



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Prison Rape Elimination Act (PREA)		Policy Number: DC-ADM 008
Date of Issue: March 22, 2019	Authority: Signature on File John E. Wetzel	Effective Date: April 22, 2019

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. APPLICABILITY

This policy is applicable to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections, Department employees, volunteers, contract personnel, official visitors, inmates, reentrants, and detainees.

III. POLICY

A. It is the policy of the Department to prohibit any form of sexual abuse and/or sexual harassment of an inmate.¹ The Department has zero tolerance for sexual abuse or sexual harassment of any individual under the supervision of the Department. **(28 C.F.R. §115.11[a])** Anyone who engages in, fails to report, or knowingly condones sexual abuse or sexual harassment of an inmate shall be subject to disciplinary action, up to and including termination, and may be subject to criminal prosecution. An inmate, reentrant, detainee, employee, contractor, or volunteer of the Department is subject to disciplinary action and/or sanctions, including possible dismissal and termination of contracts and/or services, if he/she is found to have engaged in sexual abuse or sexual harassment of an inmate.¹ A claim of consent will not be accepted as an affirmative defense for engaging in sexual abuse or sexual harassment of an inmate.²

¹ 5-1C-4056, 4-ACRS-6A-05, 4-APPFS-2G-01

² 5-3D-4281-6, 4-APPFS-3C-02

- B. The Department shall prohibit retaliation against an inmate who reports sexual abuse or sexual harassment, or staff member who reports sexual abuse or sexual harassment of an inmate, or who cooperates with sexual abuse or sexual harassment investigations.
- C. The Department shall designate a Department PREA Coordinator to develop, implement, and oversee the Department's efforts to comply with the National PREA Standards across all facilities; and each facility shall designate a PREA Compliance Manager to coordinate the facility's efforts to comply with the Standards. **(28 C.F.R. §115.11[b][c])**

IV. PROCEDURES

All applicable procedures are contained in the procedures manual that accompanies this policy document.

V. GENERAL INSTRUCTIONS FOR THE USE OF THE PROCEDURES MANUAL

The accompanying procedures manual outlines the Department's strategies for complying with the Prison Rape Elimination Act (PREA) standards within its three facility types: State Correctional Institutions (Prison and Jail Standards), Community Corrections Centers (Community Confinement Standards), and Holding Cells within its Probation and Parole District Offices and Sub-Offices (Lockup Standards).

When referencing a standard that applies equally to all facilities covered under PREA, the language within this policy, unless specified, refers to the Adult Prison & Jails Standards numbers and uses the term "inmate" to refer generally to inmates, reentrants, and detainees.

Unless specified, Adult Prison and Jails Standards numbers shall also be indicative of the 100 and 200 series variations applicable to Lockup Standards and Community Confinement Standards. When a deviation in a standard number or provision exists between the three facility types; the specific standard is cited.

Unless specified, the term "inmate" shall be inclusive of inmates, detainees, and reentrants.

Unless specified, directives within the accompanying procedures manual shall apply to all facility types in the absence of a PREA standard mandating such. When necessary, specific procedural variations for each facility type are identified within this manual.

VI. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary/designee may suspend any provision or section of this policy for a specific period.

VII. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

VIII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY

A. Release of Information

1. Policy

This policy document is public information and may be released upon request.

2. Confidential Procedures (if applicable)

Confidential procedures for this document, if any, are not public information and may not be released in its entirety or in part, without the approval of the Secretary of Corrections/designee. Confidential procedures may be released to any Department of Corrections employee on an as needed basis.

B. Distribution of Policy

1. General Distribution

The Department of Corrections policy and procedures shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution of confidential procedures to other individuals and/or agencies is subject to the approval of the Secretary of Corrections/designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures either in hard copy or via email, whichever is most appropriate.

IX. SUPERSEDED POLICY AND CROSS REFERENCE

A. Superseded Policy

1. Department Policy

- a. DC-ADM-008, Prison Rape Elimination Act (PREA) Bulletin 02-01, issued June 14, 2018, by Secretary John E. Wetzel.

- b. DC-ADM 008, Prison Rape Elimination Act (PREA), issued August 22, 2016, by Secretary John E. Wetzel.
- c. BCC-ADM 008, Prison Rape Elimination Act (PREA), issued April 28, 2017, by Secretary John E. Wetzel.
- d. PA Board of Probation and Parole (PBPP) Procedure 01.08.01, Prison Rape Elimination Act (PREA), issued March 17, 2016, by the Pennsylvania Board of Probation and Parole.

2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

B. Cross Reference(s)

1. Administrative Manuals

- a. BCC-ADM 005, Resident Legal
- b. DC-ADM 001, Inmate Abuse
- c. DC-ADM 006, Reasonable Accommodations for Inmates with Disabilities
- d. DC-ADM 801, Inmate Discipline
- e. DC-ADM 802, Administrative Custody Procedures
- f. DC-ADM 803, Inmate Mail and Incoming Publications
- g. DC-ADM 804, Inmate Grievance System
- h. DC-ADM 815, Personal Property, State-Issued Items, and Commissary/Outside Purchases
- i. 1.1.4, Centralized Clearances
- j. 4.1.1, Human Resources and Labor Relations
- k. 5.1.1, Staff Development and Training
- l. 6.3.1, Facility Security
- m. 7.2.1, Counseling Services
- n. 7.4.1, Alcohol and Other Drugs (AOD) Treatment Programs
- o. 8.1.1 Community Corrections

- p. 8.3.1 Community Corrections Security
- q. 11.2.1, Reception and Classification
- r. 13.1.1, Management and Administration of Health Care
- s. 13.2.1, Access to Health Care
- t. 13.8.1, Access to Mental Health Care
- u. 01.08.01, Prison Rape Elimination Act (PBPP)
- v. 02.05.04, Office Security and Badge Display (PBPP)
- w. 04.03.06, Search Seizure (PBPP)
- x. 04.03.09, Custody and Transportation (PBPP)

2. ACA Standards

Adult Correctional Institutions: 5-1C-4056, 5-3D-4281-1, 5-3D-4281-3, 5-3D-4281-4, 5-3D-4281-5, 5-3D-4281-6, 5-3D-4281-7, 5-3D-4281-8, 5-5B-4311, 5-6A-4353, 5-6A-4371, 5-6C-4406 (M)

Adult Community Residential Services: 4-ACRS-2A-03, 4-ACRS-2A-07, 4-ACRS-2C-03, 4-ACRS-2C-05, 4-ACRS-2C-06, 4-ACRS-6A-05, 4-ACRS-3A-05, 4-ACRS-4C-14, 4-ACRS-7D-08

Probation and Parole Field Services: 4-APPFS-2G-01, 4APPFS-3C-02, 4-APPFS-3G-04

3. PREA Standards

28 Code of Federal Regulations (CFR) 115.5, 115.6, 115.11, 115.12, 115.13, 115.14, 115.15, 115.16, 115.17, 115.18, 115.21, 115.22, 115.31, 115.32, 115.33, 115.34, 115.35, 115.41, 115.42, 115.43, 115.51, 115.52, 115.53, 115.54, 115.61, 115.62, 115.63, 115.64, 115.65, 115.67, 115.68, 115.71, 115.72, 115.73, 115.76, 115.77, 115.78, 115.81, 115.82, 115.83, 115.86, 115.87, 115.88, 115.89.

28 Code of Federal Regulations (CFR) 115.111, 115.112, 115.113, 115.114, 115.115, 115.116, 115.117, 115.118, 115.121, 115.122, 115.131, 115.132, 115.133, 115.134, 115.135, 115.141, 115.142, 115.143, 115.151, 115.152, 115.153, 115.154, 115.161, 115.162, 115.163, 115.164, 115.165, 115.167, 115.168, 115.171, 115.172, 115.173, 115.176, 115.177, 115.178, 115.181, 115.182, 115.183, 115.186, 115.187, 115.188, 115.189.

28 Code of Federal Regulations (CFR) 115.211, 115.212, 115.213, 115.215, 115.216, 115.217, 115.218, 115.221, 115.222, 115.231, 115.232, 115.233, 115.234, 115.235, 115.241, 115.242, 115.251, 115.253, 115.254, 115.261, 115.262, 115.263,

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PROCEDURES MANUAL
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject:

Prison Rape Elimination Act (PREA)

Policy Number:

DC-ADM 008

Date of Issue:

March 22, 2019

Authority:

**Signature on File
John E. Wetzel**

Effective Date:

April 22, 2019

Release of Information:

Policy Document: This policy document is public information and may be released upon request.

Procedures Manual: The procedures manual for this policy may be released in its entirety or in part, with the prior approval of the Secretary/designee. Unless prior approval of the Secretary/designee has been obtained, this manual or parts thereof may be released to any Department employee on an as needed basis only.

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BULLETIN
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject:		
Prison Rape Elimination Act (PREA)		
Policy Number:		
DC-ADM 008-01 Section 11 – Sexual Abuse/Sexual Harassment Prevention – Training and Education Attachment 11-C Section 19 – Working with Transgender and Intersex Inmates Glossary of Terms		
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The purpose of this bulletin is to provide clarification on classifications of individuals requiring a minimum level of PREA training prior to entering a facility. This bulletin also revises the composition of the Administrative PREA Accommodation Committee (A-PAC). Changes to these Sections, Attachment, and the Glossary are noted in bold and italics.

Section 11 – Sexual Abuse/Sexual Harassment Prevention – Training and Education:

Attachment 11-C has been renamed ***Contractors/Volunteers/Public Visitors/Non-Department Employee PREA Training Acknowledgement of Understanding and Duty to Report*** to clarify its intended use. The glossary of terms has been updated to define ***Non-Department Employee and Public Visitor*** (see below).

Attachment 11-C has been revised and reworded to include references of applicability to ***Public Visitors*** and ***Non-Department Employees***, which are defined in the Glossary of Terms.

The form now includes an Acknowledgement of Understanding and Duty to Report section, eliminating the need to document receipt of level 2 training on **Attachment 11-A (Training and Understanding Verification Form)** when this attachment fulfills the individual’s training needs based upon their level and frequency of inmate contact.

The form also includes internal reporting instructions, directing that verbal reports must be reported to the Shift Commander and documented via a **DC-121, Part 3, Employee Report of Incident** prior to departing the facility.

At a minimum, all individuals covered via the revised glossary terms, with escorted inmate sight or sound contact, shall be provided a copy of this form to read and agree to abide by its contents, along with any

facility specific reporting instructions, prior to contact with inmates. Copies of this form shall be kept at the facility's main entrance, so that it is readily available to any covered individual entering the facility. Individuals with a more formal level of inmate contact, requiring a security briefing in accordance with Department policy 6.3.1, "**Facility Security**," shall receive additional facility specific instruction on reporting and responding to allegations specific to their role during the security briefing.

Section 19 - Working with Transgender and Intersex Inmates:

Subsection D.5. shall now read:

5. The A-PAC shall consist of, ***but is not limited to***, the following subject areas:
 - a. ***representative from the facility where the reviewed inmate is currently housed;***
 - b. ***representative from a facility housing inmates consistent with the reviewed inmate's gender identity;***
 - c. Psychology Office representative;
 - d. Bureau of Health Care Services (BHCS) representative;
 - e. Security Division representative; and
 - f. Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Subject Matter Expert Consultant(s).

Glossary of Terms:

Non-Department Employee – An individual who is granted discretionary access, for any reason, to enter any Department facility who may have sight or sound contact with an inmate, including, but not limited to, one-time visitors, reporters, tour participants, prospective vendors, etc., regardless of whether this individual is under staff escort or is unsupervised. This term is used to identify classes of individuals requiring the minimal level 2 contractor and volunteer PREA training and acknowledgement of reporting obligations when such individuals have an average of less than five hours of inmate contact per week. This term does not include members of the Pennsylvania legislature, who have statutory authority to enter facilities for oversight purposes.

Public Visitor – Like Non-Department Employees, this term includes any person from the community who requests access into an institution on behalf of the Department for meetings, special projects, worship services, or similar events, who may have sight or sound contact with an inmate. These persons usually include, but are not limited to, sporting teams, outside entertainment, athletic officials, church choirs, organizations, religious affiliates, or other federal/state/county agencies, etc. This term is used to identify individuals requiring the minimal level 2 contractor and volunteer PREA training and acknowledgement of reporting obligations, when such individuals have an average of less than five hours of inmate contact per week. This term does not include members of the Pennsylvania legislature, who have statutory authority to enter facilities for oversight purposes.

Section 1 – Sexual Abuse/Sexual Harassment Prevention – Responsibilities

A. Prevention

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

1. Department PREA Coordinator Duties

There is one statewide PREA Coordinator responsible for PREA compliance across the Department and each of its facility types. The Department PREA Coordinator's sole responsibility is to develop, implement, and oversee Department efforts to comply with the federal PREA Standards in all of the Department's facilities. The Department PREA Coordinator shall report directly to the Director of the Bureau of Standards, Audits, and Accreditation and shall be responsible for the below listed duties. **(28 C.F.R. §115.11[b])**

- a. Develop and revise policy that meets, at a minimum, the published federal PREA Standards, as well as incorporating best practices for the trauma-informed care of victims of sexual abuse and sexual harassment in a confinement setting.
- b. Oversee PREA Compliance Division (PCD) staff to ensure Department-wide compliance with federal PREA Standards.
- c. Work with PCD staff and PREA Compliance Manager (PCM/designee) at each facility to ensure compliance with PREA policies and procedures.
- d. Develop PREA-related curriculum and training materials for inmates, staff, volunteers, and contract service providers in coordination with the Training Academy, when applicable.
- e. In accordance with Department policies **6.3.1, "Facility Security;" 8.3.1, "Community Corrections Security;"** and PBPP policy **2.5.4, "Office Security and Badge Display,"** work with each facility on an annual basis to assess, determine, and document whether adjustments are needed to: the staffing plan, deployment of the video monitoring systems and other monitoring technologies, and the resources the facility has available to commit to ensure adherence to the staffing plan. The Department PREA Coordinator shall also review any documentation for non-compliance with a staffing plan. **(28 C.F.R. §115.11) (28 C.F.R. §115.13[c])**
- f. Coordinate with the Pennsylvania Coalition Against Rape (PCAR), to ensure that the Department is providing all related parties with the most current information on sexual abuse and sexual harassment.

¹ 5-1C-4056, 4-ACRS-6A-05

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Section 1 – Sexual Abuse/Sexual Harassment Prevention – Responsibilities

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

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

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Section 1 – Sexual Abuse/Sexual Harassment Prevention – Responsibilities

- a. The Corrections Classification and Program Manager (CCPM) has been designated as the PCM at each SCI and shall be given sufficient time and authority to coordinate the facility's compliance with Department policy and federal PREA Standards. **(28 C.F.R. §115.11[c])**
- b. Develop local procedures, coordinated response plans and practice which enables the facility to demonstrate ongoing facility compliance with the PREA Standards and Department PREA policy.
- c. Submit monthly reports on the **PREA Monthly Report Form (Attachment 1-A)** to the CR, DOC PREA Reports resource account.
- d. Ensure that every reported incident/allegation of sexual abuse/sexual harassment is reported and documented, without delay and in accordance with the chain of command at each facility type.
- e. Review the initial reported allegation and related investigative packet, medical assessment(s), psychological assessment, and any other relevant factors as provided by the Security Office.
- f. Ensure all inmates are screened for risk of victimization and abusiveness as outlined in **Section 9** of this procedures manual.
- g. Ensure retaliation monitoring of the following inmates:
 - (1) those that have reported institutional sexual abuse or sexual harassment allegations;
 - (2) those that have allegedly been sexually abused;
 - (3) those that have expressed a fear of retaliation due to cooperation with an investigation of an alleged incident of sexual abuse or sexual harassment related to this procedures manual; and/or
 - (4) specifically, the PCM shall ensure that such inmates are provided with the opportunity to meet with staff assigned to complete retaliation monitoring at each facility type, i.e., a corrections counselor at SCIs, Facility Director in CCCs/CCFs, and Pennsylvania Board of Probation and Parole (PBPP) District Director/Deputy District Director in lockups, in accordance with the **Department Retaliation Monitoring Form** (refer to **Section 13** of this procedures manual), who, if not the PCM, shall then report to the PCM. If the PCM determines that the initial monitoring indicates a continuing need, the periodic status checks shall be extended beyond 90 days by designated staff. **(28 C.F.R. §115.67[c][d])**
- h. Ensure retaliation monitoring of staff who report sexual abuse or sexual harassment. In SCIs, the PCM shall notify the Deputy Superintendent for Centralized Services (DSCS) when staff require monitoring due to report of alleged sexual abuse or sexual

harassment, or because of an expressed fear of retaliation due to cooperation with an investigation of inmate sexual abuse or sexual harassment, per PREA Standard **28 C.F.R. §115.67[a][c][e]** and in accordance with **Section 13** of this procedures manual.

- i. Chair the PREA Sexual Abuse Incident Review (SAIR) Committee and convene the committee to review sexual abuse investigations for those cases, which are found to be substantiated and unsubstantiated, in accordance with **Section 16** of this procedures manual. Reviews shall be conducted within 15 working days of receipt of the Bureau of Investigation and Intelligence's (BII) notification the investigation was deemed satisfactory.
- j. Chair the local PREA Accommodation Committee (PAC) and convene the committee to review inmates who have identified as transgender or intersex, in accordance with **Section 19** of this procedures manual.
- k. Keep an updated list of all multi-lingual staff at the facility that would be able to provide translation for any PREA-related issue.
- l. Conduct and document unannounced rounds to identify and deter sexual abuse and sexual harassment in SCIs in accordance with Department policy **6.3.1, Section 19**, utilizing the **PREA Administrative Tour Documentation Form**. This form shall be submitted with the **PREA Monthly Report Form. (28 C.F.R. §115.13[d])** In CCCs and CCFs, tours shall be conducted in accordance with **Subsection A.4.f. below**.
- m. In accordance with Department policies **6.3.1, 8.3.1, and 2.5.4**, work with the administration of the facility and the Department PREA Coordinator, on an annual basis to assess, determine, and document whether adjustments are needed to the staffing plan, deployment of the video monitoring systems, and other monitoring technologies and the resources the facility has available to commit to ensure adherence to the staffing plan. **(28 C.F.R. §115.13[c])**
- n. In situations where the staffing plan is not complied with, the Facility Manager shall document the justification for the deviations from the plan and forward written documentation to the Executive Deputy Secretary, Executive Deputy Secretary for Institutional Operations (EDSI)/Regional Deputy Secretary, and Department PREA Coordinator/designee for review. **(28 C.F.R. §115.13[b])** The facility shall use the Security Staffing Survey in accordance with Department policies **6.3.1, Section 15; 8.3.1, Section 15; and 2.5.4**.
- o. Ensure that when Department staff learn that an inmate is subject to a substantial risk of imminent sexual abuse, appropriate and immediate action shall be taken to protect that inmate. **(28 C.F.R. §115.62)**
- p. Coordinate PREA audits in conjunction with respective staff and the Department PREA Coordinator for Department sites or Contract Agency PREA Coordinator for contracted sites. Ensure that all required responses to the National PREA Resource

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Center Pre-Audit Questionnaire applicable to the facility type are completed and submitted within applicable timeframes.

- q. Remain up-to-date with PREA information as it becomes available through the Department PREA Coordinator, PREA Resource Center, DOJ, or other credible sources relating to PREA.
 - r. Ensure staff, contractors, volunteers, and inmates are trained in accordance with the PREA standards and Department PREA policy;
 - s. Maintain copies of any Memoranda of Understanding (MOU)/Letter of Agreement (LOA) with the local hospital and/or Rape Crisis Center. If the facility is not part of an active MOU, the PCM shall document attempts to enter into such MOUs/LOAs annually. **(28 C.F.R §115.21[c] & 28 C.F.R §115.53[c])**
4. PREA Compliance Manager (PCM) Duties – Community Corrections Centers (CCC)
- a. The Facility Director/Center Director has been designated as the PCM at each CCC and CCF.
 - b. In addition to the procedures in **Subsection A.3.c. above**, the CCC PCM shall email the Bureau of Community Corrections (BCC) Facility PREA Compliance Report to the CR, DOC PREA Reports resource account and copy the BCC Regional Director by the 10th of the month.
 - c. In addition to the procedures in **Subsection A.3.c. above** the CCF PCM shall email the BCC Facility PREA Compliance Report to the CR, DOC PREA Reports resource account at RA-CRPREAREPORTS@PA.GOV and copy the Contract Facility Coordinator (CFC) by the 10th of the month.
 - d. In CCCs/CCFs, the PCM shall co-chair the SAIR Committee with the BCC Regional Director as specified in **Subsection A.3.i. above**.
 - e. In CCCs/CCFs, the PCM shall notify the BCC Regional Director to initiate PAC review procedures, as specified in **Subsection A.3.j. above**, when a reentrant first identifies as transgender or intersex after placement at the facility.
 - f. Although PREA Administrative tours specified in **Subsection A.3.i. above** are not required by PREA standards, CCCs and CCFs shall conduct such tours as follows.
 - (1) PREA administrative tours shall be conducted by intermediate level supervisors or management level employees to identify and deter sexual abuse and sexual harassment.
 - (2) These tours are unannounced and will be conducted at varied times each month to ensure every shift is toured once per quarter. They may be conducted more often if there is an identified need:

- (a) shifts are defined as 0600-1400; 1400-2200; 2200-0600;
 - (b) quarters are defined as QTR1 – (JAN-FEB-MAR); QTR2 – (APR-MAY-JUN); QTR3 – (JUL-AUG-SEP); QTR4 – (OCT-NOV-DEC);
 - (c) the PCM must participate in at least one tour every quarter;
 - (d) the CFC must participate in at least one tour every quarter; and
 - (e) there is no minimum or maximum number of participants that must conduct the tour.
- (3) Staff conducting the tours shall:
- (a) pay particular attention to the staff and video monitoring of the facility to detect areas that may need enhancement to ensure the sexual safety of the facility;
 - (b) talk with staff and inquire about any perceived areas of concern or problems with reentrants relating to PREA;
 - (c) focus on any and all areas of the facility where there could be a potential for reentrants to become a victim of sexual abuse;
 - (d) PREA administrative tours may be conducted concurrent to administrative tours outlined in Department policy **8.3.1, Section 19**; and
 - (e) PREA administrative tours shall be documented on the BCC Facility PREA Compliance Report. The report should be forwarded to CR, DOC PREA Reports resource account.

5. PREA Compliance Manager (PCM) Duties – Lockups

- a. The PBPP District Director/Deputy District Director has been designated as the PCM at each Lockup.
- b. Due to the short-term housing of individuals within Lockups, PACs, as specified in **Subsection A.3.j. above**, will not be formed for Lockup facilities.
- c. Due to the infrequent and unscheduled use of Lockups at each location, PREA Administrative tours, as specified in **Subsection A.3.i. above** are not required.
- d. When a detainee is identified as vulnerable by risk screening procedures under **28 C.F.R §115.141** and detained with any other individual; the PCM shall ensure that staff provide such detainees with heightened protection to include continuous direct sight and sound supervision, single-cell housing, or placement in a cell actively

monitored by video surveillance actively monitored by a staff member with sufficient proximity to intervene. **(28 C.F.R §115.113[d])**

6. Community Confinement and Lockup Chain of Command Responsibilities

a. The BCC Director/designee responsibilities include, but are not limited to:

- (1) ensuring all PREA-related investigations for CCCs, CCFs and Lockups are conducted and reviewed in accordance with Department policy and PREA standards;
- (2) ensuring all BCC facilities and contracts comply with the PREA standards and Department policy related to PREA;
- (3) coordinating CCC audits through the Department PREA Coordinator and ensuring responses to the audit report are completed and submitted within applicable timeframes;
- (4) developing and documenting a CCC staffing plan in accordance with Department policy **8.3.1, Section 15**, and email to CR, DOC PREA Reports resource account; and
- (5) upon receiving an allegation that a reentrant or detainee was sexually abused while confined at another facility, notify the facility head or appropriate agency office of the agency where the alleged abuse occurred within 72 hours. **(28 C.F.R § 115.163/263 [a][b])**

b. Bureau of Community Corrections-Management Operations Center (BCC-MOC) Responsibilities include, but are not limited to:

- (1) receiving reports of sexual abuse and sexual harassment from all facility staff at CCC, CCF, and Lockup facilities;
- (2) upon notification of a sexual abuse or sexual harassment incident/allegation, the BCC-MOC shall ensure:
 - (a) the safety of the alleged victim;
 - (b) “911” is contacted for any alleged victim that requires emergency medical treatment; **(28 C.F.R § 115.282[a])**
 - (c) an alleged sexual abuse victim is provided access to a forensic medical examination as outlined in **Section 14** of this procedures manual; **(28 C.F.R § 115.282[a])**
 - (d) an alleged sexual abuse victim is provided access to a victim advocate as outlined in **Section 14** of this procedures manual; **(28 C.F.R § 115.253[a])**

- (e) an alleged sexual abuse victim is provided access to a mental health evaluation as outlined in **Section 14** of this procedures manual; **(28 C.F.R § 115.282[a])**
 - (f) staff on duty follow the required protocol and conduct no further questioning of the alleged victim; and
 - (g) notifications are made, as appropriate, to the Facility Director/designee, PBPP District Director/Deputy District Director/designee, BCC Regional Director/designee, BCC Duty Officer, BCC PREA Captain/designee, and law enforcement.
 - (3) the BCC-MOC shall prepare a confidential report, **BCC PREA Report – Sexual Abuse** (refer to **Section 12**) or **BCC PREA Report – Sexual Harassment** (refer to **Section 12**) to document the incident and actions taken in response.
- c. The BCC PREA Captain/designee shall provide direction as necessary and, but not limited to:
 - (1) assigning an investigator and request a tracking number in accordance with Department policy **8.3.1, Section 35**;
 - (2) as applicable, forwarding a copy of the PREA Report to the affected Facility Director/designee, PBPP District Director/Deputy District Director/designee, Facility PCM, external agency contact, (i.e., PSP, etc.), CFC, Department PREA Coordinator, and Bureau Major/designee;
 - (3) ensuring a WebTAS extraordinary occurrence report (EOR) is generated as outlined in Department policy **8.3.1, Section 17**;
 - (4) ensuring a PREA Tracking System entry is made for each allegation; and
 - (5) documenting all actions. **(28 C.F.R. §115.263[c])**
- 7. BCC Contract Facility Coordinator (CFC) PREA-Related Duties shall include, but are not limited to:
 - a. ensuring each facility that contracts with the Department complies with the PREA Standards and Department policy related to PREA. Documenting deficiencies and ensuring corrective action is taken;
 - b. participating on the PREA SAIR panel as outlined in **Section 16** of this procedures manual;
 - c. ensuring recommendations as the result of investigations or SAIR are implemented in a timely manner;

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- d. participating in the PREA administrative tours as outlined in **Subsection A.4.f. above**;
- e. serving as a resource to each contracted facility during audits. Ensuring a copy of the audit and responses are provided to the BCC Administration, BCC Regional Director, and CR, DOC PREA Reports resource account;
- f. remaining up-to-date with PREA information as it becomes available through the PREA Coordinator, PREA Resource Center, DOJ, or other credible sources relating to PREA; and
- g. serving as a liaison between the PCD and contracted facilities during annual contract monitoring. Promptly advise the PCD of any observations of noncompliance with the PREA Standards observed during site visits.

