

**PREA AUDIT: AUDITOR'S SUMMARY REPORT  
ADULT PRISONS & JAILS**



<b>Name of facility:</b>	State Correctional Institute at Coal Township		
<b>Physical address:</b>	1 Kelly Drive Coal Township, PA 17866		
<b>Date report submitted:</b>	July 09, 2015		
<b>Auditor Information</b>	William L. Boehnemann		
<b>Address:</b>	P.O. Box 552 Richmond, TX 77406		
<b>Email:</b>	<a href="mailto:william@preaauditing.com">william@preaauditing.com</a>		
<b>Telephone number:</b>	281-633-1948		
<b>Date of facility visit:</b>	June 18, 2015 – June 19, 2015		
<b>Facility Information</b>			
<b>Facility mailing address: (if different from above)</b>			
<b>Telephone number:</b>	570-644-7890		
<b>The facility is:</b>	<input type="checkbox"/> Military	County	Federal
	<input type="checkbox"/> Private for profit		<b>X</b> State
	<input type="checkbox"/> Private not for profit		
<b>Facility Type:</b>	<input type="checkbox"/> Jail	<input checked="" type="checkbox"/> Prison	
<b>Name of PREA Compliance Manager:</b>	Linda Chismar	<b>Title:</b>	Corrections Classification and Programs Manager
<b>Email address:</b>	<a href="mailto:lchismar@pa.gov">lchismar@pa.gov</a>	<b>Telephone number:</b>	570-644-7890 X2254
<b>Agency Information</b>			
<b>Name of agency:</b>	Department of Corrections		
<b>Governing authority or parent agency: (if applicable)</b>	Commonwealth of Pennsylvania		

<b>Physical address:</b>	1920 Technology Parkway Mechanicsburg, PA 17050		
<b>Mailing address:</b> <i>(if different from above)</i>			
<b>Telephone number:</b>	717-728-2573		
<b>Agency Chief Executive Officer</b>			
<b>Name:</b>	John E. Wetzel	<b>Title:</b>	Secretary of Corrections
<b>Agency-Wide PREA Coordinator</b>			
<b>Name:</b>	Jennifer Feicht	<b>Title:</b>	PREA Coordinator
<b>Email address:</b>	c-jefeichct@pa.gov	<b>Telephone number:</b>	724-622-1837 or 724-697-7280

## AUDIT FINDINGS

### NARRATIVE:

A Prison Rape Elimination Act audit of the State Correctional Institution at Coal Township was conducted from June 18, 2015 to June 19, 2015. The purpose of the audit was to determine compliance with the Prison Rape Elimination Act standards which became effective August 20, 2012.

An entrance meeting was held the morning of the onsite audit with the following persons: Superintendent Vincent Mooney, PREA Compliance Manager Linda Chismar, PREA Coordinator Jennifer Feicht, Deputies Brumfield and Luscavage, Unit Managers Briscoe and Shaffer, Captain Stetler, Majors Baumbach and Tripp, Supervisors Milo and Shaud, and Counselor Cory.

The auditor wishes to extend its appreciation to Superintendent Mooney and his staff for the professionalism they demonstrated throughout the audit and their willingness to comply with all requests and recommendations made by the auditor both during the pre-audit and during the site visit.

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

After the entrance meeting the auditor was given a tour of all areas of the facility, including; all general population housing units, administrative segregation (RHU), Educational/Vocational

Buildings (Auto shop, Welding shop, Carpenry shop, Paint shop), Administrative Buildings (Records, Training Room, P/T Room, Mail Room and Business Office), control rooms, visitation (to include the Children's Room and Outside Visitation Area), intake, medical (including Exam rooms, Dental, Vision) commissary, recreation (RHU and G.P.), the Chapel, Barber shop, Warehouse, Kitchen, Laundry facilities and the Utility Plant. During the tour, several informal interviews were conducted with inmates and staff throughout the facility.

A total of 28 staff were interviewed with at least one staff member interviewed from each interview category, with the exception of the interviews related to educational staff who work with youthful inmates, line staff who supervise youthful inmates (youthful inmates are not housed at this facility) and Non-Medical Staff involved in cross gender searches. Random interviews were conducted on staff from all three shifts.

A total of 19 inmates were interviewed with at least one inmate interviewed from each interview category, with the exception of the interviews related to youthful inmates (youthful inmates are not housed at this facility).

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

The count on the first day of the audit was 2,146. The count on the final day of the audit was 2,146.

Throughout the pre-audit and onsite audit, open and positive communication was established between the auditor and facility staff. During this time, the auditor discussed all concerns with PREA Compliance Manager Linda Chismar. Through a coordinated effort by herself and other key staff members, all issues were addressed and corrected to the satisfaction of the auditor prior to the completion of the Final Report.

When the audit was completed, the auditor conducted an exit briefing on June 19, 2015. The auditor gave an overview of the audit, the audit process, and thanked the staff for all their hard work and commitment to the Prison Rape Elimination Act. There were 22 staff members present for the close out representing Administration, Support staff, members of the PREA Committee established for this prison unit, and numerous other areas pertinent to the unit's efforts to gain compliance with all standards of PREA.

