

## PRISON RAPE ELIMINATION ACT ANNUAL REPORT

### Pennsylvania Department of Corrections

### 2018

#### Introduction

The Pennsylvania Department of Corrections (PA DOC) provided certification of compliance in October 2018, and remains committed to meeting the goals of the United States Department of Justice Prison Rape Elimination Act (PREA) of 2003 (28 C.F.R. Part 115) following the conclusion of the second year of the second PREA audit cycle, ending August 19, 2018. Following agency specific standard corrective action periods at four facilities; the Department was ultimately found in full compliance with all its audits completed in 2018.

During 2018, five of the Department's State Correctional Institutions (SCIs) and six of its Bureau of Community Corrections centers (BCC) centers were certified as PREA compliant through an audit by a Department of Justice (DOJ) certified auditor. With the certification of compliance at these facilities in 2018 and previous audit activity from 2016 and 2017; a total of 21 SCIs and seven Community Corrections Centers (CCC) under the PA DOC's operational control have been certified as compliant during the second PREA audit cycle.

#### Prevention

In 2018, the PA DOC convened a workgroup of SMEs from different facility types to formally revise its PREA policy, DC-ADM 008, to address anticipated agency consolidation efforts between the PA DOC and Pennsylvania Board of Probation and Parole (PBPP), whereas the PA DOC would assume management responsibility for PREA compliance at each PBPP office location containing a holding cell that is used to temporarily hold detainees pending transfer an SCI. In addition to policy revisions, the PA DOC formally updated its Memorandum of Understanding (MOU) with the Pennsylvania State Police (PSP), to transition criminal investigative responsibilities at PBPP lockup locations from local law enforcement to the PSP, to have one uniform criminal investigative agency covering all facility types. While formal release of the policy and transition of consolidated responsibilities did not officially occur until the spring of 2019; these strategic planning efforts allowed the PA DOC and PBPP to further refine efforts to prevent, detect and respond uniformly across all facility types. As of the date of this report, the PA DOC's PREA Compliance unit has assumed responsibility for oversight of PREA within PBPP; therefore, this report contains allegation data relative to both formerly independent agencies.

In satisfaction of the agency wide corrective actions, the Department formally revised its PREA Risk Assessment Tool (PRAT), with the assistance of the National PREA Resource Center in early 2018 in order to present a more updated version and capture more accurate information. Questions pertaining to sexual orientation, gender identity, and gender expression were revised, with the intent of providing more inclusive options for respondents to affirmatively address these sensitive issues. Moreover, questions were revised and expanded to ensure clarity and that specific responses could be generated on the underlying assessment consideration within each question.

In advance of the revised tool's formal deployment in May 2018, comprehensive training was delivered to each facility through a series of webinars to explain the intent of the revisions and best practices for eliciting the most reliable information during the assessment process. Additional agency wide corrective action included revising the inmate intake educational handout to ensure prohibited behaviors were

strictly defined verbatim from PREA standard §115.6 and outdated references to a former reporting mechanism were removed.

Throughout the year, PREA Compliance Unit held multiple interactive meetings with its PREA Compliance Managers (PCMs) focused on a variety of topics to include compliance with challenging standards, adjustments to procedures, and audit preparation. The highlight of these interactive meetings was the annual meeting at the PA DOC's training academy with PREA Compliance Managers (PCMs) and their Administrative Officers (AOs) within the SCIs and Bureau of Community Corrections (BCC) in May 2018. The meeting featured training focused on uniform application of policy, data collection, and audit readiness. Supplemental to this meeting, a video conference PCM meeting was held in November 2018, to provide status updates and a forum for PCMs to raise concerns with policy implementation or standard compliance since the annual meeting or following email distribution list updates to current practices.

Key revisions were made to the decision-making process for the placement of transgender and intersex inmates in facilities consistent with their gender identity relative to PREA standard 115.42(c). Through the restructuring process, the facility based governing committee was renamed from the Gender Review Committee (GRC) to the PREA Accommodation Committee (PAC), to reflect its broader role in reviewing facility specific accommodations for the safety and privacy of transgender and intersex inmates. The restructuring of the Administrative PREA Accommodation Committee (A-PAC) has resulted in a more efficient and standard focused review process for transfers of inmates to facilities consistent with the inmate's gender identity. Specifically, the A-PAC was modified to perspectives, with exclusive input from PA DOC security, medical, and mental health practitioners, balanced by outside LGBTI consultants. This structural change ensured that only §115.42(c)'s case-by-case consideration of the inmate's health and safety, and whether the placement would present management or security problems factored into the decision process.

During 2018, the PA DOC identified a high concentration of verbal sexual abuse and sexual harassment allegations within its Custody Level 5 (CL5) housing units. Although the CL5 population equates to approximately five percent of the PA DOC's total population; inmates in this custody status account for nearly one-third of the total allegations of sexual abuse and sexual harassment within the agency. In October of 2018, the PA DOC's training academy was engaged to assist with creating and administering a professional development program for staff who work with crisis prone populations. The pilot of this program was deployed in May 2019.

## Training

The PA DOC completed its bi-annual refresher training and completed the other noteworthy training initiatives in 2018 as follow:

- The PA DOC partnered with the PSP to develop a specialized investigator's course, to satisfy the requirements of §115.34, that was intended to be deployed to all PSP troopers. With the frequency of turnover within the agency, those with the potential to be promoted into an investigatory role within the agency were prepared to address correctional sexual abuse investigations.
- The PA DOC deployed an agency-wide training to those who perform risk screening assessments to familiarize them with the agency's PRAT tool and the intent behind its revised questions.

