

**Prison Rape Elimination Act (PREA) Internal Annual Report  
Pennsylvania Department of Corrections (PADOC)<sup>1</sup>  
2013**

**Introduction**

The Prison Rape Elimination Act of 2003 (PREA) was enacted federally in an effort to address issues of sexual abuse occurring against incarcerated individuals. An important aspect of PREA in Pennsylvania, as well as nationally, is understanding how often sexual abuse is occurring against inmates under our care. To get a true understanding of this, we rely upon several sources of information all of which are reported by the Department's 26 State Correctional Institutions, and 13 state-run Community Correction Centers. These information sources include:

- Inmate misconducts for sexual related behavior and sexual harassment,
- Extraordinary Occurrence Reports of inmate or staff sexual behavior or sexual harassment,
- PREA logs maintained by each institution Security Office,
- PREA hotline calls, and
- Office of Special Investigations database of Staff Investigations.

This information is pulled together and researched and gleaned to obtain the information required for the Bureau of Justice Statistic Annual Survey on Sexual Victimization Report.

Each year, Pennsylvania sends the report summarizing the total number of allegations reported in our institutions and community correction centers in the previous year. These numbers are broken out by type:

- Inmate-on-Inmate Nonconsensual Sexual Acts,
- Inmate-on-Inmate Abusive Sexual Contacts,
- Inmate-on-Inmate Sexual Harassment,
- Staff-on-Inmate Sexual Misconduct, and
- Staff-on-Inmate Sexual Harassment.

For all substantiated allegations, a five-page Survey of Sexual Victimization Incident Form is completed, providing specific details regarding each incident and the individuals involved.

This report summarizes the incidents from 2013, with comparison tables to the numbers reports in 2012. It is important to note that PADOC is in the process of improving our reporting related to PREA allegations. New procedures are being established and many other changes have already been enacted, to assure we can provide an even more accurate picture of allegations of sexual assault against inmates under our care in future years. Many increases can be seen in our numbers for 2013 when compared to 2012; it is our belief that these increases can be attributed to the improvements<sup>1</sup> made to our reporting procedures as well as more training of investigative staff at each facility.

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<sup>1</sup> Included in this report are allegations reported to any of the 25 State Correctional Institutions (SCIs) currently operating in Pennsylvania, two institutions that closed in 2013 (SCI Cresson and SCI Greensburg), Quehanna Boot Camp and our Community Corrections Centers. Note that incidents occurring at contracted facilities (CCFs) and contracted jails (CCJs) were not included in this report, as those facilities report their allegations directly to BJS.

## Part 1: Inmate Perpetrators

There were a total of 121 allegations of inmate-on-inmate sexual assault or harassment in 2013, of which, eight were substantiated, or 6.6 percent. Over 40 percent of allegations against other inmates were allegations of nonconsensual sexual acts, while 34 percent were of abusive sexual contacts and one out of every four allegations against another inmate were allegations of sexual harassment.

### Nonconsensual Sexual Acts

Less than five percent of all allegations of inmate-on-inmate nonconsensual sexual acts were substantiated, with 36 percent being unfounded. At the time of this report, one investigation remained open with the Pennsylvania State Police and the outcome is unknown.

**Table 1: Inmate-on-Inmate Nonconsensual Sexual Acts<sup>2</sup>, 2012-2013**

Inmate-on-Inmate Nonconsensual Sexual Acts	2012	2013
<b>Total Allegations</b>	<b>37</b>	<b>50</b>
Substantiated	1	2
Unsubstantiated	16	29
Unfounded	20	18
Investigation Ongoing	0	1

Both of the substantiated allegations of nonconsensual sexual acts reported in 2013 occurred in the victim's cell and were incidents of forced oral sex by the perpetrator; one utilized physical force to coerce the victim, causing him bruising. (Tables 1 and 2).

**Table 2: Substantiated Inmate-on-Inmate Nonconsensual Sexual Acts, 2013**

Institution	Location	Number of Perpetrators	Number of Victims	Description
SCI Camp Hill	In their cell	1	1	The victim was forced to perform oral sex on his cellmate on numerous occasions. He was also physically assaulted.
SCI Fayette	In the victim's cell	1	1	The victim was forced to perform oral sex on another inmate. He was also threatened with physical harm.

