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# COLUMBIA COUNTY PRISON

## PRISON RAPE ELIMINATION ACT

# PREA

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## Section 1 – Sexual Abuse/Sexual Harassment Prevention and Training

### A. Prevention

Columbia County Prison 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. Columbia County Prison 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. **(§115.11)**

### B. Statewide PREA Coordinator and PREA Compliance Manager Duties

- (1) There is one PREA Coordinator responsible for the Columbia County Prison. The PREA Coordinator's sole responsibility is to develop, implement, and oversee prison efforts to comply with the federal PREA Standards within Columbia County Prison. The PREA Coordinator will have the authority to make necessary decisions to ensure compliance and report directly to the Warden or his designee, and shall be responsible for the below listed duties. **(§115.11)**
- (1) 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 harassment in a confinement setting.
- (2) Develop and revise PREA-related curriculum and materials for training of inmates.
- (3) Work with the Training Officer to develop and revise PREA-related curriculum and materials for training of staff, volunteers, contract service providers, and interns.
- (4) Work with Warden, Security Lt. and Commissioners 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 PREA Coordinator will also review any documentation for non-compliance with a staffing plan. **(§115.11, 115.13)**
- (5) Coordinate with the Pennsylvania Coalition Against Rape (PCAR), to ensure that the prison is providing all related parties with the most current information on sexual abuse and harassment.

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- (6) Coordinate with the Bloomsburg PD and/or Pennsylvania State Police (PSP) regarding investigation and referral of sexual abuse cases that occurred while the inmate is under the supervision of the Columbia County Prison.
  - (7) Remain up-to-date with PREA information as it becomes available through the PREA Resource Center, Department of Justice, or other credible source relating to PREA.
  - (8) Ensure retaliation of inmates is monitored
    - a. those that have reported institutional sexual abuse or sexual harassment allegations;
    - b. those that have suffered sexual abuse; and/or
    - c. those that have expressed a fear of retaliation due to cooperation with an investigation of an incident related to this procedures manual.
  - (a) Keep an updated list of all multi-lingual staff at the facility that would be able to provide translation for any PREA related issue.
  - (b) Conduct and document unannounced rounds to identify and deter sexual abuse and sexual harassment in accordance with standard. **(§115.13)**
  - (c) Ensure that when the prison staff learn that an inmate is subject to a substantial risk of imminent sexual abuse, appropriate and immediate action will be taken to protect that inmate. **(§115.62)**
  - (d) Ensure PREA administrative tours are conducted
  - (e) Ensure that when staff learn that a resident is subject to a substantial risk of imminent sexual abuse: appropriate, immediate action will be taken to protect that resident
  - (f) Ensure that staff do not conduct interviews or collect statements from anyone unless directed by the Security Lt.
  - (g) Coordinate services provided to alleged victims including medical, mental health and crisis counseling

### **C. PREA Administrative Tour**

- A. PREA administrative tours shall be conducted by intermediate-higher level supervisors or management level employees to identify and deter staff sexual abuse and sexual harassment.

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- B. These tours are unannounced and will be conducted at various times each month to ensure every shift is toured.
  - C. Staff Shall:
    - A. pay attention to the staff and video monitoring of each unit to detect areas that may need updates to ensure the sexual safety of the prison
    - B. talk with staff and inquire about any perceived areas of concern
    - D. PREA administrative tours will be documented on the “**Unannounced Rounds Form**”

#### **D. Contracting with Other Entities for Housing Inmates**

- a. The prison shall include in any new contract or contract renewal for the housing of an inmate (on or after the effective date of this procedure) with a private entity or other entity, including other government agencies, the entity’s obligation to adopt and comply with the PREA Standards and Columbia County’s policies related to PREA compliance. **(§115.12)**
- b. The contracted entity will undergo regular, mandated audits on a three-year basis, as required by the National PREA Standards.
- c. The prison 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. **(§115.12)**

#### **Supervision Staffing and Monitoring**

- A. Columbia County shall ensure that it develops, documents, and makes its best efforts to comply on a regular basis, but no less than once a year, with a staffing plan as found in Prison Policy #076-2010, that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. **(§115.13)**
  - (1) In calculating adequate staffing levels and determining the need for video monitoring, the prison shall take into consideration:
    - (1) generally accepted detention and correctional practices;
    - (2) any judicial findings of inadequacy;
    - (3) any findings of inadequacy from Federal investigative agencies;
    - (4) any findings of inadequacy from internal or external oversight bodies;
    - (5) all components of the facility’s physical plant (including “blind-spots” or areas where staff or inmates may be isolated);
    - (6) the composition of the inmate population;

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- (7) the number and placement of supervisory staff;
  - (8) facility programs occurring on a particular shift;
  - (9) any applicable State or local laws, regulations, or standards;
  - (10) the prevalence of substantiated and unsubstantiated incidents of sexual abuse;  
and
  - (11) any other relevant factors.
- (2) In circumstances of non-compliance with the staffing plan, the Warden/designee shall document, in writing, and justify all deviations from the plan. **(§115.13)** This
  - (3) Whenever necessary, but no less frequently than once a year, the Prison shall assess, determine, and document whether adjustments are needed to: **(§115.13)**
    - a. the facility's deployment of video monitoring systems and other monitoring technologies; and **(§115.13)**
    - b. the resources the prison has available to commit to ensure adherence to the staffing plan. **(§115.13)**
  - (4) The annual reviews will be conducted in consultation with the Warden, Deputy Warden, Security Lt. and the PREA Coordinator. **(§115.13)**

#### **E. Access to Information for Special Populations**

- a. Columbia County Prison shall ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the Prisons efforts to prevent, detect, and respond to sexual abuse and sexual harassment. **(§115.16)**
- b. Written materials will either be delivered in alternative formats that accommodate the inmate's disability or the information will be delivered through alternative methods, such as reading it to the inmate or communicating through an interpreter, which ensures the understanding of the PREA related material. **(§115.16)**
- c. The Prison shall take reasonable steps to ensure meaningful access to all aspects of the Prisons 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 Coordinator will ensure that only staff members or qualified contractors, who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary, provide translation for inmates. **(§115.16)** If a multi-lingual staff member is not available, then the current contracted translation service must be utilized.
- d. Columbia County Prison shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay

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in obtaining an effective interpreter would compromise the inmate's safety, the performance of first response duties under PREA Standard **§115.64**, or the investigation of the inmate's allegations (**§115.16**). Justification for any use of an inmate assistant shall be documented accordingly.