- Newly appointed PCMs and PREA Administrative Officers (AOs) were provided a special training session in advance of the annual PCM meeting to cover vital responsibilities to ensure compliance with agency policy and the PREA standards.
- A PCM desk reference was created and distributed to all PCMs in May 2018, outlining key standards, recurring responsibilities, and strategies to sustain compliance.
- In January of 2018, the PA DOC held a training for Pennsylvania county corrections departments on effective strategies for safe and PREA compliant management of transgender inmates. In addition to presentations by subject matter experts, a series of “how-to” handouts were provided as reference points for developing local procedures. Sharing the experience and the lessons learned by the Department with other correctional agencies proved beneficial to participating agencies.
- Specialized training sessions continued to be held with several staff classifications, outlining how their position intersects and their roles in sustaining compliance within the facility. Classifications trained included newly appointed Unit Managers, newly appointed Majors, Deputy Superintendents and facility grievance coordinators.
- Facility PCMs and their AOs were invited to participate as assistants in agency consortium audits, to observe other state practices and gain experience for their own audit preparation efforts. During 2018, multiple individuals assisted and returned to their respective positions with a greater understanding of practicing the PREA standards.
- The PA DOC continued to hold its semi-annual sessions of specialized investigator’s training pursuant to §115.34 and its annual sessions of specialized medical and mental health training, pursuant to §115.35. The specialized investigator’s training was made available to staff of Pennsylvania’s county corrections departments.

### External Collaboration

In 2018, the PA DOC continued its partnerships with key external agencies to enhance its efforts to provide effective support to LGBTQI inmates and trauma informed training to staff.

- The PA DOC continued its partnership with TransCentralPA and Alder Health Services to facilitate a virtual support group for transgender inmates. The support group provides a forum for transgender inmates who are housed across multiple facilities an opportunity to connect monthly and provide emotional support for the unique challenges faced by transgender persons in custody.
- The PA DOC continued its partnership with the Pennsylvania Department of Health, which provides consultation on transgender related topics.
- The PA DOC continued its partnership with the Pennsylvania Coalition Against Rape (PCAR) to provide trauma informed response training to investigative staff and technical assistance to PCMs focused on enhancing rape crisis counseling service delivery.
- The PA DOC expanded its partnership with the Pennsylvania State Police to conduct criminal investigations throughout all facility types that would be covered through the agency consolidation efforts with PBPP.
- Became actively involved in the National PREA Coordinators conferences for information sharing purposes. Ultimately, a National PREA Coordinators Workgroup formed out of these conferences, creating a forum for those charged with implementing the PREA standards across multiple facilities to collaborate and advocate on behalf of affected agencies.

## Incident Based Analysis

As part of its ongoing commitment to enhance sexual safety within its facilities, and in compliance with PREA standards §115.87 and §115.88, the Department submits the following statistical report of PREA activity within its facilities for purposes of assessing and improving the effectiveness of its sexual abuse prevention, detection, and response policies, and practices in accordance with 115.88 (a)

The statistical data referenced in this report for PA DOC operated facilities and Contract Community Confinement Facilities (CCFs) was drawn from electronic records maintained in the PA DOC's Bureau of Investigations and Intelligence (BII) case management system and the PREA Tracking System (PTS), as the PA DOC investigates all allegations within CCFs involving PA DOC reentrants. Statistical data pertaining to Contract County Jails (CCJs) was captured through self-reported data each facility is required to generate pursuant to their own compliance with §115.87, §115.88 and §115.89. The BII tracks reported investigations conducted within the Department's 24 SCIs, the Quehanna Boot Camp, 11 CCCs, and 25 PBPP lockups<sup>1</sup>. The PREA incident-based data is recorded in accordance with the federal standards, and BII reviews every PREA investigation conducted at PA DOC facilities<sup>2</sup> for quality assurance purposes. Statistical information as reported for the second PREA audit cycle was captured from this existing data base that has been managed by BII since 2014.

The PTS was launched in April of 2016 and was designed to be a centralized electronic repository for all allegations reported under PREA, regardless of whether the allegation met the PREA standard's definition of sexual abuse or sexual harassment. The system was intended to assist facilities with determining whether an allegation comports to the definition of sexual abuse or sexual harassment to trigger an investigation, and when an investigation is triggered, whether the allegation qualifies as sexual abuse or sexual harassment. For those reports qualifying as sexual abuse or sexual harassment, the PTS captures all information necessary to generate the US Department of Justice, Bureau of Justice Statistics (BJS) Survey of Sexual Victimization (SSV). 2018 marks the third full year of data available for analysis within the system.

The incident-based data collected by BII and the PTS completes the compilation of information required for the SSV. Pennsylvania sends this report annually, summarizing the total number of allegations reported in PA DOC facilities in the previous calendar year. These numbers are classified by type:

- Inmate-on-Inmate Nonconsensual Sexual Acts
- Inmate-on-Inmate Abusive Sexual Contact
- Inmate-on-Inmate Sexual Harassment
- Staff-on-Inmate Sexual Misconduct
- Staff-on-Inmate Sexual Harassment

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<sup>1</sup> Commonwealth operated CCCs house both PA DOC inmates and Pennsylvania Board of Probation and Parole (PBPP) reentrants released from custody and reentering the community. This report includes all allegations reported at these facilities.

<sup>2</sup> The phrase "PA DOC facilities" includes the 24 SCIs, Quehanna Boot Camp, 11 Commonwealth operated CCCs, and 25 PBPP lockups in operation during 2018. One PBPP lockup closed in 2018.

For each substantiated<sup>3</sup> allegation, of any type, 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 2018, as well as allegations reported at CCFs and CCJs with incident data comparative to those reported in 2017. As the numbers reflect, there is a combined increase of 317 reports (17.7 percent) of inmate-on-inmate and staff-on-inmate allegations.

It is possible, the identified spike in allegations since 2017 could have been attributed to a temporary lockdown from August 2018 through September 2018 involving drug activity which caused staff and inmates to be hospitalized. In the first four months of 2018, prior to the lockdown, allegation rates remained consistent with rates in 2017. However, allegation rates increased 33.5 percent during the four months of May, June, July and August of 2018; comparative to the first four months of the year. It could be theorized in part, that allegations were being made in response to seeking safety from incurred debts, threatened violence, and increased vulnerability or other related lockdown symptoms. Following the lockdown and imposition of additional drug interdiction efforts; a reverse of this trend was identified during the final four months of the year, with allegation rates decreasing by 16.7 percent and ultimately stabilizing to those rates observed during the period of January through April 2018 by the conclusion of the year.