#### **DESCRIPTION OF FACILITY CHARACTERISTICS:**

The construction for SCI Coal Township began in 1990 and was one of five prototype institutions. The official dedication of SCI Coal Township was held April 26, 1993. SCI Coal Township gained ACA accreditation in 1996 and has successfully achieved reaccreditation every three years since. Two additional housing units have opened for housing since the prison unit first opened. These are designated as I Block (August 25, 2008) and J Block (December 5, 2011).

Number of acres inside the perimeter: 43  
Number of acres outside the perimeter: 183  
Total number of buildings: 34  
Inmate Population: 2,146 (on June 19, 2015)  
Number of Employees: 526

Academic and Vocational Education: Learning Support, Adult Basic Education, General Equivalency Diploma, English as a Second Language, Business Education. Building Trades, Heating, Air Conditioning and Refrigeration(HVAC), Barber, Computer Aided Drafting/Design (CADD) Electrical and Electronics, Upholstery. All vocational classes offer industry-recognized certifications specific to the trade skills taught in the program.

Inmate Programs: Inside-Out Dads, Long Term Offenders, Sex Offender Programs, Re-Entry, Alcohol and Drug Programs, Offense Related Programs, and Mental Health Programs.

**SUMMARY OF AUDIT FINDINGS:**

Number of standards exceeded:	4
Number of standards met:	37
Number of standards not met:	0
Not Applicable:	2

**§115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator**

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

DC-ADM008 PREA Procedures Manual Section 2 states the Department will take appropriate actions to ensure a zero tolerance toward all forms of sexual abuse and sexual harassment in order to promote the safety of inmates. The Department will implement federal Prison Rape Elimination Act (PREA) Standards to ensure that all

aspects of operations work toward preventing, detecting and responding to such conduct resulting in a safer environment.

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

Sanctions for those found to have participated in prohibited behaviors, was located in policy 801 Inmate Discipline, as well as 01.06.02 Sexual Harassment for employees.

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

The Corrections Classification and Program Manager (CCPM) has been designated as the PREA Compliance Manager (PCM) at each facility and has been given sufficient time and authority to coordinate that facility's compliance with Department Policy and Federal PREA Standards.

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

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

During the audit, the auditor was made aware the agency sent the PREA Coordinator and another staff member to the Department of Justice PREA Auditor Training. The auditor recognizes this to be an example of the Agency's commitment to the Prison Rape Elimination Act.

**§115.12 - Contracting with other entities for the confinement of inmates**

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

DC-ADM008 PREA Procedures Manual Section 2 states the Department shall include in any new contract or contract renewal for the housing of an inmate (on or after the effective date of this procedure) with a private entity or other entity, including other government agencies, the entity's obligation to adopt and comply with the PREA Standards and the Department's policies related to PREA compliance.

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

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

There has been only one contract for the confinement of inmates that the agency entered into or renewed with private entities or other government agencies on or after August 20, 2012. On August 5, 2013, the Department entered into or renewed an agreement with Lackawanna County for the purpose of providing programming and full custody residential services to technical parole violators under the jurisdiction of the Commonwealth. This agreement included specific language requiring Lackawanna County to agree to adopt and comply with all PREA regulations. This agreement also includes the Department's right to inspect the facility at any reasonable time. The agency has existing contracts with approximately 18 other facilities. Through interviews with the PREA Coordinator, it was discovered when these contracts come up for renewal, they will include language specific to PREA requirements.

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

### **§115.13 – Supervision and Monitoring**

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

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

The PREA Compliance Managers duties include conducting and documenting unannounced rounds to identify and deter sexual abuse and sexual harassment in

accordance with Department Policy 6.3.1, "Facility Security," Section 19. The PREA Compliance Manager also works with the administration of the facility and the statewide PREA Coordinator, on an annual basis to assess, determine and document whether adjustments are needed to: the staffing plan, deployment of the video monitoring systems and other monitoring technologies and the resources the facility has available to commit to ensure adherence to the staffing plan. In situations where the staffing plan is not complied with, the PREA Compliance Manager shall document the justification for the deviations from the plan and forward written documentation to the statewide PREA Coordinator for review. The facility shall use the Security Staffing Survey in accordance with Department policy 6.3.1.

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

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

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

During the 2015 audit cycle, there have been no deviations from the staffing plan.

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

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

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

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

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

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

An institutional directive from the Superintendent indicates intermediate and upper level management staff will be conducting unannounced rounds at the facility to identify and deter sexual abuse and sexual harassment. Staff members are not to alert other staff members that these rounds are being conducted. DC-ADM008 PREA Procedures Manual Section 2 states that unannounced rounds will be documented.

During the pre-audit, the auditor was provided with documentation showing that numerous intermediate and upper-level supervisors have made unannounced rounds throughout the facility. Documentation shows the unannounced rounds have occurred on all three shifts. This was also observed and noted during the onsite portion of the audit.

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

#### **§115.14 - Youthful Inmates**

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

XX Not Applicable

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

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

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

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

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

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

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

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

A review of Coal Township Population Reports indicate inmates below the age of 18 have not been housed at this facility within the last 12 months. This is designated as an Adult Facility.

#### **§115.15 - Limits to Cross-Gender Viewing and Searches**

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

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

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

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

DC ADM 008 PREA Procedures Manual Section 2 states staff of the opposite gender shall announce their presence when entering an inmate housing unit in accordance with the following:

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

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

There have been no such searches that have occurred within the last 12 months.

