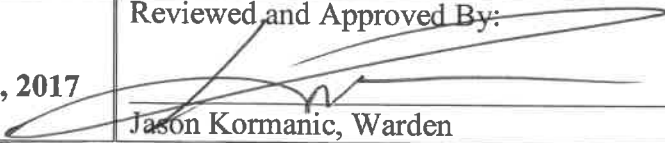


**MIFFLIN COUNTY CORRECTIONAL FACILITY  
POLICY AND PROCEDURE MANUAL**

**POLICY NUMBER: F-027**

Policy and Procedure: <b>PRISON RAPE ELIMINATION ACT (PREA)</b>		Pages: <b>33</b>
Effective Date: <b>August 29, 2021</b>	Replaces: <b>January 5, 2017</b>	Reviewed and Approved By:  Jason Kormanic, Warden

**I. Policy:**

It is the policy of the Mifflin County Correctional Facility to prohibit any form of sexual abuse and/or sexual harassment of an inmate. The Mifflin County Correctional Facility has zero tolerance for sexual abuse or sexual harassment of any individual under the supervision of the facility. Anyone who engages in, fails to report, or knowingly condones sexual harassment or sexual abuse of an inmate shall be subject to disciplinary action and may be subject to criminal prosecution. An inmate, employee, contract service provider, visitor, volunteer, intern and/or any individual who has business with or uses the resources of this facility is subject to disciplinary action and/or sanctions, including possible dismissal and termination of contracts and/or services, if he/she is found after an investigation to have engaged in sexual harassment or sexual abuse of an inmate. A claim of consent will not be accepted as an affirmative defense for engaging in sexual harassment or sexual abuse of an inmate. MCCF shall prohibit retaliation against an inmate who reports sexual harassment or sexual contact, or a staff member who reports sexual harassment or sexual contact with an inmate.

- II. Source:** Pa Crimes Code 18 3124.2.  
National PREA Standards, 28 C.F.R. Part 115

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#### **IV. Definitions:**

##### **A. Definitions (Ref. § 115.5)**

1. Contractor - a person who provides supplies or services on a recurring basis pursuant to a contractual agreement with the Department.
2. Direct Staff Supervision – supervision that requires security staff to be in the same room with, and within reasonable hearing distance of the inmate.
3. Employee – a person who works directly for the agency or facility.
4. 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.
5. Facility means 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 an agency for the confinement of individuals.
6. Gender Nonconforming – a person whose appearance or manner does not conform to traditional societal gender expectations.
7. Grooming for Sexual Activity - process that involves inmates approaching other inmates with offers of help, and perhaps protection from real or perceived sexual 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.
8. Inmate means any person incarcerated or detained in a prison or jail.
9. 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 was not true.
10. Intern – an individual approved by MCCF to use experience with this facility to further his or her academic or educational pursuits, programs or credentials. The term does not include employees or contractors.
11. Intersex – a person who’s 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.
12. Jail – a confinement facility of a county whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of 11 /12 months to 23 months or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

13. Juvenile – any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.
14. 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.
15. 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 with the scope of his or 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.
16. Pat Search- A running of the hands over the clothed body of an inmate by an employee to determine whether the individual possesses contraband.
17. Retaliation – An act of vengeance, covert or overt action, or threat of action, taken against an inmate, staff member, contractor or volunteer in response to a complaint of sexual harassment/sexual abuse or for ones cooperation in the reporting or investigation of sexual harassment or sexual abuse, regardless of the merits or the disposition of the complaint. Examples of acts of retaliation include, but are not limited to, unnecessary discipline, intimidation, unnecessary changes in work or program assignments, unjustified transfers or placements, or unjustified denials of privileges or services.
18. Security Staff – employees primarily responsible for the supervision and control of inmates, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.
19. Staff – An employee of the Mifflin County Correctional Facility.
20. Strip search – a search that requires a person to remove or arrange some of all clothing so as to permit a visual inspection of the person’s breasts, buttocks, or genitalia.
21. Transgender – person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth.
22. Substantiated allegation – an allegation that was investigated and determined to have occurred.
23. Unfounded allegation – allegation that was investigated and determined not to have occurred.

24. Unsubstantiated allegation – allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
25. Volunteer - An individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.
26. Youthful Inmate - Any person under the age of 18 who is under adult court supervision and incarcerated in a prison.

**B. Definitions related to sexual abuse (Ref. § 115.6)**

1. Sexual abuse includes;

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:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- contact between the mouth and the penis, vulva, or anus;
- penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument;
- 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. Definitions (Ref. § 115.6)

a. 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,

- contact between the mouth and the penis, vulva, or anus including penetration, however slight;
- contact between the mouth and any body part where the actor has the intent to abuse, arouse, or gratify sexual desire;
- 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;
- 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;

- any attempt, threat, or request by an actor to engage in the activities described in this section;
  - Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate and
  - Voyeurism by a staff member, contractor or volunteer. Voyeurism by a staff member, contractor, volunteer, intern, or individual who has business with or uses the resources of this facility - 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 inmates naked body or of an inmate performing bodily functions.
3. Sexual harassment includes:
- a. Repeated and unwelcome sexual advances, requests for sexual favors or verbal comments, gestures, or actions of a derogatory or offensive sexual nature, by one inmate directed toward another; and
  - b. Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, volunteer, intern, or individual who has business with or uses the resources of facility including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

#### **IV. Procedure:**

##### **Section 1: Prevention Planning**

- A. Zero tolerance of sexual abuse and sexual harassment; PREA coordinator. (Ref. § 115.11)**
1. The Mifflin County Correctional Facility has a zero tolerance for sexual abuse or sexual harassment involving inmates.
  2. It is the policy of the Mifflin County Correctional Facility to provide a safe, humane, and secure environment, free from sexual abuse, harassment, or retaliation, by establishing definitions of prohibited conduct and maintaining a program of prevention, detection, investigation, response and tracking of all reports of sexual harassment and sexual abuse of inmates.
  3. The Deputy Warden is the assigned PREA Coordinator who is responsible for developing, implementing and overseeing facility compliance with PREA standards and coordinating the facility's response to allegations of sexual abuse and sexual harassment.
- B. Contracting with other entities for the confinement of inmates (§ 115.12):**
1. MCCF does not currently contract with other entities to house MCCF inmates.