### Part 1: Inmate Perpetrators

In 2018, a combined total of 779 inmate-on-inmate sexual abuse and sexual harassment allegations were reported within PA DOC facilities. Of these inmate-on-inmate complaints, 62 incidents (8 percent<sup>4</sup>) were substantiated. In 2018, a total of 168 (21.6 percent) inmate perpetrator allegations involved nonconsensual sexual acts, 226 (29 percent) involved allegations of abusive sexual contact and 385 (49.4 percent) involved inmate-on-inmate sexual harassment.

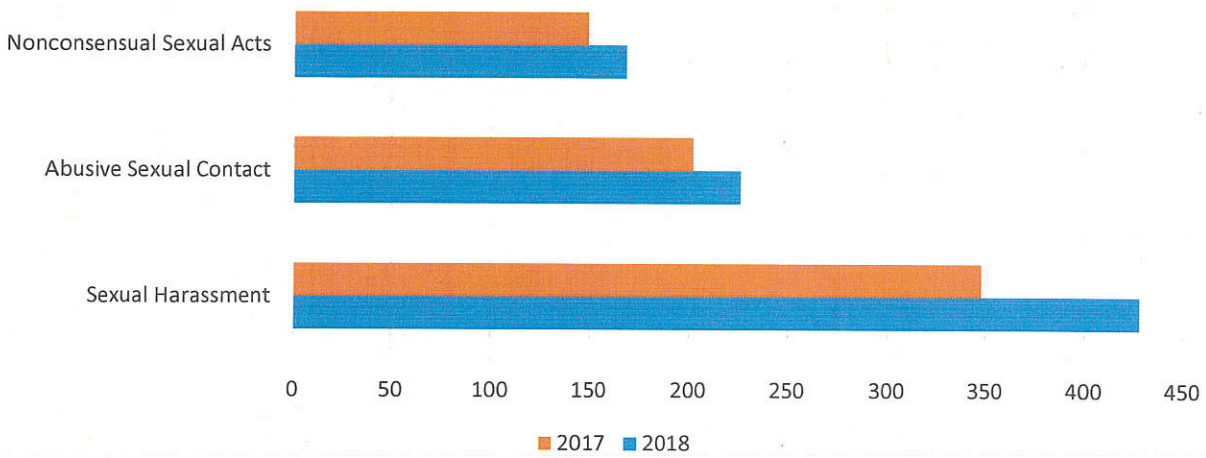
In 2018, a combined total of 38 allegations of inmate-on-inmate sexual abuse and sexual harassment were reported within CCFs. Of these inmate-on-inmate allegations, 12 (32.4 percent) were substantiated. No substantiated inmate perpetrator allegation involved nonconsensual sexual acts, one (8.3 percent) involved allegations of abusive sexual contact, and 11 (91.6 percent) involved inmate-on-inmate sexual harassment.

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

<sup>4</sup> Percentages provided in this report are approximate.

### Inmate-on-Inmate Allegations of Sexual Abuse and Sexual Harassment Allegations at PA DOC Facilities 2017 - 2018



#### Nonconsensual Sexual Acts<sup>5</sup>

Table 1 demonstrates that inmate-on-inmate nonconsensual sexual act allegations increased by 36 (12.8 percent) between 2017 and 2018. A total of three allegations (1.8 percent) of inmate-on-inmate nonconsensual sexual acts were substantiated in a PA DOC facility during 2018, while 100 (59.5 percent) of these allegations were unsubstantiated and 47 (28 percent) were unfounded. At the time of this report, 18 allegations of this category remained under investigation and the outcomes were not yet determined (Table 1).

*Table 1: Inmate-on-Inmate Nonconsensual Sexual Acts, PA DOC Facilities, 2017-2018*

Inmate-on-Inmate Nonconsensual Sexual Acts	2017	2018
<b>Total Allegations</b>	<b>149</b>	<b>168</b>
Substantiated	5	3
Unsubstantiated	106	100
Unfounded	21	47
Investigations Ongoing	17	18

<sup>5</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.

### Inmate-on-Inmate Allegations of Nonconsensual Sexual Acts at PA DOC Facilities 2017 - 2018

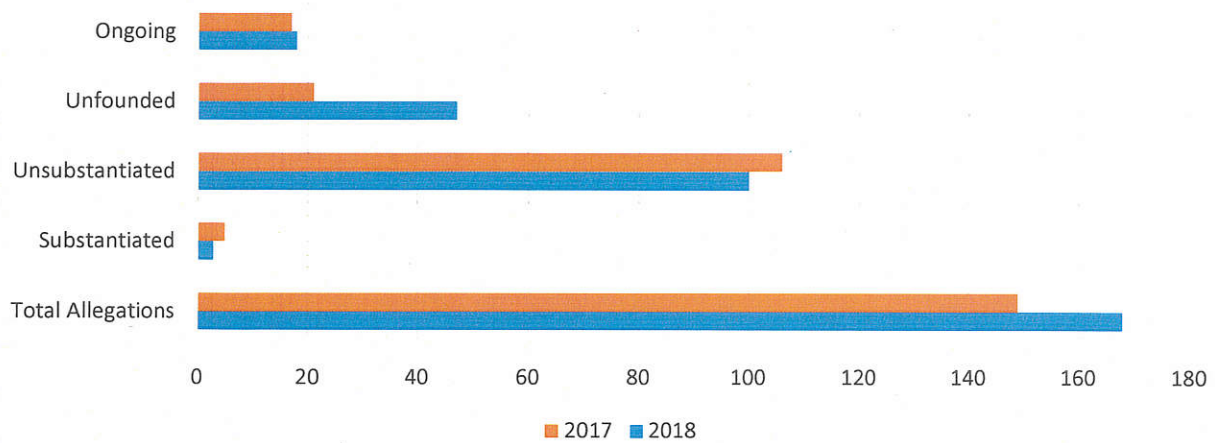


Table 2 reveals that three allegations of inmate-on-inmate nonconsensual sexual acts were made within CCFs in 2018. No allegations were substantiated, one (33 percent) was unsubstantiated and none were determined to be unfounded. At the time of this report, two allegations of this category remained under investigation and the outcomes were not yet determined (Table 2).

