. The facility shall inform you, prior to giving you access to outside confidential support services, of the extent to which such communication shall be monitored. (28 C.F.R. §115.21[c], §115.53[b], §115.82[d], §115.83[g])

Comments:

CI Mercer has not yet received a bill from UPMC Horizon for the forensic exam conducted on 11/04/19; however, any costs associated with the examination are paid by the facility.

After Hospital Care Plan – Inmate Instructions

The plan includes medical problem, visit information comment and care instructions.

“If you are the Reported Victim of Sexual Abuse” Form – SCI (Spanish and English) allows an inmate to accept or decline a medical examination, mental health evaluation and rape crisis services.

All staff interviewed shared that medical care would be immediate for an alleged abuse. As there are medical providers on site 24/7, medical care and decisions happen quickly.

Information about sexually transmitted diseases/infections are shared with the inmate both at the hospital and at the facility. (Confirmed by interviews with inmates.)

115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 9: Screening for Risk of Victimization Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 10: Medical and Mental Health Screenings Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Sex Offender Treatment Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 14: Responding to Reports of Sexual Abuse Shift Commander Checklist with Post Sexual Assault Interviews (Medical/Mental Health) – numerous Inmate - Accounts No-Pay – Forensic Examination Assurances to Victims of Sexual Abuse – Handout (Spanish and English) Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment Inmate Written Statement of Sexual Abuse/Harassment Form Interviews with Medical and Mental Health Staff Interviews with Inmates who Reported a Sexual Abuse Site Visit</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA); Procedure Manual Section 9: Screening for Risk of Victimization b. For any identified facility sexual predators, refer to Department policy 11.2.1, Section 5, for appropriate custody level and program code assignment. In addition, a mental health evaluation will be conducted on these abusers within 60 days of learning of such abuse history and offered treatment when deemed appropriate by mental health practitioners. (28 C.F.R. §115.83[h])</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 10: Medical and Mental Health Screenings 3. If the screening pursuant to PREA Standard 28 C.F.R. §115.41 indicates that an 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. (28 C.F.R. §115.81[b]) The offering of this meeting shall be documented on the PRAT question asking whether a medical or mental health meeting is requested. In addition, when it becomes known that an inmate is an inmate-on-inmate abuser, a mental health evaluation shall be conducted within 60 days of learning of such abuse history and offered treatment when deemed appropriate by mental health practitioners. (28 C.F.R. §115.83[h])</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 14: Responding to Reports of Sexual Abuse</p>

d. All facilities shall provide alleged victims with medical and mental health services consistent with the community level of care. (28 C.F.R. §115.83[c])

2. Medical in SCIs

a. The Medical Department shall follow the appropriate procedures contained in the DC-586BB NET – Rape/Sexual Assault in accordance with Department policy 13.2.1, “Access to Health Care,” Section 6, Appendix 6-A, and the procedures listed below.

b. The alleged victim shall be evaluated by facility medical personnel immediately, when there is an allegation of sexual abuse that involved physical contact, to ensure the absence of any injury requiring urgent treatment. The medical staff shall document any injuries on the DC-457, Medical Incident/Injury Report in accordance with Department policy 13.2.1, Section 6.

c. If the inmate refuses to undergo the medical exam, he/she must sign the DC-462, Release from Responsibility for Medical Treatment in accordance with Department policy 13.1.1, “Management and Administration of Health Care.”

d. Abuse Occurred Within the Past 96 Hours (Victim)

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

(1) The alleged victim shall be immediately transported to an outside hospital to be examined by a medical professional who is skilled and experienced in the use of a rape kit for the collection of forensic evidence. In order to determine the appropriate medical facility for transport, the following is required:

a. the facility shall utilize the medical facility with whom it has entered into or attempted to enter into a LOA or MOU for SAFE or SANE services; and (28 C.F.R. §115.21[c])

a. verify in advance of the transport that the local hospital can provide access to a SANE or a SAFE. If SAFEs or SANEs cannot be made available, the facility shall utilize any alternate medical facility with which it has entered into a LOA/MOU, or in the absence of an alternate facility; verify the examination can be performed by other qualified medical practitioners.

(2) Nursing shall complete a DC-493, Emergency Room Transfer Form and forward a copy to the hospital in accordance with Department policy 6.3.1, “Facility Security,” Section 22. Any hospital records or reports returned with the inmate shall be maintained in the inmate’s medical record.

(5) The facility physician/physician’s assistant (PA)/nurse practitioner (NP) shall review recommendations from the hospital emergency room (ER).

(6) If there are any questions, the ER physician shall be contacted.

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

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

(1) The facility physician/PA/NP shall examine the alleged victim.

c. Treatment services shall be provided to the alleged victim without financial cost and regardless of whether the alleged victim names the abuser or cooperates with any investigation arising out of the incident. (28 C.F.R. §115.83[g]) (28 C.F.R. §115.21[c]) (28 C.F.R. §115.82[d]) (28 C.F.R. §115.182[b])

(5) photographs shall not be taken, under any circumstances, to demonstrate the absence of injury. Photographs of the alleged victim may be taken, in accordance with Department policy DC-ADM 001, Section 1, to document injuries sustained during the abuse.

(6) The facility physician/PA/NP shall determine the need for antivirals in accordance with Department policy 13.1.1, Section 5.

