

PRISON RAPE ELIMINATION ACT ANNUAL REPORT

Pennsylvania Department of Corrections

2019

Introduction

The Pennsylvania Department of Corrections (PA DOC) provided certification of compliance for the third year of the second audit cycle in October 2019, 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 third year of the second PREA audit cycle, ending August 19, 2019.

During calendar year 2019, which overlaps the end of the second audit cycle and beginning of the third audit cycle, eight of the Department's State Correctional Institutions (SCIs) and seven of its Bureau of Community Corrections centers (BCC) centers were certified as PREA compliant through an audit by Department of Justice (DOJ) certified auditors. Nine of these audits are attributed to the third year of the second audit cycle and six are attributed to the first year of the third cycle. With the certification of compliance at these facilities in 2019 and previous audit activity from 2016 through 2018; a total of 25 SCIs and 11 Community Corrections Centers (CCC) under the PA DOC's operational control were certified as compliant for a second time, after all facilities were previously found compliant during the first audit cycle.

Prevention

In 2019, the PA DOC released its revised PREA policy, DC-ADM 008. The revisions to this policy were primarily intended to address agency consolidation efforts between the PA DOC and Pennsylvania Board of Probation and Parole (PBPP); formally transferring responsibility for PREA compliance at PBPP Lockup locations to the PA DOC. Each PBPP office location maintains a temporary holding cell, which does not hold detainees overnight, subject to the Lockup Standards and policy revisions established a PREA Compliance Manager (PCM) at each location, as well as uniform prevention, detection, and response procedures between the PA DOC's Bureau of Community Corrections (BCC) and PBPP Lockups. As part of the transition process and in advance of the policy's formal release, the PA DOC held PREA Compliance Manager training for PBPP PREA Compliance Managers to educate them on newly established procedures and their newly established responsibilities. The revisions to policy also standardized training throughout the agency and included minor refinements to existing procedures.

In 2019, the agency hosted a PREA Resource Center Field Training Audit (FTA) at SCI Pine Grove. The FTA provided a unique look at the agency's strengths and opportunities for improvement. The results of this FTA were used to inform policy revisions and training efforts with several classification of specialized staff, including PREA Compliance Managers, Field Human Resource Officers, and facility investigators.

During 2019, the agency revised its procedures and developed a training acknowledgement for all non-department employees and public visitors in its facilities who may have sight or sound contact with inmates. The training acknowledgement indicates all permitted visitors, beyond those formally classified as contractors and volunteers, were familiar with first responder and reporting obligations should they become aware of a report of sexual abuse or sexual harassment.

The annual PCM training was held at the PA DOC's training academy with DOC and BCC PCMs and their Administrative Officers (AOs) within the SCIs and CCCs in May 2019. The training featured a significant effort to address uniformity across facilities, including a section by section review of responsibilities under

the revised PREA policy, quality assurance in the investigatory review process, and demonstrating compliance throughout the audit process. A video conference PCM meeting was held in November 2019, to provide status updates for the third audit cycle, address issues the PA DOC's data collection efforts, address questions pertaining to facility PREA Accommodation Committee (PAC) procedures and enabled PCMs to discuss potential policy implementation concerns or sustaining standard compliance.

Statistical analysis of PA DOC allegation data historically indicates a disproportionate number of the Department's allegations are concentrated in its longer-term custody level 5 units for those inmates with a significant history of disciplinary and management issues. Because many of the inmates housed in these units are impulsive and crisis prone, a pilot training program was initiated at select facilities to address de-escalation and communication techniques to help mitigate frivolous allegations.

Training

The PA DOC completed its bi-annual policy update training and engaged in other significant training initiatives in 2019 as follow:

- An agency-wide refresher training was conducted for those who perform risk screening assessments in order to review the agency's PRAT tool, the intent behind the assessment questions, the tracking of risk scores, and the use of risk screening results.
- Facility Field Human Resource Officers were provided training on the PREA audit process and the keys to maintaining and providing evidence of compliance with PREA standard §115.17 during the audit process.
- PREA Compliance staff participated in the PA DOC's Bureau of Investigations and Intelligence's statewide meeting with facility PREA investigators. The training efforts focused on lessons learned through the PREA audit process, reaffirming the criteria for each of the investigatory conclusions, and reviewing report writing requirements to maintain compliance with PREA standard §115.71.
- PREA Compliance staff provided training content during the agency-wide meeting for Corrections Superintendent's Assistants, who serve as facility grievance coordinators, and during the Deputy Superintendent for Centralized Services/Corrections Classification Program Manager training; focusing on functions and tasks specific to their roles in facility compliance.
- The PA DOC revamped its PREA Essentials refresher course in 2019 for deployment in 2020. The revisions to this course placed a renewed focus on the basic requirements of §115.31, as well as focusing additional attention on professional and respectful communications and search techniques.
- Facility PCMs and AOs voluntarily participated as assistants in agency consortium audits, observing other state practices and gaining experience for their own audit preparation efforts. During 2019, six individuals from different facilities assisted in out-of-state audits.
- 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.
- The PA DOC shared its experiences with its peers through presentations conducted at the January 2019 American Correctional Association (ACA) conference, the 2019 Adult and Juvenile Female Offenders (AJFO) conference, and through a webinar hosted by Envisage Technologies.

(28 C.F.R § 115.88)

- The PA DOC's PREA Coordinator participated in the National PREA Coordinator's Conference in February 2019.

External Collaboration

In 2019, the PA DOC continued its partnerships with key external agencies to enhance its efforts to provide external 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. A workshop was presented at the January 2019 ACA conference, featuring the highlights of this partnership and how facilities could replicate such services. A handout, "Providing Support Services to Transgender Persons in Custody through a Virtual Platform Keys to Establishing Effective Community Partnerships", was created and distributed as a snapshot of the key elements within the workshop.
- 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's PREA Coordinator became a member of the National PREA Coordinator's Working Group (NPCWG), collaborating with fellow state PREA Coordinators on developing and maintaining compliant practices.

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 compiled 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 21 PBPP lockups¹. The PREA incident-based data is recorded in accordance with the federal standards, and BII reviews every PREA investigation conducted at PA DOC facilities² for quality assurance purposes.

¹Commonwealth 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.

² The phrase "PA DOC facilities" includes the 24 SCIs, Quehanna Boot Camp, 11 Commonwealth operated CCCs, and 21 PBPP Lockups in operation at any time during 2019. One CCC and one PBPP lockup formally closed in 2019. A second CCC experienced damage to the physical plant in late 2019, leading to the removal of reentrants; however, the facility was not officially closed until 2020. By the date of this report's issue, one additional SCI closed in 2020.

Statistical information as reported for the second PREA audit cycle was captured from BII's longstanding case management system.

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 PTS captures all information necessary to generate the US Department of Justice, Bureau of Justice Statistics (BJS) Survey of Sexual Victimization (SSV). 2019 marks the fourth 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 submits 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

For each substantiated³ allegation, of any type, a 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 2019, as well as allegations reported at CCFs and CCJs with incident data comparative to those reported in 2018. As the numbers reflect for DOC facilities, there is a net increase of 77 reports (3.7 percent) of inmate-on-inmate and staff-on-inmate allegations. At CCFs, there was a net decrease of three reports (5.4 percent) of inmate-on-inmate and staff-on-inmate allegations. Due to the continued reduction in the use of CCJs occurring in 2019 and only two CCJs remaining in use by the conclusion of calendar year 2019, data is not directly comparable between previous years.

Collectively, approximately 4.1 percent of the total allegations made in PA DOC facilities in 2019 were substantiated and 26.3 percent of the total allegations made in PA DOC facilities were unfounded. Comparatively in 2018, approximately 3.4 percent of the total allegations made in PA DOC facilities were substantiated, while only 23.7 percent of all allegations made in PA DOC facilities were unfounded. In 2017, 4.4 percent of the total allegations in PA DOC facilities were substantiated and only 15.7 percent were unfounded. The 2019 statistics reflect a concentrated effort to end with more definitive conclusions than in the previous two years where more allegations fell into the unsubstantiated category.