*Table 2: Inmate-on-Inmate Nonconsensual Sexual Acts, CCFs, 2017-2018*

Inmate-on-Inmate Nonconsensual Sexual Acts	2017	2018
Total Allegations	<b>1</b>	<b>3</b>
Substantiated	0	0
Unsubstantiated	1	1
Unfounded	0	0
Investigation Ongoing	0	2

#### Abusive Sexual Contact<sup>6</sup>

Table 3 shows that allegations of inmate-on-inmate abusive sexual contact increased by 24 allegations (11.9 percent) between 2017 and 2018. A total of 226 allegations of inmate-on-inmate abusive sexual contact were made in PA DOC facilities in 2018. Of those allegations, 19 (8.4 percent) were substantiated, 158 (69.9 percent) were unsubstantiated and 36 (15.9 percent) were determined to be unfounded. At the time of this report, 14 investigations of this category type remain open and the outcomes are not yet determined (Table 3).

<sup>6</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. Excluded are incidents in which the contact was incidental to a physical altercation.

Table 3: Inmate-on-Inmate Abusive Sexual Contact, PA DOC Facilities, 2017-2018

Inmate-on-Inmate Abusive Sexual Contact	2017	2018
<b>Total Allegations</b>	<b>202</b>	<b>226</b>
Substantiated	18	19
Unsubstantiated	158	158
Unfounded	19	36
Investigation Ongoing	7	14

### Inmate-on-Inmate Allegations of Abusive Sexual Contact at PA DOC Facilities 2017 - 2018

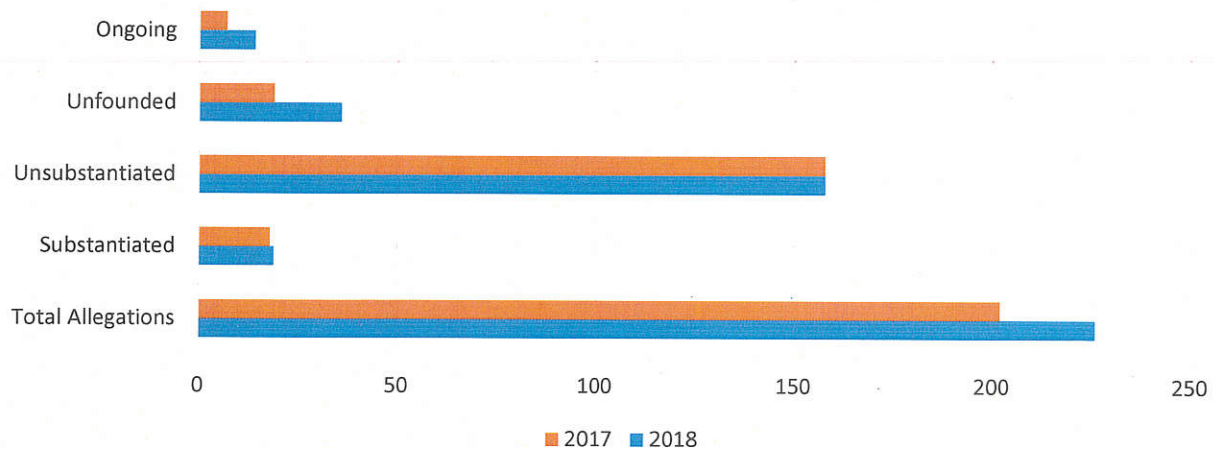


Table 4 demonstrates that allegations of inmate-on-inmate abusive sexual contact at CCFs increased by five allegations (125 percent) between 2017 and 2018. A total of nine allegations of inmate-on-inmate abusive sexual contact were made within CCFs in 2018. One (11.1 percent) of these allegations was substantiated, four (44.4 percent) were unsubstantiated and none were unfounded. At the time of this report, four allegations of this type remained under investigation and the outcomes are unknown. (Table 4).

Table 4: Inmate-on-Inmate Abusive Sexual Contact, CCFs, 2017-2018

Inmate-on-Inmate Abusive Sexual Contact	2017	2018
<b>Total Allegations</b>	<b>4</b>	<b>9</b>
Substantiated	1	1
Unsubstantiated	3	4
Unfounded	0	0
Investigation Ongoing	0	4



### Sexual Harassment<sup>7</sup>

Table 5 illustrates that inmate-on-inmate sexual harassment allegations within PA DOC increased by 37 incidents (10.6 percent) from 2017 to 2018. Of the 385 allegations of inmate-on-inmate sexual harassment within PA DOC facilities, 40 (10.4 percent) were substantiated, 297 (77.1 percent) were unsubstantiated and 34 (8.8 percent) were unfounded. At the time of this report, 14 allegations of this type remained under investigation and the outcomes are unknown.

*Table 5: Inmate-on-Inmate Sexual Harassment, PA DOC Facilities, 2017-2018*

Inmate-on-Inmate Sexual Harassment	2017	2018
<b>Total Allegations</b>	<b>348</b>	<b>385</b>
Substantiated	44	40
Unsubstantiated	276	297
Unfounded	24	34
Investigation Ongoing	4	14