Section 2 – Sexual Abuse/Sexual Harassment Prevention – Contracting

A. Contracting with Other Entities for Housing of Inmates

1. The Department shall include in any new contract or contract renewal for the housing of a reentrant with a private entity or other entities, including other government agencies, the entity's obligation to adopt and comply with the Prison Rape Elimination Act (PREA) Standards and the Department's policies related to PREA compliance. **(28 C.F.R. §115.12[a])**
2. Only in emergency circumstances in which all reasonable attempts to find a private agency or other entity in compliance with the PREA Standards have failed, shall the Department enter into a contract for community confinement with an entity that fails to comply with these standards. All unsuccessful attempts shall be clearly documented. **(28 C.F.R. §115.212[c])**
3. The contracted entities shall undergo regular, mandated audits on a three-year basis, as required by the PREA Standards. All contracted entities are expected to have an official PREA audit by a Certified Department of Justice (DOJ) PREA Auditor once during every three-year audit cycle as directed by PREA Standard **(28 C.F.R. §115.401[a][b])**.
4. The PREA Compliance Division (PCD), in consultation with the Bureau of Community Corrections (BCC) Contract Facility Coordinator (CFC), shall provide for contract monitoring to ensure that the contract service provider is complying with the PREA Standards with any new contract or contract renewal. The outcomes shall be documented on the **PREA Contract Compliance Monitoring Report (Attachment 2-A)**. **(28 C.F.R. §115.12[b])** Contract monitoring shall be completed for each contracted facility between August 20 and October 31 of each audit year.
5. In years which the contracted facility completes its official PREA audit; a final audit report, certifying full compliance, shall fulfill the Department's contract monitoring obligations.

B. Contract County Jails (CCJ) – BCC

1. This section applies to County Jails that contract to provide services for the BCC (Parole Violator Centers, Technical Parole Violator programs, and Work Release) and only for Department-funded reentrants.
2. Responsibilities
 - a. CCJs shall utilize internal policy to comply with the PREA, Prisons and Jail Standards.
 - b. CCJs shall complete and certify compliance through an official audit conducted by a Certified DOJ PREA Auditor at least once during every three-year audit cycle as directed by PREA Standard **28 C.F.R. §115.401[a][b]**.

- c. A copy of the CCJ's PREA policy, PREA audit report, and facility specific supporting documents shall be made available to the Department of Corrections (DOC) upon request and during annual contract compliance monitoring.
- d. The CCJ shall report every incident/allegation of sexual abuse/sexual harassment involving a Department-funded reentrant to the CFC within one hour of discovery.
- e. The CFC shall make notifications as outlined in Department policy **8.3.1, "Community Corrections Security," Section 17**, and request a PREA tracking number through the BCC-Management Operations Center (MOC). This report shall be entered into the Department's PREA Tracking System by the BCC PREA Captain/designee for data collection purposes. **(28 C.F.R. §115.87[a])**
- f. The CCJ will conduct an investigation and respond to the allegation in accordance with the PREA, Prisons and Jail Standards and provide a copy of the final investigative report to the CFC within 30 days of initial report.
- g. The CFC shall participate on the incident review committee for applicable sexual abuse cases involving Department-funded reentrants.
- h. All facilities shall comply with contract compliance monitoring as outlined in **Subsection A. above** of this procedures manual.
- i. CCJs shall report incident based and aggregate data regarding allegations of sexual abuse and sexual harassment within its facility to the Department's PCD via the CR, DOC PREA Reports resource account. This data is required for the Department's annual PREA report. Data shall be reported no later than June 1 of each year and include data that covers all allegations reported during the previous calendar year.

C. Non-Residential Contract Services – BCC

- 1. This section applies to non-residential reentry services provided to individuals on community supervision (home plan or community confinement facility) through an executed Commonwealth contract where payment for services is rendered by the Department's BCC. These services are not part of any residential contract. This section does not apply to Community Contract Facilities (CCFs) or CCJs.
- 2. Responsibilities
 - a. Department contract reentry services include, but are not limited to: outpatient Alcohol and Other Drug (AOD), Substance Use Disorder (SUD), outpatient mental health, mentoring, family reunification, workforce development, housing assistance, outpatient sex offender, day reporting, cognitive behavior intervention, etc.
 - b. The BCC Director/designee shall ensure the contract administrator is provided a copy of the **PREA Information and Reporting Requirements for Non-Residential**

Contract Service Providers (Attachment 2-B), and understands his/her obligations prior to implementation of services with Department-funded reentrants.

- c. Any contractor who has contact with reentrants in an individual/group setting on a recurring basis shall submit, upon request, to a criminal background check conducted by the BCC in accordance with Department policy **8.3.1, Section 31**.

Section 3 – Sexual Abuse/Sexual Harassment Prevention – Supervision and Monitoring

A. Supervision and Monitoring

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

1. In calculating adequate staffing levels and determining the need for video monitoring at State Correctional Institutions (SCIs), facilities shall take into consideration:
 - a. generally accepted detention and correctional practices;
 - b. any judicial findings of inadequacy;
 - c. any findings of inadequacy from Federal investigative agencies;
 - d. any findings of inadequacy from internal or external oversight bodies;
 - e. all components of the facility’s physical plant (including “blind-spots” or areas where staff or inmates may be isolated);
 - f. the composition of the inmate population;
 - g. the number and placement of supervisory staff;
 - h. facility programs occurring on a particular shift;
 - i. any applicable State or local laws, regulations, or standards;
 - j. the prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
 - k. any other relevant factors.
2. In circumstances of non-compliance with the staffing plan, the Facility Manager/designee shall document, in writing, and justify all deviations from the plan. **(28 C.F.R. §115.13[b])** This documentation shall be forwarded to the Executive Deputy Secretary, Executive Deputy Secretary for Institutional Operations (EDSI)/Regional Deputy Secretary, PREA Coordinator at CR, DOC PREA Reports resource account, Central Office/Bureau of Community Corrections (BCC) Security Major, BCC Regional Director, and Pennsylvania Board of Probation and Parole (PBPP) Regional Director (only when deviations from minimum staffing occur while the lockup is in use).

3. In accordance with Department policies **6.3.1, 8.3.1, and 2.5.4**, whenever necessary, but no less frequently than once a year, each facility shall assess, determine, and document whether adjustments are needed to: **(28 C.F.R. §115.13[c])**¹
 - a. the staffing plan established pursuant to **Subsections A.1. above and A.5. below; (28 C.F.R. §115.13[c][1])**
 - b. the facility's deployment of video monitoring systems and other monitoring technologies; **(28 C.F.R. §115.13[c][2])**
 - c. the resources the facility has available to commit to ensure adherence to the staffing plan; and. **(28 C.F.R. §115.13[c][3])**
 - d. Community Corrections Centers (CCCs) and Lockups shall also assess whether adjustments are necessary to prevailing staffing patterns within the facility. **(28 C.F.R. §115.113/213[c][2])**
4. The annual reviews shall be conducted in consultation with the PREA Compliance Manager (PCM) at that facility and the Department PREA Coordinator. **(28 C.F.R. §115.13[c])**
5. In calculating adequate staffing levels and determining the need for video monitoring at CCCs and Lockups, facilities shall take into consideration, at a minimum: **(28 C.F.R. §115.113[a]/213[a])**
 - a. the physical layout of each facility;
 - b. the composition of the population;
 - c. the prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
 - d. any other relevant factors.

¹ 4-ACRS-2A-03

Section 4 – Sexual Abuse/Sexual Harassment Prevention – Access to Special Populations

A. Access to Information for Special Populations

1. Pursuant to Department policy **DC-ADM 006, “Reasonable Accommodations for Inmates with Disabilities,”** and **BCC-ADM 005, “Resident Legal,”** the Department shall ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the Department’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment. **(28 C.F.R. §115.16[a])**¹
2. Written materials shall either be delivered in alternative formats that accommodate the inmate’s disability or the information shall be delivered through alternative methods, such as reading it to the inmate or communicating through an interpreter, which ensures the understanding of the PREA-related material. **(28 C.F.R. §115.16[a])**
3. The Department shall take reasonable steps to ensure meaningful access to all aspects of the Department’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide qualified interpreters. The PREA Compliance Manager (PCM) shall ensure that only staff members or qualified contractors who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary, provide translation for inmates. **(28 C.F.R. §115.16[b][c])** If a multi-lingual staff member is not available, then the current contracted translation service must be utilized.
4. The Department shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter would compromise the inmate’s safety, the performance of first responder duties under PREA Standard **28 C.F.R. §115.64**, or the investigation of the inmate’s allegations **(28 C.F.R. §115.16[c])**. Justification for any use of an inmate interpreter shall be documented accordingly.

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

1. The Department shall not place LGBTI inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates. **(28 C.F.R. §115.42[g]) (28 C.F.R. §115.242[f])** Additional information regarding transgender and intersex populations can be found in **Section 19** of this procedures manual.
2. This provision is not applicable to Lockup facilities.

¹ 5-3D-4281-1, 4-ACRS-3A-05

Section 5 – Sexual Abuse/Sexual Harassment Prevention – Protective Custody

A. General

Protective Custody housing is not available in Community Confinement and Lockup facilities. Procedures as outlined in this Section are not applicable to these facility types.

B. Protective Custody

Inmates at a high risk for sexual victimization or inmates who have allegedly been sexually abused shall not be placed involuntarily in Administrative Custody (AC) as a means of protection unless an assessment of all available alternatives has been made by Psychology and Security staff in conjunction with the Facility Manager/designee, and a determination has been made that there are no other available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the inmate in involuntary AC for less than 24 hours while completing the assessment. **(28 C.F.R. §115.43[a]) (28 C.F.R. §115.68)**

1. The staff must consider other alternative placements for an alleged victim and make the appropriate placement. **(28 C.F.R. §115.43[c])**
2. Placement in AC is permissible when the alleged victim requests or agrees to be temporarily secured there.
3. Alternative placements can include, but are not limited to, any one, or combination of, the following **temporary** options:
 - a. relocation to a different housing unit;
 - b. placement in a cell closer to the Corrections Officer's desk within the unit;
 - c. Z-Code; and/or
 - d. placement in the Special Needs Unit (SNU).
4. If an involuntary AC housing assignment is made in accordance with **Subsection B. above**, the Shift Commander shall clearly document on the **DC-141, Part 1, (Other) Report**, the following information: **(28 C.F.R. §115.43[d])**
 - a. the basis for the staff member's concern for the inmate's safety; **(28 C.F.R. §115.43[d][1])**
 - b. the other alternative means of separation that were explored; and
 - c. the reason why no alternative means of separation can be arranged. **(28 C.F.R. §115.43[d][2])**

5. If the Shift Commander assigns an inmate to involuntary AC for the purpose of protection from sexual victimization, access to programs, privileges, education, or work opportunities shall be afforded to that inmate to the extent possible. If the facility restricts access to these opportunities, the facility shall document in the **Involuntary Administrative Custody Services Access Restriction Form (Attachment 5-A): (28 C.F.R. §115.43[b])**
 - a. the opportunities that have been limited; **(28 C.F.R. §115.43[b][1])**
 - b. the duration of the limitation; and **(28 C.F.R. §115.43[b][2])**
 - c. the reasons for such limitations. **(28 C.F.R. §115.43[b][3])**
6. The facility may assign inmates to involuntary AC only until an alternative means of separation from likely abusers can be arranged and such assignment shall not ordinarily exceed a period of 30 days. **(28 C.F.R. §115.43[c])**
7. In accordance with Department policy **DC-ADM 802, “Administrative Custody Procedures,”** at least every 30 days, the Program Review Committee (PRC) shall ensure each inmate is reviewed to determine whether there is a continuing need for separation from the general population. This review shall be documented on the **DC-141, Part 1, (Other) Report. (28 C.F.R. §115.43[e])**

Section 6 – Sexual Abuse/Sexual Harassment Prevention – Upgrades to Facilities and Technologies

A. Upgrades to Facilities and Technologies

1. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Department shall consider the effect of the design, acquisition, expansion, or modification upon the Department's ability to protect inmates from sexual abuse. **(28 C.F.R. §115.18[a])**
2. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Department shall consider how such technology may enhance the Department's ability to protect inmates from sexual abuse. **(28 C.F.R. §115.18[b])**
3. Upgrade to Facilities and Technologies – Bureau of Community Corrections
 - a. Direction related to Community Corrections Center (CCC) facility design and upgrades is outlined in Department policy **8.3.1, "Community Corrections Security," Section 3.**
 - b. Direction related to CCC video monitoring systems and upgrades is outlined in Department policy **8.3.1, Section 42.**
4. The involvement of the Department PREA Coordinator or the facility PREA Compliance Manager in the decision-making process shall be documented in meeting minutes, memorandum, or other written format.

Section 7 – Sexual Abuse/Sexual Harassment Prevention – Youthful Inmates

A. Housing of Youthful Inmates – State Correctional Institutions (SCI)

1. A youthful inmate (under the age of 18) shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through the use of a shared dayroom or other common space, shower area, or sleeping quarters. **(28 C.F.R. §115.14[a])**¹
2. In areas outside of housing units, the facility shall either:
 - a. maintain sight and sound separation between youthful inmates and adult inmates; or **(28 C.F.R. §115.14[b][1])**
 - b. provide direct security staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact. **(28 C.F.R. §115.14[b][2])**²
3. Upon initial reception to the Department, youthful inmates shall enter into an expedited classification process as outlined in Department policy **11.2.1, “Reception and Classification.”**
 - a. Male youthful inmates shall be transferred to SCI Pine Grove within 24 hours of reception by the Department.
 - b. Female youthful inmates, under the age of 18, shall immediately be placed into the Youthful Inmate Unit at SCI Muncy.
4. Due to the low number of female youthful inmates that the Department houses at any given time, there are specific provisions to be followed.
 - a. Youthful inmates shall 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.
 - b. Any time that the youthful inmate leaves the separate housing unit, they must be accompanied and supervised directly by a staff member.
 - c. The staff member is to ensure that there is no inappropriate contact, physical or verbal, between the youthful inmate(s) and an adult inmate.
5. The Department shall make every effort to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, the Department shall not deny youthful inmates daily large muscle exercise and any legally required special education

¹ 5-5B-4311

² 5-5B-4311

services to comply with this provision. Youthful inmates shall have access to other programs and work opportunities to the greatest extent possible. **(28 C.F.R. §115.14[c])**

6. Housing of Youthful Reentrants – Bureau of Community Corrections (BCC)

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

7. Housing of Youthful Detainees – Lockups

Juveniles and youthful detainees shall be held separately from adult detainees. **(28 C.F.R. §115.114).**

Section 8 – Sexual Abuse/Sexual Harassment Prevention – Limits to Cross-Gender Viewing and Searches

A. Limits to Cross-Gender Viewing and Searches

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

¹ 4-ACRS-2C-06

² 4-ACRS-2C-05

- c. All cross-gender pat searches of female inmates shall be documented on the **Cross-Gender Search Validation Form. (28 C.F.R. §115.15[c])**
 - d. A copy of the **Cross-Gender Search Validation Form** shall be maintained by the Security Office in an annual file for audit verification purposes in accordance with **Section 20** of this procedures manual.
5. Inmates shall be able to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks or security rounds. This limitation not only applies to in-person viewing, but also all forms of remote viewing as well. **(28 C.F.R. §115.15[d])**
6. Staff of the opposite gender shall announce their presence when entering an inmate housing unit in accordance with the following: **(28 C.F.R. §115.15[d]) (28 C.F. §115.115[c])**
- a. each facility shall have the authority to develop and shall be responsible for implementing local procedures to ensure that a consistent announcement is made each time a staff member, contractor, or volunteer of the opposite gender enters; or exits and reenters a unit where inmates may be able to shower, change clothing, or perform bodily functions. The presence of an opposite gender staff on the unit shall not exempt an announcement from being made when an additional opposite gender staff member(s) enters the location;
 - b. available resources to execute such announcements may vary by facility; however, generally acceptable practices include the following:
 - (1) an announcement made by the officer working the control desk via the intercom system;
 - (2) a specific tone system that is utilized only for the purpose of announcing a member of the opposite gender entering unit. When such a system is utilized, inmates shall be educated on the tone system utilization;
 - (3) the opposite gender staff person makes an audible announcement of his/her presence; and
 - (4) facilities and units housing deaf inmates shall develop alternative methods of notifying inmates of the presence of opposite gender staff, such as a specialized sign or light, to indicate the presence of an opposite gender staff.
 - c. while not a requirement, it is recommended that facilities post signage at the entrance to each housing unit where inmates may be able to shower, change clothing, or perform bodily functions to advise opposite gender staff of housing unit announcement procedures prior to entering the housing unit; and

- d. when an opposite gender staff member, contractor, or volunteer is entering a housing unit and it is unknown to him/her whether the opposite gender announcement has been made on his or her behalf, the entering staff member shall announce his/her presence. However, this requirement shall not be understood to excuse any staff person from making announcements consistent with local procedures developed by the facility.
7. Staff shall be trained in how to conduct cross-gender pat searches, and in searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs and Department policies **6.3.1, Section 30, and 8.3.1 Section 30. (28 C.F.R. §115.15[f]) (28 C.F.R. §115.115[e])**
8. Limits to Cross-Gender Viewing and Searches – Lockups

In Lockup facilities, there are no prohibitions on cross-gender pat down searches of female detainees as specified in **Subsection A.4. above**. Searches during office visits, detention, and transports shall be conducted consistent with procedures outlined in Procedures **2.5.4, 4.3.6, and 4.3.9**.

Section 9 – Sexual Abuse/Sexual Harassment Prevention – Screening for Risk of Victimization and Abusiveness

A. Screening for Risk of Victimization and Abusiveness¹

1. All inmates shall be assessed utilizing the **PREA Risk Assessment Tool (PRAT) (Attachment 9-A)** during:
 - a. the intake screening process;
 - b. upon receipt into another facility;
 - c. 20-30 days after receipt into a State Correctional Institution (SCI), Community Corrections Center (CCC), or Community Contract Facility (CCF);
 - d. whenever an inmate is involved in an incident of sexual abuse; and
 - e. at his/her annual review, for risk of being sexually abused by other inmates or sexually abusive toward other inmates. **(28 C.F.R. §115.41[a])**
2. The information received through the administration of the **PRAT** questions shall be used to inform housing, bed placement, work, education, and program assignments with the goal of keeping separate those inmates at high risk for being sexually victimized from those at high risk of being sexually abusive. **(28 C.F.R. §115.42[a])** The sensitive information collected through these tools shall be kept as confidential as possible so as not to be used to the inmate's detriment by staff or other inmates. **(28 C.F.R. §115.41[i])**
3. The PREA Risk Assessments shall be conducted utilizing the **PRAT**. The tool shall be an objective screening instrument and consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization or abusiveness: **(28 C.F.R. §115.41[c][d])**
 - a. whether the inmate has a mental, physical, or developmental disability; **(28 C.F.R. §115.41[d][1])**
 - b. the age of the inmate; **(28 C.F.R. §115.41[d][2])**
 - c. the physical build of the inmate; **(28 C.F.R. §115.41[d][3])**
 - d. whether the inmate has previously been incarcerated; **(28 C.F.R. §115.41[d][4])**
 - e. whether the inmate's criminal history is exclusively nonviolent; **(28 C.F.R. §115.41[d][5])**

¹ 5-3D-4281-4, 5-3D-4281-5, 4-ACRS-2A-07

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- f. whether the inmate has prior convictions for sex offenses against a child or an adult; **(28 C.F.R. §115.41[d][6])**
 - g. whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; **(28 C.F.R. §115.41[d][7])**
 - h. whether the inmate has previously experienced sexual victimization; **(28 C.F.R. §115.41[d][8])**
 - i. the inmate's own perception of vulnerability; and **(28 C.F.R. §115.41[d][9])**
 - j. whether the inmate is detained solely for civil immigration purposes. **(28 C.F.R. §115.41[d][10])**
4. The initial assessment, which is to be conducted within 72 hours of reception, shall consider prior acts of abuse, prior convictions for violent offenses, and history of prior facility violence or sexual abuse, as known to the Department, in order to assess inmates for the risk of being sexually abusive. **(28 C.F.R. §115.41[b][e])**
 5. CCFs may utilize the **PRAT** or a different agency-specific tool that meets PREA standards. The **PRAT** information and scores should only be shared with designated staff and stored in a secure location. The tool must be made available for review upon request by the Department of Corrections (DOC) and adequate records kept for assessment of audit compliance.
 6. The **PRAT** shall be administered as follows.
 - a. The **PRAT** shall be completed in the WebTAS system in all Department sites. If staff use the paper format of any assessment to collect information, it must be entered into the WebTAS system as soon as an inmate has been assigned a number and is available in the WebTAS system for entry. The paper copy of the assessment(s) shall be shredded upon entry into the WebTAS system. Until the form is entered into WebTAS, the facility shall ensure that the results are not shared with parties for unrelated purposes and are immediately available to inform appropriate placement in housing, bed placement, education, work, and programming assignments.
 - b. All staff responsible for administering the **PRAT** shall receive training on its administration. This training may be facilitated by any staff member who has completed **PRAT** training conducted by the PREA Coordinator/designee.
 - c. Within the first 72 hours of reception to the Department and receipt into another facility, the **PRAT** shall be conducted by qualified health care, unit management, or a designated CCC/CCF staff member. **(28 C.F.R. §115.41[b])**
 - d. Considering varying organizational resources, facilities may designate other non-security staff, such as social workers, to conduct 72 hour and 20-30 day **PRAT**

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assessments, so long as those staff have received training on the **PRAT's** administration.

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

such abuse history and offered treatment when deemed appropriate by mental health practitioners. **(28 C.F.R. §115.83[h])**

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

9. Tracking **PRAT** Scores – CCCs

In CCCs, the Facility Director/designee shall update and monitor the **PRAT Tracking Form (Attachment 9-B)** for those reentrants who are housed at the facility and update the form with information regarding the current housing assignment for each reentrant, high risk victimization/high risk abuser designations, and self-identified members of the Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) community.