#### F. Protective Custody

Inmates at a high risk for sexual victimization or inmates that have alleged abuse shall not be placed involuntarily in Protective Custody (PC) as a means of protection unless an assessment of all available alternatives has been made, and a determination has been made that there is no other available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the inmate in involuntary PC for less than 24 hours while completing the assessment.

**(§115.43)(§115.68)**

- (1) The staff must consider other alternative placements for an alleged victim and make the appropriate placement. **(§115.43)**
- (2) Placement in PC is permissible when the victim requests or agrees to it.
- (3) If an involuntary PC housing assignment is made the OIC on duty shall document the following:
  - (1) the basis for the staff member's concern for the inmate's safety; **(§115.43)**
  - (2) the other alternative means of separation that were explored; and
  - (3) the reason why no alternative means of separation can be arranged. **(§115.43)**
- (4) If the Shift Commander assigns an inmate to involuntary PC 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 reasons shall be documented and a copy to be maintained in the Security Office. **(115.43)**
  - a. the opportunities that have been limited; **(§115.43)**
  - b. the duration of the limitation; and **(§115.43)**
  - c. the reasons for such limitations. **(§115.43)**
- (5) The prison may assign inmates to involuntary PC only until an alternative means of separation from likely abusers can be arranged and such assignment shall not ordinarily exceed 30 days. **(§115.43)**

In accordance with Prison policy **#001-2014, "Protective Custody,"** at least every 30 days, the inmate is reviewed to determine whether there is a continuing need for separation from the general population.

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## G. Upgrade to the Prison and Technologies

- a. Expansion or modification of the Prison, shall take into consideration the Prisons ability to protect inmates from sexual abuse. **(§115.18)**
- b. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Prison shall consider how such technology may enhance the Prisons ability to protect inmates from sexual abuse. **(§115.18)**

## H. Housing of Youthful Inmates

- (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. **(§115.14)**
- (2) In areas outside of housing units, the facility shall either:
  - a. maintain sight and sound separation between youthful inmates and adult inmates; or **(§115.14)**
  - b. provide direct security staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact. **(§115.14)**
- (3) The Prison shall make every effort to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, the Prison shall not deny youthful inmates daily large muscle exercise and any legally required special education services to comply with this provision. Youthful inmates shall have access to other programs and work opportunities to the greatest extent possible. **(§115.14)**

## I. Cross-Gender Viewing, Searches and Supervision

- (1) Staff shall not conduct cross-gender strip searches except in exigent circumstances, in accordance with PREA Standard **(§115.15)**
  - (1) All cross gender strip searches shall be documented on a CCP Incident Report
  - (2) A copy of the Incident Report shall be maintained by the Security Office in an annual file for audit verification purposes.

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- (2) Non-medical staff is prohibited from performing visual body cavity searches. These searches shall only be conducted when performed by medical practitioners, in accordance with **PREA Standard (§115.15)** Additional documentation is not required for this purpose.
  - (3) Columbia County Prison does not permit cross-gender pat down searches of inmates, absent exigent circumstances. Columbia County Prison does not restrict female inmates' access to regularly available programming or other out-of-cell opportunities. **(§115.15)**
  - (4) Inmates shall be able to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. This limitation not only applies to in-person viewing, but also all forms of remote viewing as well. **(§115.15)**
  - (5) Staff of the opposite gender shall announce their presence when entering an inmate housing unit in accordance with the following: **(§115.15)**
    1. The announcement is required for both custody and non-custody staff, and may include, for example, a clinician or case worker who spends time on the unit, or senior staff making supervisory rounds;
    2. when an opposite gender staff member is entering a housing unit and it is unknown to him/her whether any other opposite gender staff are present, the entering staff member will announce their presence;
    3. this announcement may be made by the officer working the unit via the intercom system; and
  - (6) 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 Prison policy **#095-2014 (§115.15)**

## **J. Screening for Risk of Victimization and Abusiveness**

- a. All inmates shall be assessed during the intake screening process, whenever an inmate is involved in an incident of sexual abuse and at their annual review, for risk of being sexually abused by other inmates or sexually abusive toward other inmates. **(§115.41)**
- b. The information received through the administration of the **PREA Questionnaire** 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. **(§115.42)** 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. **(§115.41)**

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- c. **The PREA Risk Assessments** shall be conducted utilizing the **PREA Questionnaire**. The tool will be an objective instrument that shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization or abusiveness: **(§115.41)**
- a. whether the inmate has a mental, physical, or developmental disability; **(§115.41)**
  - b. the age of the inmate; **(§115.41)**
  - c. the physical build of the inmate; **(§115.41)**
  - d. whether the inmate has previously been incarcerated; **(§115.41)**
  - e. whether the inmate's criminal history is exclusively nonviolent; **(§115.41)**
  - f. whether the inmate has prior convictions for sex offenses against a child or an adult; **(§115.41)**
  - g. whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; **(§115.41)**
  - h. whether the inmate has previously experienced sexual victimization; **(§115.41)**
  - i. the inmate's own perception of vulnerability; **(§115.41)**
  - j. whether the inmate is detained solely for civil immigration purposes; **(§115.41)**
  - k. the initial assessment (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 Prison, in order to assess inmates for the risk of being sexually abusive. **(§115.41)**

An inmate's risk level will be reassessed by the PREA Coordinator when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of victimization or abusiveness utilizing the **PREA Questionnaire**. **(§115.41)**

1. 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. **(§115.41)**
2. If an inmate refuses to answer the **PREA** questions, the staff member administering the tool will document that the inmate refused to answer the questions. The staff member will also discuss with the inmate the importance of honestly answering the questions on the risk assessment.
3. Upon completion of the **PREA Questionnaire**, if an inmate answers "yes" and is in the "high risk" category, this information shall be immediately given to the PREA Coordinator for further review and placement of the inmate.
4. The Prison shall make individualized determinations about how to ensure the safety of each inmate. **(§115.42)**

## **K. Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Populations**

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The Prison 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. (§115.42) This does not preclude establishment of a dedicated unit wherein individuals can volunteer to live in that dedicated unit.

