PRISON RAPE ELIMINATION ACT ANNUAL REPORT Pennsylvania Department of Corrections 2015

Introduction

The Pennsylvania Department of Corrections (PA DOC) is committed to meeting the goals of the U.S. Department of Justice Prison Rape Elimination Act (PREA) of 2003 (C.F.R. Part 115) by making every effort to prevent, detect, and respond to sexual abuse and sexual harassment. In 2015, 14 of the Department's State Correctional Institutions (SCIs) and six Community Correction Centers (CCCs) were certified compliant. By the conclusion of the first audit cycle on August 19, 2016, all SCIs and CCCs will have been audited with the expectation of full compliance.

The statistical data referenced in this report for Commonwealth operated facilities was drawn from the records of the PA DOC's Office of Special Investigations and Intelligence (OSII). The OSII tracks reported investigations conducted within the Department's 25 SCIs, Quehanna Boot Camp, and 13 CCCs¹. The PREA incident-based data is recorded in accordance with the federal standards and OSII reviews every PREA investigation conducted at PA DOC facilities² for quality assurance purposes. OSII's PREA data collection began on June 30, 2014, making 2015 the first complete year of data collection, which was stored in a centralized repository.

The incident-based data collected by OSII has been analyzed and compiled in order to obtain the information required for the United States (US) Department of Justice, Bureau of Justice Statistics (BJS) Survey of Sexual Victimization (SSV-2). Pennsylvania sends this report annually, summarizing the total number of allegations reported in PA DOC facilities and CCCs in the previous calendar year. These numbers are classified by type:

Inmate-on-Inmate Nonconsensual Sexual Acts:

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.

• Inmate-on-Inmate Abusive Sexual Contact:

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. Excluded are incidents in which the contact was incidental to a physical altercation.

Inmate-on-Inmate Sexual Harassment:

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.

Staff-on-Inmate Sexual Misconduct:

Any behavior or act of sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (excludes 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

¹Commonwealth operated CCCs house both PA DOC offenders and Pennsylvania Board of Probation and Parole (PBPP) offenders. This report includes all allegations reported at these facilities. However, it is important to note that the numbers required to be reported by the PA DOC to BJS include only those victims who were under the Department's jurisdiction.

² The phrase "PA DOC facilities" includes the 25 SCIs, Quehanna Boot Camp and 13 Commonwealth operated CCCs. (Note: two allegations were reported to have occurred at SCI Cresson which closed in 2013.)

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.

Staff-on-Inmate Sexual Harassment:

Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (excluding family, friends, or other visitors). Includes demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; OR repeated profane or obscene language or gestures.

For each substantiated³ allegation, a five-page Survey of Sexual Victimization Incident Form (SSV-IA) is completed, specifying details of the incident and the individuals involved.

This report summarizes the allegations reported at PA DOC facilities in 2015, as well as allegations reported at Community Contract Facilities (CCFs) and Contracted County Jails (CCJs) with incident data comparative to those reported in 2012, 2013, and 2014. As the numbers reflect, there was a marked increase in the overall number of allegations reported with only a fractional increase in the number of substantiated allegations.

In 2015, the PA DOC established stringent screening for risk of sexual victimization and abusiveness guidelines to include full implementation of an automated PREA Risk Assessment Tool (PRAT) utilized department wide. Specifically, the assessment contains questions that solicit information of prior incidents of sexual abuse while incarcerated, which is reflected in the total number of allegations noted within this report. Enhancements to existing policies and practices, as well as concentrated training efforts, have contributed to a more consistent reporting environment as well.

During 2015, the PA DOC collaborated with the state juvenile justice system, county jails, and The Moss Group through a demonstration grant awarded by the US Department of Justice. The purpose of this collaboration was to intensify the safe and secure implementation of proactive and responsive cross gender supervision practices and promote a culture of sexual safety in Pennsylvania's criminal justice system. Additional achievements include the hiring of a full time statewide PREA coordinator, the formation of the PREA Compliance Division, the creation of a centralized repository for local PREA Compliance Managers to use as a resource center, and the dissemination to line staff of multiple trauma informed resources, including QuickSeries pocket guides.