100% of all security staff have received training on conducting cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with security needs.

The auditor was provided with a sample of training logs while onsite.

Various interviews with random staff indicate staff were recently trained on conducting cross-gender searches and searches of transgender inmates. Staff were well aware of the prohibition of conducting strip searches on transgender inmates for the sole purpose of determining their genital status. Interviews with both staff and inmates indicate when female staff enter the male housing units, an announcement is made of their presence and male inmates are rarely (if ever) naked in full view of the female staff (when this occurs it appears to be accidental and extremely rare).

**§115.16 – Inmates with Disabilities and Inmates who are Limited English Proficient**

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

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

DC ADM 0008 PREA Procedures Manual Section 2 states:

- 1) Pursuant to Department policy DC-ADM 006, “Reasonable Accommodations for Inmates with Disabilities,” the Department shall ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the Department’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment.
- 2) Written materials will either be delivered in alternative formats that accommodate the inmate’s disability or the information will be delivered through alternative methods, such as reading it to the inmate or communicating through an interpreter, which ensures the understanding of the PREA related material.

3) The Department shall take reasonable steps to ensure meaningful access to all aspects of the Department's efforts to prevent, detect and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide qualified interpreters. The PREA Compliance Manager will ensure that only staff members or qualified contractors who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary, provide translation for inmates. If a multi-lingual staff member is not available, then the "AT&T Language Line" or equivalent service must be utilized.

4) The Department shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter would compromise the inmate's safety, the performance of first response duties under PREA Standard, or the investigation of the inmate's allegations. Justification for any use of an inmate assistant shall be documented accordingly.

In the past 12 months, there have not been any instances where inmate interpreters, readers, or other types of inmate assistants have been used.

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

The interview with the Agency Head indicates the agency has access to the TTY phone for the hearing impaired, a language line service for non-English speaking inmates, and provides handouts and inmate handbooks in both English and Spanish. In addition, the agency is actively pursuing a transcription company to transcribe text into braille for the vision impaired.

### **§115.17 - Hiring and Promotion Decisions**

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

4.1.1 Human Resources and Labor Relations Manual Section 41- Employment of Job Applicants Having Prior Adverse Contacts with Criminal Justice Agencies states The Department shall not hire or promote anyone who-

- 1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, or other correctional institution.

2) 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; or

3) Has been civilly or administratively adjudicated to have engaged in the activity described above.

The Department will consider any incidents of sexual harassment in determining whether to hire or promote anyone.

Attachment 40-A PREA Prior Employer Letter is used to solicit specific information from prior employers regarding the applicant's previous misconduct.

In the past 12 months, there were 77 staff who may have contact with inmates who have had criminal background record checks conducted by the facility. During the onsite audit, the auditor was provided with documentation showing the remaining staff had criminal background record checks conducted at the statewide level.(all employees receive a criminal history check during the hiring process).

In the past 12 months, there were 31 contracts for services where criminal background record checks were conducted on all staff covered in the contract who might have contact with inmates.

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

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

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

### **§115.18 - Upgrades to Facilities and Technology**

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

DC ADM 0008 PREA Procedures Manual Section 2 states:

1) When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Department shall consider the effect of the design, acquisition, expansion or modification upon the Department's ability to protect inmates from sexual abuse.

2) When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Department shall consider how such technology may enhance the Department's ability to protect inmates from sexual abuse.

The facility has made one expansion / modifications of existing facilities since August 20, 2012. This is the housing unit designated as "K Block". This housing unit is to be occupied by non-state inmate population (Northumberland County).

During the pre-audit, the auditor was provided with documentation showing PIDS Committee Meeting Minutes which discussed the implementation of new video monitoring technology, which enhances the facility's ability of protecting staff and inmates. Specific areas from the PIDS Meeting minutes (4/28/15) were for Major Tripp to designate locations for the installation of 8 cameras in cells on JB and to DVR for NCP. Locations were discussed for installation of cameras in NCP CI area. Adding fixed and PTZ cameras to the gym area was designated as the next priority after NCP work. The following "to do list" was also included in the minutes.

To Do as of this date-

- Install PTZ's in Zones #8 and #16
- Add two PTZ's to V/R and and monitor for Kids' Room (C.O.)
- PTZ camera for Warehouse.
- Add cameras for Gate #9, Visiting Queuing Area, Kitchen dish rooms, and for Housing Unit front door to Compound.
- Add cameras to all intake cells and route to Control for DVR
- Add monitors for Visiting Rm/Visiting Search-Kids Area
- Move POC monitors to Phone Mon. Room.

Interviews indicate camera technology is not used to replace staff; however, it is used as a tool to supplement them and maximize visual contact throughout the facility with the goal of eliminating blind spots. During the onsite portion of the audit, two locations stood out to the audit team as potential blind spot areas. The audit team brought this to the attention of the PREA Compliance Manager and Administrative Staff. The audit team

made recommendations to place mirrors in two locations in the Laundry building to help with eliminating these potential blind spots. The next business day following the onsite audit, the audit team was provided pictures and documentation showing these two areas to now have mirrors to eliminate the possibility of them being blind spots. This positive response to the audit team;s recommendation shows the dedication the staff has to compliance, and the support provided by the Administration to ensure the safety of the inmates in their care.