2. On or after the effective date of this policy, the facility will ensure any new contracts or contract renewal for the housing of an inmate with any entity, including other government agencies, the entity's obligation to adopt and comply with the PREA Standards.

**C. Supervision and Monitoring (§ 115.13):**

1. MCCF Administration shall ensure that it operates, develops, documents and makes its best efforts to comply on a regular basis, but no less than once a year, with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. The following items, at a minimum, must be reviewed during the annual staffing plan review.
  - Generally accepted detention and correctional practices;
  - Any judicial findings of inadequacy,
  - Any findings of inadequacy from Federal investigative agencies
  - Any findings of inadequacy from internal/external bodies;
  - All components of the facility's physical plant (including blind spots or areas where staff or inmates may be isolated);
  - The composition of the inmate population;
  - The number and placement of supervisory staff;
  - Facility programs occurring on a particular shift;
  - Any applicable State or local laws, regulations or standards;
  - The prevalence of substantiated and unsubstantiated incidents of sexual abuse and harassment;
  - Any other relevant factors.
2. In circumstances where the staffing plan is not complied with, the PREA Coordinator shall document, in writing, and justify all deviations from the plan. This documentation will be forwarded to the Warden.
3. Whenever necessary, but no less frequently than once a year, MCCF will determine and document whether adjustments are needed to:
  - The staffing plan established pursuant to this section.
  - The facility's deployment of video monitoring systems and other monitoring technologies and;
  - The resources the facility has available to commit to ensure adherence to the staffing plan.
4. The Shift Commanders/supervisors are required to conduct and document unannounced rounds in the Facility on all shifts to identify and deter sexual abuse and harassment. All rounds will be documented on the PREA Administrative Tour Documentation Form. Facility staff is prohibited from alerting other staff members that the unannounced supervisory rounds are occurring.

**D. Youthful Inmates (Ref. § 115.14):**

In the rare occasion that MCCF receives a youthful inmate, after being processed in, MCCF will follow these guidelines while the inmate is in custody.

1. MCCF shall not place a youthful inmate in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.
2. In areas outside of housing units, MCCF shall either:
  - Maintain sight and sound separation between youthful inmates and adult inmates or,
  - Provide direct staff supervision when youthful inmate and adult inmates have sight, sound, or physical contact.
3. MCCF shall make best efforts to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, agencies shall not deny youthful inmates daily large-muscle exercise and any legally required special education services to comply with this provision. Youthful inmates shall also have access to other programs and work opportunities to the extent possible.

**E. Limits to Cross-Gender viewing and searches (Ref. § 115.15):**

1. MCCF staff shall not conduct cross gender strip searches or cross gender visual body cavity searches (a search of anal or genital opening), except in exigent circumstances or when performed by medical practitioners.
2. All cross gender strip searches shall be documented on the Cross Gender Strip Search
3. A copy of the Cross Gender Strip Search Form shall be immediately forwarded to the PREA Coordinator for review and tracking.
4. Pat-down searches of female inmates by male staff (cross-gender) shall not be conducted unless in exigent circumstances. All cross-gender pat-down searches of female inmates will be documented.
5. Inmates shall be able to shower, perform bodily functions, and change clothing without being viewed by staff of the opposite gender, except in exigent circumstances or when such viewing is incidental to routine cell checks or is otherwise appropriate in connection with a medical examination or monitored bowel movement. Staff of the opposite gender shall announce their presence when entering an area where inmates are likely to be showering, performing bodily functions, or changing clothing.
6. Staff of the opposite gender shall announce their presence when entering a inmate housing unit in accordance with the following policy:
7. Security staff of the opposite gender that will be stationed in the housing unit for the entire shift shall announce their presence at the beginning of their shift. The announcement should indicate that there will be the opposite gender on the unit during the entire shift. (I.e. In a male housing unit, "Female on unit for 2 - 10 shift.")

8. All pat-down searches shall be conducted in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs and policy, including officer safety.
9. Any other staff member, contractor, volunteer, or intern that will be entering the housing unit for a limited period of time during a shift must announce their presence each time they enter the housing unit. (I.e. In a male housing unit, "Female on unit.")
10. A transgender or intersex inmate shall not be searched or physically examined for the sole purpose of determining the inmate's genital status. If the inmates' 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.
11. 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.

**F. Inmates with disabilities and inmates who are limited English proficient (Ref. § 115.16)**

1. MCCF shall ensure that inmates with disabilities or limited English proficient have an equal opportunity to participate in or benefit from all aspects of the agencies efforts to prevent, detect, and respond to sexual abuse and sexual harassment.
2. Written materials will either be delivered in alternative formats that accommodate the inmate's disability/language barrier or the information will be delivered through alternative methods, such as reading it to the inmate or communicating through an interpreter, which ensure the understanding of the PREA related material.
3. MCCF shall take reasonable steps to ensure meaningful access to all aspects of its efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
4. The PREA Coordinator will ensure that only staff members or qualified contractors provide translation for inmates. A list of translators will be maintained at the facility. The use of an inmate translator is prohibited with the exception of circumstances where an extended delay could compromise the inmate's safety, the performance of first-response duties or the investigation of the inmate's allegations. Any use of a translator will be documented and maintained by the PREA Coordinator.