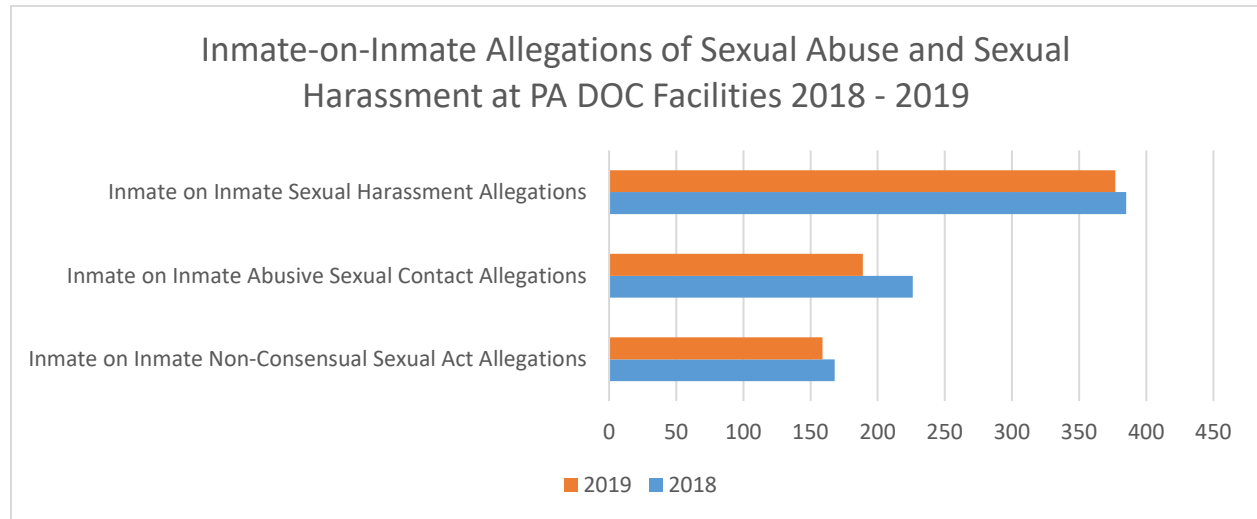
Although there was a net increase in allegations at Department facilities in 2019, as revealed by the subsequent analysis, most of the increase can be attributed to the category of alleged staff sexual harassment. This data point can be partially credited to the four years of searchable records within the agency's PTS to determine when an allegation of potentially sexually harassing behavior meets the definition of "repeated" to formally qualify as sexual harassment under §115.6. A second substantial change occurring in 2019 that may have influenced allegation rates, was the agency's conversion to a

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

tobacco-free environment beginning on July 1, 2019. When examining the allegation rates, there were 125 more allegations made in the second half of the year, following the banning of tobacco products in facilities, with most of those increases in the form of allegations made against staff. In support of this potential correlation, there was a 56 percent increase in total reports from the month preceding the tobacco prohibition (133 total reports) to the month following tobacco prohibition (208 total reports). There is a potential for those additional reports to have been made in an effort to deter or in response to the enforcement of the tobacco prohibition or in response to inmates seeking safety from incurred debts related to prohibited tobacco products.

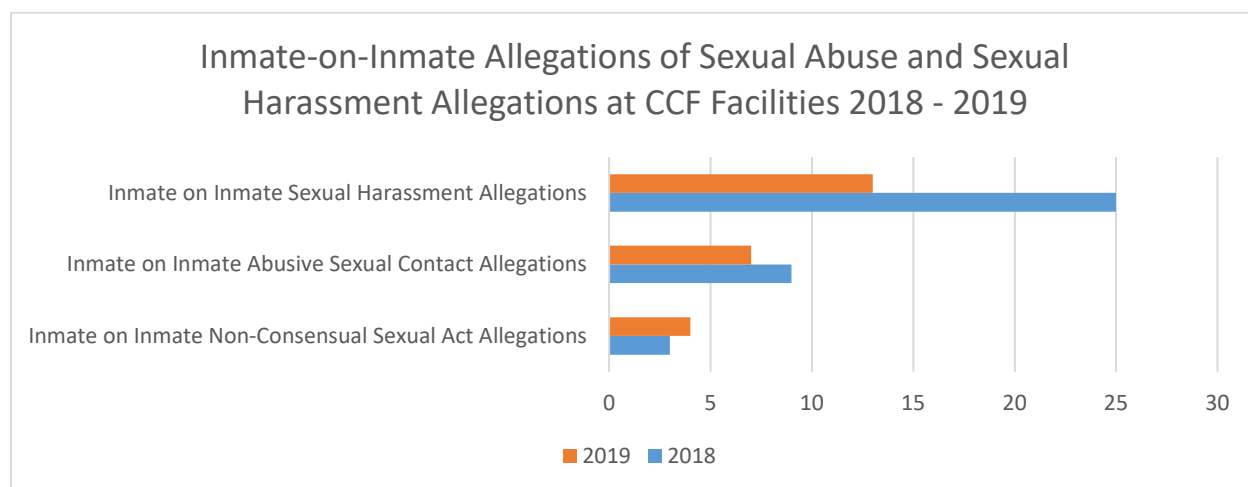
Part 1: Inmate Perpetrators

In 2019, a combined total of 726 inmate-on-inmate sexual abuse and sexual harassment allegations were reported within PA DOC facilities, representing a net decrease of 53 allegations (6.8 percent) from 2018. Of these inmate-on-inmate complaints, 65 incidents (9 percent)⁴ were substantiated. In 2019, a total of 159 (21.9 percent) inmate perpetrator allegations involved nonconsensual sexual acts, 189 (26 percent) involved allegations of abusive sexual contact and 378 (52 percent) involved inmate-on-inmate sexual harassment.



In 2019, a combined total of 24 allegations of inmate-on-inmate sexual abuse and sexual harassment were reported within CCFs. Of these inmate-on-inmate allegations, four (16.6 percent) were substantiated. No substantiated inmate perpetrator allegation involved nonconsensual sexual acts, one (25 percent) involved allegations of abusive sexual contact, and three (75 percent) involved inmate-on-inmate sexual harassment.

⁴ Percentages provided in this report are approximate and may not total 100 due to rounding up of numbers



Nonconsensual Sexual Acts⁵

Table 1 demonstrates that inmate-on-inmate nonconsensual sexual act allegations decreased by nine (5.3 percent) between 2018 and 2019 at PA DOC facilities. A total of four allegations (2.5 percent) of inmate-on-inmate nonconsensual sexual acts were substantiated during 2019, while 95 (59.7 percent) of these allegations were unsubstantiated and 40 (25.2 percent) were unfounded. At the time of this report, 20 allegations of this category remained under investigation and the outcomes were not yet determined (Table 1). Three of the substantiated incidents involved male inmates sexually abusing other male inmates. The fourth incident involved a female inmate sexually abusing another female inmate. One of the four substantiated incidents occurred between cellmates, while the remaining three involved perpetrators who did not live with the victim.

Table 1: Inmate-on-Inmate Nonconsensual Sexual Acts, PA DOC Facilities, 2018-2019

Inmate-on-Inmate Nonconsensual Sexual Acts	2018	2019
Total Allegations	168	159
Substantiated	3	4
Unsubstantiated	100	95
Unfounded	47	40
Investigations Ongoing	18	20

⁵Sexual 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.