(7) Regardless of when an allegation of vaginal/oral/anal penetration occurred, the facility physician shall ensure that testing of the alleged victim for sexually transmitted infections is completed in accordance with Department policy 13.1.1, Section 5.

g. For all Sexual Abuse Cases Involving Penetration or Exchange of Bodily Fluids

(1) Alleged inmate victims of sexual abuse shall be offered timely information and access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care. (28 C.F.R. §115.82[c]) Alleged inmate victims of sexual abuse while incarcerated in any facility shall also be offered testing for sexually transmitted infections, as medically appropriate. (28 C.F.R. §115.83[f])

g. For all Sexual Abuse Cases Involving Penetration or Exchange of Bodily Fluids

(1) Alleged inmate victims of sexual abuse shall be offered timely information and access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care. (28 C.F.R. §115.82[c]) Alleged inmate victims of sexual abuse while incarcerated in any facility shall also be offered testing for sexually transmitted infections, as medically appropriate. (28 C.F.R. §115.83[f])

(2) Alleged inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. (28 C.F.R. §115.83[d])⁶

(3) If pregnancy results from the sexual abuse, alleged victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services. (28 C.F.R. §115.83[e])⁷

G. Continuity of Care

Ongoing medical and mental health treatment shall be available for inmates who have been allegedly victimized by sexual abuse. This includes appropriate follow-up services and, when necessary, referrals for continued care following their transfer to other facilities and/or their release from the Department. (28 C.F.R. §115.83[b])¹⁰

1. The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have allegedly been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. (28 C.F.R. §115.83[a])

4. The evaluation and treatment of alleged victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody. (28 C.F.R. §115.83[b])

5. All facilities shall provide alleged victims with medical and mental health services consistent with the community level of care. (28 C.F.R. §115.83[c])

6. All facilities shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. (28 C.F.R. §115.83[h])¹¹

7. A notification describing available services to alleged victims titled, "Assurances to Victims of Sexual Abuse," (Attachment 14-J) shall be laminated, when possible, and posted in facility common areas accessed by inmates. (28 C.F.R. §115.33[e]) The facility shall add the address for local rape crisis services prior to printing and laminating the notification. (28 C.F.R. §115.53[a]) Phone numbers may not be posted without the written consent of the rape crisis organization providing services.

Assurances to Victims of Sexual Abuse – Handout (Spanish and English)

“You shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. (28 C.F.R. §115.82[a])

Medical treatment and crisis intervention services shall be provided without financial cost to you. The facility shall inform you, prior to giving you access to outside confidential support services, of the extent to which such communication shall be monitored. (28 C.F.R. §115.21[c], §115.53[b], §115.82[d], §115.83[g])

Administrative and criminal investigations shall be completed for all allegations of sexual abuse and sexual harassment. (28 C.F.R. §115.22[a])

Allegations of sexual abuse and sexual harassment shall be investigated by the Pennsylvania Department of Corrections or referred to an agency with the legal authority to conduct criminal investigations, and victims shall be notified of the investigative outcome. (28 C.F.R. §115.22[b], §115.73[a])

You shall be monitored for follow-up for at least 90 days following a report of sexual abuse to ensure you are free from retaliation and are receiving requested treatment services. (28 C.F.R. §115.67[c])

If you have any questions or need help accessing services, please inform your facility’s PREA Compliance Manager.

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

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment

b. BII shall coordinate with the Facility Manager/designee to ensure that alleged victims of sexual abuse receive access to medical and mental health services, required by the PREA Standards, in such a manner as to not jeopardize the integrity of any ongoing investigation; (28 C.F.R. §115.82-83)

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 11: Sex Offender Treatment

K. Managing Inmates without a Sexual Conviction who Sexually Assault during Incarceration.

1. If this sexual assault results in a formal legal charge and criminal conviction in a Pennsylvania court of law, this individual will then be referred for assessment according to this policy.
2. Consistent with the Prison Rape Elimination Act (PREA), all prisons shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. (28 C.F.R. §115.83[h]) If the facility offers SOT, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits. (28 C.F.R. §115.78[d]) Inmates who have been found to have engaged in sexual abuse without an accompanying criminal conviction, shall be evaluated for SOT and, if deemed appropriate, offered the opportunity to participate

voluntarily in SOT.

Comments:

During the last 12 months, there were no inmates that stated during a PRAT assessment that they had been a victim of sexual misconduct while incarcerated elsewhere. All inmates that made sexual abuse allegations at SCI Mercer in 2019 were seen by Medical (unless it was a non-contact abuse allegation) and Psychology.

SCI Mercer does not house female inmates.

There have been no instances during the past 12 months that staff have become aware of an inmate-on-inmate abuser. One case remains pending criminal investigation and is progressing through the legal system. Note: a case did occur after completion of the OAS. Please note information at the beginning of this document.

The facility has several mental health providers who offer continuing care to those individuals who request or schedule meetings whether or not the abuse occurred at the facility. AWARE is also available to those individuals who seek their access. Feedback from the interviews with medical and mental health staff shows that the level of care for inmates exceeds that which is available in the community.