10. Screening for Risk of Victimization and Abusiveness – Lockups

- a. Department Lockup facilities are not utilized to house detainees overnight and a formal screening tool is not required by the PREA standards.
- b. When it is necessary to hold a detainee in a holding cell with another detainee, staff shall consider, whether, based on the information before them, a detainee may be at high risk of being sexually abused and, when appropriate, shall take necessary steps to mitigate any such danger to the detainee. **(28 C.F.R. §115.141[a])**
- c. To aid in making such a determination, an abbreviated screening tool, the **PREA Detainee Screening Tool (PDST) (Attachment 9-C)**, shall be administered to determine the risk of a detainee being sexually abused by or sexually abusive towards another detainee. The **PDST** shall consider:
 - (1) whether the detainee has a mental, physical, or developmental disability; **(28 C.F.R. §115.141[d][1])**
 - (2) the age of the detainee; **(28 C.F.R. §115.141[d][2])**
 - (3) the physical build and appearance of the detainee; **(28 C.F.R. §115.141[d][3])**
 - (4) whether the detainee has previously been incarcerated; and **(28 C.F.R. §115.141[d][4])**
 - (5) the nature of the detainee’s alleged offense and criminal history. **(28 C.F.R. §115.141[d][5])**

11. The **PDST** shall be administered as follows:

- a. When it is necessary to hold more than one detainee in a holding cell; prior to placing detainees in a holding cell together, each detainee shall be screened for his/her risk of

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being sexually abused and being sexually abusive by asking each detainee the questions contained on the **PDST** and scoring the applicable responses on the form.

- b. Upon completion of the **PDST**, utilizing the information gathered through the **PDST** and all information before them, staff shall consider, whether the detainee may be at high risk of being sexually abusive or sexually abused and, when appropriate, shall take necessary steps to mitigate any such danger to the detainee. **(28 C.F.R. §115.141[a])**

- c. When detainees identified at high risk of abusiveness or victimization must be held in a holding cell with another detainee, staff shall provide such detainees with heightened protection to include continuous direct sight and sound supervision, single-cell housing, or placement in a cell actively monitored on video surveillance by a staff member sufficiently proximate to intervene, unless no such option is determined to be feasible. **(28 C.F.R. §115.113[d])**

Section 10 – Sexual Abuse/Sexual Harassment Prevention – Medical and Mental Health Screenings

A. General

The Prison Rape Elimination Act (PREA) Standard requiring medical or mental health evaluations following a disclosure of victimization or perpetration during risk screening is not applicable to Bureau of Community Corrections (BCC) and Lockup facilities. Department procedures for such disclosures are identified below.

B. Medical and Mental Health Screenings

1. Both medical and mental health practitioners shall ask inmates, during the intake screening, about any history of victimization or perpetration of sexual abuse, either in a correctional setting or in the community. **(28 C.F.R. §115.41[a])**¹
2. If the screening pursuant to PREA Standard **28 C.F.R. §115.41** indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. **(28 C.F.R. §115.81[a][c])** The offering of this meeting shall be documented on the PREA Risk Assessment Tool (PRAT) question asking whether a medical or mental health meeting is requested. Staff shall complete the appropriate referral documentation for those inmates accepting the follow-up meeting.
3. If the screening pursuant to PREA Standard **28 C.F.R. §115.41** indicates that an inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening. **(28 C.F.R. §115.81[b])** The offering of this meeting shall be documented on the PRAT question asking whether a medical or mental health meeting is requested. In addition, when it becomes known that an inmate is an inmate-on-inmate abuser, a mental health evaluation shall be conducted within 60 days of learning of such abuse history and offered treatment when deemed appropriate by mental health practitioners. **(28 C.F.R. §115.83[h])**
4. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans, security and management decisions, including housing, bed placement, work, education, and program assignments, or otherwise required by Federal, State, or local law. **(28 C.F.R. §115.81[d])**
5. Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18. **(28 C.F.R. §115.81[e]).**

¹ 5-6A-4371

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The **DC-484, Mental Health Informed Consent Form** shall be used for this purpose in accordance with Department policy **13.8.1, “Access to Mental Health Care.”** If the inmate refuses to sign, it shall be noted on the **DC-484** and signed by the witness and maintained in the medical record.

6. Disclosures of Victimization During Risk Screening - BCC

Reentrants disclosing sexual abuse during risk screening procedures that occurred in any prison, jail, lockup, or juvenile facility shall be reported promptly to the BCC Management Operations Center (MOC). Reentrants shall be offered medical or mental health evaluation, as appropriate, and as directed by the BCC-MOC. **(28 C.F.R. §115.283[a])**

Section 11 – Sexual Abuse/Sexual Harassment Prevention – Training and Education

A. Employee, Contractor, and Volunteer Training¹ - General

1. Employee Training (Basic Training)

- a. Staff at all Department facility types shall receive standardized Basic Training and Refresher Training curriculum that addresses or exceeds the Prison Rape Elimination Act (PREA) Standard requirements for each facility type.
- b. The PREA Compliance Manager (PCM), in conjunction with the Training Coordinator at each facility type, shall ensure that all employees who have contact with inmates receive the following training: **(28 C.F.R. §115.31[a])**
 - (1) the zero-tolerance policy against sexual abuse and sexual harassment within the Department; **(28 C.F.R. §115.31[a][1])**
 - (2) how staff are to fulfill their responsibilities under the Department's sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures as defined in this policy; **(28 C.F.R. §115.31[a][2]) (28 C.F.R. §115.131[a])**
 - (3) inmates' right to be free from sexual abuse and sexual harassment; **(28 C.F.R. §115.31[a][3]) (28 C.F.R. §115.131[a][1])**
 - (4) the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment; **(28 C.F.R. §115.31[a][4]) (28 C.F.R. §115.131[a][3])**
 - (5) the dynamics of sexual abuse and sexual harassment in confinement; **(28 C.F.R. §115.31[a][5]) (28 C.F.R. §115.131[a][2])**
 - (6) the common reactions of sexual abuse and sexual harassment victims; **(28 C.F.R. §115.31[a][6])**
 - (7) how to detect and respond to signs of threatened and actual sexual abuse; **(28 C.F.R. §115.31[a][7]) (28 C.F.R. §115.131[a][4])**
 - (8) how to avoid inappropriate relationships with inmates; **(28 C.F.R. §115.31[a][8])**
 - (9) how to communicate effectively and professionally with inmates, including Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) or gender nonconforming inmates; and **(28 C.F.R. §115.31[a][9]) (28 C.F.R. §115.131[a][5])**

¹ 5-3D-4281-6

- (10) how to comply with relevant laws of Pennsylvania related to mandatory reporting of sexual abuse to outside authorities. **(28 C.F.R. §115.31[a][10]) (28 C.F.R. §115.131[a][6])**
- c. Newly hired staff members shall receive this training as part of basic training at the Training Academy.
- d. During even numbered years, PREA education shall be provided in the form of a refresher of the initial basic staff training information for all staff members. Staff shall be required to verify that they have received the updates and understand the included items on the **PREA Training and Understanding Verification Form (Attachment 11-A)** to be kept in the staff member’s training file in accordance with **Section 20** of this procedures manual. Training completed via web-based platform with automated tracking shall not require the completion of the **PREA Training and Understanding Verification Form. (28 C.F.R. §115.31[c][d]) (28 C.F.R. §115.131[b])**
- e. During odd numbered years, PREA education shall be provided in the form of an update to this procedures manual for all staff members to ensure knowledge of the agency’s current sexual abuse and sexual harassment policies and procedures. Staff shall be required to verify that they have received the information and understand the included items on the **PREA Training and Understanding Verification Form**. This information shall be kept in the employee’s training file in accordance with **Section 20** of this procedures manual. Training completed via web-based platform with automated tracking shall not require the completion of the **PREA Training and Understanding Verification Form. (28 C.F.R. §115.31[c][d]) (28 C.F.R. §115.131[b])**
- f. Staff shall receive training in accordance with Department policy **5.1.1, “Staff Development and Training.”** Such training shall be tailored to the gender of the inmates at the employee’s facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa. **(28 C.F.R. §115.31[b])** Staff transferring from an exclusively male facility to an exclusively female facility, or vice versa, shall receive additional training by the facility PCM/designee. Training shall be documented on the **PREA Training and Understanding Verification Form** and include, at a minimum:
- (1) gender specific posts within the facility;
 - (2) facility specific procedures for announcing opposite gender staff;
 - (3) pat search and strip search procedures within the facility, including any restrictions based upon staff gender;
 - (4) areas within the facility which are restricted based upon staff gender; and

- (5) a review of the **Dynamics of Sexual Abuse and Sexual Harassment in Confinement Handout (Attachment 11-B)**.

2. Bureau of Community Corrections (BCC) – Basic Training

In Community Corrections Centers (CCCs) and Community Contract Facilities (CCFs), basic training shall be provided within three months of hire or execution of contract. This may occur through the Department's Basic Training Academy, the PCM, or another approved training source.

3. Lockups – Basic Training

Gender specific training, as outlined in **Subsection A.1.f. above** is not applicable to Lockup facilities.

4. Specialized Staff Training

- a. Investigations

- (1) Any staff designated to conduct sexual abuse investigations shall complete employee basic and refresher training in accordance with **Subsection A.1. above** prior to receiving specialized training for investigations. **(28 C.F.R. §115.34[a])**
 - (a) This specialized training shall include, but is not limited to: interviewing sexual abuse victims, common reactions of sexual abuse and sexual harassment victims, sexual abuse evidence collection in confinement settings, proper use of Miranda warnings, the Garrity rule, and the criteria and evidence required to substantiate a case for administrative action or prosecutorial referral. **(28 C.F.R. §115.34[b])**
 - (b) This training shall be developed by the Department PREA Coordinator/designee and standardized for Department wide training purposes.
- (2) This specialized training shall occur on a semi-annual basis, at a minimum.
- (3) Staff shall be required to sign off that they have received the information and understand the included items on the **PREA Training and Understanding Verification Form** unless completed through web-based training. This information shall be kept in the staff member's training file in accordance with **Section 20** of this procedures manual. **(28 C.F.R. §115.34[c])**
- (4) The Department, any state entity, or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations. **(28 C.F.R. §115.34[d])**

b. Medical/Mental Health Practitioners

(1) Any staff providing medical/mental health services in any State Correctional Institution (SCI), CCC, or CCF, whether on a full or part-time status, shall receive specialized training on working with victims of sexual abuse and sexual harassment. **(28 C.F.R. §115.35[d])** For the purposes of this training requirement, medical staff shall include all licensed medical staff, as well as non-licensed contact medical staff such as dental assistants, Correctional Health Care Administrators (CHCAs), and contracted provider staff.

(a) This specialized training shall include, but is not limited to:

- i. how to detect and assess signs of sexual abuse and sexual harassment,
- ii. how to preserve physical evidence of sexual abuse,
- iii. how to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
- iv. how and to whom to report allegations or suspicions of sexual abuse and sexual harassment. **(28 C.F.R. §115.35[a][1][2][3][4])**

(b) This training shall be developed by the Department PREA Coordinator/designee and standardized for Department wide training purposes.

(c) All new medical/mental health staff shall receive this training within the first six months of employment with the Department. The training shall either be provided by the current contracted medical health provider or locally by staff who have been trained.

(d) Staff shall be required to sign off that they have received the information and understand the included items on the **PREA Training and Understanding Verification Form**. This information shall be kept in the employee's training file in accordance with **Section 20** of this procedures manual. **(28 C.F.R. §115.35[c])**

(2) Lockup facilities do not employ medical staff. Training requirements as specified in **Subsection A.4.b. above** are not applicable to this facility type.

5. Contractors and Volunteers

a. Contractors and volunteers who have contact with inmates (to include contract service providers, public visitors, or Non-Department Employees) shall receive training on their responsibilities under the Department's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. They shall be trained

during orientation sessions and annual training reflective of the level of contact that they have with inmates. **(28 C.F.R. §115.32[a]) (28 C.F.R. §115.132[b])**

- (1) Level 1 – For contractors and volunteers who have a high level of contact (five hours or more per week on average) with inmates, the training shall be the same as regular staff members receiving both pre-service and annual training. **(28 C.F.R. §115.32[b]) (28 C.F.R. §115.132[b])**
 - (2) Level 2 – For contractors who have a sporadic level of contact (less than five hours per week on average) with inmates, they shall receive a brief orientation by the Security Office in conjunction with the Security Briefing required by Department policy **6.3.1, “Facility Security,”** to include information on the Department’s zero tolerance policy, how to make a report, and to whom to make a report. The **Contractors/Volunteers PREA Training (Attachment 11-C)** shall be utilized for training with Level 2. The Security Office, in conjunction with the Security Briefing required by Department policy **6.3.1,** shall be responsible for providing this outline to all Level 2 contractors. Once this information is reviewed, the trainee shall keep a copy of the **Contractors/Volunteers PREA Training.**
 - (3) Level 2 – For volunteers who have a sporadic level of contact (less than five hours per week on average) with inmates, they shall receive a brief orientation by the volunteer coordinator/designee to include information on the Department’s zero tolerance policy, how and to whom to make a report. The **Contractors/Volunteers PREA Training** shall be utilized for training with Level 2. The Volunteer Coordinator/designee shall be responsible for providing the **Contractors/Volunteers PREA Training** to all Level 2 volunteers. Once this information is reviewed, the trainee shall keep a copy of the **Contractors/Volunteers PREA Training.**
- b. All contractors and volunteers shall be required to sign and acknowledge the **PREA Training and Understanding Verification Form. (28 C.F.R. §115.32[b]) (28 C.F.R. §115.132[b])** The Volunteer Coordinator at each facility shall be responsible for documenting the PREA training that each volunteer has received and maintain the documentation in the volunteer file in accordance with **Section 20** of this procedures manual. PCMs shall be responsible for maintaining **PREA Training and Understanding Verification Forms** for all contractors. PREA Training shall be effective for a period of one year. **(28 C.F.R. §115.32[c])**
- c. Any contractor or volunteer that has multi-facility access should request and maintain a copy of the **PREA Training and Understanding Verification Form** for provision to the PCM or Volunteer Coordinator at each subsequent facility.

B. Inmate Education²

Each facility shall provide inmate education explaining the zero tolerance policy regarding sexual abuse and sexual harassment, and how to report incidents or suspicions of sexual abuse, sexual harassment or retaliation, and what to do if he/she is the victim of such. This information shall be provided in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills. Braille versions of the intake materials shall be available to inmates at initial reception sites. **(28 C.F.R. §115.33[d]) (28 C.F.R. §115.233[c])**

1. During the intake process, all inmates, including new admissions, incoming transfers, and Parole Violators (PVs), shall receive information explaining the zero tolerance policy regarding sexual abuse and sexual harassment, and how to report incidents or suspicions of sexual abuse, sexual harassment or retaliation, and what to do if he/she is the victim of sexual abuse, sexual harassment, or retaliation. In SCIs, medical staff shall provide a copy of the **PREA Inmate Intake Handout (Attachment 11-D)** to the inmate immediately upon facility intake. **(28 C.F.R. §115.33[a])** If an inmate is seen by the facility's Initial Reception Committee (IRC) during the first day of the intake process; representatives of the IRC may provide this handout.
2. Within the first 30 days of reception, additional information shall be provided to all inmates, including new admissions, incoming transfers, and PVs. All inmates shall be shown a video regarding their rights to be free from sexual abuse, sexual harassment, and retaliation. They shall also be provided information regarding Department policies and procedures for responding to such incidents including any facility specific reporting or response procedures. Inmate education may be provided to inmates individually or in groups. A staff member must be present at all times to facilitate discussion, in conjunction with the **Inmate Education Facilitator's Guide (Attachment 11-E)** and to answer questions. **(28 C.F.R. §115.33[b]) (28 C.F.R. §115.233[b])**
3. The PREA video, "PREA: What You Need To Know" is available for use. Each facility shall have access to this video or other supplement in Spanish and English, with subtitles. **(28 C.F.R. §115.33[d]) (28 C.F.R. §115.233[c])**
 - a. The staff facilitator shall remain in the room during the playing of the video to observe inmates, looking for reactions. Security staff shall not conduct this education program.
 - b. Additionally, the staff facilitator shall ask questions, as outlined in the **Inmate Education Facilitator's Guide**, at the end of the video to determine comprehension of the materials.
 - c. The staff facilitator shall offer to meet privately with any inmates to discuss issues related to the video or other supplement.
4. In SCIs, the PREA video or other supplement is to be played a minimum of twice per

² 5-3D-4281-1, 4-ACRS-3A-05

month over the inmate television channel. **(28 C.F.R. §115.33[f])**

5. Key information shall be continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats. Each facility shall ensure that PREA information is prominently displayed, at a minimum, in each housing unit, common area, recreation area, medical area, and programming area within the facility. **(28 C.F.R. §115.33[f]) (28 C.F.R. §115.233[e])**
6. In SCIs, during the inmate’s annual review, the counselor shall discuss issues related to sexual abuse in prison and offer the inmate an opportunity to discuss related concerns. The counselor shall provide a **PREA Inmate Intake Handout** at the time of his/her annual review.
7. Sexual abuse, sexual harassment, and retaliation training which includes a review of the agency’s PREA inmate educational video “PREA: What You Need To Know” or other supplement, shall be documented by the inmate signing the **PREA Inmate Education Verification Form (Attachment 11-F)**. This form shall be filed in the **DC-14** in accordance with **Section 20** of this procedures manual. **(28 C.F.R. §115.33[e])**. Provision of PREA Inmate Education shall be documented in an **Inmate Cumulative Adjustment Record (ICAR)** entry or any equivalent program utilized by the Department in its facility types.
8. Inmates who are screened and approved for specialized employment assignments providing services to vulnerable populations, such as, but not limited to, Certified Peer Specialists, shall receive training relative to their responsibilities and methods to report allegations of sexual abuse and sexual harassment disclosed to them. Such training shall be completed by the work supervisor during the job orientation required by Department policy **DC-ADM 816, “Inmate Compensation.”** This training shall, at a minimum, include the information contained within the PREA Level 2 Contractors/Volunteers training materials.
9. Reentrant Education – BCC
 - a. In CCCs, CCFs, and Lockups, the **PREA Inmate Intake Handout**, as specified in **Subsection B.1. above** may be provided by any staff member who has completed PREA Basic Training and shall be documented on the **PREA Reentrant and Detainee Intake Handout Receipt (Attachment 11-G)**.
 - b. In addition to the requirements of **Subsection B.5. above**, all CCC and CCF facilities shall make an audio announcement of the agency’s zero-tolerance policy over the public-address system. The announcement shall include all information on the **Zero Tolerance Fact Sheet (Attachment 11-H)** and be conducted daily at:
 - (1) the daily 0600 count (between 0530-0630),
 - (2) the 1200 count (between 1130-1230); and

(3) the 2100 count (between 2030-2130).

- c. In the event that a reentrant remains in a CCC or CCF in excess of one year or more, the reentrant's assigned counselor shall offer the reentrant an opportunity to discuss issues related to sexual abuse and provide the reentrant with a copy of the **PREA Inmate Intake Handout** during the anniversary month of the reentrant's commitment month.

10. Detainee Education – Lockups

- a. In Lockups, the standard governing detainee intake education specified in **Subsection B.1. above** is not applicable. In satisfaction of this standard, detainees shall be provided a copy of the **PREA Inmate Intake Handout** subject to the guidelines in **Subsection B.9.a. above** during the supervision intake process and when detained in a holding cell. **(28 C.F.R. §115.132[a])**
- b. The requirement for additional education within 30 days, as specified in **Subsection B.2. above** is not applicable to Lockup facilities.
- c. The standard requirement for key information to be continuously available as specified in **Subsection B.5. above** is not applicable to Lockup facilities; however, Lockups shall ensure that key information is continuously and readily visible to detainees held within each holding cell.

POLICY STATEMENT

The Prison Rape Elimination Act (PREA) Standards were enacted into law in 2003 to study and address prison sexual violence. Sexual abuse is against the law. The concept of “zero tolerance” is the foundation of the PREA Standards. Every provision of the standards is rooted in the notion that even one incident of sexual abuse or sexual harassment in prison settings is too many. Zero tolerance means that no sexual abuse or sexual harassment is tolerated, including abuse by inmates and by staff. **(28 C.F.R. §115.32[b])**

- Anyone who engages in, fails to report, or knowingly condones sexual abuse or sexual harassment of an inmate shall be subject to disciplinary action and may be subject to criminal prosecution.
- An inmate, employee, contract service provider, volunteer, and/or any individual who has business with or uses the resources of the Department is subject to disciplinary action and/or sanctions, including possible dismissal and termination of contracts and/or services, if he/she is found to have engaged in sexual harassment or sexual contact with an inmate.
- A claim of consent will not be accepted as an affirmative defense for engaging in sexual abuse or sexual harassment of an inmate.

DEFINITIONS

Sexual Abuse of an inmate by a staff member, contractor, or volunteer includes any of the following acts, with or without the consent of the inmate:

- 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however, slight;
- 2) Contact between the mouth and the penis, vulva, or anus;
- 3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- 4) Penetration of the anal or genital opening, however, slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- 5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- 6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraph (1) through (5) of this definition;
- 7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident; and
- 8) Voyeurism by a staff member, contractor, or volunteer. Voyeurism means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate’s naked body or of an inmate performing bodily functions.

Sexual Harassment:

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

PROHIBITIONS

Contractors or Volunteers who provide services to the Pennsylvania Department of Corrections, can be criminally charged for violating Pennsylvania State Law 18 PA. CONS. STAT. §3124.2 defines Institutional Sexual Assault as a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse, or indecent contact with an inmate, detainee, patient, or resident.

REPORTING REQUIREMENTS

Staff members, contract service providers, volunteers, and any other individual authorized to enter a facility, whether under escort or not, who will have sight or sound contact with inmates, (to include contract service providers, public visitors, or Non-Department Employees) are required to verbally report incidents or suspicions of sexual abuse or sexual harassment to the facility Shift Commander. All inmate reports of sexual abuse and sexual harassment shall be subsequently documented on a **DC-121 Part 3, Employee Report of Incident** prior to departing the facility. Private reports can also be submitted to the Sexual Abuse Reporting Address established by the **Office of State Inspector General**; the address is **ATTN: PREA Coordinator, Office of State Inspector General, 555 Walnut Street, 8th Floor, Harrisburg, PA 17101. (28 C.F.R. §115.32[b])**

FIRST RESPONDER DUTIES

When an inmate discloses that he/she has been sexually abused, via penetration of the mouth, anus, or genital opening within the past 96 hours, request that the alleged victim not take any actions that could destroy physical evidence, such as washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and then immediately notify security staff to protect the individual and any applicable crime scene. **(28 C.F.R. §115.64[b])**

ACKNOWLEDGMENT OF UNDERSTANDING AND DUTY TO REPORT

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

Name: _____ (print)

Facility: _____ (print)

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

Participant Signature: _____

Witness Signature: _____

Date: _____

ZERO TOLERANCE POLICY

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

WHAT IS SEXUAL ABUSE?

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

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

WHAT IS SEXUAL HARASSMENT?

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

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

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

UNDERSTANDING CONSENT

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

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

WHAT TO DO IF YOU HAVE BEEN SEXUALLY ABUSED

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

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

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

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

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

HOW YOU CAN REPORT SEXUAL ABUSE OR SEXUAL HARASSMENT

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

**ATTN: PREA Coordinator
Office of State Inspector General
555 Walnut Street, 8th Floor
Harrisburg, PA 17101**

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

Reports can be made anonymously and by third parties.

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

POLÍTICA DE CERO TOLERANCIA

Constituye una política del Departamento el prohibir cualquier forma de abuso o acoso sexual de un recluso. Se cuenta con cero tolerancia al abuso o acoso sexual de cualquier persona que se encuentre bajo la supervisión del Departamento. Cualquier persona involucrada, que no declare o condone el abuso o acoso sexual de un recluso será sujeta a acción disciplinaria, pudiendo llegar al cese de sus actividades o incluso a un proceso criminal. Si se detecta que algún recluso, empleado, contratista o voluntario del Departamento ha perpetuado abuso o acoso sexual hacia algún recluso, será sujeto a acciones y/o sanciones disciplinarias, incluida la cancelación o revocación de contratos y servicios. Una declaración de consentimiento no se aceptará como defensa a favor de la perpetración del abuso o acoso en contra de un recluso.

¿QUÉ ES EL ABUSO SEXUAL?

El abuso sexual, definido por los estándares nacionales para prevenir, detectar y actuar en caso de violación dentro de una prisión, incluye el abuso sexual por parte de un recluso a otro detenido o residente; el abuso a un recluso, detenido o residente por parte de un miembro del personal, un contratista o un voluntario.