**G. Hiring and promotion decisions (Ref. § 115.17)**

1. MCCF shall not hire, promote, or contract with any individual that will have direct contact with inmates, who:
  - Has engaged in sex abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);



- Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
  - Has been civilly or administratively adjudicated to have engaged in the activity described in this section.
2. MCCF shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.
  3. Before hiring new employees who may have contact with inmates, MCCF shall:
    - Perform a criminal background records check (retain in personnel file);
    - And consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
  4. The facility shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.
  5. MCCF shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates. A copy of the background check will be retained in their personnel file.
  6. MCCF shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees.
  7. MCCF will also impose upon employees a continuing affirmative duty to disclose any such misconduct.
  8. Unless prohibited by law, MCCF shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

**H. Upgrades to facilities and technologies (Ref. § 115.18)**

1. When designing or acquiring any new additions and in planning any substantial expansion or modification of existing facility, MCCF shall consider the effect of the design, acquisition, expansion or modification upon the facilities ability to protect inmates from sexual abuse.
2. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Facility shall consider how such technology may enhance the Facility ability to protect inmates from sexual abuse.

3. The PREA Coordinator shall have input into how such plans shall affect the facility's ability to protect inmates from sexual abuse and that input shall be documented via meeting minutes or other appropriate means. Results from incident reviews will be considered.

## **Section 2: Responsive Planning**

### **A. Evidence protocol and forensic medical examinations (Ref. § 115.21)**

1. MCCF staff authorized to perform administrative investigations will receive specialized training as outlined in Section 4-D, on evidence protocol.
2. The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol 15 for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.
3. In accordance with the MOU between LPD and MCCF, all reports of sexual abuse that fall under PREA shall be transported to the Lewistown Hospital for a forensic medical exam in accordance with the community level of care afforded all victims of sexual assault. The Geisinger Lewistown Hospital is the local rape crisis hospital that provides forensic medical examinations by SAFE/SANE Nurses.
4. MCCF has established an MOU with the Mifflin County Abuse Network.
5. The Abuse Network will be contacted to make available a qualified victim advocate, to accompany and support the victim through the forensic medical examination process and investigatory interviews and to provide emotion support, crisis intervention, information and referrals.
6. MCCF will request that any investigating agency follow the requirements of this section.

### **B. Policies to ensure referrals of allegations for investigations (Ref. § 115.22)**

For the purposes of this section, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

1. MCCF will ensure an administrative and/or criminal investigations shall be conducted for every allegation of sexual abuse and/or sexual harassment.
2. Every allegation of sexual abuse or sexual harassment shall be investigated thoroughly and promptly by the Lewistown Police Department (LPD). MCCF will place a statement regarding this policy on its web site.

3. An MOU has been established with the Lewistown Police to conduct criminal investigations. Referrals to LPD will be made immediately for any incident that involves potentially criminal behavior.
4. Additional requirements of Criminal Investigations is outlined in Section 8 § 115.71 Criminal and administrative agency investigations

### **Section 3: Training and Education**

#### **A. Employee Training (Ref. § 115.31)**

1. All MCCF staff who may have contact with inmates will be trained on the following:
  - MCCF policies that address the facilities zero-tolerance for sexual abuse and sexual harassment;
  - How to fulfill their responsibilities under agency sexual abuse and sexual harassment, prevention, detection, reporting and response policies and procedures;
  - Inmates' right to be free from sexual abuse and sexual harassment;
  - The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
  - The dynamics of sexual abuse and sexual harassment in confinement;
  - The common reactions of sexual abuse and sexual harassment victims;
  - How to detect and respond to signs of threatened and actual sexual abuse;
  - How to avoid inappropriate relationships with inmates;
  - How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming inmates, and;
  - How to comply with relevant laws of Pennsylvania related to mandatory reporting of sexual abuse to outside authorities.
  - Definitions and examples of prohibited and illegal sexual behavior;
  - Instruction that sexual abuse and/or assault is never an acceptable consequence of detention
  - Recognition of situations where sexual abuse and/or assault may occur;
  - Working with vulnerable populations and addressing their potential vulnerability in the general population;
  - The requirement to limit reporting of sexual abuse and assault to personnel with a need-to-know in order to make decisions concerning the inmate victim's welfare, and for law enforcement/investigative purposes;
  - The investigation process and how to ensure that evidence is not destroyed;
  - Prevention, recognition and appropriate response to allegations or suspicions of sexual assault involving inmates with mental or physical disabilities;
  - Reporting knowledge or suspicion of sexual abuse and/or assault; and
  - Documentation and referral procedures of all allegations or suspicion of sexual abuse and/or assault.
2. MCCF will tailor the training for issues related to both male and female inmates.

3. All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and the facility shall provide each employee with refresher training every two years to ensure that all employees know the facilities current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the facility shall provide refresher information on current sexual abuse and sexual harassment policies.
4. MCCF shall document, through employee signature or electronic verification, which employees understand the training they have received.

**B. Volunteer and contractor training (Ref. § 115.32)**

1. MCCF shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
2. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates, but all volunteers and contractors who have contact with inmates shall be notified of the facility's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
3. MCCF shall maintain documentation confirming that volunteers and contractors understand the training they have received.