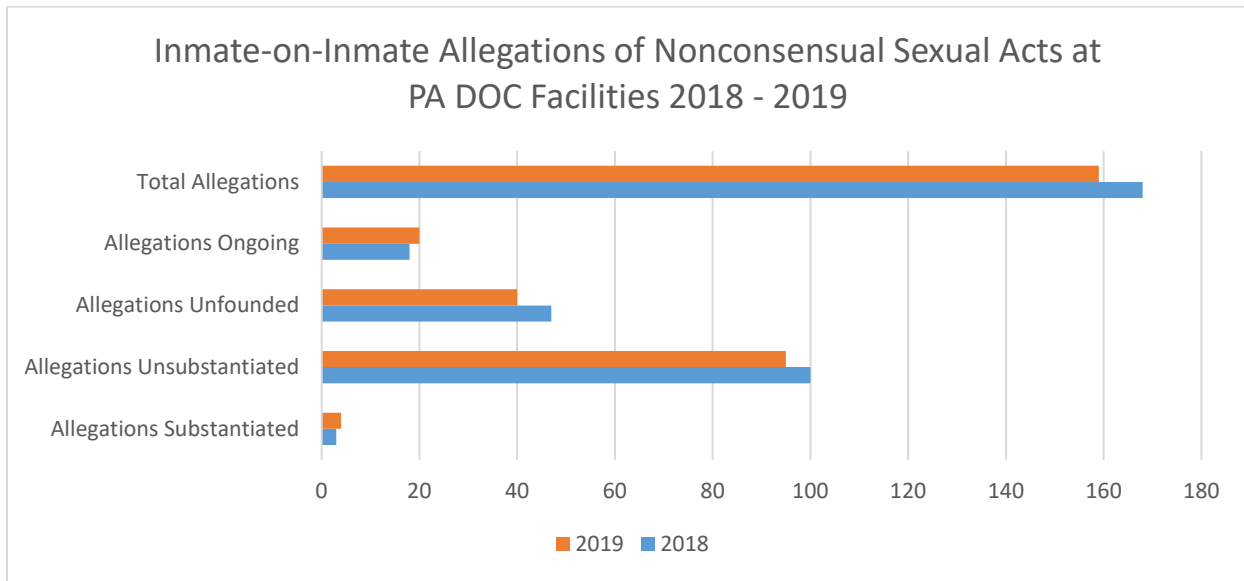
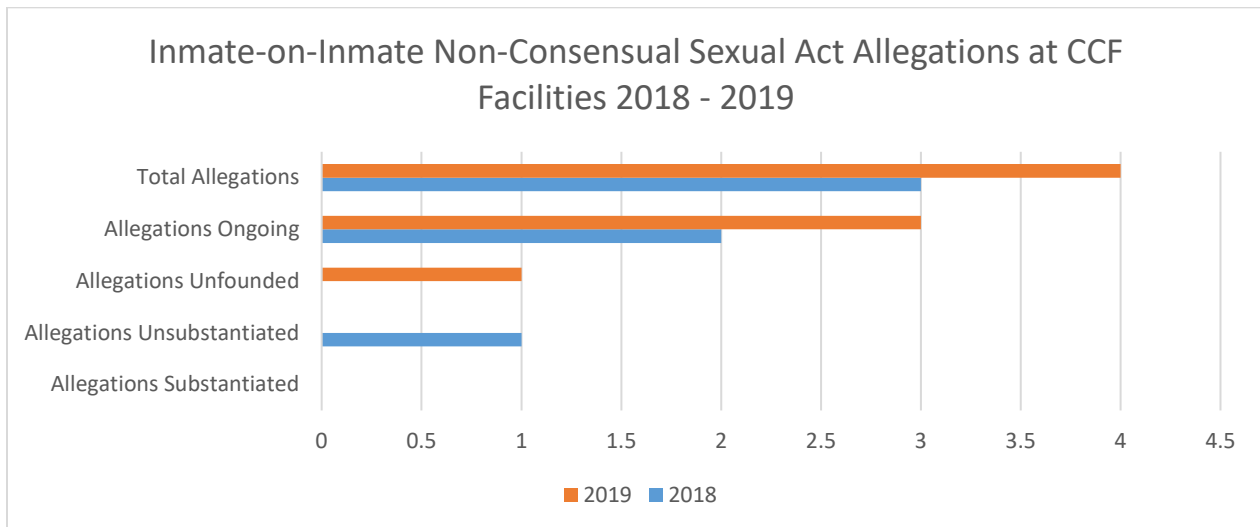


Table 2 reveals that four allegations of inmate-on-inmate nonconsensual sexual acts were made within CCFs in 2019. No allegations were substantiated, none were unsubstantiated and one (25 percent) was determined to be unfounded. At the time of this report, three allegations of this category remained under investigation and the outcomes were not yet determined (Table 2).

Table 2: Inmate-on-Inmate Nonconsensual Sexual Acts, CCFs, 2018-2019

Inmate-on-Inmate Nonconsensual Sexual Acts	2018	2019
Total Allegations	3	4
Substantiated	0	0
Unsubstantiated	1	0
Unfounded	0	1
Investigation Ongoing	2	3



Abusive Sexual Contact⁶

Table 3 shows that allegations of inmate-on-inmate abusive sexual contact decreased by 37 allegations (16.4 percent) between 2018 and 2019. A total of 189 allegations of inmate-on-inmate abusive sexual contact were made in PA DOC facilities in 2019. Of those allegations, 27 (14.2 percent) were substantiated, 108 (57.1 percent) were unsubstantiated and 46 (24.3 percent) were determined to be unfounded. At the time of this report, nine investigations of this category type remain open and the outcomes are not yet determined (Table 3). Of the substantiated incidents, 20 involved unwanted touching between male inmates, three involved unwanted touching of transgender female inmates by male inmates, three involved unwanted touching of female inmates by female inmates, and one involved unwanted touching of a male inmate by a transgender female inmate.

Table 3: Inmate-on-Inmate Abusive Sexual Contact, PA DOC Facilities, 2018-2019

Inmate-on-Inmate Abusive Sexual Contact	2018	2019
Total Allegations	226	189
Substantiated	19	27
Unsubstantiated	158	108
Unfounded	36	46
Investigation Ongoing	14	9

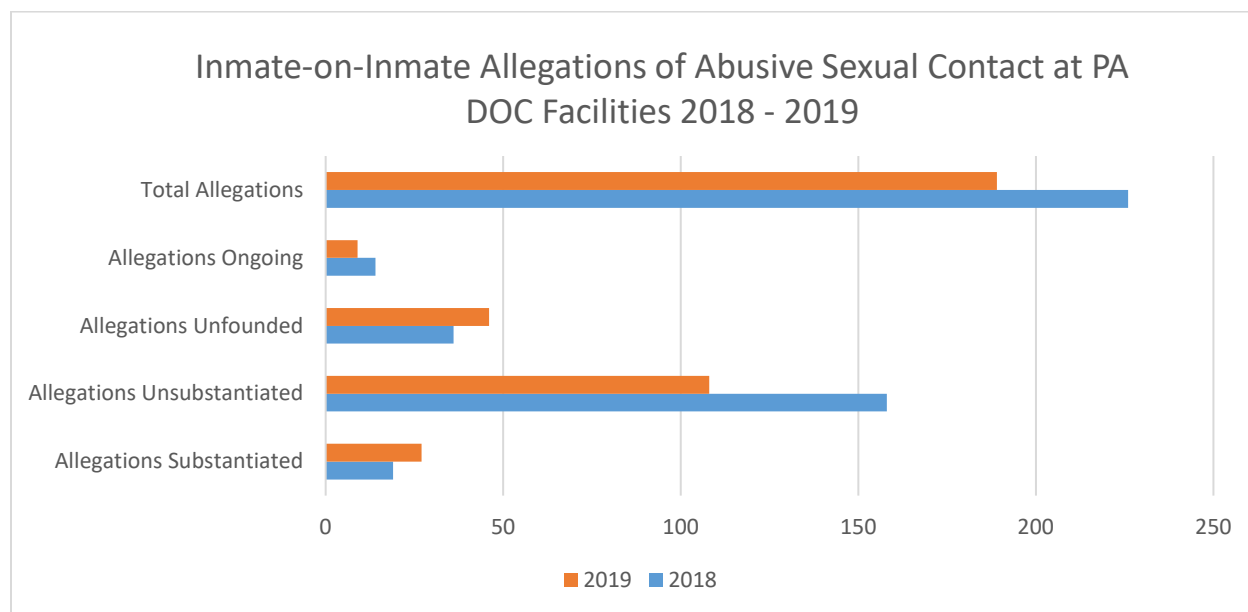


Table 4 demonstrates that allegations of inmate-on-inmate abusive sexual contact at CCFs decreased by two allegations (22.2 percent) between 2018 and 2019. A total of seven allegations of inmate-on-inmate abusive sexual contact were made within CCFs in 2019. One (14.3 percent) of these allegations was substantiated, two (28.6 percent) were unsubstantiated and two (28.6 percent) were unfounded. At the