## **L. Medical and Mental Health Screenings**

1. Medical Staff shall ask inmates, during the initial Medical Health screening, about any history of victimization or perpetration of sexual abuse, either in a correctional setting or in the community. (§115.41)
2. If the screening pursuant to PREA Standard §115.41 indicates that a prison or jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening or sooner, if clinically indicated. (§115.81)
3. If the screening pursuant to PREA Standard (§115.41) indicates that a prison or jail inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening, or sooner, if clinically indicated. (§115.81) In addition, when information becomes available relating to perpetration of inmate-on-inmate sexual abuse history, a mental health evaluation will be conducted on these abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. (§115.83)
4. Any information related to sexual victimization or abusiveness occurring in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans, security and management decisions, including housing, bed placement, work, education, and program assignments, or otherwise required by Federal, State, or local law. (§115.81)
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. (§115.81).

## **M. Training**

### **a. Basic Staff Training**

- (1) The PREA Coordinator, along with the Training Officer, shall ensure that all staff members are informed that sexual contact with an inmate is prohibited and that an

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inmate has a right to report if sexual contact occurs, through the basic PREA training. This training will include, at a minimum, the following information: **(§115.31)**

- a. the zero tolerance policy against sexual abuse and sexual harassment within the Department; **(§115.31)**
  - b. how staff are to fulfill their responsibilities under the Prisons sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures as defined in this policy; **(§115.31)**
  - c. inmates' right to be free from sexual abuse and sexual harassment; **(§115.31)**
  - d. the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment; **(§115.31)**
  - e. the dynamics of sexual abuse and sexual harassment in confinement; **(§115.31)**
  - f. the common reactions of sexual abuse and sexual harassment victims; **(§115.31)**
  - g. how to detect and respond to signs of threatened and actual sexual abuse; **(§115.31)**
  - h. how to avoid inappropriate relationships with inmates; **(§115.31)**
  - i. how to communicate effectively and professionally with inmates, including LGBTI or gender nonconforming inmates; and **(§115.31)**
  - j. how to comply with relevant laws of Pennsylvania related to mandatory reporting of sexual abuse to outside authorities. **(§115.31)**
- (2) Once the initial basic staff training has been completed for all staff members, newly hired staff members will receive this training as part of basic training.
  - (3) The "**Breaking the Code of Silence Booklet**" will be provided as part of the orientation packet for all new employees.
  - (4) Beginning in 2016, and every year thereafter, the annual PREA education will be provided in the form of a refresher of the initial basic staff training information for all staff members. Staff will be required to verify that they have received the updates and understand the included items on the **PREA Training Signature Form** to be kept in the staff member's training file. **(§115.31)**

b. Specialized Staff Training

- (1) Investigations - In addition to the Basic PREA Training provided to all staff, any staff designated to conduct sexual abuse administrative investigations shall receive

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additional training in accordance with PREA Standard §115.31 and specialized training: Investigations. (§115.34)

- (1) This specialized training will include, but is not limited to: interviewing sexual abuse victims, proper use of Miranda warnings, the Garrity rule, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecutorial referral. (§115.34)
  - (2) This training will be facilitated by specially trained “PREA Specialized Security Training Teams.”
  - (3) Staff will be required to sign off that they have received the information and understand the included items on the **PREA Training and Understanding Verification Form**. This information will be kept in the staff member’s training file. (§115.34)
- (2) Medical/Mental Health Practitioners - In addition to the Basic PREA Training, any staff providing medical/mental health services, whether on a full or part-time status, shall receive additional training on working with victims of sexual abuse and sexual harassment. (§115.35) For the purposes of this training requirement, medical staff will include all licensed medical staff, as well as non-licensed contact medical staff such as dental assistants, Correctional Health Care Administrators (CHCAs), and contracted provider staff.
- (1) This specialized training will include, but is not limited to: how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence of sexual abuse, how to respond effectively and professionally to victims of sexual abuse and sexual harassment, and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment. (§115.35)
  - (2) This training will be coordinated by the statewide PREA Coordinator/designee.
  - (3) All new medical/mental health staff shall receive this training within the first three months of employment with the Prison.
  - (4) Staff will be required to sign off that they have received the information and understand the included items on the **PREA Training Sign Off Form**. This information will be kept in the staff member’s training file. (§115.35)
- (3) Contractors and Volunteers
1. Contractors and volunteers (to include interns, contract service providers, public visitors, or Non-Department Employees) will receive training on their responsibilities under the Prisons sexual abuse and sexual harassment prevention, detection, and response policies and procedures. They will be trained reflective of the level of contact that they have with inmates. (§115.32)

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2. All contractors and volunteers will be required to sign and acknowledge the **PREA Training Signature Form. (§115.32)** PREA Training will be effective for a period of one year. **(§115.32)**The signature sign off form will be kept by the PREA Coordinator in the Security Office.

## **N. Inmate Education**

Each facility shall provide inmate education explaining the zero tolerance policy regarding sexual abuse and sexual harassment, and how to report incidents or suspicions of sexual abuse, sexual harassment or retaliation, and what to do if he/she is the victim of such. This information shall be provided in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.**(§115.33)**

- a. During the intake process, all inmates, including CCJ and TPVC inmates, 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. **(§115.33)**.
  - b. Within the first 30 days of reception, additional information will be provided to all inmates, including CCJ and TPVC's, during A&O (Admissions and Orientation). All inmates will be shown a video regarding their rights to be free from sexual abuse, sexual harassment, and retaliation. They will also be provided information regarding Prison policies and procedures for responding to such incidents. Inmate education may be provided to inmates individually or in groups. A staff member must be present at all times to facilitate discussion and to answer questions. **(§115.33)**.
  - c. The PREA video, "PREA: What You Need to Know" is available for use, this video is in Spanish and English, with subtitles. **(§115.33)**
- A.** Additionally, the PREA Coordinator is available to meet privately with any of the inmates if they request, to discuss issues related to the video.
- d. An inmate who did not receive the initial education shall receive this training within one year of the effective date of the PREA Standards. This education may be provided as a group presentation or individually during the inmate's annual/semi-annual case review, as needed. **(§115.33)**
  - e. Sexual abuse, sexual harassment, and retaliation training shall be documented by the inmate signing the **PREA Inmate Education Verification Form**. This form will be filed in the inmates file in the Records Dept.**(§115.33)**.