In 2015, the PA DOC continued to deliver regular specialized investigations trainings to security staff and other SCI representatives. Lessons learned during the first audit cycle further enhanced the PA DOC's efforts to fulfill its obligations under PREA. This dedicated focus to eliminating systemic and operational shortcomings ensures the Department's ability to produce the most accurate picture (and subsequent reduction of sexual abuse allegations).

Part 1: Inmate Perpetrators

In 2015, a total of 486 allegations of inmate-on-inmate sexual abuse and sexual harassment allegations were reported within PA DOC facilities. Of these inmate-on-inmate complaints, 38 incidents (7.8 percent⁴) were substantiated. One hundred and fifty-three (31.5 percent) inmate perpetrator allegations involved nonconsensual sexual acts, 129 (26.5 percent) involved allegations of abusive sexual contact and 204 (42 percent) involved inmate-on-inmate sexual harassment.

³ Substantiated investigative outcomes were determined to have occurred based on a preponderance of the evidence.

⁴ Percentages provided in this report are approximate.

In 2015, a total of 29 allegations of inmate-on-inmate sexual abuse and sexual harassment were reported within CCFs. Of these inmate-on-inmate allegations, ten (34.5 percent) were substantiated. Two (7 percent) inmate perpetrator allegations involved nonconsensual sexual acts, fifteen (51.7 percent) involved allegations of abusive sexual contact, and 12 (41.4 percent) involved inmate-on-inmate sexual harassment.

Nonconsensual Sexual Acts

One allegation of an inmate-on-inmate nonconsensual sexual act was substantiated in a PA DOC facility, while 107 (70 percent) allegations were unsubstantiated⁵ and 35 (23 percent) were unfounded⁶. At the time of this report ten investigations remained open and the outcomes were not yet determined (Table 1).

Table 1: Inmate-on-Inmate Nonconsensual Sexual Acts, PA DOC Facilities, 2015-2015

Inmate-on-Inmate Nonconsensual Sexual Acts	2012	2013	2014	2015
Total Allegations	37	50	94	153
Substantiated	1	2	2	1
Unsubstantiated	16	29	65	107
Unfounded	20	18	23	35
Investigations Ongoing	0	1	4	10

Two allegations of inmate-on-inmate nonconsensual acts were made within CCFs in 2015, one was determined to be unsubstantiated and one investigation remained open with an unknown outcome at the time of this report (Table 2).

Table 2: Inmate-on-Inmate Nonconsensual Sexual Acts, CCFs, 2014-2015

Inmate-on-Inmate Nonconsensual Sexual Acts	2014	2015
Total Allegations	3	2
Substantiated	1	0
Unsubstantiated	0	1
Unfounded	2	0
Investigation Ongoing	0	1

Abusive Sexual Contact

Of the 129 allegations of inmate-on-inmate abusive sexual contact in PA DOC facilities, 12 (9.3 percent) allegations were substantiated, 96 (74.4 percent) of allegations were unsubstantiated and 19 (14.7 percent) were unfounded. At the time of this report, two investigations remained open and the outcomes were not yet determined. (Table 3).

⁵ Unsubstantiated allegations were investigated and it was concluded that the evidence was insufficient to determine whether or not the event occurred.

⁶ Unfounded allegations were investigated and based on the evidence, the event did not occur.

Table 3: Inmate-on-Inmate Abusive Sexual Contact, SCIs, 2012-2015

Inmate-on-Inmate Abusive Sexual Contact	2012	2013	2014	2015
Total Allegations	11	41	65	129
Substantiated	2	4	14	12
Unsubstantiated	5	36	36	96
Unfounded	4	1	15	19
Investigation Ongoing	0	0	0	2

Fifteen allegations of inmate-on-inmate abusive sexual contact were made within CCFs in 2015, six (40 percent) were substantiated, seven (46.7 percent) were determined to be unsubstantiated and two (13.3 percent) were unfounded (Table 4).