115.86	Sexual abuse incident reviews
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 16: Sexual Abuse Incident Review PREA Sexual Abuse Incident Review PREA Sexual Abuse Incident Review Plan of Action Email dated July 12, 2019 Housing Reviews Commissioned Officers Meeting Minutes dated July 30, 2019 Investigation Documentation Email regarding completion of Mental Health Evaluation Interview with Superintendent Interview with the Deputy Superintendent Interview with the PREA Coordinator Interview with PREA Compliance Manager Interview with Incident Review Team Members Documentation of Sexual Abuse Incident Team Reviews Review of Medical Records Review of Documentation of Completed Criminal or Administrative Investigations of Sexual Abuse</p> <p>In the past 12 months, the number of criminal and/or administrative investigations of alleged sexual abuse completed at the facility, excluding only “unfounded” incidents: 2 In the past 12 months, the number of 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: 2</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 16: Sexual Abuse Incident Review</p> <p>A. General</p> <ol style="list-style-type: none"> Each facility shall conduct a Sexual Abuse Incident Review (SAIR) at the conclusion of every sexual abuse investigation where the allegation was substantiated or unsubstantiated, whether the investigation was conducted by the facility Security Office or by the Bureau of Investigations and Intelligence (BII). No review will be conducted if the allegation has been determined to be unfounded following BII’s review of the investigation. (28 C.F.R. §115.86[a]) The SAIR shall occur within 15 working days of receipt of BII’s notification the investigation was deemed satisfactory. (28 C.F.R.§115.86[b]) The purpose of the incident review is to look retrospectively at the incident to ensure that the incident was managed in compliance with this procedures manual; to gather data relevant to enhancing understanding of prison rape; to proactively identify training deficiencies, and to sensitize staff members to possible “red flags” associated with such incidents so that they may become better at detecting preventable incidents.

B. Facility Sexual Abuse Incident Review Committee

1. In State Correctional Institutions (SCIs), the Prison Rape Elimination Act (PREA) Compliance Manager (PCM) shall chair the SAIR Committee. The PCM, in collaboration with the Facility Manager, shall determine the exact composition of the committee based on the nature of the incident. At a minimum, the SAIR Committee shall consist of the following: (28 C.F.R. §115.86[c])

- a. Deputy Superintendent for Centralized Services (DSCS);
- b. Deputy Superintendent for Facilities Management (DSFM);
- c. Licensed Psychology Manager (LPM)/designee;
- d. Corrections Health Care Administrator (CHCA)/designee;
- e. Security Office representative; and
- f. Major of Unit Management or Major of the Guard.

4. The PCM coordinates the availability of applicable records, such as, but not limited to, the DC-15, Inmate Records Jacket, DC-14, Counselor File, case management notes, medical record, incident reports, Security Office Report, etc. The committee shall be advised in advance of the date, time, and place of the meeting.

5. The committee shall carefully review the documentation surrounding the incident. The review shall focus upon the events associated with the incident. At a minimum, the committee shall consider the items outlined in the PREA Sexual Abuse Incident Review (Attachment 16-A) as well as the following information:

- a. consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; (28 C.F.R. §115.86[d][1])
- b. consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender or intersex identification, status or perceived status, gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility; (28 C.F.R. §115.86[d][2])
- c. examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; (28 C.F.R. §115.86[d][3])
- d. assess the adequacy of staffing levels in that area during different shifts; (28 C.F.R. §115.86[d][4])
- e. assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and (28 C.F.R. §115.86[d][5])

6. Within ten working days of the conclusion of the review, the PCM/designee shall prepare a confidential report utilizing the PREA SAIR with any recommendations for improvement. The report shall contain copies of the following:

- a. all DC-121, Part 2, Extraordinary Occurrence Reports related to the alleged incident;
- b. all related documentation for staff, inmates, and/or witnesses;
- c. all relevant medical reports, to include psychiatric reports, if applicable;
- d. any photographs related to the alleged incident's location or evidence;
- e. any misconduct reports related to the alleged incident;
- f. any other relevant reports or documents;
- g. an Investigative Summary;
- h. a copy of the applicable initial response checklists required by Section 14 of this procedure's manual;
- i. outside hospital report including Report of Forensic Exam Kit, if applicable and available;
- j. Pennsylvania State Police (PSP) report, if applicable and available;
- k. DC-457, Medical Incident/Injury Report;

- l. DC-484, Mental Health Confidentiality Disclosure Statement;
- m. DC-575, Post Sexual Assault Interview;
- n. DC-97, Mental Health Referral Form;
- o. DC-560, Mental Health Contact Note;
- p. Report of Review of Misconduct Charge #19 – Engaging in Sexual Acts with Others or Sodomy, if relevant;
- q. Inmate Notification Form(s);
- r. Department Retaliation Monitoring Form;
- s. any additional documentation that was reviewed during the investigation and could potentially enhance the review; and/or
- t. the complete SAIR packet shall include all documents submitted to the BII as part of the investigation.