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## Section 2 – Reporting Sexual Abuse and Sexual Harassment

### 1. General

- a. A report, complaint, or allegation of sexual abuse, sexual harassment, or retaliation as defined in the glossary of terms for this procedures manual, staff neglect or violation of responsibilities that may have contributed to such incidents can be reported by several means, as outlined below. **(§115.51)**
- b. Anyone who reports sexual abuse, sexual harassment, or retaliation should provide as many details as possible regarding the incident(s), including the following information:
  1. comprehensive description of incident(s);
  2. names of all parties involved;
  3. date(s);
  4. time(s);
  5. place(s) of alleged incidents; and
  6. witness (es), if any.
- c. Staff shall accept and document reports made verbally, in writing, anonymously, and from third parties and promptly forward to the facility's designated investigators. **(§115.51)(§115.61)**
- d. 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. **(§115.61)**

### 2. Methods of Reporting for Inmates

- a. Any inmate who is the victim of any of the following should report the abuse to a staff member as soon as possible:
  1. sexual abuse;
  2. sexual harassment;
  3. retaliation by other inmates or staff for reporting sexual abuse and sexual harassment; and/or
  4. staff neglect or violation of responsibilities that may have contributed to such incidents. **(§115.51)**
- b. A report may be made to any staff member in the facility including, but not limited to, Administrative staff, Medical staff, Corrections Officers, and Counselors. **(§115.51)**
- c. As soon as a staff member, contractor, volunteer, or intern receives a report of sexual abuse, either verbally or in writing, they are required to notify the on duty OIC immediately. **(§115.51)**

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- d. Methods of reporting include the following: (**§115.51**)
    - a. verbal report to a staff member;
    - b. submitting an **Inmate Request to a Staff Member**; and/or
    - c. submitting a request via the kiosk on each unit.
    - d. e-mailing the PREA Coordinator @ [www.mzielecki@columbiapa.org](mailto:www.mzielecki@columbiapa.org)
    - e. or writing to PREA Coordinator/721 Iron St. Bloomsburg Pa 17815
  - e. Every inmate must be provided with immediate access to at least one of the methods indicated above through which he/she may file a report of sexual abuse, sexual harassment, or retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. (**§115.51**)
  - f. Inmate being held solely for immigration purposes shall report any incidences of sexual abuse to The Department of Homeland Security, [www.dhs.gov](http://www.dhs.gov) or mail a letter to 245 Murray Lane SW, Washington D.C. 20528.

### **3. Methods of Reporting for Staff, Contractors, Volunteers, and Interns**

- a. Any staff member, contract service provider, volunteer, or intern, shall immediately report to the Shift Commander if he/she has knowledge, suspicion, or information regarding any of the following:
  - 1. sexual abuse of an inmate;
  - 2. sexual harassment of an inmate that occurred in a facility;
  - 3. retaliation against inmates or staff who reported such an incident; and/or
  - 4. staff neglect or violation of responsibilities that may have contributed to an incident or retaliation

**NOTE:**The incidents listed above may have occurred in any prison facility. (**§115.61**)

- b. Verbal reports will be immediately documented on an **Incident Report**, the Incident Report regarding PREA allegations shall be retained in the appropriate investigative file in the Security Office. Reports will be held in strict confidence and will precipitate the immediate commencement of an investigation. (**§115.61**)
- c. A staff member, contract service provider, or volunteer may also make a private report to the facility's PREA Coordinator.
- A.** A writer may choose to include his/her name and contact information, but it is not necessary in order to make the report.

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

The sexual abuse reporting address is an option for the general public to report an allegation of sexual contact.

1. A sexual abuse reporting address has been established for the general public, as listed on the Prisons website to anonymously report sexual abuse, sexual harassment, or retaliation to the PSP.
2. The address for making a written report is:  
PREA Coordinator, 721 Iron St. Bloomsburg Pa, 17815 or  
e-mail: mzielecki@columbiapa.org
3. A writer may choose to include their name and contact information, but it is not necessary in order to make the report.

#### 5. Inter-Facility Reports

##### a. Reporting to Other Confinement Facilities

- (1) An inmate may file a report of sexual abuse sustained while confined at another facility. **(§115.63)**
- (2) It is the Warden/designee's responsibility to notify the head of the facility in which the reported abuse, harassment, or retaliation occurred. **(§115.63)** Notification must be provided as soon as possible, but no later than 72 hours after receipt of information and documented on the **Notification of Sexual Abuse/Harassment Allegation to Another Facility**. This document shall be maintained by the PREA Coordinator in an annual file for audit verification purposes. **(§115.63)**
- (3) A copy of the notification must also be sent to the facility PC and the statewide PREA Coordinator/designee for tracking purposes.
  - a. all information is shared to ensure a thorough and expedient investigation is completed; and
  - b. the inmate receives information regarding the investigation in a confidential and timely manner.

##### b. Reports Received from Other Confinement Facilities

1. Upon receipt of an allegation from another facility that an inmate was sexually abused while confined at that location, the Warden/designee at the receiving facility shall document the receipt of the allegation on the **Notification of Sexual Abuse/Harassment Allegation to Another Facility**. **(§115.63)**

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2. The Facility Manager/designee shall immediately notify the Security Office to initiate a PREA investigation. **(§115.63)**

3. The Warden/designee shall send notification and supporting documentation to the facility PCM and the statewide PREA Coordinator/designee within five working days of the receipt of the allegation.

## **6. Protection Against Retaliation**

The Prison will protect all inmates and staff from retaliation by other inmates or staff. **(§115.67)**

- a. Retaliatory action is prohibited against an inmate, staff member, or other individual who reports sexual abuse, sexual harassment, or provides information during an investigation. Any individual, who seeks to deter an inmate or other individual from reporting sexual activity, or who in any manner, harasses or intimidates any person who reports the alleged contact, is subject to discipline. **(§115.67)**
- b. The Prison shall employ multiple protection measures, such as housing changes for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victim. The Prison 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. **(§115.67)**
- c. For at least 90 days following a report of sexual abuse, the Prison shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse, and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff and shall act promptly to remedy such retaliation. Items the Prison shall monitor include:
  - a. housing reports;
  - b. program changes;
  - c. negative performance reviews; and
  - d. reassignment of staff.