Table 4: Inmate-on-Inmate Abusive Sexual Contact, CCFs, 2014-2015

Inmate-on-Inmate Abusive Sexual Contact	2014	2015
Total Allegations	13	15
Substantiated	6	6
Unsubstantiated	5	7
Unfounded	1	2
Investigation Ongoing	1	0

Sexual Harassment

Table 5 illustrates that inmate-on-inmate sexual harassment allegations within PA DOC facilities doubled from 2014 to 2015. However, the substantiated incidents only increased by 25 percent during this period. The increase in sexual harassment allegations are indicative of the PA DOC's efforts in improved reporting and staff training facility wide. Of the 204 allegations of inmate-on-inmate sexual harassment reported in PA DOC facilities, 25 (12.2 percent) of allegations were substantiated, 159 (77.9 percent) allegations were unsubstantiated and 19 (9.3 percent) were unfounded. At the time of this report one investigation remained open and the outcome is unknown.

Table 5: Inmate-on-Inmate Sexual Harassment, PA DOC Facilities, 2012-2015

Inmate-on-Inmate Sexual Harassment	20127	2013	2014	2015
Total Allegations	-	30	98	204
Substantiated	-	2	20	25
Unsubstantiated	-	27	63	159
Unfounded	-	1	15	19
Investigation Ongoing	-	0	0	1

Of the 12 allegations of inmate-on-inmate sexual harassment reported in CCFs, four (33.3 percent) allegations were substantiated, eight (66.6 percent) allegations were unsubstantiated and no allegations were unfounded (Table 6).

⁷ In 2012, inmate-on-inmate sexual harassment incidents were neither collected nor reported.

Table 6: Inmate-on-Inmate Sexual Harassment, CCFs, 2014-2015

Inmate-on-Inmate Sexual Harassment	2014	2015
Total Allegations	14	12
Substantiated	1	4
Unsubstantiated	12	8
Unfounded	0	0
Investigation Ongoing	1	0

Part 2: Staff Perpetrators

The majority of sexual abuse or sexual harassment allegations made at PA DOC facilities involved staff. A total of 790 allegations against staff were reported in 2015, up from 500 the year before. This increase can be attributed to improved investigative procedures and tracking systems in place. The number of substantiated allegations against staff increased by six in 2015.

In CCFs, a total of 39 allegations of staff-on-inmate sexual abuse or sexual harassment were reported in 2015. Twenty-seven of the 39 allegations were of staff sexual misconduct, and the remaining 12 allegations involved sexual harassment.

Staff Sexual Misconduct

Of the 504 allegations of staff-on-inmate sexual misconduct in PA DOC facilities, thirteen (2.6 percent) of allegations were substantiated, 254 (50.4 percent) of allegations were unsubstantiated, and 226 (44.8 percent) were unfounded (Table 7). At the time of this report 11 investigations remained open and the outcomes were not yet determined.

Table 7: Staff-on-Inmate Sexual Misconduct, PA DOC facilities, 2012-2015

Staff-on-Inmate Sexual Misconduct	2012	2013	2014	2015
Total Allegations	69	122	299	504
Substantiated	5	5	9	13
Unsubstantiated	27	70	170	254
Unfounded	37	47	118	226
Investigation Ongoing	0	0	2	11

Twenty-seven allegations of staff-on-inmate sexual misconduct were made within CCFs in 2015, three (11.1 percent) were substantiated, 15 (55.5 percent) were determined to be unsubstantiated and seven (25.9 percent) were unfounded. At the time of this report two investigations remained open and the outcomes were unknown (Table 8).

Table 8: Staff-on-Inmate Sexual Misconduct, CCFs, 2014-2015

Staff-on-Inmate Sexual Misconduct	2014	2015
Total Allegations	17	27
Substantiated	2	3
Unsubstantiated	8	15
Unfounded	2	7
Investigation Ongoing	5	2

Staff Sexual Harassment

As Table 9 illustrates, staff-on-inmate sexual harassment allegations within PA DOC facilities increased marginally between 2014 and 2015; however, only one percent of total allegations were substantiated. Of the 286 allegations of staff-on-inmate sexual harassment reported in PA DOC facilities, three (one percent) of allegations were substantiated, 239 (83.6 percent) allegations were unsubstantiated and 44 (15.4 percent) were unfounded.