### **§115.21 – Evidence Protocol and Forensic Medical Examinations**

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

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

DC ADM 008 PREA Procedures Manual Section 5- Investigating Allegations of Sexual Harassment and/or Sexual Abuse states to the extent the Department is responsible for investigating allegations of sexual abuse, the Department shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions, in accordance with the Response to Allegation of Sexual Abuse Checklists (Shift Commander Cover Sheet [Attachment 4-A], Initial Response – Victim [Attachment 4-B], Initial Response – Abuser [Attachment 4-C], the Instructions for PREA Evidence Retention [Attachment 4-E] and as well as Department policy 6.3.1, “Facility Security,” Section 15. The uniform evidence protocol was adapted from or otherwise based on the most recent edition of the DOJ’s Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011.

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

Forensic Medical Examinations are offered at Evangelical Community Hospital and are conducted by SANES.

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

During the pre-audit, the auditor was provided with a signed MOU between SCI Coal Township and the Vice-President of Nursing with Evangelical Community Hospital in Lewisburg, PA. The agreement contains language stating the hospital agrees to conduct forensic examinations on victims of sexual abuse, and those examinations will be conducted by SANEs.

Within the last 12 months, there have been four forensic medical examinations conducted. These examinations were conducted by a SANE.

During the pre-audit, the auditor was provided with a documented MOU for victim advocate services; Transitions of PA..

Interviews with a random sample of staff indicate the majority of staff are well aware of how to preserve evidence and to whom they need to forward reports of sexual abuse. Interviews indicate an MOU has been established with Transitiona of PA which would provide victim advocate services to victims taken to Evangelical Community Hospital as well as provide victim advocate services to the inmate as part of follow-up treatment at the facility.

A phone interview was conducted with the Assistant Director of Emergency Management of Evangelical Community Hospital. During the interview, the auditor was advised Evangelical Community Hospital would conduct SAFE/SANE examinations on any inmate who was sexually abused at SCI Coal Township. The auditor was advised the hospital has SAFEs/SANEs on staff and there would always be one available to conduct such examinations.

### **§115.22 - Policies to Ensure Referrals of Allegations for Investigations**

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

DC ADM 008 PREA Procedures Manual Section 5- Investigation Allegations of Sexual Harassment and/or Sexual Abuse states an administrative and/or criminal investigation shall be completed on every allegation of sexual abuse and sexual harassment, in accordance with best practice for the investigation of sexual harassment/sexual abuse.

During the past 12 months, there have been 35 allegations of sexual abuse and/or sexual harassment that were received. All of these resulted in an administrative investigation, with three of those also being referred for criminal investigation

Criminal Investigations are conducted by the Pennsylvania State Police.

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

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

### **§115.31 - Employee Training**

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

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

- 1) the zero tolerance policy against sexual abuse and sexual harassment within the Department;
- 2) how staff are to fulfill their responsibilities under the Department's sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures as defined in this policy;
- 3) inmates' right to be free from sexual abuse and sexual harassment;
- 4) the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- 5) the dynamics of sexual abuse and sexual harassment in confinement;
- 6) the common reactions of sexual abuse and sexual harassment victims;

- 7) how to detect and respond to signs of threatened and actual sexual abuse;
- 8) how to avoid inappropriate relationships with inmates;
- 9) how to communicate effectively and professionally with inmates, including LGBTI or gender nonconforming inmates; and
- 10) how to comply with relevant laws of Pennsylvania related to mandatory reporting of sexual abuse to outside authorities.

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

Employees who are reassigned from facilities housing the opposite gender are given additional training.

During the pre-audit, the auditor was advised in the past 12 months, there have been 491 staff employed by the facility, who may have contact with inmates who were trained on the PREA requirements enumerated above. During the onsite interview, the PREA Compliance Manager provided the auditor with documentation showing that all staff employed by the facility have been trained on the PREA requirements enumerated above. This equates to 100% of all staff, who may have contact with inmates.

Annually, staff will receive a policy update or refresher PREA training.

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

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

### **§115.32– Volunteer and Contractor Training**

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

DC ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training states contractors and volunteers (to include interns, contract service providers, public visitors, or individuals who have business with or use the resources of the Department, such as religious volunteers, training program personnel, vendors, specialty maintenance, etc.) will receive training on their responsibilities under

the Department's sexual abuse and sexual harassment prevention, detection and response policies and procedures. They will be trained during orientation sessions and annual training reflective of the level of contact that they have with inmates.

In the past 12 months, there have been 60 volunteers / contractors who have been trained in agency policies and procedures regarding sexual abuse/harassment prevention, detection, and response.

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

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

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

### **§115.33 – Inmate Education**

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

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

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

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

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

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

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

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

- 1) The PREA video is to be played a minimum of two times each month over the inmate television channel.
- 2) During the inmate's annual review, the Counselor will discuss issues related to sexual abuse in prison and offer the inmate an opportunity to discuss related concerns. The counselor will provide a Sexual Abuse Awareness Informational Brochure at the time of his/her annual review.
- 3) Sexual abuse, sexual harassment and retaliation training shall be documented by the inmate signing the PREA Inmate Education Verification Form (Attachment 2-K). This form will be filed in the DC-14. Provision of PREA Inmate Education shall be documented in an Inmate Cumulative Adjustment Record (ICAR) entry.