1. El abuso sexual en contra de un recluso, detenido o residente por parte de otra persona en la misma calidad incluye cualquiera de los siguientes actos. Se considera un abuso en el caso que la víctima no dé su consentimiento, sea forzada bajo amenaza o violencia o sea incapaz de otorgar su consentimiento o rechazo:
 - a. Contacto entre el pene y la vulva o el pene y el recto en el que exista penetración aunque dicho contacto sea ligero;
 - b. Contacto entre la boca y el pene, la vulva o el recto;
 - c. Penetración por el orificio anal o genital de otra persona con la mano, dedo, objeto u otro instrumento aunque dicha penetración sea ligera.
 - d. Cualquier otro contacto intencional (ya sea directo o a través de la ropa) de los órganos genitales, recto, ingles, muslos internos y/o glúteos, excluyendo el contacto accidental como resultado de un altercado físico.
2. El abuso sexual en contra de un recluso, detenido o residente por parte de algún miembro del personal, contratista o voluntario incluye cualquiera de los siguientes actos con o sin consentimiento del recluso, detenido o residente:
 - a. Contacto entre el pene y la vulva o el pene y el recto en el que exista penetración aunque dicho contacto sea ligero;
 - b. Contacto entre la boca y el pene, la vulva o el recto;
 - c. Contacto entre la boca y cualquier parte del cuerpo por parte de un miembro del personal, contratista o voluntario con la intención de abusar, estimular o satisfacer su deseo sexual;
 - d. Penetración del orificio anal o genital, aunque haya sido ligera, con la mano, dedo, objeto u otro instrumento que no está relacionado con alguna función oficial o en donde el miembro del personal, contratista o voluntario tiene la intención de abusar, estimular o satisfacer su deseo sexual;
 - e. Cualquier otro contacto intencional (ya sea directo o a través de la ropa) de o con los genitales, recto, ingles, senos, muslo interior o glúteos sin relación a alguna función oficial o en donde el miembro del personal, contratista o voluntario tiene la intención de abusar, estimular o satisfacer su deseo sexual;
 - f. Cualquier intento, amenaza o petición por parte de un miembro del personal, contratista o voluntario para participar en las actividades descritas en los párrafos antes mencionados (a)-(e) de esta sección.
 - g. Cualquier exposición por parte de un miembro del personal, contratista o voluntario de sus genitales, glúteos o senos en presencia de un recluso y;
 - h. Voyerismo por parte de un miembro del personal, contratista o voluntario.

¿QUÉ ES EL ACOSO SEXUAL?

El acoso sexual, definido por los estándares nacionales para prevenir, detectar y actuar en caso de violación dentro de una prisión

1. Insinuaciones sexuales frecuentes e indeseadas, petición de favores sexuales o comentarios verbales, gestos o acciones despectivas u ofensivas de naturaleza sexual, por parte de un recluso, detenido, residente hacia otro;
2. Constantes comentarios verbales o gestos de naturaleza sexual a un recluso, detenido o residente por parte de un miembro del personal, contratista o voluntario entre los que se incluyen referencias despectivas al género, comentarios sexuales sugestivos o despreciativos acerca del cuerpo/ropa y/o lenguaje o gestos obscenos.

CÓMO ENTENDER EL CONSENTIMIENTO

El abuso sexual sucede cuando no se da consentimiento, por ejemplo con favores sexuales que se intercambien en favor de bienes o protección, cuando alguien es manipulado, amenazado o intimidado para tener un encuentro sexual, o cuando una persona es amenazada y se utiliza violencia física.

El hecho de que una persona se encuentra en una “relación” con otra no quiere decir que ambas partes estén de acuerdo a perpetuar actos sexuales con dicha persona u otras personas. Incluso, si alguien ha accedido previamente a un acto sexual, esto no quiere decir que sigue estando de acuerdo en el futuro. Cualquier persona puede detenerse o cambiar de opinión durante un acto sexual. Si esto sucede, ambas partes deben suspender la actividad.

¿QUÉ HACER EN CASO DE HABER SIDO VÍCTIMA DE UN ABUSO O ACOSO SEXUAL?

Resulta difícil saber qué hacer o sentir después de haber sufrido un abuso sexual. Es normal tener muchos sentimientos distintos. Es importante saber que no es su culpa y que no se encuentra solo/a. Sin embargo, existen algunas cosas que puede hacer para estar seguro/a después del abuso.

1. Reporte lo antes posible a cualquier miembro del personal el incidente para maximizar el potencial de la preservación de la evidencia.
2. A pesar de que pueda ser difícil, busque atención médica **ANTES** de bañarse, ingerir alimentos, tomar algún líquido, cambiar de ropa, cepillarse los dientes o usar el sanitario. Lo anterior es para preservar cualquier evidencia.
3. Guarde cualquier otra evidencia del abuso.
4. Provea tanta información como le sea posible a las preguntas que se le realicen. Comparta con el personal cualquier duda, preocupación o amenazas de represalia sobre su seguridad.
5. Acérquese a los servicios de centros externos de crisis en violaciones para consejo y apoyo.

Las víctimas de abusos sexuales tienen acceso a servicios de apoyo sin costo alguno. Escriba a:

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

También puede contactar al representante de la PREA en su institución para acceder a este servicio con el centro de crisis en casos de violación de su localidad.

CÓMO REPORTAR UN CASO DE ABUSO O ACOSO SEXUAL

1. Hable inmediatamente con cualquier miembro del personal sobre el incidente.
2. Hable inmediatamente con el supervisor o administrador sobre el incidente.
3. Haga una petición por escrito a cualquier miembro del personal, ya sea el supervisor o el administrador.
4. Envíe un reporte por escrito a la dirección de terceros para denunciar el incidente con la **Oficina del Inspector General de Pensilvania (OSIG)**.

**Office of State Inspector General
ATTN: PREA Coordinator
555 Walnut Street, 8th Floor
Harrisburg, PA 17101**

5. Haga que uno de sus familiares notifique a la institución o a la **OSIG**.

Los reportes pueden hacerse de manera anónima por terceros.

*Nota: los reportes escritos requieren ser procesados y podrían no tener acción inmediata. Si requiere de atención inmediata, notifique a cualquier miembro del personal o haga que uno de sus familiares contacte la institución o a la **OSIG**.*

PREA Inmate Education Verification Form

Under **DC-ADM 008, Section 11**, inmates of the Department of Corrections are required to participate in and acknowledge understanding and comprehension of PREA training.

Inmate Name: _____ Inmate #: _____

Facility: _____

Date of Training: _____

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

Inmate Signature: _____

Date _____

Witness Signature: _____

Date _____

cc: DC-14

Formulario de Verificación de Educación para Reclusos de PREA

Conforme a la política **DC-ADM 008, Sección 11**, se requiere que los reclusos del Departamento de Correcciones participen en la capacitación de PREA y reconozcan que entienden y comprenden dicha capacitación.

Nombre del/de la Recluso/a: _____ Recluso/a #: _____

Establecimiento: _____

Fecha de la Capacitación: _____

Hoy _____ (fecha), reconozco que recibí y entiendo la capacitación sobre la Ley para la Eliminación de Violaciones en las Prisiones (PREA). Comprendo que el Departamento de Correcciones tiene una política de tolerancia cero con respecto al abuso sexual y al acoso sexual de reclusos, y las represalias. Recibí una copia del **Folleto de Admisión de Reclusos de PREA** inmediatamente cuando llegué a este establecimiento. Recibí capacitación sobre las definiciones de abuso sexual y acoso sexual, respecto de cómo denunciar dichos incidentes y de las políticas y procedimientos de la agencia para responder a dichos incidentes. Todas las preguntas fueron respondidas por los facilitadores del personal. Finalmente, entiendo que tengo la obligación de denunciar todos los tipos de abuso sexual y acoso sexual, y que se me protegerá contra las represalias por hacer eso.

Firma del/de la Recluso/a: _____

Fecha _____

Firma del/de la Testigo: _____

Fecha _____

cc: DC-14

DC-ADM 008, Manual de Procedimientos de la Ley para la Eliminación de Violaciones en las Prisiones (PREA) Adjunto 11-F

Sección 11 – Prevención del Abuso Sexual/Acoso Sexual – Capacitación y Educación

Emitido el: 3/22/2019

Entrada en vigencia: 4/22/2019

PREA Reentrant and Detainee Intake Handout Receipt (28 C.F.R. §115.233[a])

Under the Prison Rape Elimination Act, reentrants and detainees must receive information regarding sexual abuse and sexual harassment, how to report an incident of sexual abuse or sexual harassment, and what to do if they are the victim of sexual abuse or sexual harassment. The “**PREA Inmate Intake Handout**” that you are receiving outlines:

- **The Department’s Zero Tolerance Policy**
- **What is Sexual Abuse?**
- **What is Sexual Harassment?**
- **What To Do If You Have Been Sexually Abused?**
- **How Can You Report A Sexual Abuse or Sexual Harassment?**

The PA Department of Corrections and all its facilities and contracted facilities have zero tolerance for sexual abuse, sexual harassment, and retaliation for reporting such behavior. If you have any questions regarding the handout, speak with a staff member immediately.

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

Reentrant Name (Print): _____ ID#: _____

Reentrant Signature: _____

Staff Member Witness: _____

Staff Member Signature: _____

Date: _____

Recepción del Folleto de Admisión para Reentrantes y Detenidos de PREA

(28 C.F.R. §115.233[a])

Conforme a la Ley para la Eliminación de Violaciones en las Prisiones, los reentrantes y detenidos deben recibir información con respecto al abuso sexual y al acoso sexual, cómo denunciar un incidente de abuso sexual o acoso sexual, y qué hacer si son víctimas de abuso sexual o acoso sexual. El "**Folleto de Admisión para Reclusos de PREA**" que recibe usted describe:

- **La Política de Tolerancia Cero del Departamento**
- **¿Qué es el Abuso Sexual?**
- **¿Qué es el Acoso Sexual?**
- **¿Qué hacer si ha sido Abusado/a Sexualmente?**
- **¿Cómo puede informar un Abuso Sexual o Acoso Sexual?**

El Departamento de Correcciones de PA y todos sus establecimientos e instituciones contratadas tienen una política de tolerancia cero respecto del abuso sexual, acoso sexual y represalias por denunciar dichos comportamientos. Si tiene alguna pregunta con respecto al folleto, hable con un miembro del personal de inmediato.

Reconozco al llegar a este establecimiento en el día de la fecha que recibí el "**Folleto de Admisión para Reclusos de PREA**". Reconozco que toda pregunta relacionada con el abuso sexual o acoso sexual fue respondida en el folleto o por un miembro del personal de forma tal que entiendo cómo denunciar un incidente de abuso sexual o acoso sexual y qué hacer si soy víctima de abuso sexual, acoso sexual o represalias.

Nombre del/de la Reentrante (en mayúscula): _____

Identificación #: _____

Firma del/de la Reentrante:

Testigo Miembro del Personal:

Firma del Miembro del Personal:

Fecha: _____

Section 12 – Reporting Sexual Abuse and Sexual Harassment

A. General

1. Staff, contractors, volunteers, and inmates shall report knowledge or suspicion of the following:
 - a. sexual abuse;
 - b. sexual harassment;
 - c. retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and;
 - d. staff neglect or violation of responsibilities that may have contributed to such incidents. **(28 C.F.R. §115.51[a])**
2. Anyone who reports sexual abuse, sexual harassment, or retaliation should provide as many details as possible regarding the incident(s), including the following information:
 - a. comprehensive description of incident(s);
 - b. names of all parties involved;
 - c. date(s);
 - d. time(s);
 - e. place(s) of alleged incidents; and
 - f. witness(es), if any.
3. Staff shall accept, and document reports made verbally, in writing, anonymously, and from uninvolved parties, as defined in the glossary of terms, and promptly forward to the facility's designated investigators as follows: **(28 C.F.R. §115.51[c]) (28 C.F.R. §115.61[e]) (28 C.F.R. §115.161[d])**
 - a. in State Correctional Institutions (SCIs), reports shall be forwarded to the Shift Commander;
 - b. in Community Corrections Centers (CCCs) and Community Contract Facilities (CCFs), reports shall be forwarded to the Facility Director and Bureau of Community Corrections (BCC) Management Operations Center (MOC); and
 - c. in Lockups, reports shall be forwarded to the Pennsylvania Board of Probation and Parole (PBPP) District Director/Deputy District Director and BCC-MOC.

4. All reports received by the Sexual Abuse Reporting Address, established for the third-party and anonymous reporting of sexual abuse or sexual harassment to the **Office of State Inspector General (OSIG)**, shall be handled as follows: **(28 C.F.R. §115.51[b])**
 - a. when the **OSIG** receives Prison Rape Elimination Act (PREA)-related complaint correspondence at this address, the letter shall be scanned and emailed to the Department's PREA Notification email address **(CR, DOC PREA Notification)** for tracking purposes and dissemination to the appropriate facility;
 - b. the PREA Compliance Division (PCD) staff are responsible for monitoring the email box for follow-up and referral purposes; and
 - c. this information shall be maintained within the investigative file, in accordance with **Section 20** of this procedures manual.
5. If the alleged victim is under the age of 18, the Department shall refer the allegation to the designated State or local services agency under applicable mandatory reporting laws as outlined by the Pennsylvania Department of Human Services. **(28 C.F.R. §115.61[d]) (28 C.F.R. §115.161[c])**
6. When staff receiving a report are unsure whether an allegation being made is related to sexual abuse or sexual harassment, the information shall be made available to the Shift Commander in SCIs or the BCC-MOC in CCCs, CCFs, and Lockups for review.
7. The BCC-MOC will complete the **PREA Report - Sexual Abuse (Attachment 12-A)** for all sexual abuse allegations occurring within CCCs, CCFs, and Lockups.
8. The BCC-MOC will complete the **PREA Report - Sexual Harassment (Attachment 12-B)** for all sexual harassment allegations occurring within CCCs, CCFs, and Lockups.

B. Methods of Reporting for Inmates¹

1. An inmate who is an alleged victim of any of the items identified in **Subsection A.1. above** shall report the allegation to a staff member as soon as possible.
2. A report may be made to any staff member in the facility including, but not limited to, the facility PREA Compliance Manager (PCM), Medical staff, Psychology staff, Corrections Officers, Community Corrections Monitors, Parole Agents, and Counselors. **(28 C.F.R. §115.51[c])**
3. As soon as a staff member, contractor, or volunteer receives a report of sexual abuse or sexual harassment, either verbally or in writing, he/she is required to notify the appropriate facility chain of command as specified in **Subsection A.3. above** immediately. **(28 C.F.R. §115.51[c])**

¹ 5-3D-4281-7 (5-ACI-3D-15)

4. Methods of reporting include the following: **(28 C.F.R. §115.51[a])**
 - a. verbal report to any staff member;
 - b. submitting a **DC-135A, Inmate’s Request to Staff Member** or other written correspondence;
 - c. submitting a written report to the Sexual Abuse Reporting Address with the **OSIG: ATTN: PREA Coordinator, Office of State Inspector General, 555 Walnut Street, 8th Floor, Harrisburg, PA 17101** as outlined on the **PREA Reporting Poster (Attachment 12-C)**; and **(28 C.F.R. §115.54)**
 - d. reports from families or friends directly to the facility or to **OSIG**.
5. Written reports may be submitted, either as identified above, or through the facility grievance lock-boxes located on every housing unit within the facility, allowing an inmate to remain anonymous. These lock-boxes are accessed only by an approved management staff, and reports shall be forwarded for review and action, as outlined within this policy. Inmates may utilize the inmate grievance system in accordance with Department policy **DC-ADM 804, “Inmate Grievance System,”** to report inmate-on-inmate sexual harassment allegations, which include repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, gestures, or actions of a derogatory or offensive sexual nature. Written reports require processing time and may not prompt immediate action. Inmates in need of immediate assistance should notify a staff member or have an uninvolved party immediately contact the facility or **OSIG**.
6. Inmates shall not utilize the inmate grievance system to report sexual abuse or sexual harassment by a staff member or inmate-on-inmate sexual abuse, as defined in the Glossary of Terms for this procedures manual. However, if an inmate files a grievance related to staff-on-inmate sexual abuse/sexual harassment or inmate-on-inmate sexual abuse, the Facility Grievance Coordinator shall reject the grievance and forward it to the facility Security Office in SCIs or the BCC-MOC in CCCs, CCFs, and Lockups, in addition to the PCM/designee for tracking and investigation. The inmate shall be notified of the rejection and forwarding of the allegation for investigation. **(28 C.F.R. §115.52[a])**
7. Every inmate must be provided with immediate access to at least one of the methods indicated above through which he/she may privately report items identified in **Subsection A.1. above. (28 C.F.R. §115.51[a])**

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

1. Any staff member, contract service provider, and volunteer shall immediately report to the Shift Commander/BCC Facility Director/PBPP District Director/Deputy District Director if he/she has knowledge, suspicion, or information regarding items identified in **Subsection A.1. above** occurring in any confinement facility, regardless whether the facility is affiliated with the Department. **(28 C.F.R. §115.61[a])**

2. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse in accordance with **Subsection C.1. above**, to inform inmates of the practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services. **(28 C.F.R. §115.61[c])**
3. Verbal reports shall be immediately documented on the **DC-121, Part 3, Employee Report of Incident. (28 C.F.R. §115.51[c]) DC-135As** or other written correspondence regarding PREA allegations shall be retained in the appropriate investigative file in accordance with **Section 20** of this procedures manual. Reports shall be held in strict confidence and shall precipitate the immediate commencement of an investigation. **(28 C.F.R. §115.61[a])**
4. A **DC-121, Part 2, Extraordinary Occurrence Report** shall be filed in every SCI sexual abuse allegation, requiring transport to an outside medical facility for a forensic medical examination in accordance with Department policy **6.3.1, “Facility Security.”**
5. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse allegation to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions, where sexual abuse with an inmate is reported. **(28 C.F.R. §115.61[b])**
6. The Sexual Abuse Reporting Address with the **OSIG** is an option for employees, contract service providers, or volunteers to privately report an allegation of sexual abuse, sexual harassment, or retaliation. **(28 C.F.R. §115.51[d]) (28 C.F.R. §115.54)** The reporting address is: **ATTN: PREA Coordinator, Office of State Inspector General, 555 Walnut Street, 8th Floor, Harrisburg, PA 17101**, as outlined on the **PREA Reporting Poster**.

A writer may choose to include his/her name and contact information, but it is not necessary in making a report, complaints can be made anonymously.
7. Each facility shall ensure that PREA Posters are prominently displayed, at a minimum, in each housing unit, common area, recreation area, medical area, and programming area within the facility. **(28 C.F.R. §115.33[f])**

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

1. The Sexual Abuse Reporting Address with the **OSIG** is an option for the general public to report an allegation of sexual contact. The reporting address is: **ATTN: PREA Coordinator, Office of State Inspector General, 555 Walnut Street, 8th Floor, Harrisburg, PA 17101**.
2. A writer may choose to include his/her name and contact information, but it is not necessary in making a report; complaints can be made anonymously. **(28 C.F.R. §115.54)**

E. BCC Facility Director/PBPP District Director/Deputy District Director/designee Responsibilities Upon Receipt of an Allegation in CCCs, CCFs, and Lockups.

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

1. ensure the safety of the alleged victim;
2. verbally notify the BCC-MOC for action and investigation; **(28 C.F.R. §115.161[d]) (28 C.F.R. §115.261[e])**
3. ensure first responder duties are completed in accordance with **Section 14** of this procedures manual for every incident/allegation of sexual abuse; and
4. document the allegations and any actions taken via a **DC-121, Part 3** or Incident Report Form.

F. Inter-Facility Reports

1. Reporting to Other Confinement Facilities – SCIs
 - a. An inmate may file a report of sexual abuse sustained while confined at another facility. **(28 C.F.R. §115.63[a])**
 - b. It is the Facility Manager’s responsibility to notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. When possible, reports shall be forwarded via email, with a copy to **CR, DOC PREA Reports** and the PCM, to the affected head of the facility or appropriate office of the agency where the alleged abuse occurred and documented on the **Notification of Sexual Abuse Allegation to Another Facility (Attachment 12-D)**. **(28 C.F.R. §115.63[a])**
 - c. In the absence of the Facility Manager, the Acting Facility Manager shall be responsible for making such notification.
 - d. Notification must be provided as soon as possible, but no later than 72 hours after receiving the allegation. **(28 C.F.R. §115.63[b])**
 - e. Documentation of the notification shall be maintained by the PCM in a file for audit verification purposes in accordance with **Section 20** of this procedures manual. **(28 C.F.R. §115.63[c])**
 - f. When the facility receiving an allegation that an inmate was sexually abused in a Department facility can confirm that the allegation has been previously reported, entered into the PREA Tracking System (PTS) and investigated; such notification is not required. The facility receiving the allegation shall document the PTS incident number on the **Notification of Sexual Abuse Allegation to Another Facility** and

retain all associated documents for audit verification purposes. Notification shall occur for all allegations that are not documented in the PTS.

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

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

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

3. Reports Received from Other Confinement Facilities

- a. Upon receipt of an allegation from another facility that an inmate was sexually abused while confined at that location, the Facility Manager/designee or agency office that

receives such notification shall document the receipt of the allegation in the agency's PTS.

- b. The Facility Manager or agency office that receives such notification, shall immediately notify the Security Office in SCIs or the BCC-MOC in CCCs, CCFs, and Lockups to initiate a PREA investigation as outlined in **Section 20** of this procedures manual. **(28 C.F.R. §115.63[d])**
- c. The Facility Manager/designee shall send notification and supporting documentation to the facility PCM within five working days of the receipt of the allegation.

G. Reports Received About Incidents/Allegations in the Community – CCCs, CCFs, and Lockups

1. Upon occasion, a reentrant may report that he/she has been the victim of sexual abuse, sexual assault, rape, etc. in the community.
2. The BCC Facility Director/PBPP District Director/Deputy District Director/designee shall ensure the reentrant's safety and verbally notify the BCC-MOC for further instruction without delay.

ZERO TOLERANCE

SEXUAL ABUSE, SEXUAL HARASSMENT, AND RETALIATION

Anyone who engages in, fails to report, or knowingly condones sexual abuse or sexual harassment of an inmate shall be subject to disciplinary action, up to and including termination, and may be subject to criminal prosecution.

RIGHT TO REPORT

If you, or someone you know, are experiencing sexual abuse or sexual harassment, the Pennsylvania Department of Corrections (PA DOC) wants to know right away!

HOW TO REPORT

The PA DOC offers multiple ways to report sexual abuse and sexual harassment. Reports can be made anonymously and by uninvolved parties.

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

*ATTN: PREA Coordinator
Office of State Inspector General
555 Walnut Street, 8th Floor
Harrisburg, PA 17101*

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

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

VICTIM SUPPORT SERVICES

PA DOC has partnered with the Pennsylvania Coalition Against Rape (PCAR) to provide survivors of sexual abuse with emotional support services. To access these services, send a letter to: Pennsylvania Coalition Against Rape, P.O. Box 400, Enola, PA 17025.

*Contact the facility PREA Compliance Manager for more information:

Place mailing label with the name of the
facility PREA Compliance Manager

TOLERANCIA (28 C.F.R §115.[33][51][54]) CERO

ABUSO SEXUAL, ACOSO SEXUAL Y RETALIACIÓN SEXUAL

Cualquier persona que participe en, no reporte o condone a sabiendas el abuso sexual o el acoso sexual de un preso estará sujeto a medidas disciplinarias, hasta e incluyendo la terminación, y puede estar sujeto a un proceso penal.

DERECHO A DENUNCIAR

Si usted, o alguien que conoce, está sufriendo abuso sexual o acoso sexual, ¡el Departamento de Correcciones de Pensilvania (PA DOC) desea saberlo de inmediato!

CÓMO DENUNCIAR

El PA DOC ofrece múltiples maneras de denunciar el abuso sexual y el acoso sexual. Las denuncias pueden hacerse de forma anónima y por terceros.

- Dígale a cualquier miembro del personal que denuncie inmediatamente el incidente.
- Dígale a cualquier supervisor o gerente que denuncie inmediatamente el incidente.
- Haga una solicitud por escrito a cualquier miembro del personal, supervisor o gerente.
- Envíe un informe escrito a la dirección de informe de terceros establecida con la **Oficina del Inspector General de Pensilvania (OSIG)**.

**ATTN: PREA Coordinator
Office of State Inspector General
555 Walnut Street, 8th Floor
Harrisburg, PA 17101**

- Haga que su familia llame para notificar a la instalación o contacte a **OSIG**.

AVISO: los informes escritos requieren tiempo de procesamiento y pueden no provocar una acción inmediata. Si necesita atención inmediata, notifique a un miembro del personal o haga que su familia se comuniquen con el centro o **OSIG**.

SERVICIOS DE APOYO A VÍCTIMAS

PA DOC se asoció con la Coalición de Pennsylvania contra la Violación (Pennsylvania Coalition Against Rape, PCAR) para proporcionar a los sobrevivientes de abuso sexual servicios de apoyo emocional. Para acceder a estos servicios, envíe una carta a: Pennsylvania Coalition Against Rape, P.O. Box 400, Enola, PA 17025.