7. The PCM shall submit the report to the Facility Manager for review in SCIs. Reports shall be submitted to the BCC Major/designee in CCCs, CCFs, and Lockups. Upon approval, the report shall be returned to the PCM, who shall forward it to the CR, DOC PREA Reports resource account, Executive Deputy Secretary (EDS), Executive Deputy Secretary for Institutional Operations (EDSI)/Regional Deputy Secretary/Executive Deputy Secretary for Community Corrections and Reentry (EDSC) along with recommendations concerning the incident. (28 C.F.R. §115.86[d][6])

4. The Facility Manager, BCC Director, or PBPP District Director shall implement the recommendations for improvement or shall document its reasons for not doing so on the PREA Sexual Abuse Incident Review Plan of Action (Attachment 16-B) provided by the PREA Coordinator. The completed PREA Sexual Abuse Incident Review Plan of Action shall be forwarded from the PCM to the CR, DOC PREA Reports resource account with copies provided to the EDS, EDSI/Regional Deputy Secretary/EDSC. (28C.F.R. §115.86[e])

PREA Sexual Abuse Incident Review

This form includes Type of Incident, Facility Staff Reviewing Incident, Complaint Summary, Comments, Investigative Finding, Staff on Inmate, Inmate on Inmate, Factors, Medical, Psychology, Outside Support Services, Law Enforcement, Retaliation, Investigation and Miscellaneous. The Investigative Summary and Report is attached.

Two SAIR were attached to the OAS.

PREA Sexual Abuse Incident Review Plan of Action

This form includes Summary, Commendable Comments, Deficiency and applicable policy reference, Plan-of-action and signatures.

Email dated July 12, 2019, To: CR-MER Captains; CR-MER Lieutenants; Regarding: PREA reminder re: Shift Commander Checklist

Please ensure that whenever you complete a Shift Commander Checklist for PREA allegations that ALL boxes are filled out. Each box needs to either have a "✓" or an "N/ A" noted.

Commissioned Officers Meeting Minutes dated July 30, 2019

“Ms. Graves had a quick PREA reminder for everyone. We will have our audit coming up in the spring, sometime in March. Therefore, last week when she was walking around doing her tours, she was talking to some of the Officers and giving them a heads up on the PREA Audit.

She will be sending some reminder emails out. There is a list of questions that the Auditors will ask of random Officers that they will pick. The questions are all about what type of training did you get in regard to PREA and what to do you if someone reports to you as a first responder. Ms. Graves also has the pocket cards if anyone needs new ones. The Shift Commander PREA Check List, when you are doing the checklist just make sure that you fill in every single box, even if it is just NI A. If you have any questions and Ms. Graves is not here at the Institution, feel free to call her at home.”

Comments:

The Sexual Abuse Incident Review form is well designed.

Only 2 sexual abuse investigations have been completed in the past 12 months.

The completed PREA Sexual Abuse Incident Review Plan of Action forms were detailed and showed that a serious review of the documentation was completed.

“The recommendation made in the 2019-P-188 SAIR was to continue to educate staff on professionalism and appropriate conduct. These are areas in which staff receive training every year. As for the POA recommendations, see attached SC email and Commissioned Officer Meeting minutes (pages 3 & 4), as well as all completed investigations from 2019 that were signed by the Security Captain. Lastly, the PCM, Security Captain, and PREA Lt. always discuss the outcome of investigations; however, there is no documentation to confirm this.

The recommendations made in the 2019-P-497 SAIR are reflected by the Unit Manager housing reviews and the emails regarding Psychology response after the 2 abuse allegations that were received subsequent to this SAIR. There have been no investigations completed since the POA was done so there is no documentation to verify those suggestions have been implemented.”

Those interviewed were able to share the items discussed/reviewed during the Incident Review Team meetings as well as who else serves on the committee. If a member is not able to attend, their information/feedback is able to be presented. Documentation of the meeting is completed as well as the results.

115.87	Data collection
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 17: Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment</p> <p>Inmate Written Statement of Sexual Abuse/Harassment Form</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 2: Sexual Abuse/Sexual Harassment Prevention – Contracting</p> <p>PREA Tracking System (Computerized)</p> <p>Department PREA Annual Report 2013, 2014, 2015, 2016 (unable to open), 2017, 2018</p> <p>SVSS – 2016</p> <p>SSV – 2015, 2017</p> <p>SSV Summary – 2018</p> <p>MIS PREA Data Collection – Contract Facilities</p> <p>Monthly Statistical Report</p> <p>Review of Aggregated Data</p> <p>Website</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 17: Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation</p> <p>A. Staff Discipline</p> <p>1. Any employee who violates the Department’s zero tolerance policy as defined in the glossary of terms, shall be subject to appropriate disciplinary or administrative action up to and including termination. Discipline shall occur in accordance with Department policy 4.1.1, “Human Resources and Labor Relations.” (28 C.F.R. §115.276[a]) All forms of discipline imposed for substantiated allegations shall be recorded and tracked in the Prison Rape Elimination Act (PREA) Tracking System. (28 C.F.R. §115.87[c])</p> <p>B. Corrective Action for Contractors and Volunteers</p> <p>Contractors and volunteers are subject to the following:</p> <p>1. any contract employee or volunteer who violates the Department’s zero tolerance policy as defined in the glossary, shall be subject to appropriate disciplinary or administrative action. (28 C.F.R. §115.77) All forms of discipline imposed for substantiated allegations shall be recorded and tracked in the PREA Tracking System; (28 C.F.R. §115.87[c])</p> <p>C. Inmate Discipline – General</p> <p>2. Sanctions shall be commensurate with the nature and circumstances of the sexual abuse, sexual harassment or retaliation committed, the inmate’s disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.(28 C.F.R. §115.78[b]) All forms of discipline imposed for substantiated allegations shall be recorded and tracked in the PREA Tracking System. (28 C.F.R. §115.87[c])</p>