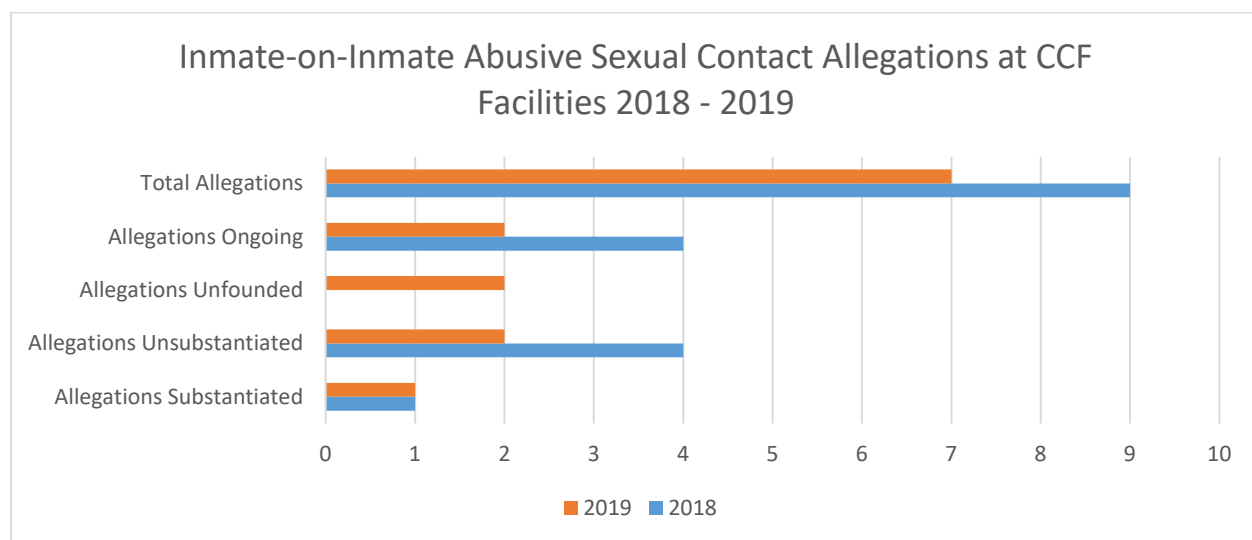
⁶ Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; AND intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. Excluded are incidents in which the contact was incidental to a physical altercation.

(28 C.F.R § 115.88)

time of this report, two allegations of this type remained under investigation and the outcomes are unknown. (Table 4).

Table 4: Inmate-on-Inmate Abusive Sexual Contact, CCFs, 2018-2019

Inmate-on-Inmate Abusive Sexual Contact	2018	2019
Total Allegations	9	7
Substantiated	1	1
Unsubstantiated	4	2
Unfounded	0	2
Investigation Ongoing	4	2



Sexual Harassment⁷

Table 5 illustrates that inmate-on-inmate sexual harassment allegations within PA DOC decreased by seven incidents (1.8 percent) from 2018 to 2019. Of the 378 allegations of inmate-on-inmate sexual harassment within PA DOC facilities, 34 (9 percent) were substantiated, 279 (74 percent) were unsubstantiated and 53 (14.1 percent) were unfounded. At the time of this report, 12 allegations of this type remained under investigation and the outcomes are unknown.

Table 5: Inmate-on-Inmate Sexual Harassment, PA DOC Facilities, 2018-2019

Inmate-on-Inmate Sexual Harassment	2018	2019
Total Allegations	385	378
Substantiated	40	34
Unsubstantiated	297	279
Unfounded	34	53
Investigation Ongoing	14	12

⁷ 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.

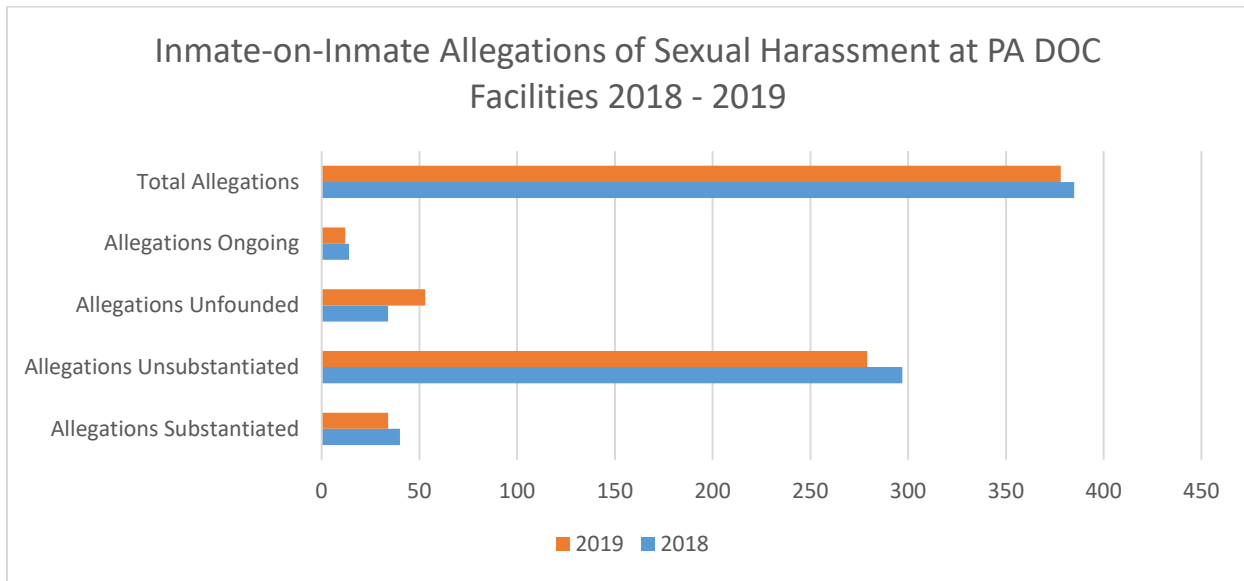
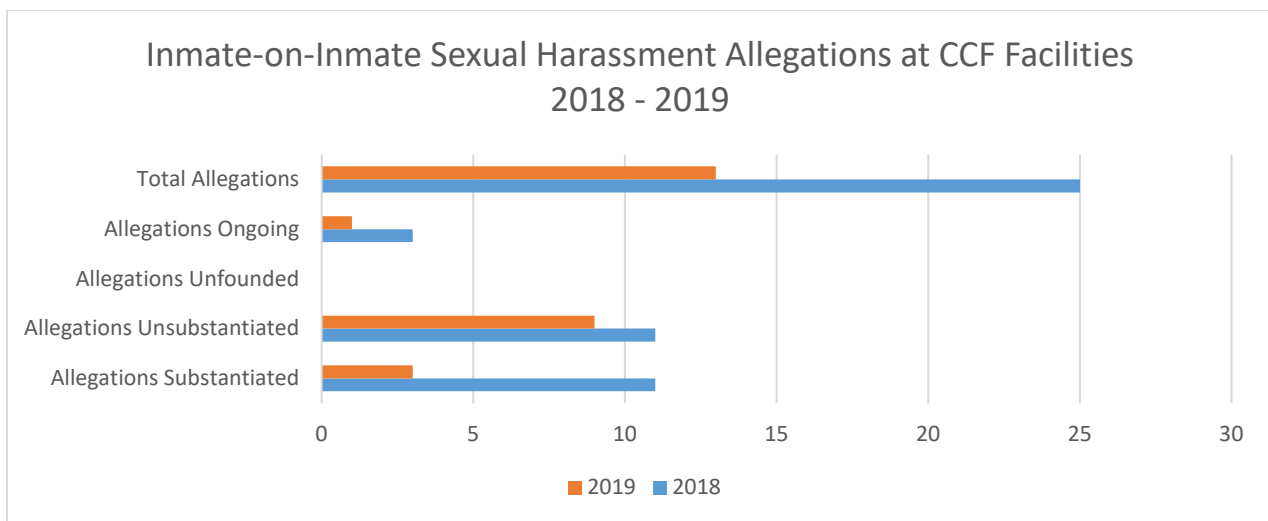


Table 6 indicates that allegations of inmate-on-inmate sexual harassment reports at CCFs decreased by 12 allegations (48 percent) between 2018 and 2019. Of the 13 allegations of inmate-on-inmate sexual harassment reported in CCFs, three (23.1 percent) were substantiated and nine (69.2 percent) were unsubstantiated. No allegation (0 percent) of this category was unfounded and one investigation of this type remained under investigation and the outcome is unknown (Table 6).