* Comuníquese con el responsable de cumplimiento de PREA de la instalación para obtener más información:

Coloque la etiqueta de correo con el nombre del responsable de cumplimiento de PREA

Section 13 – Protection Against Retaliation

A. Protection Against Retaliation

The Department shall protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff. **(28 C.F.R. §115.67[a])**

1. Any individual, who seeks to deter an inmate or other individual from reporting sexual abuse or sexual harassment, or who in any manner, harasses or intimidates any person who reports the alleged contact is subject to discipline. **(28 C.F.R. §115.67[a])**
2. Staff that require retaliation monitoring due to report of sexual abuse or sexual harassment, or because of an expressed fear of retaliation due to cooperation with an investigation of inmate sexual abuse or sexual harassment shall meet with:
 - a. the Deputy Superintendent for Centralized Services (DSCS) in State Correctional Institutions (SCIs);
 - b. the Facility Director in Community Corrections Centers (CCCs); and
 - c. the District Director/Deputy District Director in Pennsylvania Board of Probation and Parole (PBPP) offices/sub-offices.
3. Monitoring shall include, but is not limited to:
 - a. a review of negative performance reviews;
 - b. negative treatment by staff;
 - c. negative treatment by inmates; and,
 - d. staff reassignments.
4. Contact shall be made with the identified staff for at least 90 days and documented on the **Department Retaliation Monitoring Form (Attachment 13-A)**.
5. The Department shall employ multiple protection measures, such as housing changes or transfer for inmate victims or abusers, or removal of alleged staff or inmate abusers from contact with victim. Protection measures will be determined on an individualized basis, as necessary to protect individuals from retaliation.
6. Alternative methods of protecting individuals from retaliation, such as, but not limited to constant video surveillance with audio recording, may be employed within specialized housing units. The necessity for permanent separation must be supported by investigatory facts.

7. The Department shall also make available emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment, or for cooperating with investigations. **(28 C.F.R. §115.67[b])**
8. For at least 90 days following a report of sexual abuse or sexual harassment, the Department shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse or sexual harassment, and of inmates who were reported to have suffered sexual abuse or sexual harassment to see if there are changes that may suggest possible retaliation by inmates or staff and shall act promptly to remedy such retaliation. Retaliation monitoring shall be documented on the **Department Retaliation Monitoring Form** and maintained in accordance with **Section 20** of this procedures manual. Items the Department shall monitor include:
 - a. disciplinary reports;
 - b. housing reports;
 - c. program changes;
 - d. negative performance reviews; and
 - e. reassignments of staff.
9. Making a report of sexual abuse or sexual harassment or participation in an investigation to such allegations does not exempt any individual from factual disciplinary reports, justified program changes, and defensible performance reviews.
10. The Department shall continue monitoring beyond 90 days if the initial monitoring indicates a continuing need or is requested by the alleged victim when there is evidence of retaliation. **(28 C.F.R. §115.67[b][c])**
11. Additionally, if any other individual who cooperates with an investigation expresses fear of retaliation, the Department shall take appropriate measures to protect that individual against retaliation. **(28 C.F.R. §115.67[e])**
12. The Department shall continue to monitor for retaliation upon inter-facility transfer. The PREA Compliance Manager (PCM)/designee shall be responsible for forwarding the **Department Retaliation Monitoring Form** to the receiving facility's PCM/designee for continuation of the monitoring obligation.
13. The Department's obligation to monitor shall terminate if the inmate is released from custody or the investigation is determined to be unfounded. **(28 C.F.R. §115.67[f])**
14. Retaliation Monitoring of Detainees – Lockups
 - a. In Lockup facilities there is no standard requirement that monitoring occur for 90 days.

- b. When a detainee alleges sexual abuse within a Lockup or during a secure transport, and is transferred to any Department SCI or CCC; the receiving facility's PCM/designee shall be notified of the allegation and the detainee shall be monitored in accordance with **Subsection A.8 above**.

Section 14 – Responding to Reports of Sexual Abuse

The facility shall develop a written plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership. This may be in the form of a local facility policy or documented facility specific plan. **(28 C.F.R. §115.65)**

A. General

1. The Prison Rape Elimination Act (PREA) Compliance Manager (PCM) shall coordinate the availability of forensic medical services related to sexual abuse for his/her facility and where possible, utilize a hospital that employs a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) to conduct sexual abuse examinations.
 - a. The facility PCM shall initiate attempts to enter into a letter of agreement (LOA) or memoranda of understanding (MOU) with the hospital or shall document its attempts to enter into such an agreement. **(28 C.F.R. §115.21[c])**. The PCM does not have authority to approve the LOA or MOU, which must be routed to the Department PREA Coordinator.
 - b. Once signed by the medical provider, State Correctional Institution (SCI), Community Corrections Center (CCC), and Lockup PREA SAFE/SANE LOAs shall be sent to the Department's legal assistance resource account to be vetted through the Department's Office of Chief Counsel and executed by the Secretary.
 - c. Community Contract Facilities (CCF) may utilize the Medical Provider LOA as a template and vet through the Contract Agency's legal department to ensure compliance with the national PREA Standards.
 - d. Each facility shall maintain the signed document for review upon request and provide a copy to the Bureau of Community Corrections (BCC) Regional Director/ Pennsylvania Board of Probation and Parole (PBPP) District Director/Deputy District Director/designee and Department PREA resource account (CR, DOC PREA Reports).
 - e. Each facility that is not covered by an LOA or MOU shall document an attempt to enter into such an agreement semi-annually. The documented effort shall be maintained by the PCM for audit purposes. Facilities covered by an LOA or MOU shall verify that SAFE/SANE services remain available semi-annually. There is no need to renew such agreements unless services no longer remain available.
2. All forensic medical examinations shall be provided in community based medical facilities pursuant to the local LOA, MOU, or determination of forensic services availability.¹

¹ 5-6C-4406

B. First Responder Duties in SCIs

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

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

C. Shift Commander/designee Responsibilities Involving Sexual Contact

Upon notification of a report of sexual abuse involving sexual contact, the Shift Commander/designated security staff shall initiate the **Shift Commander Checklist (Attachment 14-A)** and:

1. ensure that the alleged victim and alleged abuser are separated during the initial response. **(28 C.F.R. §115.64[a][1])** Determine the least traumatizing placement for the alleged victim, which may be the same or different general population unit;
2. secure any video, audio, photographic, or actual physical evidence of, or potentially related to, the incident;
3. notify the Intelligence Gathering Captain, Deputy Superintendent for Internal Security (DSIS) where applicable, or Security Lieutenant;

4. ensure that the alleged victim is immediately escorted to the Medical Department, if the alleged sexual abuse involved physical contact;
5. ensure completion of the **Initial Response Checklist – Alleged Victim (Attachment 14-B)**, and **Initial Response Checklist – Alleged Abuser (Attachment 14-C)** as applicable; and
6. when an allegation is reported outside of 96 hours, these checklists may be completed by the facility PREA Lieutenant or designated investigator.

D. Shift Commander/designee Responsibilities Non-Contact Abuse Allegations

Upon notification of a report of sexual abuse not involving sexual contact, the Shift Commander/designated security staff shall initiate the **Shift Commander Checklist** and:

1. ensure that the alleged victim and alleged abuser do not have further direct contact during the initial response. **(28 C.F.R. §115.64[a][1])** Determine the least traumatizing placement for the alleged victim, which may be the same or different general population unit;
2. secure any video, audio, photographic, or actual physical evidence of, or potentially related to, the incident;
3. notify the Intelligence Gathering Captain, DSIS where applicable, or Security Lieutenant;
4. ensure completion of the **Initial Response Checklist – Alleged Victim of Non-Contact Abuse (Attachment 14-D)**; and
5. these checklists may be completed by the facility PREA Lieutenant or designated investigator.

E. First Responder Duties in CCCs, CCFs, and Lockups

1. Upon learning of an allegation that a reentrant or detainee was sexually abused, the first staff member to respond shall take immediate action and: **(28 C.F.R. §115.164/264[a][b])**
 - a. call “911” if a physical or sexual assault is currently in progress;
 - b. escort the alleged victim to a safe location away from others;
 - c. if the incident occurred within 96 hours of the reporting, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;
 - d. notify the BCC Facility Director/PBPP District Director/Deputy District Director/designee;

- e. contact the BCC-Management Operations Center (MOC) and follow all direction provided. The BCC-MOC will assess the situation and advise if it is appropriate to ensure the preservation of physical evidence contained on the alleged abuser;
 - f. do not interview the alleged victim or anyone else, simply report the current information;
 - g. preserve and protect any possible crime scene as outlined in Department policy **8.3.1, “Community Corrections Security,” Section 24** until appropriate steps can be taken to collect evidence;
 - h. do not take any photographs/video of the alleged victim or abuser;
 - i. complete the **BCC and Lockup Initial Response Checklist (Attachment 14-E)** and a **DC-121, Part 3-BCC**; and
 - j. follow procedures and submit all other required written reports pursuant to this procedures manual.
2. In order to maximize the potential for obtaining usable physical evidence, the facility shall secure and protect the potential crime scene, until physical evidence can be collected by law enforcement or an outside medical professional. If those entities decline to take possession of the evidence, it shall be handled in accordance with Department policy **8.3.1, Section 24. (28 C.F.R. §115.221[a])**
 3. The BCC-MOC shall complete duties as outlined in **Section 1** of this procedures manual to include the coordination of initial medical and mental health services by an external provider. **(28 C.F.R. §115.282[b])**

F. Emergency Medical and Mental Health Treatment Services

1. General – All Facility Types
 - a. Alleged inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. **(28 C.F.R. §115.82[a])**
 - b. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the alleged victim, in accordance with PREA Standard **28 C.F.R. §115.62** and shall immediately notify the appropriate medical and mental health practitioners. **(28 C.F.R. §115.82[b])**
 - c. Treatment services shall be provided to the alleged victim without financial cost and regardless of whether the alleged victim names the abuser or cooperates with any

investigation arising out of the incident. **(28 C.F.R. §115.83[g]) (28 C.F.R. §115.21[c]) (28 C.F.R. §115.82[d]) (28 C.F.R. §115.182[b])**

- d. All facilities shall provide alleged victims with medical and mental health services consistent with the community level of care. **(28 C.F.R. §115.83[c])**
- e. The **Victim of Sexual Abuse Services Offered (Attachment 14-F)** shall be used to document an inmate's acceptance or rejection of offered services.

2. Medical in SCIs²

- a. The Medical Department shall follow the appropriate procedures contained in the **DC-586BB NET – Rape/Sexual Assault** in accordance with Department policy **13.2.1, “Access to Health Care,” Section 6, Appendix 6-A,** and the procedures listed below.
- b. The alleged victim shall be evaluated by facility medical personnel immediately, when there is an allegation of sexual abuse that involved physical contact, to ensure the absence of any injury requiring urgent treatment. The medical staff shall document any injuries on the **DC-457, Medical Incident/Injury Report** in accordance with Department policy **13.2.1, Section 6.**
- c. If the inmate refuses to undergo the medical exam, he/she must sign the **DC-462, Release from Responsibility for Medical Treatment** in accordance with Department policy **13.1.1, “Management and Administration of Health Care.”**
- d. Abuse Occurred Within the Past 96 Hours (Victim)

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

- (1) The alleged victim shall be immediately transported to an outside hospital to be examined by a medical professional who is skilled and experienced in the use of a rape kit for the collection of forensic evidence. In order to determine the appropriate medical facility for transport, the following is required:³
 - (a) the facility shall utilize the medical facility with whom it has entered into or attempted to enter into an LOA or MOU for SAFE or SANE services; and **(28 C.F.R. §115.21[c])**
 - (b) verify in advance of the transport that the local hospital can provide access to a SANE or a SAFE. If SAFEs or SANES cannot be made available, the facility shall utilize any alternate medical facility with which it has entered

² 5-6C-4406

³ 5-6C-4406

into an LOA/MOU, or in the absence of an alternate facility; verify the examination can be performed by other qualified medical practitioners.

- (2) Nursing shall complete a **DC-493, Emergency Room Transfer Form** and forward a copy to the hospital in accordance with Department policy **6.3.1, “Facility Security,” Section 22**. Any hospital records or reports returned with the inmate shall be maintained in the inmate’s medical record.
 - (3) Security staff shall take steps to gather and/or preserve direct and circumstantial evidence, including any available physical or DNA evidence and shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. **(28 C.F.R. §115.71[c]) (28 C.F.R. §115.21[a])** Medical shall observe the evidence collection process in circumstances where the officer is of the opposite gender of the inmate. **Instructions for PREA Evidence Retention (Attachment 14-G)** have been provided as a sample guideline for this purpose.
 - (4) Photographs shall not be taken to demonstrate the absence of injury. Photographs of the alleged victim may be taken in accordance with Department policy **DC-ADM 001, “Inmate Abuse,”** to document injuries sustained during the abuse.
 - (5) The facility physician/physician’s assistant (PA)/nurse practitioner (NP) shall review recommendations from the hospital emergency room (ER).
 - (6) If there are any questions, the ER physician shall be contacted.
- e. Abuse Occurred Within the Past 96 Hours (Abuser)

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

- (1) The facility physician/PA/NP shall examine the alleged abuser.
- (2) Photographs shall not be taken to demonstrate the absence of injury. Photographs of the alleged abuser may be taken, in accordance with Department policy **DC-ADM 001, “Inmate Abuse,” Section 1**, to document injuries sustained during the abuse.
- (3) The facility physician/PA/NP shall determine the need for antivirals in accordance with Department policy **13.1.1, Section 5**.
- (4) Regardless of when an allegation of vaginal/oral/anal penetration occurred, the facility physician shall ensure that testing of the alleged victim for sexually

transmitted infections is completed ⁴ in accordance with Department policy **13.1.1, Section 5.**

f. Abuse Occurred More than 96 Hours Ago (Victim & Abuser)

When sexual abuse occurred outside of the past 96 hours and the alleged victim reports an allegation of vaginal, oral sex, or anal penetration by a body part or inanimate object, the below listed procedures shall be followed for the alleged victim and abuser.

- (1) The facility physician/PA/NP shall examine the alleged victim.
- (2) Photographs shall not be taken, under any circumstances, to demonstrate the absence of injury. Photographs of the alleged victim may be taken, in accordance with Department policy **DC-ADM 001, Section 1**, to document injuries sustained during the abuse.
- (3) The facility physician/PA/NP shall determine the need for antivirals in accordance with Department policy **13.1.1, Section 5.**
- (4) Regardless of when an allegation of vaginal/oral/anal penetration occurred, the facility physician shall ensure that testing of the alleged victim for sexually transmitted infections is completed ⁵ in accordance with Department policy **13.1.1, Section 5.**

g. For all Sexual Abuse Cases Involving Penetration or Exchange of Bodily Fluids

- (1) Alleged inmate victims of sexual abuse shall be offered timely information and access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care. **(28 C.F.R. §115.82[c])** Alleged inmate victims of sexual abuse while incarcerated in any facility shall also be offered testing for sexually transmitted infections, as medically appropriate. **(28 C.F.R. §115.83[f])**
- (2) Alleged inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. **(28 C.F.R. §115.83[d])**⁶
- (3) If pregnancy results from the sexual abuse, alleged victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services. **(28 C.F.R. §115.83[e])**⁷

⁴ 5-6C-4406

⁵ 5-6C-4406

⁶ 5-6A-4353

⁷ 4-ACRS-4C-14

3. Mental Health in SCIs

- a. Psychological services shall follow the appropriate procedures as contained in Department policy **13.8.1, “Access to Mental Health Care.”**
- b. Psychology staff are responsible for interviewing all alleged victims and alleged perpetrators of sexual abuse within 24 hours of the allegation being made or as soon as normal facility operations permit. If the report is made during the timeframe when psychology staff are not on shift, such as a weekend or holiday, then this interview shall take place the next business day.⁸
 - (1) This interview should be conducted in a private area to ensure confidentiality, with no security staff present during the interview, unless there are documented security concerns.
 - (2) Prior to conducting the interview, the psychologist shall explain that, if indicated for the inmate’s protection, information disclosed shall be shared only on a need-to-know basis with indicated staff (i.e., Security Office, PCM, Unit Manager, Counselor, Sexual Abuse Review Team, Pennsylvania State Police [PSP], etc.). The psychologist shall then have the inmate sign a **DC-484, Mental Health Confidentiality Disclosure Statement** (refer to Department policy **13.8.1, Section 2**).
 - (3) The purpose of the interview is to evaluate and assess the current level of cognitive, mental, and emotional functioning as well as to determine overall inmate safety (the current risk of self-harm or harm to others or the fear of harm by others). In addition, crisis intervention, education about expected reactions to stressful events, and the normalization of worrisome thoughts and emotions are provided. This interview and the report are neither conducted for the purposes of an investigation nor for the purpose of documenting and illuminating the inmate’s account of events and circumstances that allegedly took place as part of the incident.⁹
 - (4) The results of this interview shall be documented on the **DC-575, Post Sexual Assault Interview (Attachment 14-H)**. The **DC-575** form shall be completed electronically in the electronic health record.
 - (5) If indicated, a referral to Psychiatry for evaluation and possible follow-up treatment shall be initiated.

4. Medical and Mental Health Services in CCCs and Lockups

- a. All alleged victims of sexual abuse occurring within 96 hours shall be offered access to a forensic medical examination at an outside facility, without financial cost to the

⁸ 5-6C-4406

⁹ 5-6C-4406

alleged victim, using a SAFE or SANE where possible. If a SAFE or SANE cannot be made available, the examination can be performed by other qualified medical practitioners and documented appropriately. **(28 C.F.R. §115.221[c])**

(1) PCM/designee shall have the alleged victim complete the **Victim of Sexual Abuse Services Offered Form** in English and Spanish.

(2) Transport of alleged victims shall occur as outlined in Department policy **8.3.1, Section 22**.

b. All alleged victims of sexual abuse occurring beyond 96 hours shall be offered access to medical and mental health evaluations utilizing the **Victim of Sexual Abuse Services Offered Form**.

G. Continuity of Care

Ongoing medical and mental health treatment shall be available for inmates who have been allegedly victimized by sexual abuse. This includes appropriate follow-up services and, when necessary, referrals for continued care following their transfer to other facilities and/or their release from the Department. **(28 C.F.R. §115.83[b])**¹⁰

1. The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have allegedly been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. **(28 C.F.R. §115.83[a])**

2. When a detainee alleges sexual abuse at a lockup facility, any Department or contract facility to which the detainee is transferred shall be notified of the allegation and offer applicable medical and mental health evaluation as appropriate to its facility type.

3. Upon learning that an inmate has allegedly either perpetrated or been a victim of institutional sexual abuse, psychology staff shall monitor the inmate on a monthly basis for a minimum of 90 days to ensure the provision of treatment and support services, as necessary. The contents of this contact shall be documented on the **DC-560, Mental Health Contact Note** in accordance with Department policy **13.8.1, Section 1**. Any documentation of this contact made in the **Inmate Cumulative Adjustment Record (ICAR)** should be non-specific and should not refer to PREA due to confidentiality concerns. If the psychology staff determines that the initial monitoring indicates a continuing need, the periodic status checks shall be extended beyond 90 days. To assist with the tracking of psychology monitoring responsibilities, facilities may utilize the **Optional Psychology Monitoring Form (Attachment 14-I)**.

4. The evaluation and treatment of alleged victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody. **(28 C.F.R. §115.83[b])**

¹⁰ 5-6C-4406

5. All facilities shall provide alleged victims with medical and mental health services consistent with the community level of care. **(28 C.F.R. §115.83[c])**

6. All facilities shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. **(28 C.F.R. §115.83[h])**¹¹

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

¹¹ 5-3D-4281-4

Assurances to Victims of Sexual Abuse:

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

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

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

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

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

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

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

Si Usted Es La Victima Del Abuso Sexual Reportado:

Usted recibirá puntualmente, el libre acceso a tratamiento médico de emergencia y de la intervención en caso de crisis servicios, la naturaleza y el alcance de lo que se determina por médicos y profesionales de salud mental de acuerdo a su criterio profesional. **(28 C.F.R. §115.82[a])**

Tratamiento médico y de la intervención en caso de crisis se prestará servicios sin coste financiero. La facilidad informará, antes de que le da acceso a los servicios de apoyo confidenciales fuera, de la medida en que se vigilarán comunicación. **(28 C.F.R. §115.21[c], §115.53[b], §115.82[d], §115.83[g])**

Su denuncia de abuso sexual y acoso sexual será reportada para investigación administrativo y criminal. **(28 C.F.R. §115.22[a])**

Su denuncia de abuso sexual y acoso sexual será investigada por el Departamento de Correcciones de Pensilvania o se hace referencia a una agencia con la autoridad legal para llevar a cabo investigaciones criminales y las víctimas serán notificados de los resultados de la investigación. **(28 C.F.R. §115.22[b], §115.73[a])**

Se lo controlará para el seguimiento durante al menos 90 días después de una denuncia de abuso sexual para asegurarse de estar libre de represalias y está recibiendo servicios de tratamiento solicitados. **(28 C.F.R. §115.67[c])**

Si tiene alguna pregunta o necesita ayuda para acceder a los servicios, por favor informe a PREA Compliance Manager de su instalación.

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

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

Type PCM Name Here

**Outside Support Services
PCAR**
P.O. Box 400
Enola, PA 17025
www.pcar.org

**Type the address of the local rape crisis
center this facility utilizes**

**Third-Party Reporting:
ATTN: PREA Coordinator
Office of State Inspector General
555 Walnut Street, 8th Floor
Harrisburg, PA 17101**

Section 15 – Access to Outside Confidential Support Services

A. Inmate Access to Outside Confidential Rape Crisis Services

1. The Department works in collaboration with the Pennsylvania Coalition Against Rape (PCAR) and its member centers. The facility PREA Compliance Manager (PCM), in conjunction with the Department PREA Coordinator/designee has worked to establish mutual agreements with local rape crisis centers where all Department facilities are located. **(28 C.F.R. §115.53[c])**

NOTE: 28 C.F.R. §115.153 is reserved in its entirety for Lockup facilities and does not apply.

2. The PCM in each facility type shall coordinate victim services related to sexual abuse for his/her facility and work with the PCAR approved local rape crisis center to establish a PREA Rape Crisis Center Letter of Agreement (LOA)/Memorandum of Understanding (MOU) or shall document its attempts to enter into such an agreement. **(28 C.F.R. §115.21[d]) (28 C.F.R. §115.53[c])**
 - a. The facility PCM shall initiate attempts to enter into an LOA/MOU with the rape crisis center or shall document and preserve record of its attempts to enter into such an agreement for audit purposes. **(28 C.F.R. §115.21[c])** The PCM shall not sign as the authorized Department representative to approve the LOA/MOU.
 - b. Once signed by the rape crisis center, State Correctional Institution (SCI), Community Corrections Center (CCC), and Lockup PREA Rape Crisis Center LOAs/MOUs shall be sent to the Department's Office of Chief Counsel via CR, CEN Legal Assistance Center resource account to be vetted and executed by the Secretary.
 - c. Community Contract Facilities (CCFs) may utilize the Department's PREA Rape Crisis Center LOA as a template and vet through the Contract Agency's legal department to ensure compliance with the national PREA standards.
 - d. Each facility shall maintain the signed document for review upon request, in accordance with **Section 20** of this procedures manual, and forward a copy to the Department's PREA resource account (CR, DOC PREA Reports). CCCs and CCFs shall also provide a copy to the Bureau of Community Corrections (BCC) Regional Director/designee.
3. The PCM shall ensure that inmates are offered and provided with access to outside victim advocates for emotional supportive services related to sexual abuse which has occurred in a confinement setting. During non-working hours, the Shift Commander shall be responsible to ensure the aforementioned support services in SCIs. Supportive services may be provided via a variety of methods including in person, during a non-monitored phone call, and/or in writing. **(28 C.F.R. §115.53[a])**

4. The PCM shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. **(28 C.F.R. §115.53[b])**
 - a. Each facility shall ensure that if facility phones or public pay phones within the facility are monitored, that the level of monitoring is clearly posted next to the phone. This shall be posted in English and Spanish.
 - b. If a CCF facility monitors reentrant mail, the level of monitoring must be clearly posted in the facility handbook and reentrant bulletin boards.
5. An inmate shall be offered the opportunity to talk with a victim advocate upon receipt of an allegation and receive continued care when they have been a victim of facility sexual abuse, no matter if they reported the facility sexual abuse immediately, were reportedly abused in another facility, or made a delayed disclosure.
 - a. If the inmate is taken to a local hospital for a forensic examination, they should be afforded the opportunity for support services provided by a victim advocate. If requested, the victim advocate shall meet the alleged victim at that hospital to accompany and support the alleged victim through the forensic medical examination process and investigatory interview. They may also provide emotional support, crisis intervention, information, and referrals. **(28 C.F.R. §115.21[d][e])**
 - b. If the inmate discloses outside the 96-hour timeframe or the allegation does not require an outside forensic medical examination, the facility PCM shall make arrangements for the victim advocate to meet with the inmate at the facility or via telephone, if the alleged victim wishes to speak with an advocate. This meeting should occur in a private area with video surveillance and no audio to ensure confidentiality. The safety of the victim advocate should be paramount in determining where the interaction will occur. **(28 C.F.R. §115.21[d])**
 - c. Generally, there are no predetermined number or lengths of victim advocacy service contacts. Services shall continue, as long as they do not pose a security threat to the safety of the facility or others.
6. As requested by an inmate, they shall be provided access to victim advocacy services for incidents of sexual abuse occurring in a community setting. **(28 C.F.R. §115.53[a])**

B. Inmate Access to the Office of Victim Advocate (OVA)-SCIs

1. When an alleged victim's allegation has been substantiated, the victim shall be offered access to the OVA Institutional Victim Assistance Coordinator (IVAC).
2. The IVAC's primary role is, but not limited to:

- a. explanation of the criminal justice system from a victim's perspective when criminal charges are filed;
 - b. assistance in preparing victim impact statements;
 - c. confidential emotional support; and
 - d. accompaniment to court.
3. If an alleged victim expresses an interest in receiving services from the IVAC, the PCM/designee shall contact the OVA to coordinate the initiation of services by calling 1-800-563-6399.