### Inmate-on-Inmate Allegations of Sexual Harassment at PA DOC Facilities 2017 - 2018

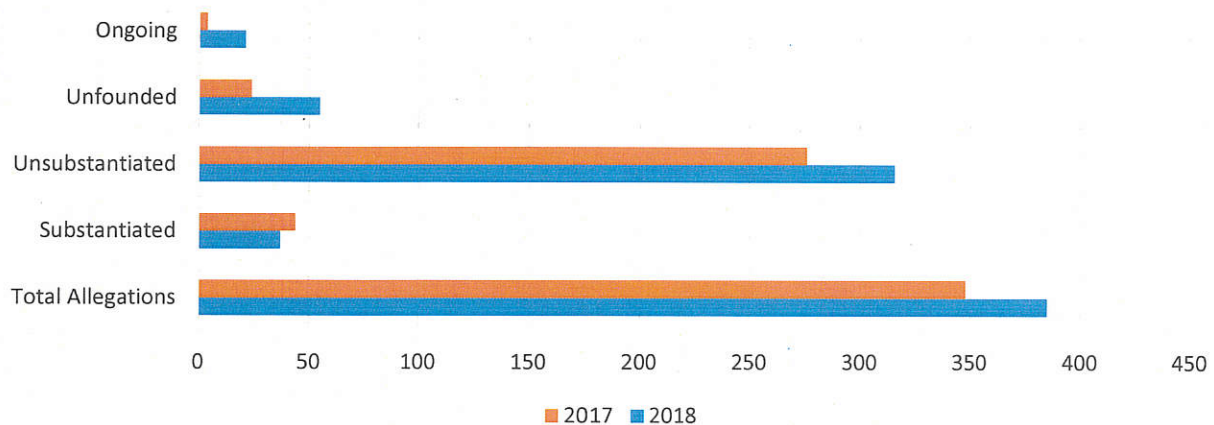


Table 6 indicates that allegations of inmate-on-inmate sexual harassment reports at CCFs increased by seven allegations (38.9 percent) between 2017 and 2018. Of the 25 allegations of inmate-on-inmate sexual harassment reported in CCFs, 11 (44 percent) were substantiated and 11 (44 percent) were unsubstantiated. No allegations (0 percent) of this category was unfounded and three investigations of this type remained under investigation and the outcomes are unknown (Table 6).

<sup>7</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.

*Table 6: Inmate-on-Inmate Sexual Harassment, CCFs, 2017-2018*

Inmate-on-Inmate Sexual Harassment	2017	2018
<b>Total Allegations</b>	<b>18</b>	<b>25</b>
Substantiated	8	11
Unsubstantiated	9	11
Unfounded	1	0
Investigation Ongoing	0	3

## Part 2: Staff Perpetrators

The majority, approximately 62.9 percent, of combined sexual abuse and sexual harassment allegations made at PA DOC facilities involved staff. A total of 1323 allegations against staff were reported in 2018, representing an increase of 238 (21.9 percent) from 2017 totals. The total substantiated allegations against staff decreased from a total of 13 (1.2 percent) in 2017 to a total of 10 (0.7 percent).

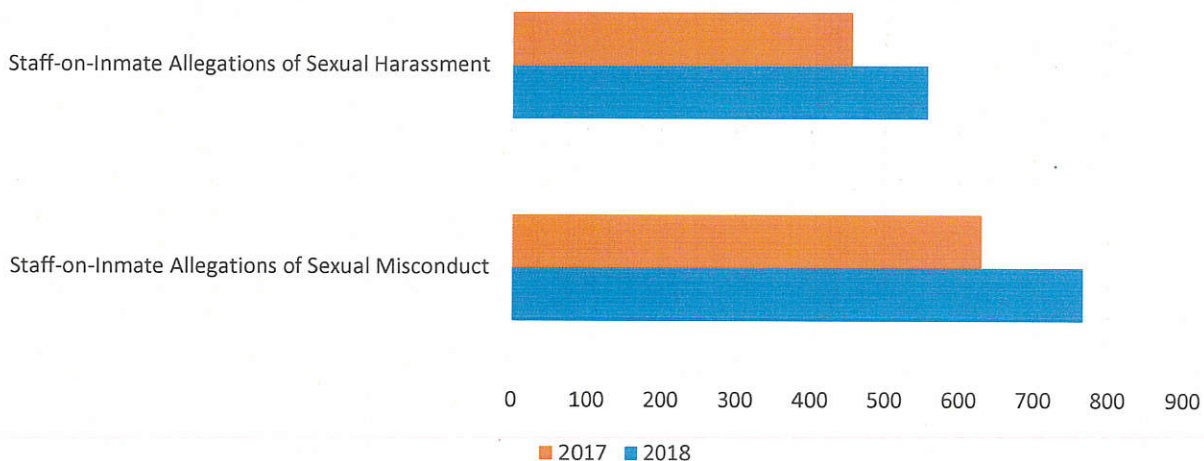
The data indicates that PA DOC facilities with specialized CL5 management units and specialized CL5 mental health units continue to experience a disproportionate number of the Department's overall allegations against staff. Although CL5 inmates represent approximately five percent of the PA DOC's total institutional population, it is projected that these inmates account for approximately 545 of the total 1323 allegations against staff (41.2 percent)<sup>8</sup>. Diving deeper into the allegation data, when examining the custody level associated with the top 25 alleged inmate victims in 2018, it is noted that 21 of those alleged victims were housed in CL5 housing for either the majority or entirety of 2018. Moreover, those 21 inmates, who represent approximately 0.00046 percent of the PA DOC's total population accounted for a total of 246 allegations, or 11.7 percent of the total allegations reported within the PA DOC.

Given the focused attention to all allegations of sexual abuse and sexual harassment, it appears that PREA reporting mechanisms continued to be an avenue for some individuals, particularly within specialized units or programs with high levels of supervision, to call attention to grievances unrelated to sexual abuse or sexual harassment, or to resist the security procedures employed in such units for feeding, showering, and out-of-cell activities.

Developing an effective strategy to reduce allegations made against staff is strenuous, particularly when 947 of the 1323 allegations against staff involve threats or requests by an actor to engage in prohibited activities or repeated verbal comments or gestures of a sexual nature. These types of complaints can be mitigated locally through the use of advanced technology should it be deemed an agency initiative. As an interim solution, some inmates were placed on constant video surveillance through the use of a camcorder outside of their cell to safeguard against unfounded allegations of a verbal nature. While such measures did not prevent all future allegations; it did serve as a deterrent, decreasing allegation rates among some inmates and expediting the investigatory process among others.

<sup>8</sup> Data relative to an inmate's custody level is drawn from the BII case management system. A total of 238 incidents did contain sufficient information to draw definitive conclusions relative to participant custody levels necessary for a definitive total.

### Staff-on-Inmate Allegations of Sexual Misconduct and Sexual Harassment in PA DOC Facilities 2017 - 2018



In CCFs, a total of 18 allegations of staff-on-inmate sexual abuse and sexual harassment were reported in 2018. This represents a decrease of one allegation (5.2 percent) from the previous year. Additionally, the number of substantiated staff related incidents at CCFs increased from one to three (16.7 percent) in 2018.