**C. Inmate education (Ref. § 115.33)**

1. Every inmate will receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment as well as how to report incidents or suspicion of sexual abuse or sexual harassment. The inmate will receive a copy of the PREA brochure during the booking process.
2. Within 30 days of intake, inmates will be provided with more comprehensive education.
3. MCCF will ensure current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.
4. MCCF will provide inmate education 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.
5. Documentation that sexual abuse and sexual harassment training has occurred shall be retained in each inmates institutional file.
6. The PREA Coordinator will ensure reporting information is continually available to inmates through posters on each housing unit and handbook updates.

**D. Specialized training for Investigators (Ref. § 115.34)**

1. In addition to the Basic PREA Training provided to all staff, specialized trainings will be given to the PREA Coordinator, investigators and all Lieutenants and/or Captains.
2. This specialized training will include:
  - Techniques for interviewing sexual abuse victims.
  - Proper use of Miranda and Garrity warnings.
  - Sexual abuse evidence collection in confinement settings.
  - Criteria and evidence required to substantiate a case for administrative action or prosecution referral.
  - This training will be facilitated by MCCF Trainers, Outside Agencies or PSP by utilizing the curriculum from the PREA Resource Center.
3. This training will be documented and staff member receiving training will sign a document to indicate their understanding of the training. A copy of this document will be maintained in the employees personnel file.

**E. Specialized training for Medical and Mental Health Care (Ref. § 115.35).**

1. The Facility will ensure that all full and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in:
  - How to detect and assess signs of sexual abuse and sexual harassment;
  - How to preserve physical evidence of sexual abuse;
  - How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
  - How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
2. Preserve Physical Evidence: Non-applicable (Lewistown Hospital SAFE and SANE will handle evidence collection of victim and alleged perpetrator) evidence. PSP and or Facility will handle evidence at the scene.
3. The facility shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard.
4. Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.31 or for contractors and volunteers under § 115.32, depending upon the practitioner's status at MCCF.

**Section 4: Screening for Risk of Sexual Victimization and Abusiveness**

**A. Screening for risk of victimization and abusiveness (Ref. § 115.41)**

1. All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.
2. Intake screening shall ordinarily take place within 72 hours of arrival at the facility.

3. Such assessments shall be conducted using an objective screening instrument.
4. The intake and medical screening will collect the following objective criteria to assess inmates risk of sexual victimization and abusiveness:
  - Whether the inmate has a mental, physical, or developmental disability
  - The age of the inmate
  - The physical build of the inmate
  - Whether the inmate has previously been incarcerated
  - Whether the inmate's criminal history is exclusively nonviolent
  - Whether the inmate has prior convictions for sex offenses against an adult or child;
  - Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming
  - Whether the inmate has previously experienced sexual victimization
  - The inmates own perception of vulnerability
  - Whether the inmate is detained solely for civil immigration purposes
5. The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the facility, in assessing inmates for risk of being sexually abusive.
6. Inmates considered at risk for sexual victimization shall be placed in the least restrictive housing that is available and appropriate.
7. Within 30 days of commitment, the case manager or designee assigned to an inmate will reassess the inmate's risk of victimization or abusiveness based on any additional, relevant information received by the facility since the intake screening.
8. Additional reassessments will be conducted as needed when a referral, request, incident, or receipt of additional information that may impact on the inmate's risk of sexual victimization and abusiveness.
9. Inmates will not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraph 4 of this section
10. All information collected during this process is saved electronically in the facilities jail management system. This information is only able to be accessed by MCCF Administration, Captains, Lieutenants and Treatment Services staff.

**B. Use of screening information (Ref. § 115.42)**

1. The risk screening information obtained pursuant to § 115.41 will be used to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

2. MCCF will make individualized determinations about how to ensure the safety of each inmate.
3. In deciding whether to assign a transgender or intersex inmate to a work detail for male or female inmates, and in making other housing and programming assignments, MCCF shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.
4. Placement and programming assignments for each transgender or intersex inmate shall be reassessed, by the PREA Coordinator, in consultation with facility staff that regularly interacts with the inmate, at least twice each year to review any threats to safety experienced by the inmate.
5. A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.
6. Transgender and intersex inmates will be given the opportunity to shower separately from other inmates.
7. MCCF will not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated units solely on the basis of such identification or status, unless placement is in a dedicated unit established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.
8. When making assessment and housing decisions for a transgender or intersex inmate, the facility shall consider the inmate's gender self-identification and an assessment of the effects of placement on the inmate's health and safety.
  - The facility shall consult a medical or mental health professional as soon as practicable on this assessment.
  - The facility should not base placement decisions of transgender or intersex inmates solely on the identity documents or physical anatomy of the inmate.
  - An inmate's self-identification of his/her gender and self- assessment of safety needs shall always be taken into consideration.
  - The facility's placement of a transgender or intersex inmate shall be consistent with the safety and security considerations of the facility.
  - Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

**C. Protective custody (Ref. § 115.43):**

1. Inmates at a high risk for sexual victimization shall not be placed involuntarily in Administrative Custody as a means of protection unless an assessment of all available alternatives has been made by treatment and security staff in conjunction with the PREA Coordinator, and a determination has been made that there is no available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the inmate in involuntary Administrative Custody for less than 24 hours while completing the assessment.

2. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to these opportunities, the facility shall document on an EOR (Extraordinary Occurrence Report) with the:
  - The opportunities that have been limited;
  - The duration of the limitation, and;
  - The reasons for such limitations.
3. The facility shall assign inmates to involuntary Administrative Custody only until an alternative means of separation from likely abusers can be arranged and such assignment shall not ordinarily exceed 30 days.
4. If an involuntary Administrative Custody housing assignment is made the facility shall clearly document the following information:
  - The basis for the facility's concern for the inmate's safety, and
  - The reason why no alternative means of separation can be arranged.
  - The report must be forwarded immediately to the PREA Coordinator for review and monitoring purposes.
5. At least every 30 days, the facility shall ensure each such inmate is reviewed to determine whether there is a continuing need for separation from the general population. The PREA Coordinator will track the 30 day review through an electronic calendar notification. This review shall be completed by the Program Review Committee (PRC).

## **Section 5: Reporting**

### **A. Inmate reporting (Ref. § 115.51)**

1. The Facility shall provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, 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. Methods of reporting for inmates include request (verbal or in writing) to speak to any staff member with whom they feel comfortable or by third party through one of our support services providers.
2. The facility shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security. Below are details of the options:

**Sexual Abuse Reporting Phone Line; Management Operations Center (MOC)  
utilizing telephone number 1 (844) 429-5412**

**The Abuse Network at 717-242-2444**



**Inmate may report with their name, or anonymously. Either way all reports to this hotline are sent back to MCCF for investigation. Third parties, including family members and friends of inmates may also use this line and report either the inmates name or make the details of the report without the inmate's name.**

**Rape Abuse and Incest National Network (RAINN); 1-800-656-4673**

**This is a national hotline that can provide information on sexual abuse and sexual harassment.**

**Just Detention International – Just Detention International is a health and human rights organization that seeks to end sexual abuse in all forms of detention. People in detention may contact Just Detention International, via confidential, legal mail at the following address:**

**3325 Wilshire Blvd., Suite 340**

**Los Angeles, CA 90010**

**Phone (202) 506-3333**

3. Inmates detained solely for immigration violations shall be provided information on how to contact consular and/or Homeland Security officials.
4. Staff shall accept reports made verbally, in writing, anonymously, other facilities and from third parties and will promptly document. This form will be forwarded to the Shift Commander for response. Any reports received will be held in strict confidence and will precipitate the immediate commencement of an investigation.
5. MCCF staff shall be able to privately report sexual abuse and sexual harassment of inmates by confiding in their supervisor, administration or the PREA coordinator. This will be expressed during the PREA training.

**B. Exhaustion of administrative remedies (Ref. § 115.52)**

1. Reporting Through Grievance System:
  - a. Formal grievances related to sexual abuse and assault may be filed at any time during, after, or in lieu of lodging an informal grievance or complaint and with no time limit imposed on when a grievance may be submitted.
  - b. Any staff member receiving a written notification involving a PREA incident will immediately notify the Shift Commander.
  - c. The shift commander identify if it is a time-sensitive grievance that involves an immediate threat to inmate health, safety, or welfare related to sexual abuse or assault. If so appropriate immediate actions will be taken.
  - d. The facility does not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

- e. Nothing in this section shall restrict the facility's ability to defend against an inmate lawsuit on the ground that the applicable statute of limitations has expired.
- f. The facility shall ensure that:
  - An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and;
  - Such grievance is not referred to a staff member who is the subject of the complaint.
- g. The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
- h. Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal.
- i. The facility may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The inmate will be notified in writing of any such extension and provide a date by which a decision will be made.
- j. At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.
- k. Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.
- l. If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
- m. If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision.
- n. Inmates may file emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse at any time through the tablet system or in writing. .
- o. After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to the Shift Commander who, if warranted may take immediate corrective action.
  - The inmate will be provided an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

- p. The facility may discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith.

**C. Inmate access to outside confidential support services (Ref. § 115.53)**

1. MCCF will provide inmates with access to The Abuse Network for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free numbers of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies.
2. MCCF shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible. (See subsection 115.51 (b).)
3. MCCF will inform inmates, prior to giving them access, of the extent to which communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.
4. MCCF has an MOU with the Abuse Network to provide victims advocacy services for PREA related incidents.

**D. Third-party reporting (Ref. § 115.54):**

Methods to make a third party report are provided to the inmates, staff members, service providers and the general public. The information is provided as follows:

- To staff and service providers during training
- To the inmates at booking and on posters through the facility
- To the general public on the county website

**Section 6: Official Response Following an Inmate Report**

**A. Staff and agency reporting duties (Ref. § 115.61)**

1. All facility staff members, contract service provider, volunteer, intern or an individual who has business with or uses the resources of the Facility, shall report immediately and according to this policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred at the facility, whether or not it is part of the MCCF; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Employees, contractors, services providers or volunteers are required to report sexual abuse or sexual harassment directly to a Lieutenant, Captain, Deputy Warden, Warden.
2. Employees are not to discuss with anyone except a Lieutenant, Captain, Deputy Warden or Warden, information related to a sexual abuse report other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.

3. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (a) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
4. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's statute, the facility shall report the allegation to Child Line of the Pennsylvania Department of Human Services at 1-800-932-0313.
5. The facility shall report allegations of sexual abuse and sexual harassment, except inmate on inmate sexual harassment, including third-party and anonymous reports, to the Shift Commander and Administration. The Administration will assign an investigator to conduct an investigation into the allegation.
  - If staff determine that inmate on inmate sexual harassment is occurring, administration will also assign an investigator.

**B. Agency protection duties (Ref. § 115.62)**

If determined that an inmate is subject to a substantial risk of imminent sexual abuse, the inmate will immediately be placed in Protective Custody until appropriate protective measures are in place.