**NOTE:**The Prison shall continue monitoring beyond 90 days if the initial monitoring indicates a continuing need. **(§115.67)**

- d. Additionally, if any other individual who cooperates with an investigation expresses fear of retaliation, the Prison shall take appropriate measures to protect that individual against retaliation. **(§115.67)**

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- e. The Prison's obligation to monitor shall terminate if the investigation is determined to be unfounded. **(§115.67)**
  - f. Retaliation monitoring will be documented and maintained by the Security Office.

### **Section 3 – Responding to Reports of Sexual Abuse**

The facility shall develop a written facility plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership. **(§115.65)**

#### **1. First Responder Duties**

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

- a. Security staff shall:
  - 1. immediately separate the alleged victim and alleged abuser; **(§115.64)**
  - 2. Notify the Shift Commander
  - 3. secure the reported crime scene until appropriate steps can be taken to collect evidence; and **(§115.64)**
  - 4. if the abuse occurred within the last 96 hours that still allows for the collection of physical evidence, the alleged victim and 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. **(§115.64)**

#### **2. Shift Commander Responsibilities**

Upon notification of a report of sexual abuse, the Shift Commander/designated security staff shall initiate the **PREA Initial Allegation Checklist**.

- 1. Ensure that the alleged victim and alleged abuser are separated (use conference rooms due to no washing facilities). **(§115.64)** Determine the least traumatizing placement for the alleged victim, which may be the same or different general population unit;
- 2. secure any video, audio, or photographic evidence of the incident;
- 3. notify the Security Lieutenant;
- 4. ensure that the victim is immediately escorted to the Medical Department, if abuse involved physical contact;

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### 3. Emergency Medical and Mental Health Treatment Services

- a. Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical, mental health treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. **(§115.82)**
- 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 victim, in accordance with Prison Rape Elimination Act (PREA) Standard **§115.62** and shall immediately notify the appropriate medical and mental health practitioners. **(§115.82)**
- c. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. Inmate victims of sexual abuse while incarcerated shall be offered test for sexually transmitted infections as medically appropriate. **(§115.83)(§115.21)(§115.82)**.
- d. Columbia County Prison shall provide alleged victims with medical and mental health services consistent with the community level of care. **(§115.83)**

#### a. Medical

- (1) The Medical Department shall follow the appropriate procedures as follows
- (2) The alleged victim shall be evaluated by 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.

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 will be immediately transported to an outside hospital to be examined by a SAFE/SANE. If a SAFE/SANE is not available then 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:

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2. If the inmate refuses to undergo the forensic exam, he/she must sign a **Release from Responsibility for Medical Treatment**.
  3. The Medical Dept. shall complete all appropriate paperwork and forward a copy to the hospital. Any hospital records or reports returned with the inmate shall be maintained in the inmate's medical record.
  4. Security staff shall take steps to 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. **(§115.71) (§115.21)**
  5. Photographs are not to be taken of the alleged victim.
  6. If there are any questions, the ER physician shall be contacted.

#### **4. Inmate Access to Outside Supportive Services**

- a. The PREA Coordinator has worked to establish an agreement with local rape crisis center, The Women's Center. A copy of this agreement is maintained in the Security Office by the PREA Coordinator. **(§115.53)**
  - b. The PREA Coordinator shall ensure that inmates are offered and provided with access to outside victim advocates for emotional supportive services related to sexual abuse which has occurred in a confinement setting. During non-working hours, the Shift Commander will be responsible to ensure the aforementioned support services. Supportive services may be provided via a variety of methods including in person, during a non-monitored phone call, and/or in writing. The preferred service delivery method is in person in a confidential setting. **(§115.53)**
  - c. The PREA Coordinator 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. **(§115.53)**
  - d. An inmate will 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 sexual abuse, no matter if they reported the sexual abuse immediately or made a delayed disclosure.
1. If the inmate is taken to a local hospital for a forensic examination, they should be afforded the opportunity, upon request, for support services provided by a victim advocate. If requested, the victim advocate will meet the victim at that hospital to accompany and support the victim through the forensic medical examination process and investigatory interview. They shall also provide emotional support, crisis intervention, information, and referrals. **(§115.21)**

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2. If the inmate discloses outside the 96 hour timeframe, the facility PREA Coordinator shall make arrangements for the victim advocate to meet with the inmate at the facility or via telephone, if the 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 meeting will occur. **(§115.21)**

## **5. Continuity of Care**

Ongoing medical and mental health treatment shall be available for inmates who have been victimized by sexual abuse. This includes appropriate follow-up services and, when necessary, referrals for continued care following their transfer to another prison facility and/or their release from Columbia County Prison.

- A. The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. **(§115.83)**
- B. Upon learning that an inmate has either perpetrated or been a victim of institutional sexual abuse, Mental Health 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. This contact shall be documented. Any documentation of this contact should be non-specific and should not refer to PREA due to confidentiality concerns. If the Mental Health staff determines that the initial monitoring indicates a continuing need, the periodic status checks will be extended beyond 90 days.
- C. The evaluation and treatment of such 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. **(§115.83)**
- D. Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. **(§115.83)**
- E. If pregnancy results from the sexual abuse, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy related services. **(§115.83)**
- F. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections, as medically appropriate. **(§115.83)**

## **Section 4 – Investigating Allegations of Sexual Harassment and/or Sexual Abuse**

Every report, complaint or allegation of sexual harassment/sexual abuse, including third party and anonymous reports, shall be investigated promptly, thoroughly, and objectively.

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(§115.71) (§115.61)

## 1. General Responsibilities

It is Columbia County Prison policy to conduct internal administrative investigations promptly, thoroughly and objectively for ALL investigations.

- (a) If the case is being investigated for criminal charges, Columbia County Security investigators shall suspend the administrative investigation and allow the criminal investigation to take precedence. The PREA Coordinator/designee shall coordinate with the criminal investigator/District Attorney's Office (as applicable) to determine when to resume the administrative investigation so as to avoid interference with the criminal investigation.
  