#### Staff Sexual Misconduct<sup>9</sup>

Table 7 illustrates that allegations of staff-on-inmate sexual misconduct increased by 136 allegations (21.6 percent) from 2017 to 2018. Of the 766 allegations of staff-on-inmate sexual misconduct, five (0.65 percent) allegations were substantiated, 480 (62.7 percent) were unsubstantiated and 254 (33.1 percent) were unfounded. At the time of this report, 27 allegations of this category type remain under investigation and outcomes are not yet determined.

*Table 7: Staff-on-Inmate Sexual Misconduct, PA DOC facilities, 2017-2018*

Staff-on-Inmate Sexual Misconduct	2017	2018
<b>Total Allegations</b>	<b>630</b>	<b>766</b>
Substantiated	5	5
Unsubstantiated	443	480
Unfounded	160	254
Investigation Ongoing	22	27

<sup>9</sup> 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 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 Allegations of Sexual Misconduct at PA DOC Facilities 2017 - 2018

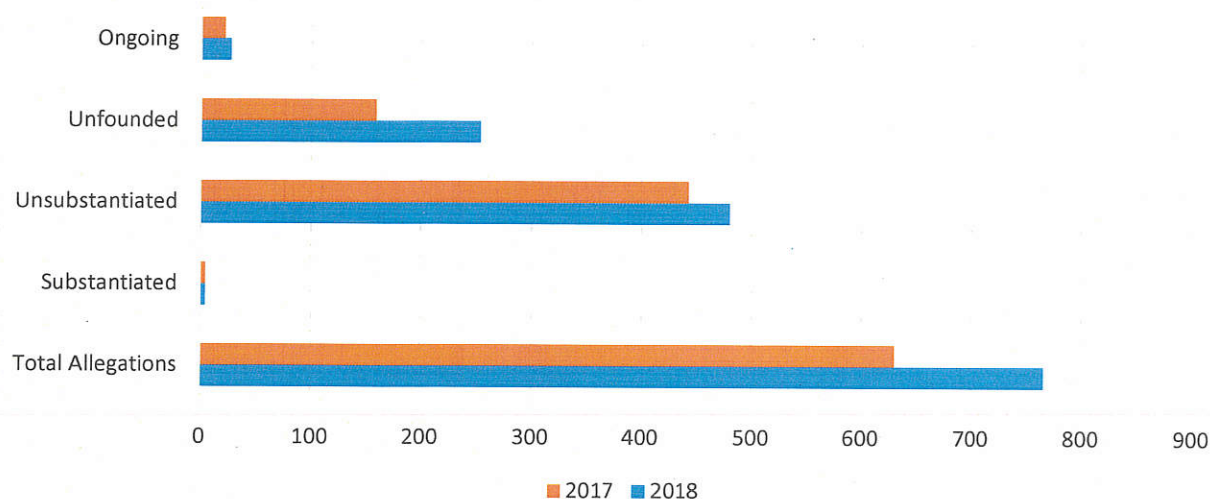


Table 8 reveals that allegations of staff-on-inmate sexual misconduct decreased by three allegations (20.0 percent) between 2017 and 2018. A total of 12 allegations of staff-on-inmate sexual misconduct were made within CCFs in 2018, two (16.7 percent) were substantiated, five (41.7 percent) were determined to be unsubstantiated and none were (0.0 percent) were unfounded. At the time of this report five investigations remain open and the outcomes are unknown.

*Table 8: Staff-on-Inmate Sexual Misconduct, CCFs, 2017-2018*

Staff-on-Inmate Sexual Misconduct	2017	2018
<b>Total Allegations</b>	<b>15</b>	<b>12</b>
Substantiated	1	2
Unsubstantiated	7	5
Unfounded	1	0
Investigation Ongoing	6	5

#### Staff Sexual Harassment<sup>10</sup>

As Table 9 illustrates, staff-on-inmate sexual harassment allegations within PA DOC facilities increased by 102 (22.4 percent) between 2017 and 2018. In 2018, a total of 557 allegations of staff-on-inmate sexual harassment were made within PA DOC facilities. Of those allegations five (0.9 percent) were

<sup>10</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 (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.

(28 C.F.R § 115.88)

substantiated, 418 (75 percent) were unsubstantiated and 127 (22.8 percent) were unfounded. At the time of this report, seven investigations remain open and the outcome is unknown.

*Table 9: Staff-on-Inmate Sexual Harassment, PA DOC facilities, 2017-2018*

Staff-on-Inmate Sexual Harassment	2017	2018
<b>Total Allegations</b>	<b>455</b>	<b>557</b>
Substantiated	8	5
Unsubstantiated	387	418
Unfounded	56	127
Investigation Ongoing	4	7