**C. Reporting to other confinement facilities (Ref. § 115.63)**

1. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Warden or a Deputy Warden shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
2. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
3. The Warden or a Deputy Warden shall document that such notification has been provided on the Notification Form.
4. Non-applicable

**D. Staff first responder duties (Ref. § 115.64)**

1. Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to:
  - Separate the alleged victim and abuser;
  - Preserve and protect any crime scene until LPD arrives and appropriate steps can be taken to collect any evidence;
  - If the abuse occurred within a time period that still allows for the collection of physical evidence (two weeks), 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; and

2. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
3. If the first 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, and notify security staff.

**E. Coordinated response (Ref. § 115.65)**

1. Upon completion of steps in Section D above, the following steps will be taken as a coordinated response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and MCCF Leadership; The Shift Commander will immediately initiate steps indicated on the PREA Incident Checklist (depending on the incident timeframe).
2. The Shift Commander will complete the following steps of the investigation:
  - Notify the medical department and request an immediate evaluation of the alleged victim (at no cost to the inmate). Evaluation should only consist of tending to abrasions that need immediate attention.
  - Notify the Lewistown Police Department of the alleged assault.
  - If the sexual abuse incident occurred within 72 hours, the victim should be transported to the Geisinger Lewistown Hospital for a forensic medical examination by a SAFE or SANE nurse. If the incident occurred over 72 hours, LPD and/or Medical Staff will make the determination whether to send the victim to the hospital.
  - The inmate will not be charged by medical personnel or if taken to an outside Hospital (or other medical facility) to be examined related to sexual abuse allegations.
3. Appropriate action shall be taken to ensure all potential physical evidence is preserved.
4. The inmate should not shower or change clothes until examined.
  - The area of the crime scene should not be disturbed until the investigating agency evaluates the scene. The area should be locked if possible and staff and inmates should not be in that area. If the area cannot be locked; other precautions should be taken to prevent contamination or damaging of evidence.
5. Separate and secure all who were in the area where the alleged incident took place until the Lewistown Police Department can obtain statements.
6. Obtain an incident report from all personnel that were involved. This should be in conjunction with the LPD investigation.
7. Notify the MCCF Administration.
8. Notify The Abuse Network.

9. Secure any relevant documentation such as videos, housing unit logs, etc.
10. Submit an administrative investigative report to MCCF administration.

The Warden will submit the final report to the Mifflin County Prison Board.  
The PREA Coordinator will file all necessary reports with the PA.  
Department of Corrections and the Department of Justice.

**F. Preservation of ability to protect inmates from contact with abusers (Ref. § 115.66)**

1. Neither MCCF nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the facilities ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.
2. Nothing in this standard shall restrict the entering into or renewal of agreements that govern:
  - The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§ 115.72 and 115.76; or
  - Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

**G. Agency protection against retaliation (Ref. § 115.67)**

1. The facility 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, and shall designate which staff members or departments are charged with monitoring retaliation.
2. The facility shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
3. For at least 90 days following a report of sexual abuse, the PREA Coordinator shall ensure retaliation monitoring is complete. Monitoring of 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 any such retaliation. This will be documented on Retaliation Monitoring form. Items which should be monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
4. In the case of inmates such monitoring shall also include periodic status checks.

5. If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.
6. The obligation to monitor shall terminate if the facility determines that the allegation is unfounded.

**H. Post-allegation protective custody (Ref. § 115.68):**

1. Victims and vulnerable inmates shall be housed in a supportive environment that represents the least restrictive housing option possible (e.g. in a different housing unit, transfer to another facility, medical housing, or protective custody), and that will, to the extent possible, permit the victim the same level of privileges he/she was permitted immediately prior to the sexual assault. This placement should take into account any ongoing medical or mental health needs of the victim.
2. An inmate victim who is in protective custody after having been subjected to sexual abuse shall not be returned to the general population until completion of a proper re assessment, taking into consideration any increased vulnerability of the inmate as a result of the sexual abuse or assault.
3. The facility shall employ multiple protection measures, such as housing changes, removal of alleged staff or inmate abusers from contact with victims.

**Section 7: Investigations**

**A. Criminal and administrative agency investigations (Ref. § 115.71)**

1. MCCF has an established MOU with the Lewistown Police Department to investigate all allegations of sexual abuse (inmate on inmate or staff on inmate) and sexual harassment (staff on inmate). Inmate on Inmate allegations of sexual harassment will be investigated by trained staff and if determined sexual harassment is taking place, the facility will notify LPD.
2. Trained staff will collect clothing from the abuser as directed by LPD based on the circumstances of the incident.
3. The MOU requires Criminal Investigators to:
  - Where sexual abuse is alleged, use investigators who have received special training in sexual abuse investigations pursuant to § 115.34.
  - Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
  - When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

- 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 inmate or staff. No agency shall require a inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

4. Administrative investigations:

- Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
- Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
- Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- The facility shall retain all written reports referenced in paragraphs in this section for as long as the alleged abuser is incarcerated or employed by the MCCF, plus five years.
- The departure of the alleged abuser or victim from the employment or control of MCCF shall not provide a basis for terminating an investigation.
- Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
- When outside agencies investigate sexual abuse, the MCCF shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

**B. Evidentiary standard for administrative investigations (Ref. § 115.72)**

The facility shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

**C. Reporting to inmates (Ref. § 115.73)**

1. Following an investigation into an inmate's allegation that they suffered sexual abuse at the facility, the PREA Coordinator shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
2. If the facility did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.
3. Following an inmates allegation a staff member has committed sexual abuse against the inmate, the facility shall subsequently inform the inmate (unless MCCF has determined that the allegation is unfounded) whenever:
  - The staff member is no longer posted within the inmates unit;
  - The staff member is no longer employed at the facility;
  - MCCF learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or



- The facility learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
4. Following an inmate's allegation that he or she has been sexually abused by another inmate, the facility shall subsequently inform the alleged victim whenever:
    - The facility learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
    - The facility learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
  5. All such notifications or attempted notifications shall be documented on a Inmate Notification Form.
  6. MCCF's obligation to report under this standard shall terminate if the inmate is released from the agencies custody.