Section 16 – Sexual Abuse Incident Review

A. General

1. Each facility shall conduct a Sexual Abuse Incident Review (SAIR) at the conclusion of every sexual abuse investigation where the allegation was substantiated or unsubstantiated, whether the investigation was conducted by the facility Security Office or by the Bureau of Investigations and Intelligence (BII). No review will be conducted if the allegation has been determined to be unfounded following BII's review of the investigation. **(28 C.F.R. §115.86[a])** The SAIR shall occur within 15 working days of receipt of BII's notification the investigation was deemed satisfactory. **(28 C.F.R. §115.86[b])**
2. The purpose of the incident review is to look retrospectively at the incident to ensure that the incident was managed in compliance with this procedures manual; to gather data relevant to enhancing understanding of prison rape; to proactively identify training deficiencies, and to sensitize staff members to possible "red flags" associated with such incidents so that they may become better at detecting preventable incidents.

B. Facility Sexual Abuse Incident Review Committee

1. In State Correctional Institutions (SCIs), the Prison Rape Elimination Act (PREA) Compliance Manager (PCM) shall chair the SAIR Committee. The PCM, in collaboration with the Facility Manager, shall determine the exact composition of the committee based on the nature of the incident. At a minimum, the SAIR Committee shall consist of the following: **(28 C.F.R. §115.86[c])**
 - a. Deputy Superintendent for Centralized Services (DSCS);
 - b. Deputy Superintendent for Facilities Management (DSFM);
 - c. Licensed Psychology Manager (LPM)/designee;
 - d. Corrections Health Care Administrator (CHCA)/designee;
 - e. Security Office representative; and
 - f. Major of Unit Management or Major of the Guard.
2. In Community Corrections Centers (CCCs) and Community Contract Facilities (CCFs), the PCM will co-chair the SAIR committee with the Bureau of Community Corrections (BCC) Regional Director and determine the exact composition of the team based on the nature of the incident. At a minimum, the SAIR Team shall involve the: **(28 C.F.R. §115.286[c])**
 - a. BCC Regional Director (Chair);

- b. Facility Director/designee;
 - c. other designated manager or supervisor (as applicable);
 - d. BCC Investigator;
 - e. facility counselor (presence not authorized for staff on reentrant allegations); and
 - f. facility medical/mental health practitioner (for facilities with on-site services and only if directly involved).
3. In Lockups, the PCM will chair the SAIR committee and determine the exact composition of the team based on the nature of the incident. At a minimum, the SAIR Team may involve the: **(28 C.F.R. §115.186[c])**
- a. Pennsylvania Board of Probation and Parole (PBPP) District Director/Deputy District Director (Chair);
 - b. other designated manager or supervisor; and
 - c. BCC Investigator.
4. The PCM coordinates the availability of applicable records, such as, but not limited to, the **DC-15, Inmate Records Jacket, DC-14, Counselor File**, case management notes, medical record, incident reports, Security Office Report, etc. The committee shall be advised in advance of the date, time, and place of the meeting.
5. The committee shall carefully review the documentation surrounding the incident. The review shall focus upon the events associated with the incident. At a minimum, the committee shall consider the items outlined in the **PREA Sexual Abuse Incident Review (Attachment 16-A)** as well as the following information:
- a. consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; **(28 C.F.R. §115.86[d][1])**
 - b. consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender or intersex identification, status or perceived status, gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility; **(28 C.F.R. §115.86[d][2])**
 - c. examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; **(28 C.F.R. §115.86[d][3])**
 - d. assess the adequacy of staffing levels in that area during different shifts; **(28 C.F.R. §115.86[d][4])**

- e. assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and **(28 C.F.R. §115.86[d][5])**
 - f. consider information such as housing assignment, measures taken as a result of the allegation, need for follow-up for the inmate victim, etc.
6. Within ten working days of the conclusion of the review, the PCM/designee shall prepare a confidential report utilizing the **PREA SAIR** with any recommendations for improvement. The report shall contain copies of the following:
- a. all **DC-121, Part 2, Extraordinary Occurrence Reports** related to the alleged incident;
 - b. all related documentation for staff, inmates, and/or witnesses;
 - c. all relevant medical reports, to include psychiatric reports, if applicable;
 - d. any photographs related to the alleged incident's location or evidence;
 - e. any misconduct reports related to the alleged incident;
 - f. any other relevant reports or documents;
 - g. an Investigative Summary;
 - h. a copy of the applicable initial response checklists required by **Section 14** of this procedures manual;
 - i. outside hospital report including **Report of Forensic Exam Kit**, if applicable and available;
 - j. Pennsylvania State Police (PSP) report, if applicable and available;
 - k. **DC-457, Medical Incident/Injury Report**;
 - l. **DC-484, Mental Health Confidentiality Disclosure Statement**;
 - m. **DC-575, Post Sexual Assault Interview**;
 - n. **DC-97, Mental Health Referral Form**;
 - o. **DC-560, Mental Health Contact Note**;
 - p. **Report of Review of Misconduct Charge #19 – Engaging in Sexual Acts with Others or Sodomy**, if relevant;
 - q. **Inmate Notification Form(s)**;

- r. **Department Retaliation Monitoring Form;**
 - s. any additional documentation that was reviewed during the investigation and could potentially enhance the review; and/or
 - t. the complete SAIR packet shall include all documents submitted to the BII as part of the investigation.
7. The PCM shall submit the report to the Facility Manager for review in SCIs. Reports shall be submitted to the BCC Major/designee in CCCs, CCFs, and Lockups. Upon approval, the report shall be returned to the PCM, who shall forward it to the **CR, DOC PREA Reports** resource account, Executive Deputy Secretary (EDS), Executive Deputy Secretary for Institutional Operations (EDSI)/Regional Deputy Secretary/Executive Deputy Secretary for Community Corrections and Reentry (EDSC) along with recommendations concerning the incident. **(28 C.F.R. §115.86[d][6])**

C. Central Office PREA Administrative Review Committee (ARC)

1. The Department PREA Coordinator/designee shall chair the Central Office PREA ARC meeting. The Central Office PREA ARC shall consist of the following:
 - a. Department PREA Coordinator;
 - b. Psychology Office representative;
 - c. Bureau of Health Care Services (BHCS) representative for SCIs;
 - d. BII representative;
 - e. Security Division representative;
 - f. Office of Chief Counsel;
 - g. Facility Director/designee for CCCs and CCFs;
 - h. BCC Regional Director/designee for CCCs; and
 - i. PBPP District Director/Deputy District Director/designee for Lockups.
2. Five randomly selected SAIR reports for SCIs, and three SAIR reports for BCC and Lockups (as available) shall be reviewed each month to ensure consistent policy compliance and adherence to the PREA Standards. Feedback/recommendations shall be sent to respond accordingly to the Facility Manager, BCC Director, or PBPP District Director as applicable to each facility type.

3. In CCCs and CCFs, the BCC Director/designee shall ensure a copy of the final report is provided to the BCC Regional Director/designee for distribution to the Facility Director/designee and PCM.
4. The Facility Manager, BCC Director, or PBPP District Director shall implement the recommendations for improvement or shall document its reasons for not doing so on the **PREA Sexual Abuse Incident Review Plan of Action (Attachment 16-B)** provided by the PREA Coordinator. The completed **PREA Sexual Abuse Incident Review Plan of Action** shall be forwarded from the PCM to the **CR, DOC PREA Reports** resource account with copies provided to the EDS, EDSI/Regional Deputy Secretary/EDSC. **(28 C.F.R. §115.86[e])**
5. Appropriate information, excluding the confidential report, may be used for in-service training for appropriate staff. References to and dissemination of protected information shall be in accordance with Department policy **DC-ADM 003, “Release of Information,”** and in accordance with state and federal laws.

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

A. Staff Discipline¹

1. Any employee who violates the Department’s zero tolerance policy as defined in the glossary of terms, shall be subject to appropriate disciplinary or administrative action up to and including termination. Discipline shall occur in accordance with Department policy **4.1.1, “Human Resources and Labor Relations.” (28 C.F.R. §115.276[a])** All forms of discipline imposed for substantiated allegations shall be recorded and tracked in the Prison Rape Elimination Act (PREA) Tracking System. **(28 C.F.R. §115.87[c])**
2. All terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to professional licensing bureaus and law enforcement agencies, unless the activity was not clearly criminal. **(28 C.F.R. §115.76[d])**

B. Corrective Action for Contractors and Volunteers²

Contractors and volunteers are subject to the following:

1. any contract employee or volunteer who violates the Department’s zero tolerance policy as defined in the glossary, shall be subject to appropriate disciplinary or administrative action. **(28 C.F.R. §115.77)** All forms of discipline imposed for substantiated allegations shall be recorded and tracked in the PREA Tracking System; **(28 C.F.R. §115.87[c])**
2. when an allegation is made involving a contractor or volunteer, this person shall be removed from contact and communication with the alleged victim until the conclusion of this investigation;
3. if a contractor or volunteer violates this procedures manual, other than by engaging in sexual abuse, the facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates; **(28 C.F.R. §115.77[b])**
4. any contractor or volunteer who has been found to have engaged in sexual abuse shall have their access to Department facilities revoked, and shall be reported to professional licensing bureaus and law enforcement agencies, unless the activity was clearly not criminal; and **(28 C.F.R. §115.77[a])**
5. contract agency hiring, firing, and promotional practices must comply with the National PREA Standards. **(28 C.F.R. §115.17, 115.76)**

¹ 5-3D-4281-6

² 5-3D-4281-6

C. Inmate Discipline – General

1. Inmates shall be subject to disciplinary sanctions pursuant to the formal disciplinary process, following an administrative finding that the inmate violated the zero tolerance policy, engaged in inmate on inmate sexual abuse, or following a criminal finding of guilt for inmate on inmate sexual abuse. **(28 C.F.R. §115.78[a])**
2. Sanctions shall be commensurate with the nature and circumstances of the sexual abuse, sexual harassment or retaliation committed, the inmate’s disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories. **(28 C.F.R. §115.78[b])** All forms of discipline imposed for substantiated allegations shall be recorded and tracked in the PREA Tracking System. **(28 C.F.R. §115.87[c])**
3. The disciplinary process shall consider whether an inmate’s mental disabilities or mental illness contributed to his/her behavior when determining what type of sanction, if any, should be imposed. **(28 C.F.R. §115.78[c])**
4. When an inmate is found guilty of a Class 1 Misconduct related to sexual abuse in a facility that offers Sex Offender Treatment Programs, the Unit Manager/Facility Director shall refer the inmate to the Sex Offender Treatment Program for evaluation to determine whether or not the inmate is appropriate for the program, and if the inmate will be required to complete the program as part of the sanctions or as a condition to access programming or other benefits. **(28 C.F.R. §115.78[d])**
5. The facility may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact. Discipline shall not be imposed until such a determination is made. **(28 C.F.R. §115.78[e])**
6. For the purpose of disciplinary action, a report of sexual abuse made in good faith, based upon a reasonable belief that the alleged conduct occurred, shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. **(28 C.F.R. §115.78[f])**
7. The Department prohibits all sexual activity between inmates and may discipline inmates for such activity. The Department shall not deem such activity to constitute sexual abuse if the Department, through the investigative process, determines that the activity is not coerced. **(28 C.F.R. §115.78[g])**
8. Reporting inmates shall be subject to disciplinary action for sexual abuse or sexual harassment allegations which have been unfounded, and for which the investigation was satisfactorily approved by the Bureau of Investigations and Intelligence (BII).

D. Reentrant Discipline Specific to Pennsylvania Board of Probation and Parole (PBPP) Reentrants Housed in Bureau of Community Corrections (BCC) Community Corrections Centers (CCCs) and Community Contract Facilities (CCFs)

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

E. Reentrant Discipline Specific to State Intermediate Punishment (SIP) Reentrants

1. When an SIP reentrant is alleged to have committed sexual abuse or sexual harassment, the reentrant shall be returned to a State Correctional Institution (SCI).
2. The alleged victim of sexual abuse or sexual harassment shall not be returned to the SCI.
3. An administrative hearing shall be conducted as outlined in Department policy **8.1.1, "Community Corrections Centers," Section 19**. Additionally, the reentrant shall remain at the SCI pending the outcome of any administrative and/or criminal investigation. The Bureau of Treatment Services (BTS) Director/designee shall be notified of the outcome of the hearing and investigation(s).
4. SIP reentrants shall be subject to disciplinary sanctions as outlined in Department policies **DC-ADM 801, "Inmate Discipline,"** and **7.4.1, "Alcohol and Other Drugs Treatment Programs," Section 10** following an administrative and/or criminal finding that the reentrant engaged in sexual abuse, sexual harassment, or Misconduct #19 "Engaging Sexual Acts with Others or Sodomy."
5. When an SIP reentrant is found guilty of a Class 1 Misconduct related to sexual abuse, sexual harassment, or Misconduct #19, the reentrant shall remain at the SCI.
6. If the allegation is unsubstantiated, unfounded, or the reentrant is found not guilty of the misconduct charge(s), he/she will be returned to community corrections.
7. If the investigation into a charge of Misconduct #19 reveals the reentrant is a victim of sexual abuse, he/she will be returned to community corrections without delay and receive supportive services as outlined in **Sections 14 and 15** of this procedures manual.

F. Referrals for Prosecution for Detainee-On-Detainee Sexual Abuse

When there is probable cause to believe that a detainee sexually abused another detainee in a lockup, the Department shall refer the matter to the appropriate prosecuting authority, which is the Pennsylvania State Police (PSP). **(28 C.F.R. §115.178[a][b][c])**

G. Review of Misconduct #19

When an inmate is charged with Misconduct #19, “Engaging in Sexual Acts with Others or Sodomy,” with another inmate, it is possible that the sexual activity was not consensual. The procedures listed below shall be implemented in cases in which there was no investigation to ensure that an inmate who may not have consented to the activity will receive supportive services, and that an investigation will be initiated if indicated.

1. In SCIs

a. Psychologist Review

- (1) The Deputy Superintendent for Centralized Services (DSCS)/designee shall ensure that the Licensed Psychology Manager (LPM)/designee receives a copy of the **DC-141, Part 1, Misconduct Report** as soon as possible, but no later than one working day.
- (2) The LPM/designee shall review the **DC-141, Part 1** and the case files of the involved inmates, within one working day of receipt of the **DC-141, Part 1**. In cases where the file review reveals a clear power imbalance between/among the involved inmates, as evidenced by disparate levels of physical strength, size, social status within the inmate population, and/or intellectual functioning, the LPM shall interview the apparently more vulnerable inmate. Additionally, when information is made available through the Security Office or the Unit Management Team suggests that extortion and/or protective pairing may be occurring, the LPM shall also interview the potential inmate abuser.
- (3) At the onset of the one-on-one session, the LPM/designee shall explain to the inmate that he/she has been called in because of his/her recent misconduct and the related concern that he/she may be involved in unwanted sexual activity. Additionally, the LPM/designee shall explain that the intent in calling him/her in is to emphasize that, should he/she be subjected to unwanted sexual activity, staff are available to help. The intent is not to decide his/her guilt or innocence with respect to the misconduct.
- (4) Prior to the session progressing further, the LPM/designee shall further explain that, should the inmate report involvement in unwanted sexual activity, this information cannot be kept confidential, but rather shared with Security staff on a need-to-know basis in order to ensure that he/she is protected.

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- (5) In the event that the inmate denies any involvement in unwanted sexual activity, the LPM/designee shall accept this without further inquiry, but reiterate that staff are available to assist should the inmate ever be confronted with this problem.
 - (6) In the event the inmate reports that he/she is being victimized, the LPM/designee shall:
 - i. secure the inmate's signature on the **DC-484, Mental Health Confidentiality Disclosure Statement** (refer to Department policy **13.8.1, "Access to Mental Health Care"**);
 - ii. proceed as a first responder to an allegation of sexual abuse, referring the inmate directly to the Security Office to initiate an investigation, in accordance with **Section 18** of this procedures manual; and
 - iii. ensure that the inmate is further assessed and, if indicated, treated by another psychology staff member.
 - (7) The LPM shall document his/her assessment using the **Review of Misconduct #19 - SCIs (Attachment 17-A)** and ensure that the DSCS and PREA Compliance Manager (PCM) receive a copy.
- b. If the results of an investigation substantiate the allegation of sexual abuse, the Facility Manager shall ensure that the misconduct is removed from the victim inmate's file.
2. In CCCs, CCFs, and Lockups
- a. Reentrants are not permitted to engage in sexual acts or sodomy inside the facility.
 - b. When any reentrant is alleged to have engaged in consensual sexual acts with others or sodomy, inside the facility, the BCC Management Operations Center (MOC) shall be notified without delay. The allegation shall be documented on a **DC-121, Part 3-BCC, Employee Report of Incident**.
 - (1) If a clear relationship dynamic exists which enables an involved reentrant to exert influence, this notification shall include any information indicative of coerced sexual activity.
 - (2) BCC Investigative staff shall make contact with any potential victim within 72 hours of receiving this report and determine whether evidence of coerced sexual activity is present.

Section 18 – Investigating Allegations of Sexual Abuse and/or Sexual Harassment

State Correctional Institutions (SCIs), Community Corrections Centers (CCCs), Community Contract Facilities (CCFs), and Lockups

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

A. General Responsibilities

1. All allegations of potentially identified criminal behavior shall be referred by the Security Office to the Bureau of Investigations and Intelligence (BII) or Pennsylvania State Police (PSP), who have the legal authority to conduct criminal investigations. **(28 C.F.R. §115.22[b])**
2. If the case is being investigated for criminal charges, the Department investigators shall suspend the administrative investigation and allow the criminal investigation to take precedence. The Security Office, Bureau of Community Corrections (BCC) Major, and BII shall coordinate with the criminal investigator/District Attorney's Office (as applicable) to determine when to resume the administrative investigation to avoid interference with the criminal investigation.
3. Where sexual abuse is alleged, the Department shall use investigators who have received specialized training in sexual abuse investigations pursuant to PREA Standards **28 C.F.R. §115.34[a]** and **28 C.F.R. §115.71[b]**.
4. Investigators shall gather and/or preserve direct and circumstantial evidence, including any available physical, DNA, and electronic monitoring data; interview alleged victims, suspected abusers, and witnesses; and shall review prior complaints of sexual harassment and reports of sexual abuse involving the suspected abusers. **(28 C.F.R. §115.71[c])**
5. To the extent the Department is responsible for investigating allegations of sexual abuse, the Department shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions, in accordance with the **Initial Response Checklists** and the **Instructions for PREA Evidence Retention** contained within **Section 14** of this procedures manual, and Department policies **6.3.1, "Facility Security," Section 15** and **8.3.1, "Community Corrections Security," Section 35. (28 C.F.R. §115.21[a])**²

¹ 5-3D-4281-3

² 4-ACRS-2C-03

6. The protocol established for evidentiary purposes shall be developmentally appropriate for youth, where applicable, in accordance with PREA Standard **28 C.F.R. §115.21[b]**.
7. Interviews shall be conducted in a thorough, professional, non-abusive, and non-threatening manner consistent with acceptable practices for potentially traumatized victims of sex crimes. Interviews may be audio recorded in accordance with the directives provided in Department policy **6.3.1, Section 45**.
8. When the quality of evidence appears to support criminal prosecution, the Department shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. **(28 C.F.R. §115.71[d])**
9. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as an inmate or staff. The Department shall NOT require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth telling device as a condition of proceeding with the investigation of such an allegation. **(28 C.F.R. §115.71[e])**
10. In administrative investigations, the Department shall impose no standard higher than a preponderance of the evidence, as defined in the glossary of terms, in determining whether allegations of sexual abuse or sexual harassment are substantiated. **(28 C.F.R. §115.72)**
11. The departure of the alleged victim or abuser from the employment or control of the facility or Department shall not provide a basis for terminating an investigation. **(28 C.F.R. §115.71[j])**
12. Every report, complaint, or allegation of sexual abuse and/or sexual harassment shall be entered into the PREA Tracking System, a web-based application designed to track all incidences of sexual abuse and sexual harassment for U.S. Department of Justice reporting purposes. **(28 C.F.R. §115.87)**

B. Preliminary Procedures for Receipt of a Sexual Abuse and/or Sexual Harassment Allegation³

When a report, complaint, or allegation is received by the facility outside the 96 hours or does not clearly indicate sexual abuse/sexual harassment, it shall be immediately referred to the facility Security Office for tracking and preliminary inquiry.

1. Initial complaint information shall be entered into the PREA Tracking System, which will generate an incident number.
2. A preliminary investigation, limited inquiry into the allegation, shall be conducted by the facility, within 24 hours of the report.

³ 5-3D-4281-3

For reports of sexual abuse and sexual harassment, the Security Office shall:

- a. briefly interview the complainant/inmate(s);
 - b. document interviews in the BII report format;
 - c. ascertain the location of alleged offense;
 - d. immediately preserve any video surveillance in the area of the alleged offense, if the allegation time period falls within recording retention periods;
 - e. compile a list of witnesses/subjects based on the initial interview and review of video surveillance of the area of the alleged offense;
 - f. for allegations of sexual harassment, review prior PREA Tracking System incidents involving the alleged victim and alleged harasser(s) to determine whether allegations of sexual harassment meet the definition of “repeated” as defined in the glossary of terms; and
 - g. determine if additional measures are necessary to protect involved individuals from retaliation. **(28 C.F.R. §115.67)**
3. An interview and preliminary investigation into allegations of sexual harassment in an SCI may be conducted by any management staff. Specialized investigator’s training is recommended, but not required.

C. Full Investigation⁴

1. Immediately following the preliminary investigation, the facility Security Office shall:
 - a. update the PREA Tracking System with all pertinent investigative information to determine whether the allegation, as initially presented, meets the criteria of sexual abuse or sexual harassment as defined by the PREA Prisons and Jail Standards **(28 C.F.R. §115.6)**; and
 - b. report all sexual abuse and sexual harassment allegations to the BII’s **CR, CEN Sexual Abuse** resource account. All requests for investigative numbers should originate from the facility Security Office. **(28 C.F.R. §115.22[b])**
 - (1) When reporting the allegation of sexual abuse or sexual harassment to BII, the facility Security Office shall provide all complaint documentation.
 - (2) Indicate the PREA Tracking System incident number in the email subject line.