During the past 12 months, 775 inmates were admitted and received such information at intake. All of these inmates 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. All inmates who were still incarcerated 30 days after intake, received comprehensive education.

Additional information about the agency's PREA policies is continuously and readily available or visible through posters, inmate handbooks, and other written formats.

During an interview with a member of the intake staff, it was discovered all incoming inmates are provided with PREA education through handouts and posters immediately upon intake. On inmate movie channel (television), a comprehensive PREA education instructional video is shown after EVERY movie showing. Movies are shown seven days per week, so this information is provided every day of the week to the inmate population. Unit managers and counselors document the educational sessions in the statewide computer database. The majority of the inmate population who was interviewed acknowledged receiving this education numerous times.

#### **§115.34 - Specialized Training: Investigations**

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

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

- 1) This specialized training will include, but is not limited to: interviewing sexual abuse victims, proper use of Miranda warnings, the Garrity rule, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecutorial referral.
- 2) This training will be facilitated by specially trained "PREA Specialized Security Training Teams." An updated list of these "PREA Specialized Security Training Teams" will be kept on file by the statewide PREA Coordinator/designee.

3) Training will be offered to outside law enforcement through mutual agreements facilitated by the Department.

4) Once all Security Office staff members and members of the Office of Special Investigations and Intelligence (OSII) have received this specialized training, it will take place on an annual basis unless it is deemed necessary to be held more frequently by the statewide PREA Coordinator or Facility Manager.

5) Staff will be required to sign off that they have received the information and understand the included items on the PREA Training and Understanding Verification Form. This information will be kept in the staff member's official personnel file.

6) The Training Coordinator at each facility shall ensure that all current security office staff receives this training within six months of the effective date of this policy.

7) The Department, any state entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations.

During the pre-audit, the auditor was provided with documentation showing all 6 facility investigators have received 12 hours of Specialized PREA Training for Investigations.

During interviews with facility investigators, the investigators acknowledged receiving the training specific to PREA requirements. Investigators were knowledgeable that any case that appeared to be criminal would be referred for criminal prosecution. The PA State Police would conduct these investigations and would make the referral for prosecution. The Unit Investigators have and will continue to work closely with the PA State Police to provide support during these investigations. Investigators also acknowledged using a preponderance of evidence as the standard of evidence used to substantiate allegations of sexual abuse and sexual harassment.

#### **§115.35 - Specialized training: Medical and mental health care**

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

DC ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training states Medical/Mental Health Practitioners - In addition to the Basic PREA Training, any staff providing medical/mental health services, whether on a

full or part-time status, shall receive additional training on working with victims of sexual abuse and sexual harassment. For the purposes of this training requirement, Medical staff will include all licensed medical staff, as well as non-licensed contact medical staff such as dental assistants, CHCAs and contracted provider staff.

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

During the pre-audit, the auditor was provided with lesson plans, PowerPoint Presentation, and signature sheets documenting the receipt and understanding of the material.

During the pre-audit, the auditor was advised out of 35 medical and mental health care practitioners who work regularly within the facility 95% have received the training required by agency policy. The auditor was advised the remaining medical and/or mental health staff would be receiving the training within the near future.

Interviews with the medical and mental health staff indicate they were given PREA training in addition to receiving numerous training handouts and informational emails.

#### **§115.41 – Screening for Risk of Victimization and Abusiveness**

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

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

During the pre-audit, the auditor was advised 775 inmates entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 72 hours or more) were screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their entry into the facility. While onsite, the auditor was advised the agency-wide screening instrument was recently made available to the facilities in March 2015. An audit of the screenings, indicate practically all of the current population had been screened. The auditor was advised overtime was approved by the Administration in order to conduct these screenings on the standing population prior to the onsite portion of the audit.

Through follow-up discussions with the PREA Compliance Manager, it was discovered the facility is continuing to conduct reassessments on the inmates during their annual and bi-annual reviews.

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

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

During the pre-audit, it was discovered 775 inmates entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 30 days or more) were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received since intake. While onsite, the auditor conducted an internal audit of the 30 day reassessments and discovered since screenings began (March 2014), 30 day reassessments are being conducted.

Interviews with staff responsible for risk screening indicate screenings are being conducted on paper and then taken to an office to input the information. Immediately upon inputting the information, screening staff destroy the paper screening instruments. As soon as they save this information in the computer, the only staff member with access to the screenings is the PREA Compliance Manager.

Interviews with the PREA Coordinator and PREA Compliance Manager indicates any inmate scoring affirmatively as a potential victim and/or potential predator would initiate a “housing concern” in the computer. Staff would have access to see the “housing concern” in the computer; however, they would not have any access to the actual results of the screenings. It was also verified that this process is efficient by reviewing housing assignments of potential predators and potential victims.

### **§115.42 – Use of Screening Information**

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

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

DC ADM 008 PREA Procedures Manual Section 9- Working with Transgender/Intersex Inmates states when deciding whether to assign a transgender/intersex inmate to a facility for male/female inmates, and in making other housing and programming assignments, the Department shall consider, on a case by case basis, whether a placement would ensure the inmate’s health and safety and whether the placement would present management or security problems. A transgender/intersex inmate’s own views, with respect to his/her own safety shall be given serious consideration. All pertinent information regarding the transgender/intersex individual should be discussed on a need-to-know basis and shared only with the appropriate staff to provide necessary services.