## **Section 8: Discipline**

### **A. Disciplinary sanctions for staff (Ref. § 115.76)**

1. Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
2. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
3. Disciplinary sanctions for violations of County and Facility policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
4. 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 law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

### **B. Corrective action for contractors and volunteers (Ref. § 115.77)**

1. 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.
2. The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of sexual abuse or sexual harassment policies by a contractor or volunteer.

### **C. Disciplinary sanctions for inmates (Ref. § 115.78)**

1. Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate on inmate sexual abuse or following a criminal finding of guilt for inmate on inmate sexual abuse.
2. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.
3. The disciplinary process shall consider whether a inmates mental disabilities or mental illness contributed to their behavior when determining what type of sanction, if any, should be imposed.
4. If the facility is able to offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.
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.
6. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
7. MCCF prohibits all sexual activity between inmates, and may discipline inmates for such activity. The facility may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

## **Section 9: Medical and Mental Care**

### **A. Medical and mental health screenings; history of sexual abuse (Ref. § 115.81)**

1. If the screening pursuant to § 115.41 indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, Medical staff and/or treatment staff shall ensure that the inmate is offered a follow-up meeting with medical or mental health within 14 days of the intake screening.
2. If the screening pursuant to § 115.41 indicates that an inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, Medical staff and/or treatment staff shall ensure that the inmate is offered a follow-up meeting with medical or mental health within 14 days of the intake screening.
3. 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 and security and management decisions,

including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

4. 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.

**B. Access to emergency medical and mental health services (Ref. § 115.82)**

1. Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services. In accordance with the MOU between PSP and MCCF, all reports of sexual abuse that fall under PREA shall be transported to the Geisinger Hospital for a forensic medical exam in accordance with the community level of care afforded all victims of sexual assault.
2. We will have medical staff on duty.
3. Inmate victims of sexual abuse while incarcerated will be provided timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate, by the SAFE/SANE nurse.
4. Treatment services listed in (c) of this section will 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.

**C. Ongoing medical and mental health care for sexual abuse victims and abusers (Ref. § 115.83)**

1. The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse through our MOU with the Abuse Network.
2. 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.
3. The facility shall provide such victims with medical and mental health services consistent with the community level of care through our MOU with the Abuse Network.
4. Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
5. If pregnancy results from the conduct described in this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
6. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

7. 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.

## **Section 10: Data Collection and Review**

### **A. Sexual abuse incident reviews (Ref. § 115.86)**

1. The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
2. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
3. The PREA Coordinator will chair the Incident Review Meeting. The review team will include at a minimum: A Deputy Warden, Case Manager, Health Service Administrator and at least one Shift Commander.
4. The review team shall:
  - Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
  - Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; Assess the adequacy of staffing levels in that area during different shifts.
  - Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and prepare a report of its, including but not necessarily limited to determinations made pursuant to paragraphs of this section, and any recommendations for improvement and submit such report to the Warden.
5. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so on the last page of the form.

### **B. Data collection (Ref. § 115.87)**

1. MCCF shall collect accurate, uniform data for every allegation of sexual abuse at the facility using the PREA Annual Report.
2. The facility shall aggregate the incident-based sexual abuse data at least annually.
3. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

4. The facility shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
5. Upon request, the facility shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

**C. Data review for corrective action (Ref. § 115.88)**

1. MCCF shall review data collected and aggregated on the PREA Annual Report (Attachment 11-b) pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
  - Identifying problem areas;
  - Taking corrective action on an ongoing basis; and preparing an annual report of its findings and corrective actions.
2. Such 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 facilities progress in addressing sexual abuse.
3. The report shall be approved by the Warden and made readily available to the public through its website or, if it does not have one, through other means.
4. The facility may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

**D. Data storage, publication, and destruction (Ref. § 115.89)**

1. The facility shall ensure that data collected pursuant to § 115.87 are securely retained in the office of the PREA Coordinator.
2. The facility shall make all aggregated sexual abuse data, readily available to the public at least annually through its website or, if it does not have one, through other means.
3. Before making aggregated sexual abuse data publicly available, MCCF shall remove all personal identifiers.
4. The facility shall maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.
5. The facility administrator must maintain two types of files of sexual abuse and assault incidents which include the following minimum information:
  - a. General files include:
    - The victim(s) and assailant(s) of a sexual abuse and assault;
    - The date, time, location, and nature of the incident;

- The demographic background of the victim and perpetrator (including citizenship, age, gender, and whether either has self-identified as gay, lesbian, bisexual, transgender, intersex, or gender nonconforming);
  - Detailed reporting timeline, including the names of the individuals who reported the incident and received the report of sexual assault, date and time the report was received, and steps taken to communicate the report up the chain of command;
  - Any injuries sustained by the victim;
  - All formal and/or informal action taken, including all post-report follow up response taken by the facility (e.g., housing placement/custody classification, medical examination, mental health counseling, etc.);
  - All reports;
  - Medical forms or other relevant medical information;
  - Supporting memos and videotapes, if any;
  - Any sanctions imposed on the perpetrator; and
  - Any other evidentiary materials pertaining to the allegation.
- b. The facility administrator shall maintain these files chronologically in a secure location.
6. The facility administrator shall maintain a listing of the names of sexual abuse and assault victims and assailants, to include:
- a. Dates and locations of all sexual abuse and assault incidents.
- Files will be computerized and maintained by the Warden.
  - Such information shall be maintained on a need-to-know basis in accordance with facility policies on Medical Care and “Detention Files and which includes protection of electronic files from unauthorized access.
  - At no time may law enforcement sensitive documents or evidence be stored at the facility.
  - Access to this designation shall be limited to those staff involved in the treatment of the victim or the investigation of the incident.
  - The authorized designation shall allow appropriate staff to track the inmate victim or assailant of sexual abuse and assault across the system.