### Abusive Sexual Contacts

There were 41 allegations of inmate-on-inmate abusive sexual contact in 2013. Total allegations increased almost four-fold compared to 2012, likely due to improved tracking of such incidents. Four allegations were substantiated, affecting a total of five victims. Three of the substantiated incidents

<sup>2</sup> Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; AND (contact between the penis and the vulva or the penis and the anus including penetration, however slight; OR contact between the mouth and the penis, vulva, or anus; OR penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.) Substantiated means the incident occurred, Unsubstantiated means there was not enough information to prove either it did or didn't occur, and Unfounded means the evidence showed the incident did not occur.

were female-on-female, while one was a male inmate trying to force another male inmate into having sex, choking him. (Tables 3 and 4).

**Table 3: Inmate-on-Inmate Abusive Sexual Contacts<sup>3</sup>, 2012-2013**

Inmate-on-Inmate Abusive Sexual Contacts	2012	2013
<b>Total Allegations</b>	<b>11</b>	<b>41</b>
Substantiated	2	4
Unsubstantiated	5	36
Unfounded	4	1

**Table 4: Substantiated Inmate-on-Inmate Abusive Sexual Contacts, 2013**

Institution	Location	Number of Perpetrators	Number of Victims	Description
SCI Graterford	In their cell	1	1	An officer overheard as the perpetrator was choking his cellmate, attempting to force him to have sex.
SCI Muncy	In their cell	1	1	The perpetrator admitted to touching the victim's vaginal area and butt.
SCI Muncy	In the common room	1	2	The perpetrator touched her victims inappropriately and sexually harassed them.
SCI Muncy	In the kitchen, inmate dining room and restroom	1	1	The victim was touched, grabbed, poked and rubbed in a sexual manner. One incident was supported by video evidence.

### Sexual Harassment

In 2013, PADOC started capturing and reporting numbers on inmate-on-inmate sexual harassment allegations. As can be seen in Table 5, there were 30 such allegations reported, with the majority of them being unsubstantiated; however, two allegations were substantiated, which are detailed in Table 6.

**Table 5: Inmate-on-Inmate Sexual Harassment<sup>4</sup>, 2012-2013**

Inmate-on-Inmate Sexual Harassment	2012 <sup>5</sup>	2013
<b>Total Allegations</b>	<b>-</b>	<b>30</b>
Substantiated	-	2
Unsubstantiated	-	27
Unfounded	-	1

<sup>3</sup> Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; AND intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. EXCLUDES incidents in which the contact was incidental to a physical altercation.

<sup>4</sup> Repeated and unwanted 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.

<sup>5</sup> In 2012, inmate-on-inmate sexual harassment incidents were neither collected nor reported.

**Table 6: Substantiated Inmate-on-Inmate Sexual Harassment, 2013**

Institution	Location	Number of Perpetrators	Number of Victims	Description
SCI Smithfield	In a common area	1	1	Friendly interactions between two inmates, including rubbing each other's shoulders, became uncomfortable for one. Requests to cease were not taken seriously and eventually resulted in a physical altercation.
SCI Pittsburgh	On the block	1	2	One inmate flashed his genitalia towards two other inmates on multiple occasions.

**Part 2: Staff Perpetrators**

The majority of allegations of inmate sexual assault or harassment were alleged against staff. There were a total of 345 allegations against staff reported in 2013, up from 72 the year before. Once again, this increase can be attributed to better tracking and investigative procedures of the allegations. Due to the investigative and tracking improvements there were five times as many allegations recorded, and a 50 percent increase in the number of substantiated cases, going from six substantiated allegations against staff in 2012 to nine in 2013.

**Staff Sexual Misconduct**

Of the 122 staff sexual misconduct allegations in 2013, over half (70) were unsubstantiated. More than one-third (47) of the allegations were unfounded, leaving five substantiated cases. See Table 7.

**Table 7: Staff-on-Inmate Sexual Misconduct<sup>6</sup>, 2012-2013**

Staff-on-Inmate Sexual Misconduct	2012	2013
<b>Total Allegations</b>	<b>69</b>	<b>122</b>
Substantiated	5	5
Unsubstantiated	27	70
Unfounded	37	47

The five substantiated staff-related sexual misconduct allegations reported in 2013 affected six victims. The type of staff perpetrators varied significantly, including: a Corrections Officer, Medical staff, Food Service Instructor, Adult Basic Education Teacher and a Community Corrections Center Monitor. The

<sup>6</sup> Any behavior or act of sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors). Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include: intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; OR completed, attempted, threatened, or requested sexual acts; OR occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

sexual component of two of the five cases occurred outside of an institution. Table 8 provides more information on these incidents.