Interviews with staff indicate the screening instrument is being used to keep any inmate that scores to be a potential victim from inmates that score to be a potential predator.

Transgender inmates are housed in general population and are afforded the opportunity to shower separately. A transgender inmate's views in respect to his safety is given serious consideration in determining placement and program assignments. A transgender inmate's placement and programming assignments are reassessed every 6 months.

Interviews conducted with two transgender inmates indicated transgender are housed with the general population and showers are single showers with shower doors to ensure privacy. Both transgender inmates also advised staff are respectful and professional anytime they are searched.

### **§115.43 – Protective Custody**

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

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

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

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

Through interviews it was determined inmates at high risk of sexual victimization are not placed in segregated housing. The auditor was advised these inmates would be placed in other housing units, if at all possible. Per Policy; in the event an inmate at high risk of sexual victimization was placed in segregated housing, the inmate would have

access to privileges and programs when at all possible. If these privileges and programs had to be restricted, the facility would document the activities restricted and the reason for the restriction. During the onsite audit, there were no inmates documented as being placed in segregated housing (for risk of sexual victimization/who allege to have suffered sexual abuse). This was verified through two interviews with inmates who had alleged to have suffered sexual abuse.

### **§115.51 – Inmate Reporting**

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

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

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

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

A report may be made to any staff member in the facility including, but not limited to, Medical staff, Psychology staff, Corrections Officers and Counselors. Staff shall accept and document reports made verbally, in writing, anonymously, and from third parties and promptly forward to the facility's designated investigators. Staff are required to document verbal reports no later than by the end of their shift.

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

1) The address for making a written report is: BCI/PREA Coordinator, 1800 Elmerton Avenue, Harrisburg, PA 17110.

2) A writer may choose to include his/her name and contact information, but it is not necessary in order to make the report. Reports may also be submitted online at [www.tipsubmit.com](http://www.tipsubmit.com).

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

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

#### **§115.52 – Exhaustion of Administrative Remedies**

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

XX Not Applicable

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

#### **§115.53 – Inmate Access to Outside Confidential Support Services**

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

Does Not Meet Standard (requires corrective action)

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

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

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

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

During the pre-audit, the auditor was provided with information from Transitions which includes the address that could be utilized in making a report and/or receiving victim services.

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

### **§115.54 - Third-Party Reporting**

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

During the pre-audit, the auditor was provided with English and Spanish copies of a Reporting Abuse Flier and a PREA Brochure that has mailing address information that inmates could utilize when making a third-party report. Third party reports may also be filed via the internet at [www.tipssubmit.com](http://www.tipssubmit.com)

Third-party reports would go to the Pennsylvania State Police (PSP) and/or the PREA Coordinator. The circumstances surrounding the allegation would dictate who (PSP or the facility investigators) would investigate the allegation.

### **§115.61 – Staff and Agency Reporting Duties**

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

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

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

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

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

Through interviews with a random sample of staff, as well as interviews with medical and mental health staff, it was determined that all staff have a duty to report any

knowledge, suspicion, or information related to sexual abuse or sexual harassment. Staff are also required to report any retaliation towards any inmate or staff for reporting and any staff neglect that may have contributed to an incident or retaliation.

### **§115.62 – Agency Protection Duties**

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

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

In the past 12 months, there have not been any instances where the agency determined an inmate was subject to substantial risk of imminent sexual abuse.

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

### **§115.63 – Reporting to Other Confinement Facilities**

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

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

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

It is the Facility Manager/designee's responsibility to notify the head of the facility in which the reported abuse, harassment or retaliation occurred. Notification must be

provided as soon as possible, but no later than within 72 hours after receipt of information and documented on the Notification of Sexual Abuse/Harassment Allegation to Another Facility (Attachment 3-B). This document shall be maintained by the PREA Compliance Manager in an annual file for audit verification purposes in accordance with Section 1 of this procedures manual.

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

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

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

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

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

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

During the past 12 months, the facility received 1 allegation that an inmate was abused while confined at another facility. A review of the notification indicated they are reporting the allegation within 72 hours.

During the past 12 months, the facility received 1 allegation of sexual abuse from other facilities.

Through staff interviews, it was determined when the facility receives an allegation from another facility or agency that an incident of sexual abuse or sexual harassment occurred within the facility, the allegation would immediately be assigned to an investigator and would be investigated. The facility would also refer any allegations they receive for sexual abuse that occurred at other facilities, to the head of the facility. The designated point of contact in both instances would be the PREA Coordinator.

## §115.64 – Staff First Responder Duties

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

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

Upon learning of an allegation that an inmate was sexually abused, the first staff member to respond shall:

### 1) Security Staff

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

### 2) Non-Security Staff

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

During the past 12 months, there have been 9 allegations that an inmate was sexually abused. Of these allegations, the first security staff member to respond to the report separated the alleged victim and abuser 4 times. Through interviews it was determined there were 4 instances when collecting evidence would have been appropriate based on

the allegation. Of these allegations, there were 4 instances where the first security staff member to respond to the report:

1) Preserved and protected any crime scene until appropriate steps could be taken to collect any evidence;

2) Requested that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and

3) Ensured that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

During the past 12 months, there has been 1 allegation that an inmate was sexually abused where a non-security staff member was the first responder. The allegation responded to by a non-security staff member, the non-security staff member to respond to the report:

1) Requested that the alleged victim not take any actions that could destroy physical evidence; and

2) Notified security staff.