- (1) When sexual abuse is alleged the Columbia County Prison will only use investigators who have received specialized sexual abuse training.
  
- (2) Investigators will utilize all available measures to conduct thorough and accurate investigations. The Investigator will gather and preserve direct and circumstantial evidence which include Physical, DNA and electronic monitoring data. The investigator shall conduct interviews with alleged victims, suspected perpetrators, and witnesses. An extensive review of any prior abuse from the perpetrator will be conducted.
  
- (3) If the quality of evidence supports criminal charges, the prison will immediately inform Bloomsburg Police Department or Pennsylvania State Police for review. The Prison will not conduct any further interviews unless directed by the above stated authorities.
  
- (4) An alleged victim, suspect or witness shall be assessed on an individual basis, status, whether a staff member or inmate will not determine credibility. At no time will an inmate be subject to a polygraph exam or any other truth telling device.
  
- (5) All investigations will determine whether staff actions or failure to act may have contributed to the abuse. ALL investigations will be documented in written reports to include a description of physical and testimonial evidence, the reasoning behind credibility assessments, and the investigators facts and findings.
  
- (6) Any substantiated allegations of conduct that support criminal charges will immediately be referred to the Bloomsburg Police Department or Pennsylvania State Police.
  
- (7) The Columbia County Prison will retain all written reports of sexual harassment and abuse allegations for as long as the alleged abuser is incarcerated or employed by the Prison, plus five years from the stated period of time.

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- (8) An investigation will not be terminated due to the departure of the alleged victim or abuser whether inmate or staff member.
  - (9) The Columbia County Prison will offer full cooperation to any outside agency who conducts sexual abuse investigations and will strive to remain informed of the status of the investigation.
  - (10) The Columbia County Prison will impose no standard higher than a “preponderance” of evidence in determining whether allegations of sexual abuse/harassment are substantiated.

## 2. **Reporting to Inmates:**

Upon conclusion of any investigation where sexual abuse was alleged, the inmate will be informed of the following:

- a. \*If the allegation was determined to be substantiated, unsubstantiated or unfounded
- b. \*If the prison did not conduct the investigation, it will request the relevant information from the investigative agency

If an inmate alleges that a staff member has committed sexual abuse against them, the prison will inform the inmate (unless the allegation has been determined to be unfounded) whenever:

- (1) The staff member is no longer posted within the inmates unit;
- (2) The staff member is no longer employed at the facility;
- (3) The prison learns that a staff member has been indicted on a charge related to sexual abuse within the facility
- (4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility

If an inmate alleges that he or she has been sexually abused by another inmate, the Prison will inform the inmate whenever:

- A. The prison learns that the alleged abuser has been indicted on a charge related to sexual abuse within the prison; or
  - (2) The prison learns that the alleged abuser has been convicted on a charge related to sexual abuse within the prison.

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Note: All notifications or attempted notifications will be documented on the Columbia County Prison's PREA Investigation Inmate Notification Form.

## **Section 5 – Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation**

### **1. Staff Discipline**

1. Any employee who violates Columbia County Prison sexual abuse or sexual harassment policies by engaging in, failing to report, or knowingly condoning sexual abuse or sexual harassment of an inmate shall be subject to appropriate disciplinary or administrative action up to and including termination **(§115.76)**.
2. When an allegation is made involving a staff member, contract service provider, or volunteer, this person will be removed from contact with the alleged victim until the conclusion of this investigation.
3. In the event that a staff member is terminated, or resigns in lieu of discharge, for violation of this procedure manual, Columbia County Prison will contact Bloomsburg PD or PSP to determine if a potential criminal violation exists. If the violation meets criminal standards, the matter will be referred to the District Attorney's Office for prosecution purposes. **(§115.76)**

### **2. Corrective Action for Contractors and Volunteers**

Contractors and volunteers are subject to the following:

1. when an allegation is made involving a contractor or volunteer, this person will be removed from contact with the alleged victim until the conclusion of this investigation;
2. if a contractor or volunteer violates this procedures manual, other than by engaging in sexual abuse, the facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates**(§115.77)**; and
3. any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates, and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. **(§115.77)**

### **3. Inmate Discipline**

- A. Inmates shall be subject to disciplinary sanctions pursuant to the formal disciplinary process, following an administrative finding that the inmate engaged in inmate on inmate sexual abuse or following a criminal finding of guilt for inmate on inmate sexual abuse. **(§115.78)**
- B. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories. **(§115.78)**

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- C. 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. **(§115.78)**
  - D. The facility may discipline an inmate for sexual contact with staff only if it is substantiated that the staff member did not consent to such contact. **(§115.78)**
  - E. 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. **(§115.78)**
  - F. A reporting inmate may only be subjected to discipline if the report is determined to be unfounded with proven malicious intent at the conclusion of a full investigation. **(§115.78)**
  - G. Columbia County Prison prohibits all sexual activity between inmates and may discipline inmates for such activity. The Prison will not deem such activity to constitute sexual abuse if the Prison through the investigative process, determines that the activity is not coerced or forced. **(§115.78)**

## **Section 6 – Working with Transgender/Intersex Inmates**

### **1. General**

1. Each facility shall have a basic understanding of the approach to effective interaction and accommodations for transgender/intersex inmates. This specialized population may require a more untraditional approach to best satisfy their housing, security, program, and other needs.
2. All Prison staff shall be familiar with the expectations established for the effective accommodation of transgender/intersex inmates, as outlined within this policy, and in accordance with other existing Prison policies.

### **2. Reception and Classification**

Every inmate will 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.

- a. The **PREA Questionnaire** will be administered upon commitment. This assessment will provide an opportunity for the inmate to self-identify as a transgender or intersex individual.
- b. The facility shall not search or physically examine a transgender/intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is

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unknown, it may be determined by conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. **(§115.15)**

- c. Once an inmate has been identified as a transgender/intersex individual, The PREA Coordinator along with the Security Lt. and Warden or his designee will meet to discuss appropriate accommodations, and housing assignments.
  - 1. This committee shall consider numerous items regarding the safety and care of the transgender/intersex individual.
- d. In deciding whether to assign a transgender/intersex inmate to a facility for male/female inmates, and in making other housing and programming assignments, the Prison shall consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, other inmates' health and safety, and whether the placement would present management or security problems. **(§115.42)**
- e. A transgender/intersex inmate's own views, with respect to his/her own safety shall be given serious consideration. **(§115.42)**
- f. All pertinent information regarding the transgender/intersex individual should be discussed on a need-to-know basis and shared only with the appropriate staff to provide necessary services.