**Table 8: Substantiated Staff-on-Inmate Sexual Misconduct, 2013**

Institution	Location	Type of Staff	Number of Victims	Description
SCI Mercer	Outside the institution, while the inmate was on pre-release	Food Service Instructor	1	The staff member and inmate were involved in a personal relationship for over two years, beginning and ending while the inmate was in the institution. The inmate went on pre-release for almost four months, at which time the staff member admits to having sex with the inmate. The inmate was returned to the institution for an unrelated issue and the non-sexual part of their relationship continued. The staff member also supported the inmate financially.
SCI Rockview	In a medical area	Medical	2	The staff member allowed one inmate to kiss her on the neck. She also admitted to having a personal and sexual relationship with another inmate.
SCI Huntingdon	In the victim's cell	Corrections Officer	1	The inmate provided two surveys related to sex and the staff member took them home, completed them and returned them to the inmate.
SCI Houtzdale	In a classroom	Adult Basic Education Teacher	1	The inmate and staff member participated in a personal and sexual relationship and planned to continue their relationship after the inmate's release.
Scranton CCC	At the inmate's transitional residence	Community Corrections Center Monitor	1	The staff member and inmate had a sexual relationship at the inmate's transitional residence.

### Staff Sexual Harassment

As can be seen in Table 9, total staff sexual harassment allegations were significantly higher in 2013. Once again, this huge jump was due to improved reporting. Out of all allegations, the large majority were unsubstantiated (191 allegations), while about 15 percent were unfounded. Four allegations in 2013 were substantiated.

**Table 9: Staff-on-Inmate Sexual Harassment<sup>7</sup>, 2012-2013**

<sup>7</sup> Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Includes:

Staff-on-Inmate Sexual Harassment	2012	2013
<b>Total Allegations</b>	<b>3</b>	<b>223</b>
Substantiated	1	4
Unsubstantiated	1	191
Unfounded	1	28

There were five victims affected by staff sexual harassment reported in 2013. All the staff involved in these cases were Corrections Officers, and three of the four substantiated allegations were one-time incidents. The one ongoing staff sexual harassment case involved a male Corrections Officer harassing two female inmates on an ongoing basis. (Table 10).

**Table 10: Substantiated Staff-on-Inmate Sexual Harassment, 2013**

Institution	Location	Type of Staff	Number of Victims	Description
SCI Smithfield	On the tier, outside the inmate's cell	Corrections Officer	1	The staff member responded to an inmate by grabbing his own groin area and making a derogatory comment to the inmate.
SCI Pittsburgh	In a medical area	Corrections Officer	1	The staff member called a transgender inmate "princess" or "Cinderella."
SCI Graterford	Control room window	Corrections Officer	1	The staff member drew a picture of a penis on an inmate's head, although the staff member claimed it was a horse.
SCI Cambridge Springs	Staff bathroom, inmate's cell and inmate bathroom	Corrections Officer	2	The male staff repeatedly harassed multiple female inmates, including: blocked a doorway and repeatedly requested to see an inmate's bare butt and breasts, threatening to pour water down the crack of her butt if she didn't; proposed the inmate perform oral sex on him; watched an inmate pull her underwear and pants up through the openings the side of bathroom stall door; repeatedly requested to see another inmate's bare butt and provided her with candy bars on multiple occasions.

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demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; OR repeated profane or obscene language or gestures.

## **Conclusion**

This is the first annual PREA report prepared by Pennsylvania and while there is valuable information contained in this document, it is difficult to determine any trends or major areas of concern based upon only two years of data that is comprised of a relatively small number of incidents. Pennsylvania's PREA efforts continue to move forward with the implementation of the Risk Assessment Tool at all institutions, the development of a comprehensive incident tracking system that will not only track all the information required for the Annual Survey of Sexual Violence Report, but serve as an early warning system for the Department's PREA Manager, as well as each institution's PREA Compliance Manager, and improved collaboration of the investigative processes between the PA Department of Corrections Investigative Staff and the PA State Police Investigative Staffs. As the Department's PREA efforts, we expect to be able to provide more informative and analytical reports in future years.