Table 6: Inmate-on-Inmate Sexual Harassment, CCFs, 2018-2019

Inmate-on-Inmate Sexual Harassment	2018	2019
Total Allegations	25	13
Substantiated	11	3
Unsubstantiated	11	9
Unfounded	0	0
Investigation Ongoing	3	1



Part 2: Staff Perpetrators

Approximately 66.7 percent, of combined sexual abuse and sexual harassment allegations made at PA DOC facilities primarily involved staff. A total of 1453 allegations against staff were reported in 2019, representing an increase of 130 (9.8 percent) from 2018 totals. The total substantiated allegations against staff also increased from a total of ten (0.7 percent) in 2018 to a total of 24 (1.7 percent) in 2019.

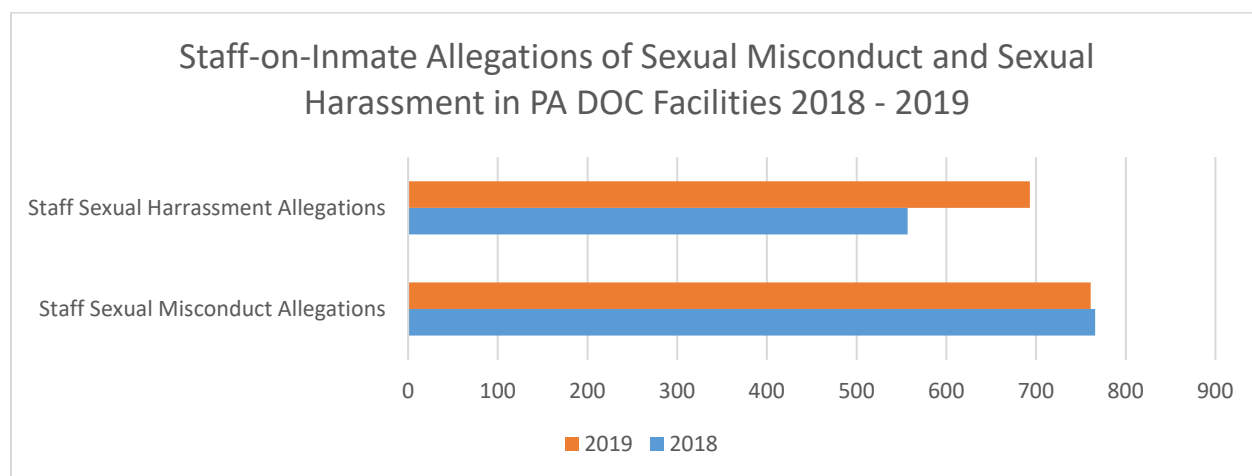
Consistent with prior annual reports, the data indicates that PA DOC facilities with specialized Custody Level 5 (CL5) management units and specialized CL5 mental health units continued to experience a disproportionate number of the Department's overall allegations against staff. Consistent with prior annual reports, although CL5 inmates represent approximately five percent of the PA DOC's total institutional population, 694 of the 1453 allegations (47.7 percent) made against staff were reported by inmates housed in a CL5 housing unit. When contrasted with the allegation data from the PA DOC's Community Corrections Centers and CL2 facilities, it appears that higher inmate custody levels are associated with higher allegation rates.

Further analysis of the allegation data indicates that 18 of the top 25 alleged victims of sexual abuse or sexual harassment were housed in CL5 housing for either the majority or entirety of 2019. Of note, nine of the 18 top inmates alleged to have been victims in allegations in 2019 were also among the top 25 inmates involved in allegations in 2018, with six of these same inmates also appearing among the top 25 inmates involved in allegations in 2017.

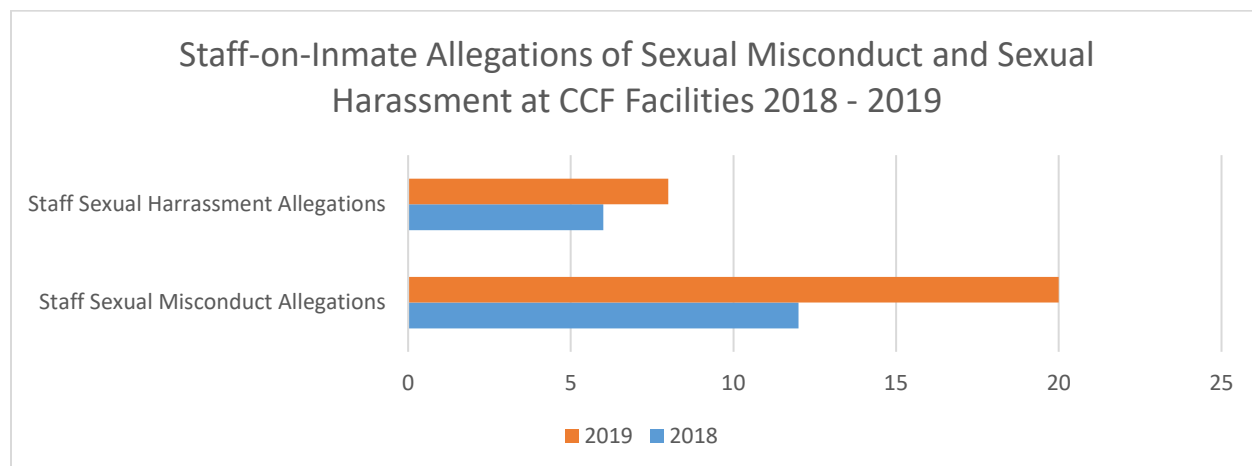
Part of this disparate concentration of allegations within CL5 units can potentially be attributed to the inherent management issues associated with the inmates who are housed in such units, the highly controlled environment, frequency of unplanned interventions, and behavior dependent access to privileges. Because of the zero tolerance standard toward 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 perpetually grieve unrelated issues. Incident based data reveals that the significant portion of the allegations made by the aforementioned 18 individuals involved alleged sexual requests, threats, or comments that cannot be readily proven or disproven without concrete evidence to support conflicting witness testimony.

In contrast to previous years, for the first time, female inmates appear among the top 25 inmates making allegations within the PA DOC, with three females in the top 25 inmates involved with allegations. Also unique among the female inmate population is that 194 of the 239 allegations (81.2 percent) occurring at the two female SCIs involved other inmates, compared to only 528 of 1925 allegations (27.4 percent) of allegations at the 23 male facilities involving other inmates. This uneven dynamic appears to indicate that there are significantly different motivations for allegations between male and female inmates. Most allegations at female facilities tend to involve cellmate perpetrators who have purportedly engaged in some unwanted form of physical touch.

Consistent with previous years, a lopsided number of staff sexual abuse and sexual harassment allegations, 1049 of 1453 (72.1 percent), involved alleged comments or gestures by staff that are remarkably difficult to prove or disprove. With most of such investigations falling into the disposition category of unsubstantiated because of conflicting witness testimony and the absence of other credible forms of evidence, there is little facilities can do to deter falsified allegations or to hold perpetrators accountable without a means of obtaining more conclusive and trustworthy evidence. In the most extreme situations, some inmates continue to be placed on constant video surveillance using a camcorder outside their cell to safeguard against unfounded allegations.



