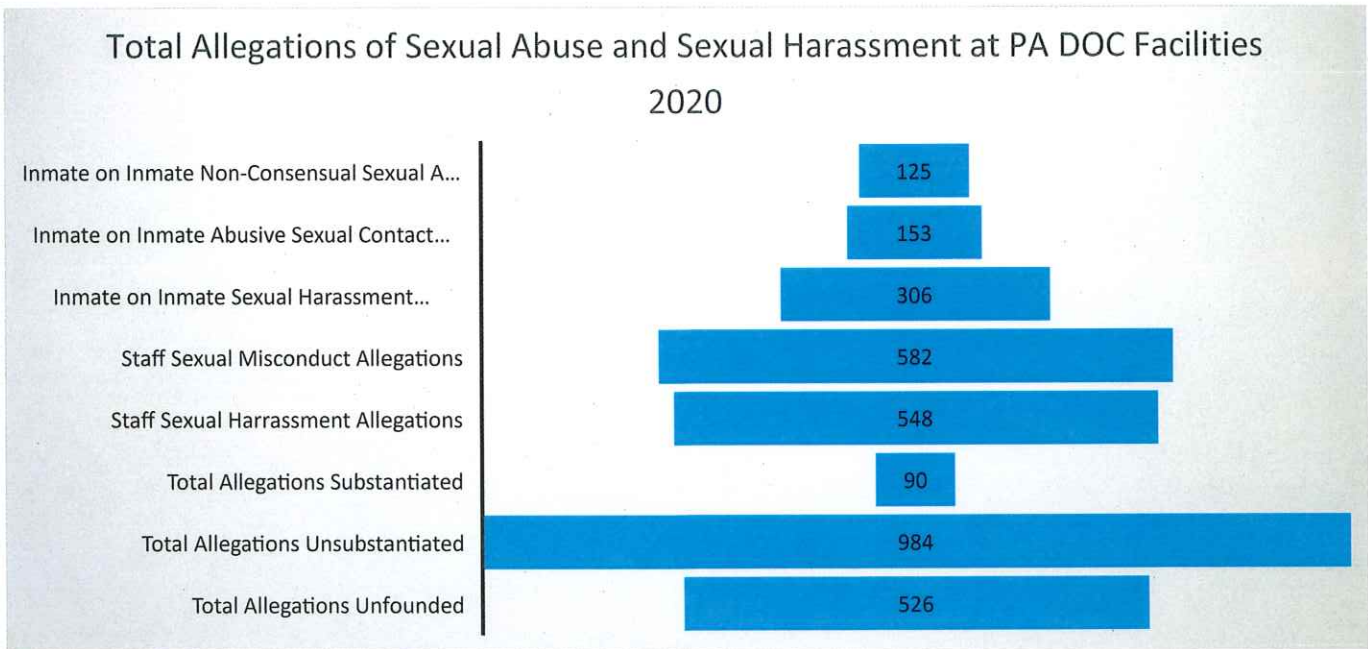


Summary of 2020 PREA Annual Report

Incident Based Data for DOC Facilities¹:

- There is a net decrease of 465 (21.3%) in overall allegations from 2019 to 2020
- Overall, 5.3% of all allegations were substantiated in 2020 (determined to have occurred), compared to 4.1% in 2019
- Overall, 30.7% of all allegations were unfounded in 2020 (determined not to have occurred), compared to 26.3% in 2019
- **Inmate-on-Inmate allegations** decreased by a total of 142 allegations (19.6%) between 2019 and 2020
 - 67 allegations (11.5%) were substantiated
- **Staff-on-Inmate allegations** decreased by a total of 323 allegations (22.2%) between 2019 and 2020
 - **Allegations of Staff Sexual Misconduct** decreased by 179 allegations
 - 13 allegations (2.2%) were substantiated, compared to ten allegations in 2019 (1.3%)
 - 235 allegations (40.4%) were unfounded
 - **Allegations of Staff Sexual Harassment** decreased by 144 allegations
 - 10 allegations (1.8%) were substantiated, compared to 14 allegations in 2019 (2%)
 - 167 allegations (30.5%) were unfounded
 - 52.3% of allegations made against staff originate from CL5 inmates, with approximately 35.4% of those allegations being unfounded.
- All of the top 25 inmates reporting allegations were housed in a CL5 unit for some portion of 2020, with 20 of the top 25 inmates reporting allegations spending at least six months within CL5 housing during the calendar year. All of the top 25 inmates reporting allegations were male.