Table 9: Staff-on-Inmate Sexual Harassment, PA DOC facilities, 2012-2015

Staff-on-Inmate Sexual Harassment	2012	2013	2014	2015
Total Allegations	3	223	201	286
Substantiated	1	4	1	3
Unsubstantiated	1	191	163	239
Unfounded	1	28	36	44
Investigation Ongoing	0	0	1	0

Of the 12 allegations of staff-on-inmate sexual harassment reported in CCFs, three (25 percent) of the allegations were substantiated, six (50 percent) of the allegations were unsubstantiated, and three (25 percent) of the allegations were unfounded (Table 10).

Table 10: Staff-on-Inmate Sexual Harassment, CCFs, 2014-2015

Staff-on-Inmate Sexual Harassment	2014	2015
Total Allegations	2	12
Substantiated	0	3
Unsubstantiated	2	6
Unfounded	0	3
Investigation Ongoing	0	0

Part 3: Contracted County Jails (CCJs)

The PA DOC contracts with a numerous county jails to house inmates who would have otherwise returned to an SCI under the Justice Reinvestment Initiative (JRI). Table 11 (below) provides a breakdown of the county jails with whom PA DOC contracts and whether or not sexual abuse and sexual harassment information was provided to the PA DOC for this report. Information not reported by the CCJs are excluded from Tables 12 and 13.

Table 11: CCJs, by Status of Reporting PREA Numbers to PA DOC, 2015

Contracted County Jail	Reported
Armstrong	Yes
Beaver	Yes
Berks	Yes
Butler	Yes
Cambria	Yes
Centre	Yes

Chester	Yes
Clinton	Yes
Columbia	Yes
Delaware	Yes
Franklin	No
Indiana	Yes
Lackawanna	Yes
Lawrence	Yes
Lehigh	Yes
Luzerne	Yes
Lycoming	No
McKean	No
Montgomery	Yes
Perry	Yes
Wayne	No
York	Yes

A total of 88 allegations of inmate-on-inmate sexual abuse were made at CCJs in 2015, six (6.8 percent) of which were substantiated, 47 (53.4 percent) were unsubstantiated and 34 (38.6 percent) were unfounded. At the time of this report, one investigation remained open with an undetermined outcome.

A total of 42 allegations of staff-on-inmate sexual abuse were made within CCJs in 2015, none of which were substantiated, 15 (38 percent) were unsubstantiated, and 26 (62 percent) were unfounded.

As Table 12 illustrates, there was a two-fold increase in the number of sexual abuse allegations within CCJs. This increase can be attributed to increased reporting compliance. In 2014, only 12 (54.5 percent) CCJs reported PREA statistical information for the annual report. In 2015, that compliance rate increased to 82 percent.

Table 12: Sexual Abuse, CCJs8, 2014-2015

Sexual Abuse	2014 ⁹	2015		
		Inmate-on-Inmate	Staff-on-Inmate	
Total Allegations	61	88	42	
Substantiated	4	6	0	
Unsubstantiated	18	47	16	
Unfounded	35	34	26	
Investigation Ongoing	4	1	0	

⁸ Tables 12 and 13 excludes Franklin, Lycoming, McKean and Wayne counties since requested information was not forwarded to be included in this report.

⁹ In 2014, CCJs reported the total number of sexual abuse and sexual harassment allegations and did not specify whether the allegations were made against staff or inmates.

A total of 134 allegations of inmate-on-inmate sexual harassment allegations were made at CCJs in 2015, 28 (20.9 percent) were determined to be substantiated, 63 (47 percent) were unsubstantiated, and 43 (32.1 percent) were unfounded.

A total of 82 allegations of staff-on-inmate sexual harassment were made within CCJs in 2015, eight (9.8 percent) of which were substantiated, 46 (56.1 percent) were unsubstantiated, 28 (34.1 percent) were unfounded.

As Table 13 illustrates, there was a near four-fold increase in the number of sexual harassment allegations within CCJs. Again, the increase can be attributed to increased reporting compliance.