In CCFs, a total of 28 allegations of staff-on-inmate sexual abuse and sexual harassment were reported in 2019. This represents an increase of ten allegations (55.6 percent) from the previous year. Additionally, the number of substantiated staff related incidents at CCFs decreased from three to two (7.1 percent) in 2019.



Staff Sexual Misconduct⁸

Table 7 illustrates that allegations of staff-on-inmate sexual misconduct decreased by five allegations (0.6 percent) from 2018 to 2019. Of the 761 allegations of staff-on-inmate sexual misconduct, ten (1.3 percent) allegations were substantiated, 429 (56.4 percent) were unsubstantiated and 284 (37.3 percent) were unfounded. At the time of this report, 38 allegations of this category type remain under investigation and outcomes are not yet determined. Of the ten substantiated incidents, nine of the incidents involved female staff's sexual misconduct with male inmates and one involved a male staff member's sexual misconduct with a female inmate.

⁸ 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.

Table 7: Staff-on-Inmate Sexual Misconduct, PA DOC facilities, 2018-2019

Staff-on-Inmate Sexual Misconduct	2018	2019
Total Allegations	766	761
Substantiated	5	10
Unsubstantiated	480	429
Unfounded	254	284
Investigation Ongoing	27	38

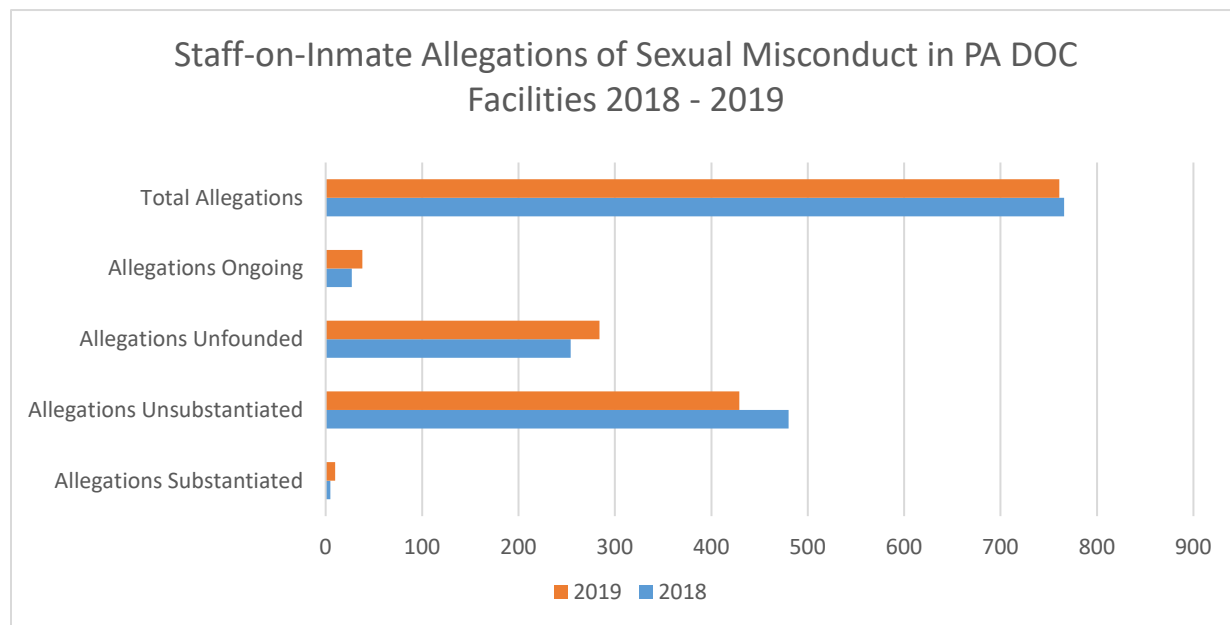
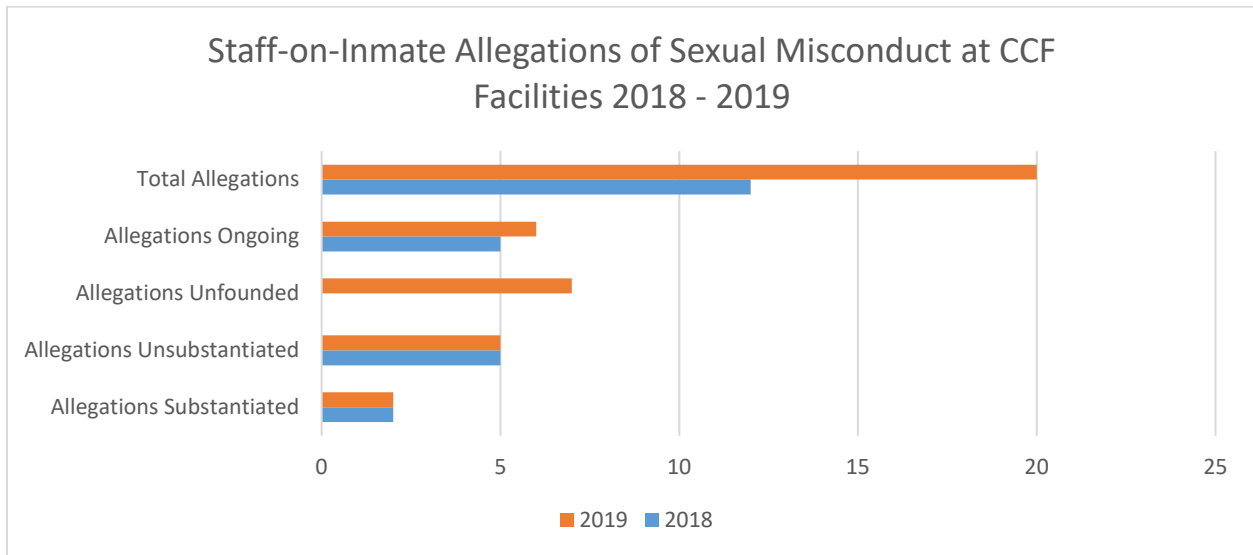


Table 8 reveals that allegations of staff-on-inmate sexual misconduct increased by eight allegations (66.7 percent) between 2018 and 2019. A total of 20 allegations of staff-on-inmate sexual misconduct were made within CCFs in 2019, two (10 percent) were substantiated, five (25 percent) were determined to be unsubstantiated and seven (35 percent) were unfounded. At the time of this report six investigations remain open and the outcomes are unknown.

Table 8: Staff-on-Inmate Sexual Misconduct, CCFs, 2018-2019

Staff-on-Inmate Sexual Misconduct	2018	2019
Total Allegations	12	20
Substantiated	2	2
Unsubstantiated	5	5
Unfounded	0	7
Investigation Ongoing	5	6



Staff Sexual Harassment⁹

As Table 9 illustrates, staff-on-inmate sexual harassment allegations within PA DOC facilities increased by 135 (24.2 percent) between 2018 and 2019. In 2019, a total of 692 allegations of staff-on-inmate sexual harassment were made within PA DOC facilities. Of those allegations 14 (2 percent) were substantiated, 499 (72.1 percent) were unsubstantiated and 149 (21.5 percent) were unfounded. At the time of this report, 30 investigations remain open and the outcome is unknown.

Table 9: Staff-on-Inmate Sexual Harassment, PA DOC facilities, 2018-2019

Staff-on-Inmate Sexual Harassment	2018	2019
Total Allegations	557	692
Substantiated	5	14
Unsubstantiated	418	499
Unfounded	127	149
Investigation Ongoing	7	30

⁹ 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.