¹ The phrase "PA DOC facilities" includes the 24 SCIs, Quehanna Boot Camp, 9 Commonwealth operated CCCs, and 20 PBPP Lockups in operation at any time during 2020. One SCI closed in June 2020.

PRISON RAPE ELIMINATION ACT ANNUAL REPORT Pennsylvania Department of Corrections 2020

Introduction

The Pennsylvania Department of Corrections (PA DOC) achieved compliance in each of its audits in 2020 prior to the COVID-19 pandemic. However, the Commonwealth was unable to provide certification of compliance for the first year of the third audit cycle in October 2020 due to pandemic related audit delays in non-PA DOC facilities under the Governor's jurisdiction. While pandemic precautions significantly revised facility operations, the PA DOC commits 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 first year of the third PREA audit cycle, ending August 19, 2020.

During calendar year 2020, which overlaps the first year of the third audit cycle and beginning of the second year of the third audit cycle, five State Correctional Institutions (SCIs) and one Bureau of Community Corrections Center (CCC) were certified as PREA compliant through an audit by Department of Justice (DOJ) certified auditors prior to the pandemic audit pause. Each of these audits were attributed to the first year of the third audit cycle. With the certification of compliance at these facilities in 2020 and previous audit activity from 2016 through 2019; a total of nine SCIs and three CCCs under the PA DOC's operational control were certified as compliant for a third time, after all facilities were previously found compliant during the first and second audit cycles.

Prevention

In 2020, the PA DOC updated and released its inmate education program. Revisions primarily address the requirements of PREA standard §115.33/233 and more fully incorporate the PA DOC's policies. Another significant goal of the revision to the inmate education program was to address common misconceptions among the inmate population about the applicability of PREA to routine security functions, such as searches, cell checks, and removal of unauthorized privacy barriers erected by inmates within their cells, which were identified through an analysis of allegation data within the agency's PREA tracking system (PTS). The PTS is a repository of all information related to allegations of sexual abuse and sexual harassment. It is hoped that these changes will ultimately reduce the number of reports of perceived incidents related to official duties.

Contract monitoring procedures, relative to PREA standard §115.12/212, were completely revised in 2020 to provide a greater level of insight into the operations of contracted community confinement facilities and to enhance the efficiency of the contract monitoring process. The revisions included transitioning contract monitoring from a yearly deadline date submission of select PREA contract provision documentation to a more expansive, ongoing collection of documentation based upon findings in formal PREA audits of contracted facilities to the PA DOC's electronic file system through direct submission by contracted facility compliance managers.

The PA DOC entered into a Memoranda of Understanding with the Office of State Inspector General to serve as the outside organization to which both inmates and staff may report allegations of sexual abuse, sexual harassment, and retaliation in satisfaction of PREA standard §115.51(b); replacing the former reporting address with the Pennsylvania State Police.

In response to the COVID-19 pandemic, PA DOC facilities were tasked with specific missions and functions. As part of this reorganization, youthful male inmates (those inmates under the age of 18), were relocated from SCI Pine Grove to SCI Camp Hill to a specialized unit affording sight and sound separation required by the PREA standards as well as adequate space to conduct programming and deliver essential services on the unit thereby minimizing the need for travel outside of the unit and interaction with adult inmates.