⁴ 5-3D-4281-3

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2. All allegations which can be determined unfounded through review of video surveillance or other electronic monitoring data shall be submitted to BII for an investigatory tracking number and shall be investigated in an abbreviated format in accordance with **Subsection C.7. below.**
3. The BII shall, within five business days:
 - a. update the PREA Tracking System and respond with the BII case number; **(28 C.F.R. §115.22[b])**
 - b. determine the entity (i.e., BII, Pennsylvania State Police [PSP], or Security Office) to conduct the investigation; and
 - c. notify the initiating facility of investigative responsibilities.
4. Additionally, BII is responsible to track the start date of the investigation, end date of the investigation, assigned investigating agent, alleged victim, alleged abuser, and outcome of the investigation.
5. If BII directly receives an allegation to be assigned locally, they shall immediately contact the facility Security Office who shall complete the steps in **Subsection B. above** and notify the corresponding PSP barracks for any criminal investigative action warranted as determined by BII. **(28 C.F.R. §115.22[c])**
6. Sexual Abuse and Sexual Harassment Investigations
 - a. At a minimum, the investigator shall complete the following procedures to fulfill standard requirements:
 - (1) investigations into allegations occurring in the distant past and made by anonymous report shall be conducted comprehensively, objectively, and timely with documented efforts equal to similar efforts vested in current allegations made by known parties; **(28 C.F.R. §115.71[a][c][f][2])**
 - (2) interview the inmate complainant(s) and obtain an **Inmate Written Statement of Sexual Abuse/Harassment (Attachment 18-A)** following the interview. If the complainant refuses to be interviewed or provide a written statement, said refusal, including date, time, and persons present, shall be documented and included in the investigative report;
 - (3) interview all inmate and staff witnesses and obtain an **Inmate Written Statement of Sexual Abuse/Harassment** or **Staff Written Statement of Sexual Abuse/Harassment (Attachment 18-B)** from the inmate(s) or staff following the interview;
 - (4) when appropriate, interview all alleged abusers and obtain written statements utilizing the designated form for inmate(s) or staff;

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- (5) review all available video footage and save the video footage to a media storage device to submit with the investigative report. Thoroughly describe the contents of the video footage in an investigative insert and describe any insight it provides to the veracity of the allegation; **(28 C.F.R. §115.71[a][c][f][2])**
 - (6) review applicable intelligence sources which may provide insight into the veracity of the allegation, such as, but not limited to: phone calls, mail monitoring, Inmate Cumulative Adjustment Records;
 - (7) review and copy corroborating evidence, including but not limited to: all housing unit log books, medical documentation, work-related reports, misconduct reports, inmate grievances, electronic door reports, and other pertinent documentation specific to the allegation of sexual abuse and include the documentation in the investigative report;
 - (8) review PREA Tracking System entries for the alleged abuser to determine if potential patterns exist; and **(28 C.F.R. §115.71[c][f][2])**
 - (9) make an effort to determine whether staff actions or failures to act contributed to the abuse, specifically as it applies to administrative investigations. **(28 C.F.R. §115.71[f][1])**
- b. At the conclusion of the investigation, the Intelligence Captain/BCC Security Captain/designee shall update the PREA Tracking System and prepare an Investigative Summary.
- (1) The Sexual Abuse or Sexual Harassment Investigative Summary shall be completed within 30 days of assignment and prepared in the format prescribed by the BII.
 - (2) When completing the Investigative Summary, the investigator must indicate in the conclusion whether the evidence supports a finding that sexual abuse or sexual harassment has occurred (substantiated - based on the preponderance of the evidence standard, more than likely occurred) the allegation is false (unfounded – can be conclusively proven not to have occurred), or is inconclusive (unsubstantiated).
 - (3) It shall also include a description of the following:
 - (a) for administrative investigations, the report shall include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings; and **(28 C.F.R. §115.71[f][2])**

- (b) for criminal investigations, the report shall include a thorough description of the physical, testimonial, legal documents, and attach copies of all documentary evidence where feasible. **(28 C.F.R. §115.71[g])**
 - (4) Any substantiated sexual harassment allegations, in which the harasser was an inmate, shall follow the procedures outlined in Department policy **DC-ADM 801, “Inmate Discipline.”**
7. Allegations disproven by video surveillance or other electronic monitoring data
- a. A review of video surveillance or other electronic monitoring data which conclusively disproves an allegation of sexual abuse or sexual harassment may be investigated in an abbreviated format.
 - b. Investigators shall request an investigative tracking number from the BII.
 - c. The investigator shall prepare an investigative report, which includes: **(28 C.F.R. §115.71[f][2])**
 - (1) a description of the allegation which served as the predication for investigation;
 - (2) a detailed description of the reviewed video surveillance or other electronic monitoring data which articulates how the allegation was not supported; and
 - (3) a conclusion that articulates how the victim’s allegation was determined to be not credible and how the evidence supports a determination of unfounded.
 - d. A copy of the video footage or other electronic monitoring data and abbreviated investigative report shall be submitted to BII.
8. All investigative information shall be retained by the facility Security Office in a secure location for as long as the alleged abuser is incarcerated or employed by the Department plus five years in accordance with **Section 20** of this procedures manual. **(28 C.F.R. §115.71[i])**
9. Retaliation **(28 C.F.R. §115.67)**
- a. When evidence suggestive of retaliation is discovered through retaliation monitoring, inmate report or staff report, the potential retaliation shall be addressed through an investigatory report. Any claims of retaliation made through grievance procedures shall be answered in accordance with Department policy **DC-ADM 804, “Inmate Grievance System.”**
 - b. If the investigation for the initial allegation of sexual abuse or sexual harassment remains open, potential retaliation claims may be addressed within that investigative summary. If the investigation for the initial allegation has been closed, a separate

investigation, under a local investigative number, cross-referenced the PREA investigation number, shall be completed and submitted to BII to attach to the PREA case file.

- c. When investigating potential acts of retaliation, the investigator shall complete the following procedures:
 - (1) review supporting documentation or reported evidence of retaliation;
 - (2) review and copy all housing unit log books, medical documentation, work-related reports, misconduct reports, inmate grievances, and other pertinent documentation as applicable to the potential retaliation;
 - (3) review all available and applicable video footage and save the video footage to a media storage device to submit with the investigative report. Thoroughly describe the contents of the video footage in an investigative insert and describe any insight it provides to the veracity of the allegation;
 - (4) review applicable intelligence sources, such as, but not limited to: phone calls, mail monitoring, Inmate Cumulative Adjustment Records;
 - (5) interview the inmate or staff complainant(s) and obtain a written statement following the interview. If the complainant refuses to be interviewed or provide a written statement, said refusal, including date, time, and persons present, shall be documented and included in the investigative report;
 - (6) determine whether the alleged retaliation is substantiated, unsubstantiated, or unfounded; and
 - (7) when retaliation is substantiated, notify the PREA Compliance Manager (PCM) for further action. **(28 C.F.R. §115.67[c])**

D. Investigative Review

1. When an investigation is conducted by the facility Security Office or BCC Security Office, the below listed procedures shall apply.
 - a. In SCIs, the facility Security Office shall forward the completed investigative report for facility administrative review and approval, to include the PCM, prior to submission to the BII.
 - b. In CCCs, CCFs and Lockups, the BCC investigator shall forward completed investigations to the BCC Major/designee for review, processing, and final approval by the BCC Director/designee.

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- c. The purpose of the review process is to ensure the investigation complies with all material provisions of PREA Standard (**28 C.F.R. §115.71**) prior to submission to the BII.
- d. Upon approval of the investigation according to its facility type, the respective Security Office shall forward the completed investigative report to the Director of the BII within 30 days of assignment for investigations of sexual abuse and within 60 days for investigations of sexual harassment.
- e. If the sexual abuse investigation cannot be completed by the due date, the Facility Manager/designee/facility or BCC Security Office investigator shall notify the BII, in writing to **CR, CEN Sexual Abuse** resource account, of the need for additional time. This notification shall contain the rationale for the delay and anticipated date of completion. The Director of BII/designee shall approve/disapprove additional time for the completion of investigations. The facility Security Office or BCC Security Major/designee shall update the PREA Tracking System to reflect the new due date when an extension is granted.
- f. If the report is not received by the BII within the given timeframe, the BII will send a second notice of assignment of investigation, with a copy to the applicable Executive Deputy Secretary, Executive Deputy Secretary for Community Corrections and Reentry (EDSC), or Executive Deputy Secretary for Institutional Operations (EDSI)/Regional Deputy Secretary.
- g. The BII shall complete its review of the report within 30 days of receipt and determine whether the facility investigation was completed in a satisfactory or unsatisfactory manner.
- h. In the event that the BII raises concerns regarding the thoroughness or integrity of the facility Security Office investigation, it will be referred back to the Security Office or BCC Security Office with specific directions to address the issues raised by the BII and provide a time frame with which the additional investigation needs to be completed.
- i. BII shall send a letter or email acknowledging that the investigation was satisfactory to the Facility Manager, who shall initiate any appropriate administrative action.
- j. When an investigation is substantiated and warrants administrative disciplinary action, no action shall be taken until BII notifies the Facility Manager that the investigation was conducted satisfactorily. Nothing in this section shall prevent the institution from suspension pending investigation.
- k. When an investigation is unsubstantiated or unfounded, but violations of the Code of Ethics, policy, procedure exist, or inmate rules, no administrative proceedings shall occur, or misconducts shall be issued, until after the BII reviews the investigative report and notifies the Facility Manager that the investigation was conducted

- b. request a copy of the investigative information to be included in the Department Investigative file; **(28 C.F.R. §115.71[I])**
 - c. request notification of the outcome of the investigation in order to notify the inmate in accordance with **Subsection F. below**; **(28 C.F.R. §115.71[I], 28 C.F.R. §115.73[a][b])**
 - d. submit an investigative summary, along with the PSP investigative report, to the BII for review; and
 - e. ensure the PREA Tracking System is updated with the status of investigative outcome. **(28 C.F.R. §115.87, 88, 89)**
4. The Department shall fully cooperate in the investigation conducted by the PSP or other applicable outside law enforcement agency. **(28 C.F.R. §115.71[I])**
 5. All investigative review documentation shall be retained in accordance with **Section 1** of this procedures manual. **(28 C.F.R. §115.71[i])**

E. Photographs of Injuries for Sexual Abuse

Photographs of injuries sustained in alleged sexual abuse shall be taken in accordance with **Section 14** of this procedures manual.

F. Reporting to Inmates

1. Following the investigation into an inmate's allegation of sexual abuse or sexual harassment in a facility within the Department, the PCM at the facility where the alleged victim is housed shall inform the alleged victim, in writing within five business days of the closure of the investigation on the **PREA Investigation – Inmate Notification Form (Attachment 18-C)** as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. **(28 C.F.R. §115.73[a][e])**
 - a. Inmates shall be notified when an allegation is made under PREA; however, does not meet the definition of sexual abuse or sexual harassment.
 - b. Uninvolved party complainants shall not be notified of investigative outcomes.
2. Following an allegation which occurs in a lockup facility, when an alleged victim remains in Department custody in any facility type, notification shall be coordinated between PCMs at the respective facilities.
3. If another law enforcement agency conducts the investigation, the PCM or Security Office in SCIs or the BCC Investigator, shall request the relevant information from the investigative agency in order to inform the inmate within ten business days of receipt of this information. **(28 C.F.R. §115.73[b])**

4. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the PCM shall subsequently inform the inmate when any of the following occurs: **(28 C.F.R. §115.73[c])**
 - a. the staff member is no longer posted within the inmate's unit; **(28 C.F.R. §115.73[c][1])**
 - b. the staff member is no longer employed at the facility; **(28 C.F.R. §115.73[c][2])**
 - c. the Department learns that the staff member has been criminally charged related to sexual abuse within the facility; or **(28 C.F.R. §115.73[c][3])**
 - d. the Department learns that the staff member has been convicted on a charge related to sexual abuse within the facility. **(28 C.F.R. §115.73[c][4])**
5. Following an inmate's allegation that he/she has been sexually abused by another inmate, the PCM shall subsequently inform the alleged victim whenever: **(28 C.F.R. §115.73[d])**
 - a. the Department learns that the alleged abuser has been criminally charged related to sexual abuse within the facility; or **(28 C.F.R. §115.73[d][1])**
 - b. the Department learns that the abuser has been convicted on a charge related to sexual abuse within the facility. **(28 C.F.R. §115.73[d][2])**

G. Documentation of Reporting

1. The PCM shall document all notifications on the **PREA Investigation – Inmate Notification Form** which shall be placed in the appropriate investigation file maintained in the facility Security Office in SCIs or reentrant file with a copy to the BCC PREA Captain/designee and Contract Facility Coordinator (if applicable) in CCCs, CCFs, and Lockups in accordance with **Section 20** of this procedures manual.
2. All notifications must occur even in instances where an inmate has been transferred to another facility within the Department. **(28 C.F.R. §115.73[e])**
3. In instances where the alleged victim has been transferred to another facility within the Department, the PCM at the investigating facility shall coordinate notification with the PCM at the facility where the inmate is currently housed to obtain the inmate's signature on the **PREA Investigation – Inmate Notification Form**.
4. The Department's obligation to report the results of the investigation under this policy shall terminate if the alleged inmate victim is released from the Department's custody. **(28 C.F.R. §115.73[f])**

Section 19 – Working with Transgender and Intersex Inmates

A. General

1. Each facility shall ensure that staff effectively interact professionally and respectfully toward transgender and intersex inmates. **(28 C.F.R. §115.31[a])** This specialized population may require a more non-traditional approach to best satisfy their housing, security, programming, and other needs.
2. Intentional misuse of gender pronouns and titles is prohibited. Transgender and intersex inmates shall be referred to by their preferred pronoun or a gender-neutral form of address. Unprofessional and derogatory references toward inmates are not acceptable under any circumstances.
3. All Department staff shall be familiar with the expectations established for the effective accommodation of transgender and intersex inmates, as outlined within this policy, and in accordance with other existing Department policies.
4. Each facility shall develop and keep current a Plan of Action (POA) to prepare for the reception and housing of transgender or intersex inmates who have been directly committed to a facility corresponding with their gender identity or who have been transferred to a facility corresponding with their gender identity through the PREA Accommodation Committee (PAC) process outlined in **Subsection C. below**.
5. Standards pertaining to the identification and management of transgender or intersex detainees are not applicable to Lockup facilities. When a detainee presents as gender nonconforming, the detainee shall not be double celled with any other detainee without direct sight and sound observation by staff in the Lockup.

B. Reception and Classification – General

Every inmate shall be assessed upon reception for potential risk of sexual abuse and victimization in order to identify at-risk inmates and ensure safety and security for all inmates committed to the custody of the Department. **(28 C.F.R. §115.41)** ¹

1. The **Prison Rape Elimination Act (PREA) Risk Assessment Tool (PRAT)** shall be administered in accordance with **Section 9** of this procedures manual. This assessment shall provide an opportunity for the inmate to self-identify as a transgender or intersex individual.
2. If an inmate identifies as a transgender in a State Correctional Institution (SCI), a **DC-97, Mental Health Referral Form** shall be completed and forwarded to the Psychology Department to initiate the procedures outlined in accordance with Department policy **13.2.1, “Access to Health Care Procedures Manual.”**

¹ 5-3D-4281-2

3. The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. **(28 C.F.R. §115.15[e]) (28 C.F.R. §115.115[d])**
4. Once an inmate has been identified as a transgender or intersex individual, notification shall be sent to the PREA Compliance Manager (PCM).
 - a. All pertinent information regarding the transgender or intersex individual should be discussed on a need-to-know basis and shared only with the appropriate staff to provide necessary services and determine appropriate housing, bed, work, education, and programming assignments. **(28 C.F.R. §115.42[a])**
 - b. The PCM shall confidentially meet with the transgender or intersex inmate within five business days of notification and complete the **PREA Accommodation Committee (PAC) Checklist (Attachment 19-A)**. Following this assessment, the inmate shall be re-assessed every six months to review any threats to safety that may have been experienced by the inmate in accordance with **Subsection G. below. (28 C.F.R. §115.42[d])**
 - c. If the inmate indicates they were erroneously identified as transgender or intersex during the completion of the **PAC Checklist**, the **PAC Checklist** shall be subsequently marked with a notation by the PCM indicating the error and acknowledged through signature by the inmate.
 - d. Once the PCM has met with the transgender or intersex inmate to inform them of the PAC procedures, a PAC meeting shall be scheduled to convene within five business days of that interview.
 - e. The transgender or intersex inmate, upon self-disclosure, may be housed with a temporary Z-Code in SCIs or in single room status in Community Corrections Centers (CCCs) and Community Contract Facilities (CCFs) until the PCM and PAC convenes and determines permanent housing placement based on the inmate's responses to the questions presented in the **PAC Checklist**.
 - f. If single room status is unavailable at the current CCC or CCF, the reentrant may, at the discretion of the Bureau of Community Corrections (BCC), be transferred to a facility that can accommodate single room status until the PAC is able to convene.

C. PREA Accommodation Committee (PAC)

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

2. PAC participants must consider all aspects of an inmate's social and medical transition when formulating recommendations to address safety and privacy concerns affirmatively identified by the transgender or intersex inmate on the **PAC Checklist**.
3. In SCIs the PAC shall consist of, but not be limited to, the following individuals:
 - a. PCM;
 - b. Licensed Psychology Manager (LPM)/designee;
 - c. Corrections Health Care Administrator (CHCA)/designee;
 - d. Deputy Superintendent for Centralized Services (DSCS)/designee; and
 - e. Deputy Superintendent for Facilities Management (DSFM)/designee.
4. In CCCs and CCFs, the PAC shall consist of the following individuals at a minimum:
 - a. BCC Major/designee;
 - b. BCC Regional Director/designee;
 - c. Contract Facility Coordinator (CFC); and
 - d. PCM of the potential and existing housing location.
5. PAC participants shall listen attentively to the inmate's responses without interfering with the PCM's line of questioning or challenging the inmate about any inconsistencies known to them by various sources. The PCM shall be responsible to ensure decisions of the committee remain consistent with applicable PREA Standards.
6. Each time a transgender or intersex inmate is transferred to another facility or when a transgender or intersex inmate is directly committed to a facility consistent with gender identity, the PAC at the receiving facility shall be activated to meet with the inmate within five business days to develop facility-specific safety and privacy recommendations utilizing the **PAC Checklist**.
7. The transgender or intersex inmate shall be invited to attend the PAC meeting unless contraindications exist, or they choose not to attend. The inmate's presence is not required.
8. If the inmate refuses to meet with the PCM or PAC, the PAC shall convene, as required, and complete the **PAC Checklist** based upon available information.

9. The transgender or intersex inmate shall be informed of the PAC's privacy and housing recommendations within 48 hours of the PAC meeting, and be permitted the opportunity to concur or object to the recommendation(s).
 - a. For all instances in which the inmate and PAC agree that the inmate remain where they are currently housed, the **PAC Checklist** will be retained by the facility and a copy shall be forwarded to CR, DOC PREA Reports resource account for informational purposes only.
 - b. In SCIs, for all instances in which the facility or the inmate request a transfer to a facility that is consistent with the gender identification of the inmate, a referral packet will be submitted to the Administrative PREA Accommodation Committee (A-PAC) for review as outlined in **Subsection D. below**.
 - c. In all instances where a transgender or intersex inmate has been directly committed to an SCI consistent with gender identification, the facility PAC shall submit a referral packet with a recommendation for continuing the current housing assignment to the A-PAC for review.

D. Administrative PREA Accommodation Committee (A-PAC)

1. In deciding whether to assign a transgender or intersex inmate to a facility that is consistent with his/her gender identity, and in making other privacy, housing, and programming assignments, the Department shall consider, on a case-by-case basis, whether a placement would ensure the health and safety of all impacted inmates and whether the placement or accommodation could potentially present management or security problems. **(28 C.F.R. §115.42[c])**
2. In SCIs and as requested by the BCC, the A-PAC shall be activated, and the local PAC shall meet as necessary when a transgender or intersex inmate has been identified and the facility or the inmate recommend or request the inmate be housed in a facility that is consistent with his/her gender identity.
3. A transgender/intersex inmate's own views, with respect to his/her own safety shall be given serious consideration. **(28 C.F.R. §115.42[e]) (28 C.F.R. §115.242[d])**
4. Referral packets shall be sent to the PREA Compliance Division (PCD) resource account, CR, DOC PREA Reports. The PCD shall compile, track, and disseminate the referral packet to the A-PAC for consideration. Referral packets should include, at a minimum, the following information:
 - a. a written synopsis of the local PAC meeting with discussion points and recommendations;
 - b. **PAC Checklist(s)**;

- c. most recent integrated case summary;
 - d. in-depth Psychological Evaluation completed within the last three months;
 - e. Diagnostic and Classification Center (DCC) psychological assessment report;
 - f. cell history;
 - g. misconduct history;
 - h. Inmate Cumulative Adjustment Record (ICAR) notes within the past 12 months or since the last review;
 - i. psychological progress notes within the past 12 months or since the last review;
 - j. medical progress notes within the past 12 months or since the last review;
 - k. medication history within the past 12 months or since the last review;
 - l. any gender identity-related grievances;
 - m. any gender identity-related correspondence;
 - n. synopsis of any PREA-related allegations; and
 - o. any medical or psychological treatment information obtained from community providers.
5. The A-PAC shall consist of the following subject areas:
- a. Psychology Office representative;
 - b. Bureau of Health Care Services (BHCS) representative;
 - c. Security Division representative; and
 - d. Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Subject Matter Expert Consultant(s).
5. Within ten calendar days of receipt of the A-PAC referral packet, each subject area shall conduct an independent review of the A-PAC referral materials and submit a vote for or against transfer to a facility consistent with gender identification to the PCD resource account CR, DOC PREA Reports. As appropriate, A-PAC members may include applicable recommendations with their decision.

6. Each subject area is afforded equal weight in the decision-making process, regardless of the number of its reviewers.
7. The PCD shall compile the A-PAC votes and advise Executive Staff of the committee's decision.
 - a. When the A-PAC agrees with the facility PAC recommendation that the inmate be transferred to a facility that is consistent with his/her gender identity, procedures as outlined in **Subsection F. below** shall be initiated.
 - b. When the A-PAC agrees with the facility PAC recommendation that the inmate remain at his/her current facility, the following shall occur:
 - (1) the PREA Coordinator/designee shall advise the facility PCM of the vote tally and any applicable recommendations provided by the A-PAC. Recommendations shall be incorporated in the inmate's treatment plan; and
 - (2) the PCM shall meet with the inmate and advise them in writing of the collective A-PAC decision and any applicable recommendations. Individual subject area votes shall not be disclosed to the inmate.
 - c. When the A-PAC does not agree with the PAC recommendation that the inmate be transferred to a facility consistent with gender identification, the following shall occur:
 - (1) the vote tally of A-PAC members shall be forwarded to Executive Staff for their review and consideration. Executive Staff shall have the authority to override or modify the A-PAC recommendation; and
 - (2) upon the completion of Executive Staff review, the PREA Coordinator/designee shall provide notification of the A-PAC decision to the PCM who shall notify the inmate in writing.
8. Decisions to transfer an inmate to a facility consistent with their gender identity are not permanent and shall be continually reassessed for their continued appropriateness.
9. A Facility Manager who receives an inmate at a facility consistent with the inmate's gender identity may request an immediate review when significant adjustment issues emerge, or upon inmate request to return to the originating gender facility.
 - a. The Facility Manager shall make the request through the Executive Deputy Secretary (EDS).
 - b. If deemed appropriate, the EDS shall direct the PCD to initiate an A-PAC review.
10. An inmate transferred to a facility consistent with his/her gender identity is subject to immediate review by the A-PAC when any of the following conditions are present:

- a. the inmate becomes non-compliant with or discontinues treatment for Gender Dysphoria;
 - b. the inmate engages in a consensual or non-consensual sexual relationship;
 - c. the inmate engages in assaultive behavior;
 - d. the inmate engages in sexual harassment of another inmate;
 - e. the inmate experiences psychological trauma associated with his/her inability to adjust to the new facility; or
 - f. any other unforeseen security or management concerns emerge.
11. Transgender inmates who are approved for transfer to a facility consistent with gender identification, and who are subsequently returned to the originating gender facility, are not eligible for reconsideration for transfer to a facility consistent with gender identification for at least six months.

E. Reception and Classification – CCCs and CCFs

1. In cases where a reentrant's status as transgender or intersex has been revealed after community corrections placement, immediate notification shall be made to the facility PCM and BCC Regional Director/designee.
2. Although the six-month review of transgender reentrants (**28 C.F.R. §115.242**) is not required in Community Confinement facilities; transgender or intersex reentrants remaining in a CCC or CCF for six months or longer shall be reassessed each six-month period the individual remains in a Community Confinement facility in accordance with **Subsection G. below**.
3. In CCCs and CCFs, the PAC shall have the authority to determine gender-specific facility assignments unless review by the A-PAC is requested.

F. Transfer

1. In SCIs, when a transfer is determined appropriate, based on the final A-PAC determination and Executive staff review, the requesting facility shall be notified and the Office of Population Management (OPM) shall coordinate the transfer.
2. The OPM shall not place transgender or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates. (**28 C.F.R. §115.42[g]**)

3. The A-PAC shall reconvene with the local PAC to reconsider housing placement for the transgender or intersex inmate if circumstances arise which pose a threat to the safety and security of the facility or the health and safety of the transgender or intersex inmate. **(28 C.F.R. §115.42[c])**
4. In CCCs and CCFs, upon final determination of gender-specific facility assignment, if a transfer is required to a facility consistent with the gender identity of the reentrant, the BCC Administration shall notify the BCC Referral Specialist Supervisor and the PREA Coordinator of the transfer. Additionally, the OPM shall be notified of the transfer.
5. The CCC or CCF PAC, in coordination with BCC Administration and OPM, shall strive not to place transgender/intersex reentrants in dedicated facilities in accordance with **Subsection F.2. above. (28 C.F.R. §115.242[g])**

G. Case Management

1. The **PAC Checklist** shall be used in conjunction with the PRAT to keep separate those inmates who are at risk of being a victim or an abuser, and to determine appropriate housing, bed, work, education, and program assignments for all transgender and intersex individuals.
2. In SCIs, the Unit Manager and the PCM shall meet with identified transgender or intersex inmates during the semi-annual and annual review, in accordance with Department policy **7.2.1, “Counseling Services.” (28 C.F.R. §115.42[d])** During these meetings, the PCM shall complete the **PREA Accommodation Committee Reassessment Checklist (Attachment 19-B)** and forward the document to the CR, DOC PREA Reports resource account.
3. In CCCs and CCFs, the Facility Director, PCM, and assigned counselor shall meet with the identified transgender or intersex reentrant each six-month period the reentrant remains at the facility. The **PREA Accommodation Committee Reassessment Checklist** shall be completed and forwarded to the PCD via the CR, DOC PREA Reports resource account.
4. When information is received that is indicative of a threat to the safety of a transgender or intersex inmate, the PCM shall convene the PAC within five business days. **(28 C.F.R. §115.42[d])**

H. Searches

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

I. Commissary

Commissary purchases can be made in accordance with Department policies **9.2.1**, “**Commissary Operations**,” and **DC-ADM 815**, “**Personal Property, State-Issued Items, and Commissary/Outside Purchases**.”