### **3. Searches**

- 1. The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status, in accordance with PREA standard. **(§115.15)**
- 2. Transgender/Intersex inmates shall be searched in a professional and respectful manner, and in the least intrusive manner possible consistent with security needs. **(§115.15)**
- 3. Pat searches will be conducted in accordance with Columbia County Prison policy #046-2010. **(§115.15)**
- 4. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates. **(§115.42[f])**

### **Section 7 – Sexual Abuse Incident Review**

- 1. Columbia County Prison conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded.

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2. Sexual abuse incident reviews will be conducted within 30 days of learning the investigation has concluded.
  3. The sexual abuse incident review team will include the Warden, Deputy Warden, Security Captain, Administrative Officer (Lt.) and PREA Coordinator and allows for input from line supervisors, investigators and medical/mental health staff.
  4. CCP will prepare a report of its findings from sexual abuse incident reviews, along with recommendations for improvement, and will be maintained by the PREA Coordinator.
  5. CCP will implement the recommendations or will document the reason for not doing so.

## **Section 8 - Data Collection, Review, Storage and Destruction**

- a) The Columbia County PREA Coordinator collects accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions.
- b) The standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice
- c) Columbia County Prison aggregates the incident-based data annually
- d) Columbia County Prison maintains reviews and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- e) Upon request, CCP shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.
- f) CCP reviews data collected and aggregated pursuant to §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies and training including:
  - Identifying problem areas
  - Taking corrective action on an ongoing basis
  - Preparing an annual report of its findings from its data review and any corrective actions.
6. The annual report will include a comparison of the current year's data and corrective actions with those from prior years.
7. The annual report will provide an assessment of the agency's progress in addressing sexual abuse.
8. CCP will make its annual report readily available to the public at least annually through its website.
9. The annual reports must be approved by the Warden.
10. When CCP redacts material from an annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility.
11. CCP will indicate the nature of the redaction.

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12. CCP ensures that the incident-based and aggregate data are securely retained by the PREA Coordinator.
  13. Aggregated sexual abuse data from CCP shall be made readily available to the public at least annually through its website.
  14. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed.
  15. CCP maintains sexual abuse data collected pursuant to §115.87 for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise.

## **GLOSSARY OF TERMS**

**Agency** – A business that provides a particular service; or a government department responsible for a particular activity/area. Unless specified otherwise, this refers to the Columbia County Prison.

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

### **Allegation(s) of Sexual Contact – 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** – A person who is physically and romantically attracted to members of both sexes.

**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.

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

**De minimis** – lacking significance or importance: so minor as to merit disregard.

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**Direct Staff Supervision** - Supervision that requires security staff to be in the same room with, and within reasonable hearing distance of the inmates.

**Employee\*** – A person that works directly for the Columbia County Prison.

**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.

**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.

**Gay** – A man who is physically and romantically attracted to other men.

**Gender Expression** – A person’s expression of their gender identity, including appearance, dress, mannerisms, speech and social interactions.

**Gender Identity** – A person’s inner sense of being male or female. The gender identity may not match the biological sex of the individual.

**Gender Nonconforming\*** - A person whose appearance or manner does not conform to traditional societal gender expectations.

**Grooming for Sexual Activity** – Process that involves inmates approaching other inmates with offers of help, and perhaps protection from real or imagined threats from others, with the ultimate aim of creating an obligation for sexual activity. The grooming might also include offers of commissary and/or other benefits. This deliberate process unfolds over time, with little overt pressure and no violence.

**Heterosexual** – Man or woman who is physically and romantically attracted to members of the opposite sex.

**Homosexual** – Man or woman who is physically and romantically attracted to members of the same sex.

**Inmate\*** – Any person incarcerated or detained in a County, State or Federal Correctional Institution.

**Interference with Official Process** – Any failure to report or to cover-up an incident of sexual harassment/sexual abuse, making an allegation or statement that the party or witness knew could not have been true, or any other form of failure to cooperate with an investigation or inquiry.

**Intern** – An individual approved by the prison to use experience with the prison to further his/her academic or educational pursuits, programs or credentials. The term does not include employees or contractors.

**Intersex\*** - 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.

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

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**Lesbian** – A woman who is physically and romantically attracted to other women.

**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.

**Non-Department Employee** – Any persons (contract service provider, vendor, intern, volunteer, public visitor, etc.) who is not a Prison employee.

**Pat Search\*** - A running of the hands over the clothed body of an inmate by an employee to determine whether the individual possesses contraband.

**Preliminary Investigation** -A brief inquiry in order to identify victims, subjects, witnesses and possible offenses.

**PREA Questionnaire** – This questionnaire is a standardized risk assessment tool developed by the Columbia County Prison to identify an inmate’s relative risk of becoming a victim of sexual abuse and/or abuser in the prison setting.

**Predicate (Predication)** - The information, circumstances, suspicion or allegation that form the basis to open an investigation of sexual abuse, sexual harassment or retaliation of witnesses, victims or others relating to reports or investigations of sexual abuse, sexual harassment or retaliation.

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

**Rape Crisis Center** – An entity that provides intervention and related assistance and services to victims of sexual assault of all ages (**§115.21**)

**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 in housing units, recreational areas, and other program areas of the facility.

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

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Sexual abuse includes sexual abuse of an inmate by another inmate, and/or sexual abuse of an inmate by a staff member, contractor, volunteer, intern, or individual who has business with or uses the resources of the Department.

- a. Sexual abuse of an inmate by another inmate includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
  - 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.
- b. Sexual abuse of an inmate by a staff member, contractor, volunteer, intern, or individual who has business with or uses the resources of the Department 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 actor 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 actor 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 actor has the intent to abuse, arouse, or gratify sexual desire;
  6. any attempt, threat, or request by an actor to engage in the activities described above;
  7. any display by an actor of his/her uncovered genitalia, buttocks, or breast in the presence of an inmate; and
  8. voyeurism by an actor.