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

#### **§115.65 – Coordinated Response**

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

DC ADM 008 PREA Procedures Manual Section 4- Responding to Reports of Sexual Abuse states the facility shall develop a written facility plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

Through interviews with staff, it was determined the facility follows a statewide DOC coordinated response plan for allegations of sexual abuse that involves a checklist of responsibilities.

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

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

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

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

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

### **§115.67 – Agency protection against retaliation**

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

DC ADM 008 PREA Procedures Manual Section 2- Sexual Abuse/Sexual Harassment Prevention and Training states the agency will ensure retaliation monitoring of the following inmates:

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

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

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

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

Through various staff and inmate interviews, it was discovered multiple measures are taken to ensure against retaliation. In order to protect against retaliation, the PREA Compliance Manager will monitor requests and grievances, look for any misconduct, and review housing moves. If staff are involved, they may be reassigned to another area or transferred to another facility. If inmates are involved, they may be transferred to another facility. All allegations of sexual abuse are monitored for at least 90 days. If necessary due to the circumstances, retaliation may be monitored indefinitely.

#### **§115.68 – Post-Allegation Protective Custody**

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

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

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

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

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

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

### **§115.71 – Criminal and Administrative Agency Investigations**

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

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

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

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

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

Through interviews with inmates who allege to have suffered from sexual abuse, it was determined investigative staff do not require victims to take a polygraph examination as a condition for proceeding with the investigation.

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

#### **§115.72 – Evidentiary Standard for Administrative Investigations**

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

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

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

## §115.73 – Reporting to Inmate

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

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

A review of notifications indicate inmates are being responded to, in writing, as to the outcome of the investigation. The inmate is also required to sign for this notification.

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

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

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

During the past 12 months, there were 5 criminal and/or administrative investigations of alleged inmate sexual abuse that were completed by the agency/facility. Of these investigations, all 5 inmates were notified, verbally or in writing, of the results of the investigation.

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

During the past 12 months, 28 notifications to inmates were provided pursuant to this standard. All 28 notifications were documented.

Through interviews with various staff and inmates, it was determined investigators notify the inmate, in writing, as to whether the allegation was substantiated, unsubstantiated, or unfounded. The inmate is also required to sign for this notification and a copy of the signed notification is then provided to the inmate.

### **§115.76 - Disciplinary sanctions for staff**

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

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

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

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

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

Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the

nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

During the past 12 months, there have not been any staff from the facility who have been disciplined, short of termination, for violation of agency sexual abuse or sexual harassment policies.

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

During the past 12 months, there have not been any 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.

#### **§115.77 – Corrective action for contractors and volunteers**

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

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

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

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

Through interviews with the Superintendent, it was determined that any contractor or volunteer suspected of sexual abuse would be prohibited from contact with inmates. Remedial disciplinary measures would be considered for minor policy violations, depending on the circumstances.

### **§115.78 – Disciplinary sanctions for inmates**

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

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

- 1) Inmates shall be subject to disciplinary sanctions pursuant to the formal disciplinary process, following an administrative finding that the inmate engaged in inmate on inmate sexual abuse or following a criminal finding of guilt for inmate on inmate sexual abuse.
- 2) Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.
- 3) The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his/her behavior when determining what type of sanction, if any, should be imposed.
- 4) When an inmate is found guilty of a Class 1 Misconduct related to sexual abuse, the Unit Manager shall refer the inmate to the Sex Offender Treatment Program for evaluation to determine whether or not the inmate is appropriate for the program and if the inmate will be required to complete the program as part of the sanctions or as a condition to access programming or other benefits.
- 5) The facility may discipline an inmate for sexual contact with staff only if it is substantiated that the staff member did not consent to such contact.
- 6) For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

7) A reporting inmate may only be subjected to discipline if the report is determined to be unfounded with proven malicious intent at the conclusion of a full investigation.

8) The Department prohibits all sexual activity between inmates and may discipline inmates for such activity. The Department will not deem such activity to constitute sexual abuse if the Department through the investigative process determines that the activity is not coerced or forced.

During the past 12 months, there have not been any administrative nor criminal findings of inmate-on-inmate sexual abuse that has occurred at the facility.

Through interviews with the Superintendent, it was discovered that inmates found to have engaged in sexual abuse or sexual harassment may face facility disciplinary action, transfer, and/or criminal charges depending upon the circumstances.

Through interviews with the Mental Health staff, it was discovered inmate perpetrators of sexual abuse undergo cognitive behavioral therapy, which includes sexuality education, life charts, and identifying offense cycles. The inmate perpetrators would have to complete this therapy prior to having any visits with minors. Completion of this therapy program plays a big role in determining the inmate's eligibility in other programs and/or activities.

Through interviews with staff, it was determined inmates who have violated the agency's sexual abuse and sexual harassment procedures would proceed through a disciplinary hearing. If the allegations were criminal in nature, the Pennsylvania State Police may pursue criminal charges.

#### **§115.81 - Medical and mental health screenings; history of sexual abuse**

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

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

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

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

During the past 12 months, 100% of inmates who disclosed prior victimization during screening were offered a follow-up meeting with a medical or mental health practitioner. This was verified during the onsite portion of the audit in the form of documented referrals and appointments that have been documented.