**Appendix A: Allegations of Inmate-on-Inmate Nonconsensual Acts, Abusive Sexual Contacts or Sexual Harassment, by Institution and Investigation Outcome, 2013**

Institution	Total Allegations	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
CCCs	1	0	1	0	0
SCI Albion	0	0	0	0	0
SCI Benner	1	0	0	1	0
SCI Cambridge Springs	7	0	6	1	0
SCI Camp Hill	5	1	4	0	0
SCI Chester	1	0	0	1	0
SCI Coal Township	2	0	1	1	0
SCI Cresson	1	0	0	1	0
SCI Dallas	3	0	2	1	0
SCI Fayette	3	1	2	0	0
SCI Forest	7	0	6	1	0
SCI Frackville	3	0	2	1	0
SCI Graterford	8	1	4	3	0
SCI Greene	3	0	2	1	0
SCI Greensburg	1	0	1	0	0
SCI Houtzdale	17	0	15	2	0
SCI Huntingdon	5	0	4	1	0
SCI Laurel Highlands	4	0	4	0	0
SCI Mahanoy	1	0	1	0	0
SCI Mercer	3	0	2	1	0
SCI Muncy	20	3	17	0	0
SCI Pine Grove	1	0	1	0	0
SCI Pittsburgh	6	1	4	1	0
Quehanna Boot Camp	0	0	0	0	0
SCI Retreat	3	0	3	0	0
SCI Rockview	5	0	5	0	0
SCI Smithfield	4	1	2	1	0
SCI Somerset	6	0	3	2	1
SCI Waymart	0	0	0	0	0
<b>TOTAL</b>	<b>121</b>	<b>8</b>	<b>92</b>	<b>20</b>	<b>1</b>



**Appendix B: Allegations of Staff-on-Inmate Sexual Misconduct or Sexual Harassment,  
by Institution and Investigation Outcome, 2013**

<b>Institution</b>	<b>Total Allegations</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>	<b>Investigation Ongoing</b>
<i>CCCs</i>	<b>4</b>	1	3	0	0
<i>SCI Albion</i>	<b>9</b>	0	5	4	0
<i>SCI Benner</i>	<b>2</b>	0	1	1	0
<i>SCI Cambridge Springs</i>	<b>2</b>	1	1	0	0
<i>SCI Camp Hill</i>	<b>21</b>	0	17	4	0
<i>SCI Chester</i>	<b>0</b>	0	0	0	0
<i>SCI Coal Township</i>	<b>13</b>	0	1	12	0
<i>SCI Cresson</i>	<b>1</b>	0	0	1	0
<i>SCI Dallas</i>	<b>1</b>	0	0	1	0
<i>SCI Fayette</i>	<b>38</b>	0	33	5	0
<i>SCI Forest</i>	<b>13</b>	0	11	2	0
<i>SCI Frackville</i>	<b>25</b>	0	14	11	0
<i>SCI Graterford</i>	<b>12</b>	1	7	4	0
<i>SCI Greene</i>	<b>7</b>	0	3	4	0
<i>SCI Greensburg</i>	<b>0</b>	0	0	0	0
<i>SCI Houtzdale</i>	<b>42</b>	1	39	2	0
<i>SCI Huntingdon</i>	<b>33</b>	1	30	2	0
<i>SCI Laurel Highlands</i>	<b>3</b>	0	3	0	0
<i>SCI Mahanoy</i>	<b>7</b>	0	6	1	0
<i>SCI Mercer</i>	<b>1</b>	1	0	0	0
<i>SCI Muncy</i>	<b>32</b>	0	25	7	0
<i>SCI Pine Grove</i>	<b>4</b>	0	4	0	0
<i>SCI Pittsburgh</i>	<b>6</b>	1	3	2	0
<i>Quehanna Boot Camp</i>	<b>1</b>	0	1	0	0
<i>SCI Retreat</i>	<b>0</b>	0	0	0	0
<i>SCI Rockview</i>	<b>20</b>	1	10	9	0
<i>SCI Smithfield</i>	<b>42</b>	1	39	2	0
<i>SCI Somerset</i>	<b>4</b>	0	3	1	0
<i>SCI Waymart</i>	<b>2</b>	0	2	0	0
<b>TOTAL</b>	<b>345</b>	9	261	75	0