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment

12. Every report, complaint, or allegation of sexual abuse and/or sexual harassment shall be entered into the PREA Tracking System, a web-based application designed to track all incidences of sexual abuse and sexual harassment for U.S. Department of Justice reporting purposes. (28 C.F.R. §115.87)

- o. The PREA Tracking System shall be updated by the facility Security Office/BCC Security Office/designee upon completion of the investigation and satisfactory approval by BII. (28 C.F.R. §115.87, 88, 89)
- e. ensure the PREA Tracking System is updated with the status of investigative outcome. (28 C.F.R. §115.87, 88, 89)

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention

Section 20 – Data Collection and Retention

The Prison Rape Elimination Act (PREA) Compliance Division (PCD) shall collect accurate, uniform data for every allegation of sexual abuse at facilities under the Department's direct control using a standardized instrument and set of definitions. (28 C.F.R. §115.87[a])

In the Department, every report, complaint, or allegation of sexual abuse and/or sexual harassment occurring within Department facilities or involving its reentrants in contracted facilities, shall be entered into the PREA Tracking System, a web-based application designed to track all incidences of sexual abuse and sexual harassment for U.S. Department of Justice reporting purposes.

A. Annual Prison Rape Elimination Act (PREA) Report

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

- e. any additional information that is required by the Survey of Sexual Violence (sic) required by the Department of Justice, Bureau of Justice Statistics; and (28 C.F.R. §115.87[c])
 - f. the report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the Department's progress in addressing sexual abuse. (28 C.F.R. §115.88[b])
5. The Annual PREA Report shall be approved by the Secretary and posted on the Department's website by June 30 of each year. (28 C.F.R. §115.87[f], §115.88[c])

Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 2: Sexual Abuse/Sexual Harassment Prevention – Contracting

- e. The CFC shall make notifications as outlined in Department policy 8.3.1, "Community Corrections Security," Section 17, and request a PREA tracking number through the BCC-Management Operations Center (MOC). This report shall be entered into the Department's PREA Tracking System by the BCC PREA Captain/designee for data collection purposes. (28 C.F.R. §115.87[a])

Comments:

The statewide PREA Coordinator has one Administrative Officer to assist him in his statewide duties. Each facility will send a monthly report and Incident Review information to his office, which then aggregates the data.

Reports are available on the Department's website.

115.88	Data review for corrective action
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment Inmate Written Statement of Sexual Abuse/Harassment Form Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention Interview with PREA Coordinator Interview with PREA Compliance Manager Review of Annual Report Website</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment o. The PREA Tracking System shall be updated by the facility Security Office/BCC Security Office/designee upon completion of the investigation and satisfactory approval by BII. (28 C.F.R. §115.87, 88, 89)</p> <p>e. ensure the PREA Tracking System is updated with the status of investigative outcome. (28 C.F.R. §115.87, 88, 89)</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention A. Annual Prison Rape Elimination Act (PREA) Report 1. The PCD shall review data collected and aggregated annually pursuant to PREA Standard (28 C.F.R. §115.87) in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training by: (28C.F.R. §115.87[b], §115.88[a]) a. identifying problem areas; (28 C.F.R. §115.88[a][1]) b. taking corrective action on an ongoing basis; and (28 C.F.R. §115.88[a][2]) c. preparing an annual report of its findings and corrective actions for each facility, as well as the Department as a whole. (28 C.F.R. §115.88[a][3]) 2. All data shall be maintained, reviewed, and collected as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. (28 C.F.R. §115.87[d]) Incident-based and aggregated data shall also be collected from every facility the Department contracts with for the confinement of its inmates. (28 C.F.R. §115.87[e]) 3. The Department will produce an Annual PREA Report, capturing data from January 1 to December 31, and will provide the following information: a. the number of allegations made at each facility; b. the number of substantiated, unsubstantiated, and unfounded investigations completed as of December 31 of each year; c. the number of ongoing investigations as of December 31 for each facility;</p>

- d. the report shall compare the rates of incidents for each facility from the preceding year to the current report year;
- e. any additional information that is required by the Survey of Sexual Violence (sic) required by the Department of Justice, Bureau of Justice Statistics; and (28 C.F.R. §115.87[c])
- f. the report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the Department's progress in addressing sexual abuse. (28 C.F.R. §115.88[b])
4. The Department shall make all aggregated sexual abuse data information listed in Subsections A.3.a.-f. above, from facilities under its direct control and contracted facilities, readily available to the public through the Department website, at least annually. (28 C.F.R. §115.89[a][b])
5. The Annual PREA Report shall be approved by the Secretary and posted on the Department's website by June 30 of each year. (28 C.F.R. §115.87[f], §115.88[c])
6. The Department shall securely retain all aggregate PREA data, on the Department's secure servers, collected for a period of no less than ten years after the date of the initial collection unless federal, state, or local law requires otherwise. (28 C.F.R. §115.89[a][d])
7. Specific identifying information collected for reporting purposes shall be redacted so that no individual is identifiable. In addition, the Department may redact specific material from the reports when publication would present a clear and specific danger to a facility but must indicate the nature of the material redacted. (28 C.F.R. §115.89[c], §115.88[d])

Comments:

As noted previously, the statewide PREA Coordinator has one Administrative Officer to assist him in his statewide duties. Each facility will send a monthly report and Incident Review information to his office, which then aggregates the data. PCM have one face-to-face meeting per year at the Academy for one one-half (1 ½) days to discuss audits and other pertinent items. In November of each year, there is a video conference meeting. Monthly, information is sent out to the appropriate locations with him also providing investigators training twice per year.