## **Section 11: Audits and Corrective Action**

### **A. Audits of standards (Ref. § 115.93)**

The facility shall conduct audits pursuant to §§ 115.401–.405.

### **B. Frequency and scope of audits (Ref. § 115.401)**

1. During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the facility shall ensure that it is audited at least once.
2. The Department of Justice may send a recommendation to MCCF for an expedited audit if the Department has reason to believe that the facility may be experiencing problems relating to sexual abuse. The recommendation may also include referrals to resources that may assist the agency with PREA-related issues.

3. The Facility shall bear the burden of demonstrating compliance with the standards.
4. An auditor shall review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations for the facility.
5. The audits shall review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.
6. The auditor shall have access to, and shall observe, all areas of the facility.
7. The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).
8. The auditor shall retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request.
9. The auditor shall interview a representative sample of inmates, and of staff, supervisors, and administrators.
10. The auditor shall review a sampling of any available videotapes and other electronically available data (e.g., Guardian) that may be relevant to the provisions being audited.
11. The auditor shall be permitted to conduct private interviews with inmates.
12. Inmates shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.
13. Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.

**C. Auditor qualifications (Ref. § 115.402)**

1. An audit shall be conducted by:
  - A member of a correctional monitoring body that is not part of, or under the authority of, the MCCF (but may be part of, or authorized by, the relevant State or local government);
  - A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the facility; or
  - Other outside individuals with relevant experience.
2. All auditors shall be certified by the Department of Justice. The Department of Justice shall develop and issue procedures regarding the certification process, which shall include training requirements.

3. No audit may be conducted by an auditor who has received financial compensation from the facility being audited (except for compensation received for conducting prior PREA audits) within the three years prior to the agency's retention of the auditor.
4. The Facility shall not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the retention of the auditor, with the exception of contracting for subsequent PREA audits.

**D. Audit contents and findings (Ref§ 115.403)**

1. Each audit shall include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.
2. Audit reports shall state whether MCCF -wide policies and procedures comply with relevant PREA standards.
3. For each PREA standard, the auditor shall determine whether the facility reaches one of the following findings: Exceeds Standard (substantially exceeds requirement of standard); Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period); Does Not Meet Standard (requires corrective action). The audit summary shall indicate, among other things, the number of provisions the facility has achieved at each grade level.
4. Audit reports shall describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision for the facility, and shall include recommendations for any required corrective action.
5. Auditors shall redact any personally identifiable inmate or staff information from their reports, but shall provide such information to the facility upon request, and may provide such information to the Department of Justice.
6. The facility shall ensure that the auditor's final report is published on the MCCF website, if it has one, or is otherwise made readily available to the public.

**E. Audit corrective action plan (Ref. § 115.404)**

1. A finding of "Does Not Meet Standard" with one or more standards shall trigger a 180-day corrective action period.
2. The auditor and the facility shall jointly develop a corrective action plan to achieve compliance.
3. The auditor shall take necessary and appropriate steps to verify implementation of the corrective action plan, such as reviewing updated policies and procedures or re-inspecting portions of the facility.



4. After the 180-day corrective action period ends, the auditor shall issue a final determination as to whether MCCF has achieved compliance with those standards requiring corrective action.
5. If the facility does not achieve compliance with each standard, it may (at its discretion and cost) request a subsequent audit once it believes it has achieved compliance.

**F. Audit appeals (Res. § 115.405)**

1. MCCF may lodge an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect. Such appeal must be lodged within 90 days of the auditor's final determination.
2. If the Department determines that the facility has stated good cause for a re-evaluation, the facility may commission a re-audit by an auditor mutually agreed upon by the Department and MCCF. MCCF shall bear the costs of this re-audit.
3. The findings of the re-audit shall be considered final.

**Section 12: OTHER:**

**A. Transports**

1. Inmates identified as being "at risk" for sexual victimization shall be transported in accordance with that special safety concern.
2. Transportation staff shall seat each inmate in accordance with written procedures from the facility administrator, with particular attention to inmates who may need to be afforded closer observation for their own safety.

**B. Attachments**

- **Form F-027a Cross Gender Strip Search**
- **Form F-027b PREA Tours**
- **Form F-027c Employee Training**
- **Form F-027d New Employment PREA**
- **Form F-027e Reporting allegations to other facility**
- **Form F-027f Annual PREA Report**
- **Form F-027g Incident Review**
- **Form F-027h PREA Fact Finding CHECKLIST**
- **Form F-027i PREA Risk Screening BOOKING**
- **Form F-027j PREA Sexual Assault Checklist**
- **Form F-027k Victim or Witness Statement**
- **Form F-027l Contactor Volunteer Training**
- **Form F-027m Inmate Notice of Results**
- **Form F-027n Retaliation Monitoring**
- **Form F-027o Inmate Education**