Table 13: Sexual Harassment, CCJs, 2014-2015

Sexual Harassment	2014	2015		
		Inmate-on-Inmate	Staff-on-Inmate	
Total Allegations	59	134	82	
Substantiated	12	28	8	
Unsubstantiated	33	63	46	
Unfounded	13	43	28	
Investigation Ongoing	1	0	0	

Conclusion

This third annual PREA report reflects the PA DOC's efforts to create sexual safety awareness and multiple safe reporting options. This awareness has now taken root throughout PA's justice system and has been reducing the fear of reporting risk throughout the incarcerated population. As a result of this increased comfort level in reporting, the number of sexual abuse and sexual harassment allegations has likewise increased. However, while the total number of allegations increased by 39.6 percent, the rate of substantiated incidents decreased from 6 percent to 4.3 percent in 2015. Over time, these numbers are predicted to balance out as all correctional facilities throughout the Commonwealth continue to meet PREA compliance and consistently exhibit a standard of zero tolerance.

Reviewed by:

Carole A. Mattis, Director, Standards, Audits and Accreditation

Reviewed by:

Shirley Moore Smeal, Executive Deputy Secretary

Approved by:

John E. Wetzel, Secretary

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Appendix A: Allegations of Inmate-on-Inmate Nonconsensual Sexual Acts, Abusive Sexual Contact, and Sexual Harassment at PA DOC Facilities by Investigative Outcome, 2015

Facility	Total Allegations	Substantiated	Unsubstantiated	Unfounded	Ongoing
SCI Albion	20	1	18	1	0
SCI Benner Township	23	3	18	2	0
SCI Cambridge Springs	18	2	15	1	0
SCI Camp Hill	35	0	31	2	2
SCI Chester	4	2	1	1	0
SCI Coal Township	14	0	10	4	0
SCI Cresson	2	0	2	0	0
SCI Dallas	11	0	6	4	1
SCI Fayette	21	1	18	2	0
SCI Forest	17	1	10	5	1
SCI Frackville	4	0	4	0	0
SCI Graterford	35	1	25	9	0
SCI Greene	15	2	11	2	0
SCI Greensburg	0	0	0	0	0
SCI Houtzdale	42	3	27	9	3
SCI Huntingdon	10	1	8	1	0
SCI Laurel Highlands	7	2	3	2	0
SCI Mahanoy	9	1	5	3	0
SCI Mercer	4	0	4	0	0
SCI Muncy	60	2	50	7	1
SCI Pine Grove	1	0	0	1	0
SCI Pittsburg	23	0	19	3	1
Quehanna Boot Camp	1	0	1	0	0
SCI Retreat	15	2	11	0	2
SCI Rockview	36	5	27	3	1
SCI Smithfield	11	1	7	3	0
SCI Somerset	29	2	23	3	1
SCI Waymart	16	5	6	5	0
BCC	3	1	2	0	0
Totals	486	38	362	73	13

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Appendix B: Allegations of Staff-on-Inmate Sexual Misconduct and Sexual Harassment at PA DOC Facilities by Investigative Outcome, 2015

Facility	Total Allegations	Substantiated	Unsubstantiated	Unfounded	Ongoing
SCI Albion	45	0	31	14	0
SCI Benner Township	35	1	15	18	1
SCI Cambridge Springs	12	0	4	8	0
SCI Camp Hill	93	1	74	16	2
SCI Chester	22	2	15	5	0
SCI Coal Township	52	0	35	17	0
SCI Cresson	0	0	0	0	0
SCI Dallas	24	0	13	10	1
SCI Fayette	49	1	42	6	0
SCI Forest	41	1	19	21	0
SCI Frackville	27	0	18	8	0
SCI Graterford	42	0	21	19	2
SCI Greene	46	1	25	19	1
SCI Greensburg	0	0	0	0	0
SCI Houtzdale	34	0	21	11	2
SCI Huntingdon	28	0	21	7	0
SCI Laurel Highlands	2	0	1	1	0
SCI Mahanoy	30	0	20	10	0
SCI Mercer	7	1	4	2	0
SCI Muncy	70	3	31	36	0
SCI Pine Grove	12	0	9	3	0
SCI Pittsburg	16	0	8	7	1
Quehanna Boot Camp	3	0	2	1	0
SCI Retreat	4	0	4	0	0
SCI Rockview	17	1	11	5	0
SCI Smithfield	22	0	15	7	0
SCI Somerset	36	2	22	11	1
SCI Waymart	12	1	8	3	0
BCC	9	1	3	5	0
Totals	790	16	492	270	11