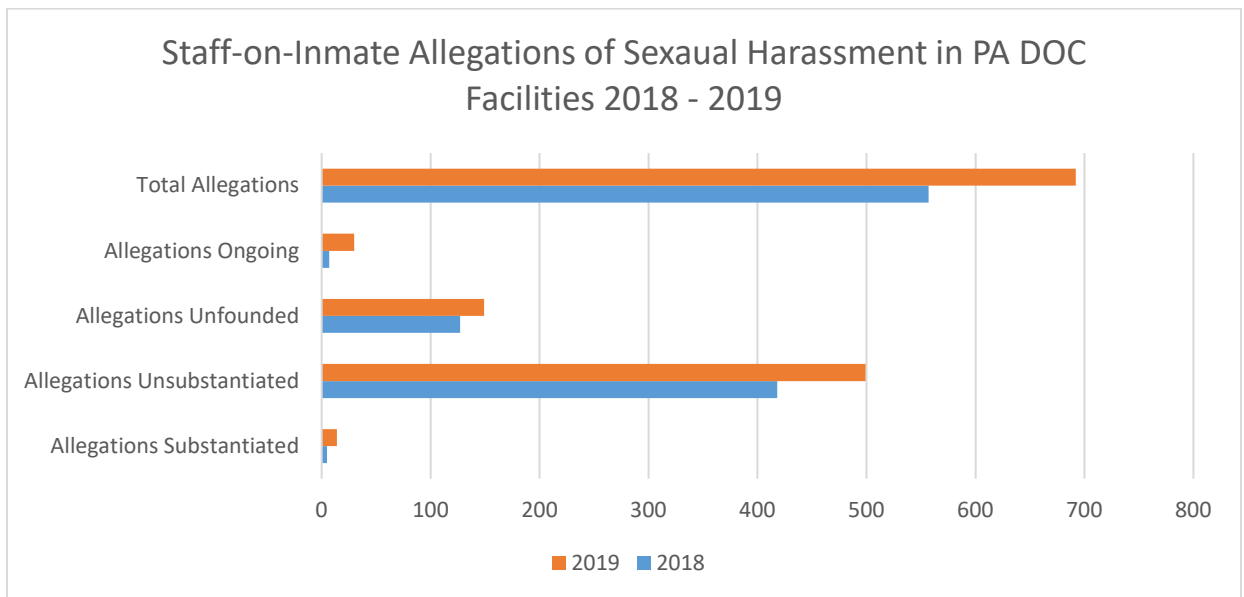
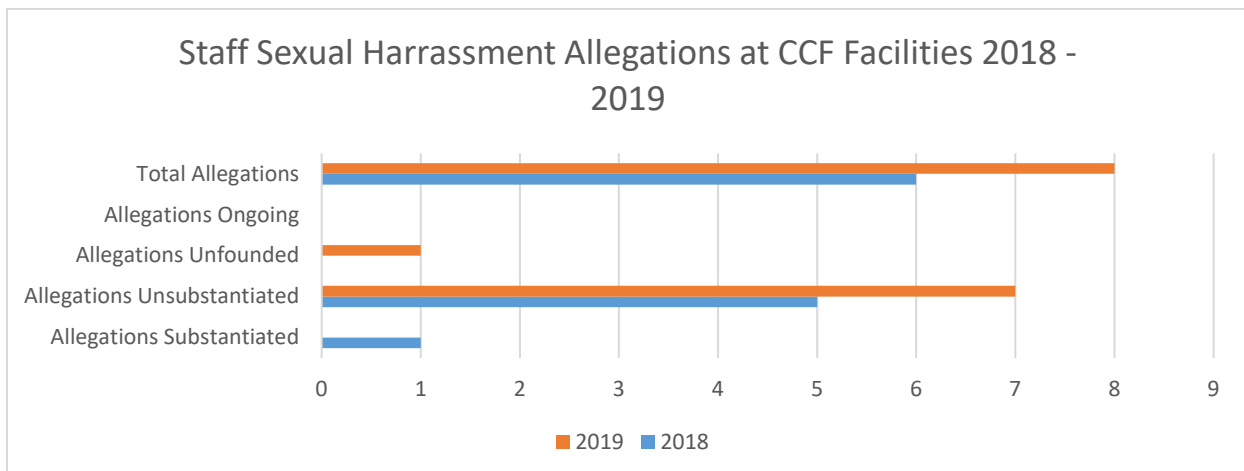


Table 10 reveals that allegations of staff-on-inmate sexual harassment increased by two (33.3 percent) between 2018 and 2019 at CCFs. Of the eight allegations of staff-on-inmate sexual harassment reported in CCFs in 2019, none of the allegations were substantiated, seven (87.5 percent) of the allegations were unsubstantiated, and one (12.5 percent) allegations was unfounded. At the time of this report, all investigations of this allegation type were complete.

Table 10: Staff-on-Inmate Sexual Harassment, CCFs, 2018-2019

Staff-on-Inmate Sexual Harassment	2018	2019
Total Allegations	6	8
Substantiated	1	0
Unsubstantiated	5	7
Unfounded	0	1
Investigation Ongoing	0	0



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 by the conclusion of 2019, only two of nine CCJs remained under contract and in use, which are reflected in this report. Because of this reduction, comparison between 2018 and 2019 aggregate data will not be fully comparable.

A total of 18 allegations of inmate-on-inmate sexual abuse were made at CCJs in 2019. Of those allegations, two (11.1 percent) were substantiated, 12 (66.7 percent) were unsubstantiated, and four (22.2 percent) were unfounded. At the time of this report, all investigations into allegations of this category were complete.

A total of five allegations of staff-on-inmate sexual abuse were made at CCJs in 2019. Of those allegations, none were substantiated, five (100 percent) were unsubstantiated, and none were unfounded. At the time of this report, all investigations into allegations of this category were complete.

Table 11: Sexual Abuse, CCJs, 2018-2019

Sexual Abuse	2018		2019	
	Inmate-on-Inmate	Staff-on-Inmate	Inmate-on-Inmate	Staff-on-Inmate
Total Allegations	74	63	18	5
Substantiated	19	0	2	0
Unsubstantiated	24	19	12	5
Unfounded	31	44	4	0
Investigation Ongoing	0	0	0	0

A total of 13 allegations of inmate-on-inmate sexual harassment were made at CCJs in 2019. Of those allegations, three (23.1 percent) were substantiated, five (38.5 percent) were unsubstantiated, and five (38.5 percent) were unfounded. At the time of this report, all investigations into allegations of this category were complete.

A total of nine allegations of staff-on-inmate sexual harassment were made at CCJs in 2019, none of which were substantiated, seven (77.8 percent) were unsubstantiated, and two (22.2 percent) were unfounded. All investigations of this category were complete at the time of this report.

Table 12: Sexual Harassment, CCJs, 2018-2019

Sexual Harassment	2018		2019	
	Inmate-on-Inmate	Staff-on-Inmate	Inmate-on-Inmate	Staff-on-Inmate
Total Allegations	95	106	13	9
Substantiated	27	2	3	0
Unsubstantiated	37	40	5	7
Unfounded	27	64	5	2
Investigation Ongoing	4	0	0	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 actively taken into account findings from each of its compliance audits and sexual abuse incident reviews to enhance the effectiveness of its sexual abuse prevention, detection and response policies. While no audited facility in 2019 underwent a correction action period, remedial steps were taken to improve signage and postings relative to inmates and unauthorized areas and prohibit work supervisors from working one-on-one with inmates in isolated areas. Enhancements made by the PA DOC, as an agency, in calendar year 2019 include, to name a few:

- Recertification of compliance through PREA audits at 15 of its facilities.
- Hosting of a National PREA Resource Center Field Training Audit at SCI Pine Grove, which provided a comprehensive assessment of both facility and agency strengths and opportunities for improvement. This Field Training Audit was used to inform subsequent training efforts with several classifications of staff and revisions to policy and procedures manuals.
- Release of the PA DOC's updated PREA policy, DC-ADM 008. Revisions of this policy were primarily intended to address consolidation efforts between the PA DOC and the PBPP and to unify three separate policies pertaining to Prisons, Community Corrections, and Lockups into a consistent, unified procedures manual. However, revisions also provided clarity for prevention, detection, and response procedures based upon feedback provided during the Field Training Audit, best practices observed during consortium audits, and best practices observed in PA DOC facilities.
- The agency's PREA Coordinator provided training content to support agency level trainings with facility investigators, facility human resource and labor management staff to reaffirm the respective compliance requirements relative to their specific roles within their facilities.
- Conducted group trainings for PCMs working in its Lockups in March 2019, and SCIs and CCCs in May of 2019, focusing on a review of the revised policy and the respective responsibilities of all support staff.
- Facility specific upgrades and purchases of new camera systems continued as funding was available.
- Continuation of desk audit processes of all facilities to spot-check ongoing compliance with key standards at various intervals throughout the year.
- The PREA Coordinator joined the National PREA Coordinators Working Group, collaborating with other state agencies on compliance challenges, and increased communication with the National PREA Resource Center and PREA Management Office.