Additionally, the Coordinator oversees the Administrative Review Committee. Incident Review Reports go to his committee for review, where a sample of five (5) Reports are reviewed monthly. This allows for reviewing every facility twice per year.

The Coordinator uses a PREA Tracking system, that is not accessible to the facilities. He is able to do break down reports; hot-spots, searches, etc. When writing his report, identifying information is redacted.

115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention Interview with PREA Coordinator Interview with PREA Compliance Manager Website</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA); Procedure Manual Section 18: Investigating Allegations of Sexual Abuse and/or Sexual Harassment</p> <p>o. The PREA Tracking System shall be updated by the facility Security Office/BCC Security Office/designee upon completion of the investigation and satisfactory approval by BII. (28 C.F.R. §115.87, 88, 89)</p> <p>e. ensure the PREA Tracking System is updated with the status of investigative outcome. (28 C.F.R. §115.87, 88, 89)</p> <p>Policy # DC-ADM 008; Subject: Prison Rape Elimination Act (PREA) Procedure Manual; Section 20: Data Collection and Retention</p> <p>4. The Department shall make all aggregated sexual abuse data information listed in Subsections A.3.a.-f. above, from facilities under its direct control and contracted facilities, readily available to the public through the Department website, at least annually.(28 C.F.R. §115.89[a][b])</p> <p>6. The Department shall securely retain all aggregate PREA data, on the Department’s secure servers, collected for a period of no less than ten years after the date of the initial collection unless federal, state, or local law requires otherwise. (28 C.F.R. §115.89[a][d])</p> <p>7. Specific identifying information collected for reporting purposes shall be redacted so that no individual is identifiable. In addition, the Department may redact specific material from the reports when publication would present a clear and specific danger to a facility but must indicate the nature of the material redacted. (28 C.F.R. §115.89[c], §115.88[d])</p> <p>Comments: As noted previously, the PREA Coordinator is able to electronically pull reports that give him information in identifying hot spots, corrective action and is able to completely reports. Reports include those items required by the standards. Note: The Agency Head approves all reports before being posted on the website.</p>

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	The auditor was able to access all areas of the facility. Requests for information or documentation was immediately obtained. Interviews with staff and inmates were held in private offices.

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Reports are available on the website.

Appendix: Provision Findings

115.11 (a)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?	yes
	Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?	yes

115.11 (b)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Has the agency employed or designated an agency-wide PREA Coordinator?	yes
	Is the PREA Coordinator position in the upper-level of the agency hierarchy?	yes
	Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities?	yes

115.11 (c)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.)	yes
	Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)	yes

115.12 (a)	Contracting with other entities for the confinement of inmates	
	If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes

115.12 (b)	Contracting with other entities for the confinement of inmates	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes

115.13 (a)	Supervision and monitoring	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?	yes
	In calculating adequate staffing levels and determining the need for	yes

	video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards?	
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes

115.13 (b)	Supervision and monitoring	
	In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)	na

115.13 (c)	Supervision and monitoring	
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes

115.13 (d)	Supervision and monitoring	
	Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment?	yes
	Is this policy and practice implemented for night shifts as well as day shifts?	yes
	Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility?	yes

115.14 (a)	Youthful inmates	
	Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na

115.14 (b)	Youthful inmates	
	In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na

115.14 (c)	Youthful inmates	
	Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na

115.15 (a)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?	yes

115.15 (b)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)	na
	Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.)	na

115.15 (c)	Limits to cross-gender viewing and searches	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)?	na

115.15 (d)	Limits to cross-gender viewing and searches	
	Does the facility have policies that enables inmates 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?	yes
	Does the facility have procedures that enables inmates 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?	yes
	Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?	yes

115.15 (e)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status?	yes
	If an inmate's genital status is unknown, does the facility determine genital status during 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?	yes

115.15 (f)	Limits to cross-gender viewing and searches	
	Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes

115.16 (a)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all	yes

	aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing?	
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes.)	yes
	Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing?	yes
	Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills?	yes
	Does the agency ensure that written materials are provided in formats or	yes

	through methods that ensure effective communication with inmates with disabilities including inmates who: are blind or have low vision?	
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115.16 (b)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient?	yes
	Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes

115.16 (c)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations?	yes

115.17 (a)	Hiring and promotion decisions	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who 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?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who 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?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes

115.17 (b)	Hiring and promotion decisions	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates?	yes
	Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates?	yes

115.17 (c)	Hiring and promotion decisions	
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
	Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes

115.17 (d)	Hiring and promotion decisions	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes

115.17 (e)	Hiring and promotion decisions	
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	yes

115.17 (f)	Hiring and promotion decisions	
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes

115.17 (g)	Hiring and promotion decisions	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes

115.17 (h)	Hiring and promotion decisions	
	Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	yes