NOTE: For purposes of this definition the term “actor” refers to a staff member, contractor, volunteer, or intern.
- c. A properly conducted pat search will not be considered sexual abuse.

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

**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; and
2. Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, volunteer, intern, or individual who has business with or uses the resources of the Department including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**Sexual Identity** – The sex that a person sees their self as: this can include refusing to label oneself with a sex.

**Sexual Orientation** – The gender(s) that a person is attracted to emotionally, physically, sexually and romantically.

**Staff\*** - An employee of Columbia County Prison

**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 within the scope of an investigation; also known as the target of an investigation.

**Transgender\*** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

**Victim Support Staff (§115.21)**

- A. **Victim Advocate/Qualified Community-Based Organization Staff Member** – 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.
- B. **Qualified Department Staff Member** - Due to the Department's agreement with the Pennsylvania Coalition Against Rape (PCAR), the Department is not utilizing any staff for this purpose. All victim support services shall be provided by qualified Victim Advocates.

**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, Volunteer, or Intern,** - 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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**Youthful Inmate\*** - Any person under the age of 18 who is under adult court supervision and incarcerated in a prison.

The USDOJ requires audits to verify compliance every three years. Only individuals certified under guidelines established by the USDOJ can conduct an audit for PREA Compliance.

The Accreditation and Inspections Bureau shall conduct periodic spot inspections to ensure compliance with PREA standards. In addition CCP shall adopt any future PREA regulations as they become mandated.

**CROSS REFERENCES**

Prison Policy 016-2010	Disciplinary Procedures
Prison Policy 089-2010	Secure Detention of Juveniles
Prison Policy 094-2014	Crime Scene Preservation
Prison Policy 093-2014	Extraordinary Occurrence
Prison Policy 011-2010	Inmate Classification
Prison Policy 095-2014	Transgender Policy

**RELATED REFERENCES**

Pa Jail Standards Title 37 Chapter 95  
Prison Rape Elimination Act of 2003 (Public Law 108-79)

**REVOCATIONS**

Any language in a CCP Prison Policy, Procedural Directive, Post Order and/or written correspondence that conflicts with this policy in any way is hereby revoked.

**FORMS/SUPPORTING DOCUMENTS**

[Inmate Profile Screening \(Questionnaire\)](#)  
[PREA Initial Allegation Check List](#)

**PREA Checklist**

Location of Incident: (complete description) \_\_\_\_\_  
Date/Time Incident Reported \_\_\_\_\_ Date/Time of Incident \_\_\_\_\_  
Alleged Victim(s) \_\_\_\_\_ Inmate ID# \_\_\_\_\_  
Alleged Perpetrator(s) \_\_\_\_\_ Inmate ID# \_\_\_\_\_  
(if more than one place additional names on the back of this form)

**\*\*\*\*\*Separate Victim and Alleged Abuser Immediately\*\*\*\*\***

**Notifications: (Please Answer Clearly or Circle all that apply)**

Person Completing this Report: \_\_\_\_\_

OIC Notified:            Yes            No            OIC Name: \_\_\_\_\_

**The PREA Coordinator and/or Security Lt. must be notified immediately of any Sexual Abuse and/or Harassment Allegations**

**Medical: (Please Answer Clearly or Circle All that Apply)**

Was the victim seen by Medical:    Yes            No            Date and Time of Medical Visit: \_\_\_\_\_

Was the victim sent to the hospital:    Yes            No            If Yes Date and Time: \_\_\_\_\_

Was a rape kit completed:            Yes            No            If Yes date and time: \_\_\_\_\_

If rape kit was not completed why: \_\_\_\_\_

Was a victim advocate offered?	Yes	No
If victim advocate was not offered why?		

<b>Mental Health: (Please Answer Clearly or Circle All That Apply)</b>			
Was the victim offered Mental Health Services?	Yes	No	
Was the victim seen by Mental Health	Yes	No	
Date/Time of Mental Health Visit:			
Was the victim placed on a crisis watch? If so what type?	Yes	No	TYPE:

<b>Housing:</b>	
Victim original housing assignment:	Current Housing:
Perpetrator original housing assignment:	Current Housing:

## Columbia County Prison PREA Risk Assessment Tool

The result of this assessment is used to help keep you and other resident safe. You will not be penalized in any way if you choose not to provide any information. Answers you do provide are confidential. You may provide as much or as little information as you are comfortable sharing.

Inmate Name \_\_\_\_\_ Date: \_\_\_\_\_

Gender:	Race:	Date of Birth:
Height:	Weight:	Build

#	<u>Questions</u>	<u>Responses</u>			
1.	What is your age group?	0-17	17-26	27-40	Over 40
2.	What was your sex at birth?	Male	Female	Other	No Answer
3.	Which describes your gender expression?	Male	Female	Other	No Answer
4.	Which of the following describes your sexual orientation?	Heterosexual		Bi-Sexual	
		Homosexual		No Response	
5.	Which of the following describes your gender identity?	<u>Cisgender</u> - meaning you identify with the gender you were born with <u>Transgender</u> - meaning you identify with the opposite sex than you were born with <u>Gender non-conforming</u> – meaning you look and behave opposite than society expects for your sex <u>Intersex</u> – meaning you were born with a combination of male and female sex organs <b>No Response</b>			
6.	How would you describe your physical build?	Small	Medium		Large
7.	Have you previously experienced physical or sexual victimization?	Yes	No		No Answer
	While incarcerated?	Yes	No		No Answer
8.	Have you ever been incarcerated before?	Yes	No		No Answer
9.	Do you have prior convictions for violent sexual offenses?	Yes	No	child or adult	No Answer
10.	Have you ever victimized someone physically or sexually?	Yes	No		No Answer
	While incarcerated?	Yes	No		No Answer
11.	Do you have any of the following disabilities?	Mental	Physical		Developmental
12.	Do you feel vulnerable to being sexually abused or assaulted while incarcerated?	Yes (explain)	No		No Answer
13.	Are you being detained solely for immigration purposes?		Yes		No