Conclusions and Recommendations

This seventh 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. With the conclusion of audits conducted during calendar year 2019, each facility within the PA DOC has been audited as compliant at least twice. Audit results during the 2019 calendar year reinforce and reflect that the Department's PREA policies are established and adhered to in facility practices.

As the increase in substantiated and unfounded incidents indicate, training efforts with investigators and PCMs have paid dividends and demonstrate the potential for focus on other training efforts identified and implemented at the time of this report. Although not formally deployed until January 2020, revisions to the PA DOC's refresher training curriculum placed a renewed focus on the essential requirements of PREA

standards 115.15 and 115.31 and those potential areas for mitigation of incidents as identified in the sexual abuse incident review process. Also, while not deployed until spring 2020, revisions to the inmate PREA education are anticipated to address not only the requirements of §115.33, but are also anticipated to address many of the misunderstandings relative to PREA that may serve as motivations for allegations. The PA DOC is hopeful that the benefits of these training and educational efforts may be realized in 2020 and 2021 aggregate data.

Allegation statistics continue to reveal that inmates are aware of reporting mechanisms, feel safe in making reports within PA DOC facilities, and trust that action will be taken in response to those reports. This is evidenced by those substantiated inmate-on-inmate incidents which were reported at the stage of unwanted sexual advances and unwanted physical touching. Awareness of the zero-tolerance standard, prohibited forms of contact, and the ability to report incidents, indicates that prevention and educational efforts with inmates are meeting their intended objectives. Moreover, in substantiated staff-on-inmate incidents, staff displayed the professional courage emphasized in the PA DOC's Professional Boundaries¹⁰ course and were willing to report their suspicions of unusual behaviors to trigger investigations into these incidents.

Regarding allegation rates, focus was directed towards reinforcing training concepts and investigatory conclusions for existing investigators and ensuring greater uniformity between facilities through a statewide investigator's meeting hosted by the Bureau of Investigations and Intelligence. As noted, these efforts appear to have resulted in increased rates of substantiated and unfounded incidents. The increased substantiation rate allows for perpetrators to be held accountable, while the increased unfounded rate allows for those inmates who have filed false allegations in bad faith to also be held accountable. The continued diversion of resources to the increased percentage of false allegations that could not be proven to have occurred, diluted the ability of investigators to focus on those incidents that occurred or may have occurred. These false allegations also have the profound ability to undermine faith in the PREA program for both the PA DOC's staff and inmates who have been falsely accused of allegations that did not occur.

Although the CL5 population represents only approximately five percent of the DOC's population, this population continues to represent an imbalance in reported allegations, specifically, 47.7 percent of all allegations against staff, 28.3 percent of all inmate-on-inmate allegations, and accounts for 45 percent of unfounded allegations within the PA DOC. When contrasted with the allegation data from the PA DOC's Community Corrections Centers and CL2 facilities, it appears that higher inmate custody levels are associated with higher allegation rates. Although results are unable to be fully actualized until the 2021 annual report, the PA DOC plans to regionalize longer-term CL5 housing in the foreseeable future, which may provide an opportunity for additional stabilization of this population and its propensity for involvement in allegations.

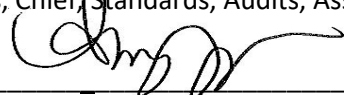
The data collected in support of this annual report supports that the inmate population maintains confidence in prevention efforts and response practices employed by the PA DOC. The data continues to support that there is a robust reporting culture and increases in substantiated and unfounded allegation rates indicate a greater degree of investigative efficiency, which is at the essence of any prevention strategy. Data trends continue to provide insights into opportunities for development and drive

¹⁰ Professional Boundaries Course is a customized curriculum that resulted from a PA DOC contract with the Moss Group through a BJA PREA Demonstration Grant with the goal of further understanding and developing strategies that address sexual misconduct in correctional settings.

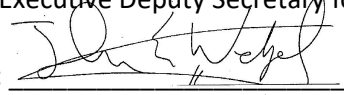
advancements in training, education, and response procedures. As the PA DOC concluded the second and entered the third audit cycle, it remains committed to serving as a national leader in upholding the zero-tolerance standard.

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Allegations of Inmate-on-Inmate Nonconsensual Sexual Acts,
Abusive Sexual Contact, or Sexual Harassment at PA DOC Facilities, 2019

Facility	Total Allegations	Substantiated	Unsubstantiated	Unfounded	Ongoing
SCI Albion	32	5	22	2	3
SCI Benner Township	22	2	14	5	1
SCI Cambridge Springs	20	2	12	6	0
SCI Camp Hill	43	2	18	23	0
SCI Chester	4	0	3	1	0
SCI Coal Township	45	8	23	0	14
SCI Cresson	1	0	0	1	0
SCI Dallas	15	1	5	2	7
SCI Fayette	41	1	29	11	0
SCI Forest	27	3	21	2	1
SCI Frackville	25	2	20	2	1
SCI Graterford	13	0	12	1	0
SCI Greene	36	1	25	5	5
SCI Greensburg	0	0	0	0	0
SCI Houtzdale	52	2	38	12	0
SCI Huntingdon	36	10	22	2	2
SCI Laurel Highlands	6	1	5	0	0
SCI Mahanoy	14	0	8	5	1
SCI Mercer	5	2	2	1	0
SCI Muncy	174	8	129	37	0
SCI Phoenix	15	1	10	4	0
SCI Pine Grove	4	0	3	1	0
SCI Pittsburgh	3	0	3	0	0
Quehanna Boot Camp	1	0	1	0	0
SCI Retreat	16	2	8	2	4
SCI Rockview	18	1	13	3	1
SCI Smithfield	13	2	10	1	0
SCI Somerset	25	2	18	4	1
SCI Waymart	17	7	6	4	0
BCC	3	0	2	1	0
PBPP	0	0	0	0	0
Totals	726	65	482	138	41

Allegations of Staff-on-Inmate Sexual Misconduct or Sexual Harassment at PA DOC Facilities, 2019

Facility	Total Allegations	Substantiated	Unsubstantiated	Unfounded	Ongoing
SCI Albion	36	1	21	11	3
SCI Benner Township	48	1	38	9	0
SCI Cambridge Springs	2	0	0	1	1
SCI Camp Hill	146	2	99	38	7
SCI Chester	11	1	3	4	3
SCI Coal Township	51	3	17	6	25
SCI Cresson	0	0	0	0	0
SCI Dallas	33	0	16	16	1
SCI Fayette	117	2	85	30	0
SCI Forest	101	0	56	45	0
SCI Frackville	185	1	150	32	2
SCI Graterford	1	0	1	0	0
SCI Greene	107	3	71	31	2
SCI Greensburg	0	0	0	0	0
SCI Houtzdale	135	4	100	31	0
SCI Huntingdon	47	0	29	18	0
SCI Laurel Highlands	15	1	12	2	0
SCI Mahanoy	28	0	22	3	3
SCI Mercer	5	0	3	2	0
SCI Muncy	43	0	10	33	0
SCI Phoenix	34	0	25	8	1
SCI Pine Grove	39	2	27	10	0
SCI Pittsburgh	1	0	1	0	0
Quehanna Boot Camp	1	1	0	0	0
SCI Retreat	46	0	15	17	14
SCI Rockview	32	0	13	19	0
SCI Smithfield	83	0	50	33	0
SCI Somerset	78	0	53	22	3
SCI Waymart	21	2	8	11	0
BCC	7	0	3	1	3
PBPP	4	0	2	1	1
Totals	1453	24	928	433	68