115.18 (a)	Upgrades to facilities and technologies	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	yes

115.18 (b)	Upgrades to facilities and technologies	
	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	yes

115.21 (a)	Evidence protocol and forensic medical examinations	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes

115.21 (b)	Evidence protocol and forensic medical examinations	
	Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice’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? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes

115.21 (c)	Evidence protocol and forensic medical examinations	
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes
	Has the agency documented its efforts to provide SAFEs or SANEs?	yes

115.21 (d)	Evidence protocol and forensic medical examinations	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.)	yes
	Has the agency documented its efforts to secure services from rape crisis centers?	yes

115.21 (e)	Evidence protocol and forensic medical examinations	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes

115.21 (f)	Evidence protocol and forensic medical examinations	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)	yes

115.21 (h)	Evidence protocol and forensic medical examinations	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency always makes a victim advocate from a rape crisis center available to victims.)	yes

115.22 (a)	Policies to ensure referrals of allegations for investigations	
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes

115.22 (b)	Policies to ensure referrals of allegations for investigations	
	Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes

115.22 (c)	Policies to ensure referrals of allegations for investigations	
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	yes

115.31 (a)	Employee training	
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes
	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes

115.31 (b)	Employee training	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes

115.31 (c)	Employee training	
	Have all current employees who may have contact with inmates received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes

115.31 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes

115.32 (a)	Volunteer and contractor training	
	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes

115.32 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes

115.32 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes

115.33 (a)	Inmate education	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes

115.33 (b)	Inmate education	
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes

115.33 (c)	Inmate education	
	Have all inmates received the comprehensive education referenced in 115.33(b)?	yes
	Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility?	yes

115.33 (d)	Inmate education	
	Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are deaf?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills?	yes

115.33 (e)	Inmate education	
	Does the agency maintain documentation of inmate participation in these education sessions?	yes

115.33 (f)	Inmate education	
	In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats?	yes

115.34 (a)	Specialized training: Investigations	
	In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.34 (b)	Specialized training: Investigations	
	Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.34 (c)	Specialized training: Investigations	
	Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.35 (a)	Specialized training: Medical and mental health care	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes

115.35 (b)	Specialized training: Medical and mental health care	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)	na

115.35 (c)	Specialized training: Medical and mental health care	
	Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes

115.35 (d)	Specialized training: Medical and mental health care	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)	yes
	Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)	yes

115.41 (a)	Screening for risk of victimization and abusiveness	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes

115.41 (b)	Screening for risk of victimization and abusiveness	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes

115.41 (c)	Screening for risk of victimization and abusiveness	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes

115.41 (d)	Screening for risk of victimization and abusiveness	
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes?	yes

115.41 (e)	Screening for risk of victimization and abusiveness	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior acts of sexual abuse?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior convictions for violent offenses?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: history of prior institutional violence or sexual abuse?	yes

115.41 (f)	Screening for risk of victimization and abusiveness	
	Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes

115.41 (g)	Screening for risk of victimization and abusiveness	
	Does the facility reassess an inmate's risk level when warranted due to a referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a request?	yes
	Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes

115.41 (h)	Screening for risk of victimization and abusiveness	
	Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	yes

115.41 (i)	Screening for risk of victimization and abusiveness	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates?	yes

115.42 (a)	Use of screening information	
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes

115.42 (b)	Use of screening information	
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes

115.42 (c)	Use of screening information	
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems?	yes

115.42 (d)	Use of screening information	
	Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?	yes

115.42 (e)	Use of screening information	
	Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes

115.42 (f)	Use of screening information	
	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes

115.42 (g)	Use of screening information	
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes

115.43 (a)	Protective Custody	
	Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers?	yes
	If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment?	yes

115.43 (b)	Protective Custody	
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible?	yes
	If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes

115.43 (c)	Protective Custody	
	Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?	yes
	Does such an assignment not ordinarily exceed a period of 30 days?	yes

115.43 (d)	Protective Custody	
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety?	yes
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged?	yes

115.43 (e)	Protective Custody	
	In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes

115.51 (a)	Inmate reporting	
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes

115.51 (b)	Inmate reporting	
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain anonymous upon request?	yes
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	na

115.51 (c)	Inmate reporting	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes

115.51 (d)	Inmate reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes

115.52 (a)	Exhaustion of administrative remedies	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	yes

115.52 (b)	Exhaustion of administrative remedies	
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	na
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	na

115.52 (c)	Exhaustion of administrative remedies	
	Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	na
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	na

115.52 (d)	Exhaustion of administrative remedies	
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	na
	If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)	na
	At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	na

115.52 (e)	Exhaustion of administrative remedies	
	Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	na
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	na
	If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)	na

115.52 (f)	Exhaustion of administrative remedies	
	Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	na
	After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)	na
	After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)	na
	After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)	na
	Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	na
	Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	na
	Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	na

115.52 (g)	Exhaustion of administrative remedies	
	If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	na

115.53 (a)	Inmate access to outside confidential support services	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.)	na
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes

115.53 (b)	Inmate access to outside confidential support services	
	Does the facility 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?	yes

115.53 (c)	Inmate access to outside confidential support services	
	Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse?	yes
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes

115.54 (a)	Third-party reporting	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?	yes

115.61 (a)	Staff and agency reporting duties	
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation?	yes