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

The information related to sexual victimization or abusiveness that occurred in an institutional setting is shared other staff strictly limited to informing security and management decisions, including treatment plans, housing, bed, work, education, and program assignments, or as otherwise required by federal, state, or local law.

Through various interviews with staff and inmates, it was determined inmates who disclose victimization are offered a follow-up meeting with medical and mental health staff. Medical staff obtained informed consent prior to reporting about prior sex victimization that did not occur in an institutional setting.

### **§115.82 - Access to emergency medical and mental health services**

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

Inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services.

The nature and scope of such services are determined by medical and mental health practitioners according to their professional judgement.

DC ADM 008 PREA Procedures Manual Section 4- Responding to Reports of Sexual Abuse states the inmate victims of sexual abuse shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

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

Through various staff and inmate interviews, it was discovered inmate victims of sexual abuse receive timely and unimpeded access to emergency treatment and crisis intervention services. If the abuse occurred within 96 hours, the inmate would immediately be taken down to medical to receive stabilization treatment and would then be transferred to the hospital. Someone from the mental health staff would typically respond and provide treatment within 24 hours. Inmates receive treatment based on the medical and/or mental health staff's professional opinion. Victims of sexual abuse are offered timely information about access to emergency contraception and sexually transmitted infection prophylaxis.

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

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

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

When information becomes available relating to perpetration of inmate-on-inmate sexual abuse history, a mental health evaluation will be conducted on these abusers

within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

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

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

Through various staff and inmate interviews, it was determined medical treatment for sexual abuse victims would include a medical evaluation from one of the Registered Nurses working at the facility. If warranted, the inmate would be taken to the hospital for treatment. Mental Health staff would respond and provide treatment within 24-48 hours.

#### **§115.86 – Sexual abuse incident reviews**

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

DC ADM 008 PREA Procedures Manual Section 6- Sexual Abuse Incident Review states each facility shall conduct a Sexual Abuse Incident Review at the conclusion of every sexual abuse investigation where the allegation was substantiated or unsubstantiated. No review will be conducted if the allegation has been determined to be unfounded. The review shall occur within 15 working days of the receipt of the notification from Office of Special Investigations and Intelligence (OSII) that the investigation was deemed satisfactory. These reviews must take place for ALL sexual abuse investigations, substantiated or unsubstantiated, whether they are conducted by the facility Security Office or by OSII. The Prison Rape Elimination Act (PREA) Compliance Manager will chair the Sexual Abuse Incident Review Committee. The PREA Compliance Manager, in collaboration with the Facility Manager, will determine the exact composition of the team based on the nature of the incident. At a minimum, the Sexual Abuse Incident Review Team will consist of the following:

- 1) Deputy Superintendent for Centralized Services (DSCS);
- 2) Deputy Superintendent for Facilities Management (DSFM);

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

The facility acknowledges staff ordinarily conduct a criminal or administrative sexual abuse incident review within 30 days of the conclusion of the sexual abuse investigation. During the past 12 months, there has been 1 criminal and/or administrative investigation of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only “unfounded” incidents.

While onsite, the auditor reviewed this investigation.

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

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

there would also be documentation outlining the steps the facility plans to take to correct the problem.

### **§115.87 – Data Collection**

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

DC ADM 008 PREA Procedures Manual Section 1- Data Collection and Retention states The Bureau of Planning, Research and Statistics shall collect accurate, uniform data for every allegation of sexual abuse at facilities under the Department’s direct control using a standardized instrument and set of definitions. The standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice.

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

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

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

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

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

### **§115.88 – Data Review for Corrective Action**

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

DC ADM 008 PREA Procedures Manual Section 1- Data Collection and Retention states The Bureau of Planning, Research and Statistics shall review data collected and

aggregated annually pursuant to PREA Auditing Standard in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training by:

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

The report shall include a comparison of the current year's data and corrective actions taken to reduce the incident of sexual abuse, sexual harassment, and retaliation with those from prior years, and shall provide an assessment of the Department's progress in addressing sexual abuse.

The Annual PREA Report shall be approved by the Secretary and posted on the Department website by June 30 of each year.

Specific identifying information collected for reporting purposes shall be redacted so that no individual is identifiable. In addition, the Department may redact specific material from the reports when publication would present a clear and specific danger to a facility, but must indicate the nature of the material redacted.

Through various staff interviews, it was determined that sexual abuse data is submitted to the agency monthly. If a problem or trend is noticed, a plan of action would be drafted to rectify the problem. Data is retained on secure servers that are backed up. Annual reports are typically broad and are intended to capture statistical numbers. Inmate's names and specific information related to the allegations are redacted.

#### **§§115.89 – Data Storage, Publication, and Destruction**

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

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

Department shall securely retain all aggregate PREA data, on the Department's secure servers, collected for a period of no less than ten years after the date of the initial collection unless federal, state or local law requires otherwise.

Specific identifying information collected for reporting purposes shall be redacted so that no individual is identifiable. In addition, the Department may redact specific material from the reports when publication would present a clear and specific danger to a facility, but must indicate the nature of the material redacted.

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

**AUDITOR CERTIFICATION:**

The auditor certifies that the contents of the report are accurate to the best of his/her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.

William Boehnemann  
Department of Justice Certified PREA Auditor

July 09, 2015  
Date