J. Special Accommodations

1. Transgender and intersex inmates shall be given the opportunity to shower separately and privately from other inmates. **(28 C.F.R. §115.42[f]) (28 C.F.R. §115.242[e])**
2. The facility PAC may approve individualized, facility-specific accommodations to meet safety and privacy needs of transgender and intersex inmates. An inmate shall address disputed facility-specific accommodations through the grievance procedures outlined in Department policy **DC-ADM 804**, “**Inmate Grievance System**.”
3. Access to transgender healthcare shall occur in accordance with Department policy **13.2.1**.
4. Access to gender affirming clothing shall occur in accordance with Department policy **DC-ADM 815**.
5. Transgender and intersex inmates may make requests to change gender markers on legal forms of identification. The Department has no authority over such procedures and requests shall be processed in accordance with the governing agency’s procedures.
6. Transgender and intersex inmates may initiate requests for legal name changes. The Department has no authority over such procedures and requests shall occur in accordance with applicable state law.
7. Requests to use names in the Department, other than the name on the Commitment Form, shall be processed in accordance with the procedures outlined in Department policy **DC-ADM 803**, “**Inmate Mail and Incoming Publications**.”

Section 20 – Data Collection and Retention

The Prison Rape Elimination Act (PREA) Compliance Division (PCD) shall collect accurate, uniform data for every allegation of sexual abuse at facilities under the Department's direct control using a standardized instrument and set of definitions. **(28 C.F.R. §115.87[a])**

In the Department, every report, complaint, or allegation of sexual abuse and/or sexual harassment occurring within Department facilities or involving its reentrants in contracted facilities, shall be entered into the PREA Tracking System, a web-based application designed to track all incidences of sexual abuse and sexual harassment for U.S. Department of Justice reporting purposes.

A. Annual Prison Rape Elimination Act (PREA) Report

1. The PCD shall review data collected and aggregated annually pursuant to PREA Standard **(28 C.F.R. §115.87)** in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training by: **(28 C.F.R. §115.87[b], §115.88[a])**
 - a. identifying problem areas; **(28 C.F.R. §115.88[a][1])**
 - b. taking corrective action on an ongoing basis; and **(28 C.F.R. §115.88[a][2])**
 - c. preparing an annual report of its findings and corrective actions for each facility, as well as the Department as a whole. **(28 C.F.R. §115.88[a][3])**
2. All data shall be maintained, reviewed, and collected as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. **(28 C.F.R. §115.87[d])** Incident-based and aggregated data shall also be collected from every facility the Department contracts with for the confinement of its inmates. **(28 C.F.R. §115.87[e])**
3. The Department will produce an Annual PREA Report, capturing data from January 1 to December 31, and will provide the following information:
 - a. the number of allegations made at each facility;
 - b. the number of substantiated, unsubstantiated, and unfounded investigations completed as of December 31 of each year;
 - c. the number of ongoing investigations as of December 31 for each facility;
 - d. the report shall compare the rates of incidents for each facility from the preceding year to the current report year;

- e. any additional information that is required by the Survey of Sexual Violence (sic) required by the Department of Justice, Bureau of Justice Statistics; and **(28 C.F.R. §115.87[c])**
 - f. the report shall include a comparison of the current year's data and corrective actions with those from prior years, and shall provide an assessment of the Department's progress in addressing sexual abuse. **(28 C.F.R. §115.88[b])**
4. The Department shall make all aggregated sexual abuse data information listed in **Subsections A.3.a.-f. above**, from facilities under its direct control and contracted facilities, readily available to the public through the Department website, at least annually. **(28 C.F.R. §115.89[a][b])**
 5. The Annual PREA Report shall be approved by the Secretary and posted on the Department's website by June 30 of each year. **(28 C.F.R. §115.87[f], §115.88[c])**
 6. The Department shall securely retain all aggregate PREA data, on the Department's secure servers, collected for a period of no less than ten years after the date of the initial collection unless federal, state, or local law requires otherwise. **(28 C.F.R. §115.89[a][d])**
 7. Specific identifying information collected for reporting purposes shall be redacted so that no individual is identifiable. In addition, the Department may redact specific material from the reports when publication would present a clear and specific danger to a facility, but must indicate the nature of the material redacted. **(28 C.F.R. §115.89[c], §115.88[d])**

B. Document Retention – Inmates¹

1. The below listed documents shall be maintained at the facility for audit verification purposes.
 - a. The following forms shall be maintained in the **DC-14, Counselor File/Reentrant Case file**:
 - (1) **PREA Inmate Education Verification Form (28 C.F.R. §115.33[e]) (28 C.F.R. §115.233[d])**; and
 - (2) **DC-141, Part 1, (Other) Report**.
 - b. The following forms shall be maintained in the **DC-15, Inmate Records Jacket**:
 - (1) **DC-141, Part 1, (Other) Report**;
 - (2) **PREA Accommodation Committee Checklist**; and **(28 C.F.R. §115.42[d])**.

¹ 5-3D-4281-8, 4ACRS-7D-08

- (3) **PREA Accommodation Committee Reassessment Checklist. (28 C.F.R. §115.42[d])**
- c. The following forms shall be maintained by the PREA Compliance Manager (PCM) in an annual electronic file for each form individually:
- (1) **Department Retaliation Monitoring Form; (28 C.F.R. §115.67)**
 - (2) **Involuntary AC Services Access Restriction Form; and (28 C.F.R. §115.43[d][1][2][3])**
 - (3) **Notification of Sexual Abuse Allegation to Another Facility**, and any electronic correspondence associated with its transmission. **(28 C.F.R. §115.63[c])**
- d. The following forms and reports shall be maintained by the Institutional or Bureau of Community Corrections (BCC) Security Office:
- (1) **Cross-Gender Search Validation Form; (28 C.F.R. §115.15[c]) (28 C.F.R. §115.115[b]);**
 - (2) PREA Investigation reports;
 - (3) **DC-135A, Inmate’s Request to Staff Member** in the appropriate investigation file; and
 - (4) **Inmate Notification Form (28 C.F.R. §115.73[e])** in the appropriate investigation file.

C. Document Retention – Staff and Contractors

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

1. **Department Retaliation Monitoring Form** shall be maintained by the PCM, as appropriate. **(28 C.F.R. §115.67)** This form shall be retained for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. **(28 C.F.R. §115.71[i])**
2. **PREA Training and Understanding Verification Form** for staff shall be kept in the employee’s training file. **(28 C.F.R. §115.31[d]) (28 C.F.R. §115.131[c])** This form shall be retained for at least one year after the employee’s separation.
3. The **PREA Training and Understanding Verification Form** for contractors shall be maintained by the PCM, as appropriate. **(28 C.F.R. §115.32[c])**. This form shall be retained for at least one year after the contractor’s separation.

4. Criminal background record checks are maintained in the Centralized Clearances database for staff and contractors as outlined in Department policy 1.1.4, “**Centralized Clearances.**” (28 C.F.R. §115.17[c][d]) This form shall be retained for at least seven years in accordance with Pennsylvania Office of Administration Agency Records Retention and Disposition Schedule.

D. Document Retention – Volunteers

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

E. Document Retention - Investigations²

1. Each facility and Bureau of Investigations and Intelligence (BII) shall be responsible to securely maintain such files.
2. The Department shall retain all criminal and administrative agency investigative reports for as long as the alleged abuser is incarcerated or employed plus five additional years. (28 C.F.R. §115.71[i])

F. Document Retention – Letters of Agreement (LOA)/Memoranda of Understanding (MOU)

1. The PCM shall retain a copy of the facility’s fully executed LOA/MOU with:
 - a. the local rape crisis center; and
 - b. the outside hospital providing Sexual Assault Forensic Examination (SAFE) or Sexual Assault Nurse Examiner (SANE) services.
2. The PCM shall ensure that a copy of the fully executed LOA/MOU is provided to the PCD for retention in a centralized repository.
3. These documents shall be retained at both locations for the duration of the agreement.

G. Contract Agency Data Collection and Reporting

1. Each Contract Agency shall be responsible for site specific data collection required by this procedures manual and the PREA Standards.
2. Contract Agencies shall comply with the reporting and publication requirements of aggregate data specific to the Contracted Agency.

² 5-3D-4281-8

3. The Department collects aggregate data for Department-Funded Reentrants (DFR) at each of its contracted sites through its PREA Tracking System; however, requires aggregate data for incidents involving only Non-Department-Funded Reentrants (NDFR) at each site to fulfill its data collection obligations. **(28 C.F.R. §115.87[e])** Examples include:
 - a. NDFR is the alleged victim and a Contract Employee is the alleged abuser; or
 - b. NDFR is the alleged victim and a NDFR is the alleged abuser.
4. Each Contract Agency shall be responsible for reporting the information specified in **Subsection A.3.a.-c. above** to the Department PREA Coordinator/designee for inclusion in the Department's annual report within 15 business days of request.

DC-ADM 008, Prison Rape Elimination Act (PREA) Procedures Manual
Glossary of Terms

Definitions contained within the glossary are intended to align with those definitions contained within the National PREA Standards **28 C.F.R. §115.5**, terminology contained within the PREA Risk Screening Tool (PRAT) User Manual, and functional duties associated within the Department's organizational structure. The definitions contained herein are applicable to **DC-ADM 008** and shall not establish meaning within or contradict definitions applicable to other Department policies.

Act 126 of 2012 is known as the ("Child Abuse Recognition and Reporting Training") – In accordance with the Act, a uniform training requirement for the recognition of the signs of suspected abuse and sexual misconduct, and reporting requirements for suspected abuse and sexual misconduct for those individuals who supervise children in the course of their duties was established. The Act, initially established the training requirement for educators within the Commonwealth, however, has since been expanded to cover all classifications of mandated reporters within the Commonwealth, including Department staff who supervise youthful inmates under the age of 18.

Administrative PREA Accommodation Committee (A-PAC) – This is a committee comprised of various Central Office staff and community subject matter experts for the purpose of determining appropriate accommodations for those inmates identified as transgender or intersex.

Agency – Means a unit of a State, local, corporate, or nonprofit authority, or the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or reentrants, including implementation of policy as set by the governing, corporate, or nonprofit authority.

Agency Head – Means the principal official of an agency.

Allegation – A claim, assertion, affirmation, avowal, or fact that has not been proven regarding sexual abuse, sexual harassment, or retaliation.

Allegation(s) of Sexual Abuse and Sexual Harassment Outcome of Investigation:

1. Substantiated* – An allegation that was investigated and determined to have occurred.
2. Unfounded* – An allegation that was investigated and determined not to have occurred.
3. Unsubstantiated* – An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Bisexual – Denotes a man or woman who is emotionally, romantically, and sexually attracted to both men and women.

Bureau of Community Corrections-Management Operations Center (BCC-MOC) – The 24/7 call center that will receive reports of sexual abuse and sexual harassment from all facility staff at CCC and CCF facilities. The BCC-MOC coordinates and directs the reporting facility's

response to all allegations of sexual abuse and sexual harassment to ensure proper protocol is followed. The BCC-MOC documents the incident and actions taken in response to the incident.

Chain of Command – Refers to the series of management positions in order of authority within each facility type.

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

Community Contract Facility (CCF) – A privately owned and operated residential correctional facility contracted with the Department.

Community Corrections Center (CCC) – A residential correctional facility operated by the Department.

Compelled – See Garrity.

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

Confinement Facilities – Any Federal, State, or local law enforcement agency whose primary purpose is to detain or hold persons in secure custody pending adjudication, post-adjudication, or while awaiting transfer. This shall include both secure juvenile and adult detainment and incarceration facilities.

Contract Agency – Refers to the entity that oversees the financial and procedural operations of a CCF.

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

Contract County Jail (CCJ) – County Jails that contract to provide services for the Bureau of Community Corrections (BCC) including Parole Violator Centers, Technical Parole Violator programs, and Work Release for Department-funded reentrants.

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

Department – Pennsylvania Department of Corrections. This term includes both the employees and facilities of the Pennsylvania Department of Corrections and the Pennsylvania Parole Board with holding cells.

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

Detainee – Means a person detained in a lockup, regardless of adjudication status. In the Department, this term refers to reentrants who are temporarily detained in a holding cell, awaiting transport to a confinement facility by agents of the Pennsylvania Parole Board.

Employee – A person that works directly for the Department or facility.

Exigent Circumstances – Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Facility – A place, institution, building, or part thereof, set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by the Department for the confinement of individuals.

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

Facility Head – Means the principal official of a facility.

Facility Manager – The Superintendent of a State Correctional Facility or Motivational Boot Camp, Director of the Training Academy, Director of a Community Corrections Center, Director of a Community Contract Facility, District Director or Deputy District Director of a PBPP Office or Sub-office. This term may be used interchangeably with “Facility Director/designee” throughout this policy.

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

Full Investigation – A completed investigation that results in a conclusion of substantiated, unsubstantiated, or unfounded, based on interviews of subjects, witnesses, victims, and the collection of evidence that is fully documented and reported.

Garrity Warning – A warning that safeguards an employee’s right against self-incrimination that is provided to an employee by a person conducting an investigation that may result in criminal charges.

Gay – Denotes a man who is emotionally, romantically, and sexually attracted to other men.

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

Gender-Affirming Surgery – Surgical procedures that help people adjust their bodies in a way that more closely matches their gender identity.

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Gender Conforming – A term used to refer to a person whose appearance or manner conforms to traditional societal gender expectations (e.g., someone who identifies as a woman and wears clothing typically assigned to women).

Gender Expression – How a person expresses his/her gender identity through his/her manner of dress, speech, behavior, and/or other physical expressions (e.g., masculine, feminine, androgynous). For example, some people’s gender expression is the opposite of their gender identity, or include aspects of both masculinity and femininity.

Gender Identity – Refers to how a person understands his/her own gender (e.g., man, woman).

Gender Nonconforming – A term used to refer to a person whose appearance or manner does not conform to traditional societal gender expectations (e.g., someone who identifies as a woman, but wears clothing typically assigned to men).

Heterosexual/Straight – Denotes a person who is emotionally, romantically, and sexually attracted to another person who is of a different sex and/or gender.

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

Inmate – Any person incarcerated or detained in a State Correctional Institution of the Pennsylvania Department of Corrections. Throughout this policy, this term is used interchangeably with reentrant and detainee.

Intersex – Refers to a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development. People who are born intersex will sometimes refer to themselves as “intersex” for their gender identity, and others may describe themselves as having an “intersex condition.”

Investigator – An individual designated to gather evidence, interview alleged victims, alleged abusers, and witnesses, review prior allegations involving the alleged abuser, review staff actions, and assess credibility of participants to conduct a thorough examination of each allegation and formulating a conclusion as to whether the allegation is substantiated, unsubstantiated, or unfounded. For administrative investigations into allegations of sexual harassment, this individual may be any management staff. For administrative investigations into allegations of sexual abuse, this individual shall hold the rank of commissioned officer or higher within the facility’s security office; or an investigator within the Bureau of Investigations and Intelligence (BII), who has completed Specialized Investigator’s training. For criminal investigations, this individual shall be a member of the Pennsylvania State Police (PSP) or a member of BII who has the authority to conduct criminal investigations and has completed Specialized Investigator’s training.

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Juvenile – Any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

Law Enforcement Staff – Refers to employees responsible for the supervision and control of detainees in lockups. In the Department, detainees are supervised by Pennsylvania Board of Probation and Parole Agents.

Lesbian – Denotes a woman who is emotionally, romantically, and sexually attracted to other women (**NOTE:** “gay” is also a term that some women use in addition to, or instead of, lesbian).

LGBTI – Acronym which represents the collective of individuals who identify as lesbian, gay, bisexual, transgender, and intersex.

Lockup – Means a facility that contains holding cells, cell blocks, or other secure enclosures that are under the control of a law enforcement, court, or custodial officer and primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency. In the Department, lockup refers to the holding cell located within each Pennsylvania Board of Probation and Parole office and sub-office.

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

Medical Practitioner – A health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his/her professional practice. A “qualified medical professional” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Mental Health Practitioner – A mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his/her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Miranda Warning – A warning that safeguard’s an employee’s right against self-incrimination that is provided to an employee by a person conducting an investigation that may result in criminal charges.

Non-Department Employee – An individual who is granted discretionary access, for any reason, to enter any Department facility who may have sight or sound contact with an inmate, including, but not limited to, one-time visitors, reporters, tour participants, prospective vendors, etc., regardless of whether this individual is under staff escort or is unsupervised. This term is used to identify classes of individuals requiring the minimal level 2 contractor and volunteer PREA training and acknowledgment of reporting obligations when such individuals have an average of less than five hours of inmate contact per week. This term does not include members of the Pennsylvania legislature, who have statutory authority to enter facilities for oversight purposes.

Non-Department-Funded Reentrant (NDFR) – Any person whose placement in a Community Contract Facility (CCF) is not funded by the Department of Corrections (county reentrant, federal reentrant, private citizen admission, Medical Assistance admission, etc.).

Pat Search – A running of the hands over the clothed body of an inmate by an employee to determine whether the individual possesses contraband. In the Department, this term refers to the hands-on search of a clothed inmate, and may be better known as a squeeze search where staff inspect for contraband. For transgender and intersex inmates, this may also be known as a bladed search.

PCM – An acronym which refers to the PREA Compliance Manager.

Preliminary Inquiry – A brief inquiry in order to identify victims, subjects, witnesses, and possible offenses.

PREA Accommodation Committee (PAC) – This is a committee comprised of various institutional staff for the purpose of determining appropriate accommodations for those inmates identified as transgender/intersex.

PREA Detainee Screening Tool (PDST) – The PDST is a standardized risk assessment tool developed by the Department of Corrections to identify a detainee’s relative risk of sexual victimization or sexual abusiveness when housed with another detainee in a holding cell.

PREA Risk Assessment Tool (PRAT) – The PRAT is a standardized risk assessment tool developed by the Department of Corrections in conjunction with the National PREA Resource Center, to identify an inmate’s relative risk of becoming a victim of sexual abuse and/or abuser in the confinement setting.

PREA Tracking System – A web-based application designed to track all incidences of sexual abuse and sexual harassment for U.S. Department of Justice reporting purposes.

Predication – Information which is used to initiate an investigation.

Preponderance of the Evidence – The event was more likely than not to have occurred.

Prison – An institution under state jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony. In the Department, this term refers to all State Correctional Institutions and the Quehanna Motivational Boot Camp.

Public Visitor – Like Non-Department Employees, this term includes any person from the community who requests access into an institution on behalf of the Department for meetings, special projects, worship services, or similar events, who may have sight or sound contact with an inmate. These persons usually include, but are not limited to, sporting teams, outside entertainment, athletic officials, church choirs, organizations, religious affiliates, or other federal/state/county agencies, etc. This term is used to identify individuals requiring the minimal level 2 contractor and volunteer PREA training and acknowledgment of reporting obligations,

when such individuals have an average of less than five hours of inmate contact per week. This term does not include members of the Pennsylvania legislature, who have statutory authority to enter facilities for oversight purposes.

Rape Crisis Center – An entity that provides intervention and related assistance, such as the services specified in 42 U.S.C.14043g(b)(2)(C), to victims of sexual assault of all ages **(28 C.F.R. §115.21[d])**

Reentrant – Any person assigned, confined, or detained in a community confinement facility.

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

Retaliation – An act of vengeance, covert or overt action, or threat of action, taken against an inmate or staff in response to the complaint of sexual harassment/sexual abuse or for cooperation in the reporting or investigation of sexual misconduct, regardless of the merits or the disposition of the complaint. Examples of acts of retaliation include, but are not limited to, unjustified discipline, intimidation, unjustified changes in work or program assignments, unjustified transfers or placements, or unjustified denials of privileges or services.

Security Staff – Employees primarily responsible for the supervision and control of inmates, detainees, or reentrants in housing units, recreational areas, dining areas, and other program areas of the facility. In the Department, this term generally refers to Corrections Officers, Commissioned Officers, Community Corrections Monitors, and Pennsylvania Board of Probation and Parole Agents supervising detainees in a district office or sub-office Lockup.

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

1. Sexual abuse of an inmate by another inmate, detainee, or resident by another inmate, detainee, or residence;
2. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts: if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - a. contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. contact between the mouth and the penis, vulva or anus;
 - c. penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and

- d. any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
3. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without the consent of the inmate, detainee, or resident:
- a. contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. contact between the mouth and the penis, vulva, or anus;
 - c. contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - d. penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - e. any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - f. any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above in paragraphs (a)-(e) of this section;
 - g. any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of an inmate; and
 - h. voyeurism by a staff member, contractor, or volunteer.

NOTE: A properly conducted pat search involving incidental contact with an inmate's genitals shall not be considered a violation of sexual abuse policies.

Sexual Abuse Reporting Address (also known as the Third Party Reporting Address) – An address established with the **Office of State Inspector General** that is not part of the agency and is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing an inmate to remain anonymous.

Sexual Coercion – Occurs when an inmate is forced to submit to sexual activity by threat of violence, for protection, blackmail, repayment of debt, or some other factor imposed by the perpetrator.

Sexual Contact –

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
2. Contact between the mouth and the penis, vulva, or anus.
3. Contact between the mouth and any body part where the inmate, staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument by an inmate; or by a staff member when such contact is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
5. Any other intentional contact, either directly or through the clothing, of or with, the genitalia, anus, groin, breast, inner thigh, or the buttocks by an inmate; or where such contact by a staff member is unrelated to official duties or where the staff member, has the intent to abuse, arouse, or gratify sexual desire.

Sexual Harassment –

1. Repeated and unwelcome sexual advances, requests for sexual favors or verbal comments, gestures, or actions of a derogatory or offensive sexual nature, by one inmate, detainee, or resident directed toward another; and
2. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

“Repeated” as it pertains to incidents of sexual harassment shall mean either 1) two or more allegations of the acts identified in the definition of Sexual Harassment by an alleged harasser toward a single alleged victim, or 2) two or more single incident allegations of the acts identified in the definition of Sexual Harassment by a single alleged harasser toward two or more alleged victims.

Sexual Orientation – An enduring personal quality that inclines people to feel romantic and/or physical attraction to persons of the opposite sex or gender, the same sex or gender, or both. This term refers to the collective of heterosexual/straight, gay, lesbian, and bisexual as defined in this glossary of terms.

Staff – Refers to employees. This term is used interchangeably to refer to employees of the Department and employees of Community Contract Facilities.

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

Subject – A person whose conduct is the primary target of an investigation.

Third Party – An individual who is uninvolved in an alleged incident.

Third Party Reporter – This term is used interchangeably with uninvolved party and refers to any individual that reports sexual abuse, sexual harassment, or retaliation stemming from a report of sexual abuse or sexual harassment that is not directly involved in the allegation itself. This term can include other inmates, staff, friends, family, contractors, volunteers, or other individuals to whom an inmate may have disclosed an incident. Under no circumstances shall a report of sexual abuse, sexual harassment, or retaliation be dismissed based on the source from which it originates.

Third Party Reporting Address – See Sexual Abuse Reporting Address.

Transgender – A transgender person is someone whose gender identity does not align with the gender they were assigned at birth (e.g., assigned “male” at birth and identifies as a “woman”).

Transman – A person who is transgender who was assigned female at birth and identifies as a man.

Transwoman – A person who is transgender who was assigned male at birth and identifies as a woman.

Victim Advocate – A representative of a Rape Crisis Center that is qualified to provide crisis intervention, accompaniment, and advocacy services. In Pennsylvania, a prerequisite of qualification is completion of 40 hours of Sexual Assault Counselor training through the Rape Crisis Center.

Uninvolved party – This term is used interchangeably with third party reporter and refers to any individual that reports sexual abuse, sexual harassment, or retaliation stemming from a report of sexual abuse or sexual harassment that is not directly involved in the allegation itself. This term can include other inmates, staff, friends, family, contractors, volunteers, or other individuals to whom an inmate may have disclosed an incident. Under no circumstances shall a report of sexual abuse, sexual harassment, or retaliation be dismissed based on the source from which it originates.

Volunteer – An individual who donates time and effort on a recurring basis to enhance the activities and programs of the Department.

Voyeurism by a Staff Member, Contractor, or Volunteer – An invasion of privacy of an inmate for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his/her cell to perform bodily functions; requiring an inmate to expose his/her buttocks, genitals, or breasts; or taking images of all or part of an inmate’s naked body or of an inmate performing bodily functions.

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NOTE: A properly authorized and conducted strip search or the removal of any unauthorized barrier which obstructs viewing into an inmate's living quarters or sanitary facilities shall not be considered voyeurism, unless the individual "leers."

Youthful Inmate – Any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or lockup.

Z Code (house in single cell) – A classification program code that indicates that the inmate is to be housed in a single occupancy cell within any custody level.

Zero Tolerance Policy – The Department's prohibition against any act of sexual abuse or sexual harassment of an inmate or reentrant. Any individual who engages in, fails to report, or knowingly condones sexual abuse or sexual harassment of an inmate, or who retaliates against inmates or staff who report or cooperate with sexual abuse or sexual harassment investigations shall be subject to appropriate disciplinary or administrative action up to and including termination.