115.61 (b)	Staff and agency reporting duties	
	Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?	yes

115.61 (c)	Staff and agency reporting duties	
	Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?	yes
	Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services?	yes

115.61 (d)	Staff and agency reporting duties	
	If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	yes

115.61 (e)	Staff and agency reporting duties	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes

115.62 (a)	Agency protection duties	
	When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?	yes

115.63 (a)	Reporting to other confinement facilities	
	Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes

115.63 (b)	Reporting to other confinement facilities	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes

115.63 (c)	Reporting to other confinement facilities	
	Does the agency document that it has provided such notification?	yes

115.63 (d)	Reporting to other confinement facilities	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes

115.64 (a)	Staff first responder duties	
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure 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, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes

115.64 (b)	Staff first responder duties	
	If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff?	yes

115.65 (a)	Coordinated response	
	Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse?	yes

115.66 (a)	Preservation of ability to protect inmates from contact with abusers	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes

115.67 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes

115.67 (b)	Agency protection against retaliation	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes

115.67 (c)	Agency protection against retaliation	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes

115.67 (d)	Agency protection against retaliation	
	In the case of inmates, does such monitoring also include periodic status checks?	yes

115.67 (e)	Agency protection against retaliation	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes

115.68 (a)	Post-allegation protective custody	
	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes

115.71 (a)	Criminal and administrative agency investigations	
	When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes

115.71 (b)	Criminal and administrative agency investigations	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes

115.71 (c)	Criminal and administrative agency investigations	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes

115.71 (d)	Criminal and administrative agency investigations	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes

115.71 (e)	Criminal and administrative agency investigations	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes

115.71 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes

115.71 (g)	Criminal and administrative agency investigations	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes

115.71 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes

115.71 (i)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes

115.71 (j)	Criminal and administrative agency investigations	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes

115.71 (l)	Criminal and administrative agency investigations	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.72 (a)	Evidentiary standard for administrative investigations	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes

115.73 (a)	Reporting to inmates	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes

115.73 (b)	Reporting to inmates	
	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes

115.73 (c)	Reporting to inmates	
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes

115.73 (d)	Reporting to inmates	
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	yes

115.73 (e)	Reporting to inmates	
	Does the agency document all such notifications or attempted notifications?	yes

115.76 (a)	Disciplinary sanctions for staff	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes

115.76 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes

115.76 (c)	Disciplinary sanctions for staff	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) 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?	yes

115.76 (d)	Disciplinary sanctions for staff	
	Are 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, reported to: Law enforcement agencies(unless the activity was clearly not criminal)?	yes
	Are 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, reported to: Relevant licensing bodies?	yes

115.77 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes

115.77 (b)	Corrective action for contractors and volunteers	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes

115.78 (a)	Disciplinary sanctions for inmates	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes

115.78 (b)	Disciplinary sanctions for inmates	
	Are sanctions 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?	yes

115.78 (c)	Disciplinary sanctions for inmates	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes

115.78 (d)	Disciplinary sanctions for inmates	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	yes

115.78 (e)	Disciplinary sanctions for inmates	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes

115.78 (f)	Disciplinary sanctions for inmates	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation?	yes

115.78 (g)	Disciplinary sanctions for inmates	
	If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)	yes

115.81 (a)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison).	yes

115.81 (b)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)	yes

115.81 (c)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a jail).	yes

115.81 (d)	Medical and mental health screenings; history of sexual abuse	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes

115.81 (e)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners 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?	yes

115.82 (a)	Access to emergency medical and mental health services	
	Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	yes

115.82 (b)	Access to emergency medical and mental health services	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes

115.82 (c)	Access to emergency medical and mental health services	
	Are inmate victims of sexual abuse 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?	yes

115.82 (d)	Access to emergency medical and mental health services	
	Are treatment services 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?	yes

115.83 (a)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility 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?	yes

115.83 (b)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?	yes

115.83 (c)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes

115.83 (d)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na

115.83 (e)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na

115.83 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes

115.83 (g)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are treatment services 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?	yes

115.83 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	yes

115.86 (a)	Sexual abuse incident reviews	
	Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?	yes

115.86 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes

115.86 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes

115.86 (d)	Sexual abuse incident reviews	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes

115.86 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes

115.87 (a)	Data collection	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes

115.87 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes

115.87 (c)	Data collection	
	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes

115.87 (d)	Data collection	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes

115.87 (e)	Data collection	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	yes

115.87 (f)	Data collection	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	yes

115.88 (a)	Data review for corrective action	
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	yes

115.88 (b)	Data review for corrective action	
	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes

115.88 (c)	Data review for corrective action	
	Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes

115.88 (d)	Data review for corrective action	
	Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?	yes

115.89 (a)	Data storage, publication, and destruction	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes

115.89 (b)	Data storage, publication, and destruction	
	Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means?	yes

115.89 (c)	Data storage, publication, and destruction	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes

115.89 (d)	Data storage, publication, and destruction	
	Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?	yes

115.401 (a)	Frequency and scope of audits	
	During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)	yes

115.401 (b)	Frequency and scope of audits	
	Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.)	no
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	yes
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	na

115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes

115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes

115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes

115.401 (n)	Frequency and scope of audits	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes

115.403 (f)	Audit contents and findings	
	The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)	yes