### Staff-on-Inmate Allegations of Sexual Harassment at PA DOC Facilities 2017 - 2018

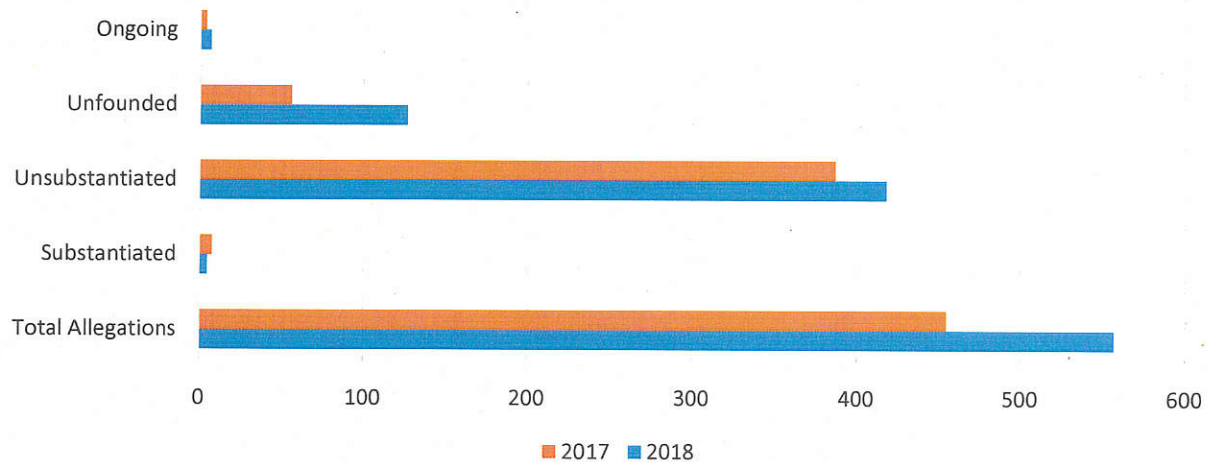


Table 10 reveals that allegations of staff-on-inmate sexual harassment increased by two (50 percent) between 2017 and 2018 at CCFs. Of the six allegations of staff-on-inmate sexual harassment reported in CCFs in 2018, one (16.7 percent) of the allegations were substantiated, five (83.3 percent) of the allegations were unsubstantiated, and none (0 percent) of the allegations were unfounded. At the time of this report, all investigations of this allegation type were complete.

*Table 10: Staff-on-Inmate Sexual Harassment, CCFs, 2017-2018*

Staff-on-Inmate Sexual Harassment	2017	2018
<b>Total Allegations</b>	<b>4</b>	<b>6</b>
Substantiated	0	1
Unsubstantiated	3	5
Unfounded	0	0

Investigation Ongoing	1	0
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### Part 3: Contracted County Jails (CCJs)

The PA DOC contracts with county jails to house inmates who would have otherwise returned to an SCI under the Justice Reinvestment Initiative (JRI). As part of the PA DOC's reduction in the use of CCJs, it is noted that 4 of the 13 facilities reflected in these totals either had contracts that expired or were unutilized during the 2018 calendar year. At the end of calendar year 2018, only nine CCJs remained under contract and in use.

A total of 74 allegations of inmate-on-inmate sexual abuse were made at CCJs in 2018. Of those allegations, 19 (25.7 percent) were substantiated, 24 (32.4 percent) were unsubstantiated and 31 (41.9 percent) were unfounded. At the time of this report, all allegations of this category were complete.

A total of 63 allegations of staff-on-inmate sexual abuse were made within CCJs in 2018. There were no allegations (0 percent) that were substantiated, 19 (30.2 percent) were unsubstantiated, and 44 (69.8 percent) were unfounded. All investigations of this category were complete at the time of this report.

*Table 11: Sexual Abuse, CCJs, 2017-2018*

Sexual Abuse	2017		2018	
	Inmate-on-Inmate	Staff-on-Inmate	Inmate-on-Inmate	Staff-on-Inmate
<b>Total Allegations</b>	<b>45</b>	<b>38</b>	<b>74</b>	<b>63</b>
Substantiated	6	2	19	0
Unsubstantiated	19	9	24	19
Unfounded	20	27	31	44
Investigation Ongoing	0	0	0	0

A total of 95 allegations of inmate-on-inmate sexual harassment allegations were made at CCJs in 2018, 27 (28.4 percent) were determined to be substantiated, 37 (38.9 percent) were unsubstantiated, and 27 (28.4 percent) were unfounded. At the time of this report, four investigations were ongoing.

A total of 106 allegations of staff-on-inmate sexual harassment were made at CCJs in 2018, 2 (1.9 percent) of which were substantiated, 40 (37.7 percent) were unsubstantiated, 64 (60.4 percent) were unfounded. All investigations of this category were complete at the time of this report.

*Table 12: Sexual Harassment, CCJs, 2017-2018*

Sexual Harassment	2017		2018	
	Inmate-on-Inmate	Staff-on-Inmate	Inmate-on-Inmate	Staff-on-Inmate
<b>Total Allegations</b>	<b>65</b>	<b>76</b>	<b>95</b>	<b>106</b>
Substantiated	16	3	27	2
Unsubstantiated	29	39	37	40
Unfounded	20	34	27	64
Investigation Ongoing	0	0	4	0

### Actions to Improve Effectiveness

Consistent with the PA DOC's mission to meet and exceed prevention, detection and response practices for allegations of sexual abuse and sexual harassment, the agency and its facilities have taken the lessons learned through each of its audits and sexual abuse incident reviews to increase the effectiveness of its sexual abuse prevention, detection and response policies. Highlights of enhancements made by the PA DOC in 2018 include:

- Recertification of compliance at 11 of its facilities.
- Revision of the agency's PREA Risk Assessment Tool (PRAT), with the assistance of the National PREA Resource Center, to expand the questionnaire and provide more inclusive options for addressing the concepts of sexual orientation, gender identity, and gender expression.
- Agency level training was provided to all users of the PRAT to explain the intent, purpose, and provide instruction for use of the revised tool.
- Revised the inmate intake educational handout to ensure prohibited behaviors matched exact language of §115.6.
- Completion of group trainings for PCMs working in its SCIs and CCCs in May of 2018, focusing on uniform application of policy and sustaining compliance.
- Development of a PCM desk reference tool, to guide new PCMs on primary, recurring responsibilities within their facilities.
- Implementation of a desk audit process to spot-check ongoing compliance with key standards at various intervals throughout the year.
- Revision of the agency's review process for inmates requesting placement in facilities consistent with their gender identity, which has led to a more effective and efficient process.
- Development of a Specialized Investigator's course for deployment throughout the ranks of the PSP; ensuring that those with the potential to be promoted into an investigatory role within the agency have the requisite understanding and knowledge to conduct correctional sexual abuse investigations.
- Formation of a workgroup to revise the agency's PREA policy to address consolidation efforts between the PA DOC and PBPP and to enhance compliance with each standard.

### Conclusions and Recommendations

This sixth annual PREA report memorializes the PA DOC's efforts to address sexual safety and effectively respond to allegations of sexual abuse and sexual harassment throughout the agency.

Audit findings consistently reveal that inmates feel safe in their environments and in making reports within PA DOC facilities and trust that action will be taken in response to those reports. During the PA DOC's referenced lockdown in 2018, it appears that allegations of sexual abuse and sexual harassment spiked due to the confidence that immediate protective action would be employed for those who may have faced danger relative to illicit substance use. Another trend observed in 2018 is the significant difference in dynamics in allegations between exclusively male and exclusively female facilities. Specifically, in the exclusively female facilities of SCI Muncy and SCI Cambridge Springs, the inmate-on-inmate allegations of sexual abuse and sexual harassment constituted 82.5 and 87.2 percent of all allegations within the facilities respectively. In exclusively male facilities, that ratio drops to only 30.8 percent of the total allegations made. Despite the differences in the subject of the allegations, anecdotal incident based data suggests there continues to be a correlation between allegations of sexual abuse and sexual harassment and attempts to satisfy an unmet need, resolve personal conflict between parties, or

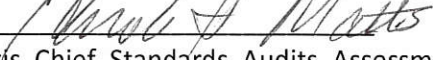
deter staff from enforcing rules. Given the discrepancies between male and female facilities, multi-pronged strategies were implemented to address the underlying causes of the increased allegation rates.

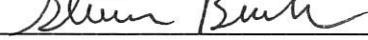
At SCI Muncy, the facility began piloting a cell agreement program, which allows the inmates in the program to mutually agree upon living with a specific inmate, with an option to end the agreement after six months. Should the data indicate this program meets its intended goal; it is recommended that the program be expanded to general population units.


In male facilities, allegations tend to correlate with resistance to those invasive security functions, such as strip searches and pat searches; particularly within CL5 environments where such actions are employed during feeding, showering, and out-of-cell activities. It is recommended that the inmate PREA educational video be updated to include basic descriptions of effective verbal direction and contact permitted during pat searches and strip searches. Educating and preparing inmates for what to expect during these intrusive security functions may reduce the allegations made that are related to the performance of official duties. Moreover, due to the persistent nature of non-contact sexual abuse allegations from less than one percent of the total CL5 population, which accounts for 11.7 percent of all allegations within the agency; it is recommended, when funding and resources permit, that each facility be authorized to equip a select range of cells within their CL5 units with more advanced surveillance that could further deter bad-faith allegations and protect those staff who are falsely accused of threatening or requesting sexually abusive activity.

The data collected in support of this annual report demonstrates that there is continued faith in the PA DOC's responsiveness to allegations of sexual abuse and sexual harassment that has fostered a robust reporting culture. As the data indicates, substantiated perpetrators continued to be identified and held accountable for their actions. As the PA DOC concludes the second PREA audit cycle, it remains committed to developing strategies to target those trends indicated by the data, while enhancing its training and educational efforts, and ensuring audit preparedness between facility audits to demonstrate its commitment to exhibiting itself as a national leader in practicing the zero-tolerance standard.

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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, 2018**

<b>Facility</b>	<b>Total Allegations</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>	<b>Ongoing</b>
SCI Albion	36	2	28	3	3
SCI Benner Township	19	4	13	2	0
SCI Cambridge Springs	34	4	26	4	0
SCI Camp Hill	51	2	36	6	7
SCI Chester	11	0	5	5	1
SCI Coal Township	11	1	4	4	2
SCI Cresson	1	0	1	0	0
SCI Dallas	14	1	4	6	3
SCI Fayette	32	1	26	5	0
SCI Forest	19	2	14	3	0
SCI Frackville	22	0	19	0	3
SCI Graterford	20	0	18	2	0
SCI Greene	53	3	43	5	2
SCI Greensburg	1	0	1	0	0
SCI Houtzdale	75	5	49	16	5
SCI Huntingdon	11	0	6	2	3
SCI Laurel Highlands	6	0	6	0	0
SCI Mahanoy	16	0	12	4	0
SCI Mercer	6	0	4	2	0
SCI Muncy	170	15	127	17	11
SCI Phoenix	2	0	2	0	0
SCI Pine Grove	5	0	4	1	0
SCI Pittsburgh	10	0	10	0	0
Quehanna Boot Camp	8	3	5	0	0
SCI Retreat	40	5	24	10	1
SCI Rockview	29	2	19	6	2
SCI Smithfield	22	1	19	1	1
SCI Somerset	13	0	9	3	1
SCI Waymart	36	11	16	9	0
BCC	6	0	5	0	1
PBPP	0	0	0	0	0
<b>Totals</b>	<b>779</b>	<b>62</b>	<b>555</b>	<b>116</b>	<b>46</b>

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**Appendix B: Allegations of Staff-on-Inmate Sexual Misconduct and Sexual Harassment at PA DOC  
Facilities by Investigative Outcome, 2018**

<b>Facility</b>	<b>Total Allegations</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>	<b>Ongoing</b>
SCI Albion	26	0	15	9	2
SCI Benner Township	38	0	24	14	0
SCI Cambridge Springs	5	0	3	1	1
SCI Camp Hill	85	2	64	17	2
SCI Chester	7	0	4	3	0
SCI Coal Township	25	1	13	10	1
SCI Cresson	0	0	0	0	0
SCI Dallas	33	0	17	13	3
SCI Fayette	100	0	82	17	1
SCI Forest	136	0	93	42	1
SCI Frackville	116	0	100	9	7
SCI Graterford	26	0	21	5	0
SCI Greene	130	0	89	41	0
SCI Greensburg	0	0	0	0	0
SCI Houtzdale	200	0	140	59	1
SCI Huntingdon	17	0	9	8	0
SCI Laurel Highlands	9	1	4	3	1
SCI Mahanoy	40	0	21	19	0
SCI Mercer	8	0	4	3	1
SCI Muncy	26	2	13	8	3
SCI Phoenix	15	0	11	3	1
SCI Pine Grove	29	0	22	7	0
SCI Pittsburgh	0	0	0	0	0
Quehanna Boot Camp	1	0	0	0	1
SCI Retreat	42	1	22	14	5
SCI Rockview	36	1	15	20	0
SCI Smithfield	51	0	39	12	0
SCI Somerset	75	2	51	21	1
SCI Waymart	43	0	20	23	0
BCC	3	0	1	0	2
PBPP	1	0	1	0	0
<b>Totals</b>	<b>1323</b>	<b>10</b>	<b>898</b>	<b>381</b>	<b>34</b>