Training

Despite pandemic related restrictions on in-person trainings, the PA DOC completed its bi-annual refresher training and engaged in other significant training initiatives in 2020 as follow:

- The PA DOC revamped its PREA policy updates refresher course in 2020 for deployment in 2021. The revisions to this course addressed changes to procedures, including updates to the outside PREA reporting address' transition from the Pennsylvania State Police to the Office of State Inspector General, transition of the male youthful inmate population to SCI Camp Hill, as well as focusing additional attention on key refresher information on topics such as immediate response procedures, respectful communications, and professional and respectful searches of transgender inmates.
- Contract community confinement facilities were trained on the revised contract monitoring procedures and use of the electronic file system.

External Collaboration

In 2020, the PA DOC was unable to facilitate its LGBTQI virtual, monthly support group sessions due to pandemic related precautions; however, continued its partnerships with key external agencies to assist with Administrative PREA Accommodation Committee activity.

- The PA DOC continued its partnership with Trans Advocacy Pennsylvania and the Pennsylvania Department of Health to provide consultation on transgender related topics.
- The PA DOC continued its partnership with the Pennsylvania Coalition Against Rape (PCAR) and its local sites to provide victims advocacy services to all Department sites.
- The PA DOC's PREA Coordinator continues to serve as 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 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, 9 CCCs, and 20 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.

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). 2020 marks the fifth 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.

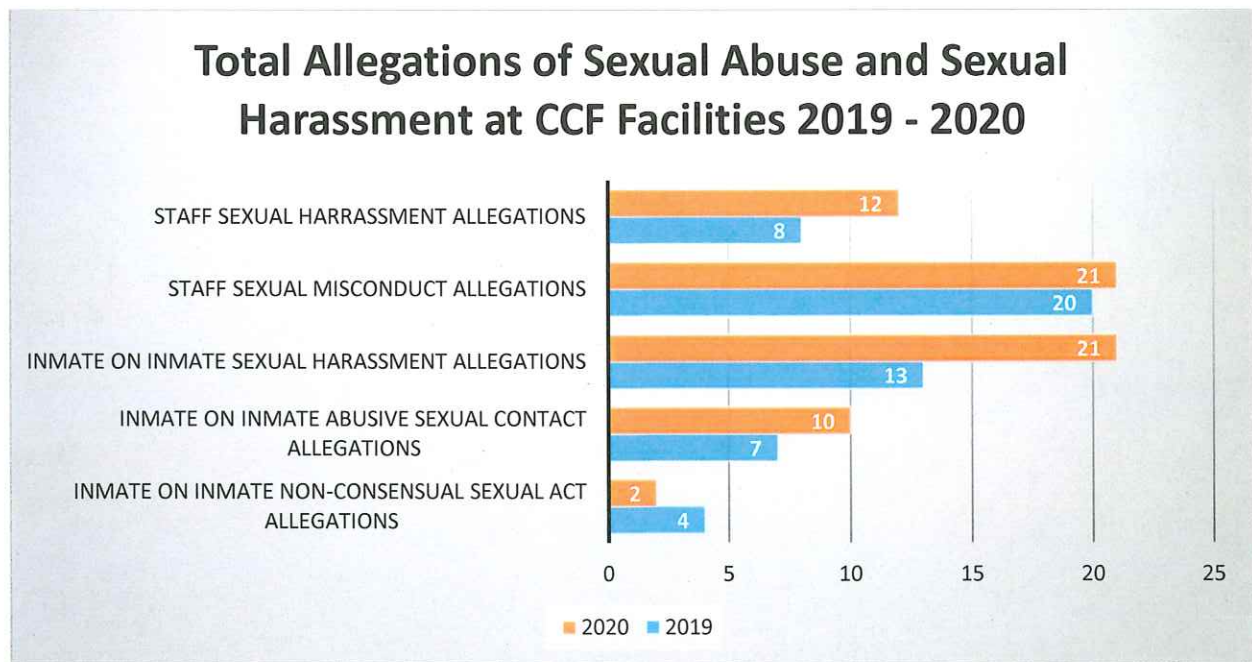
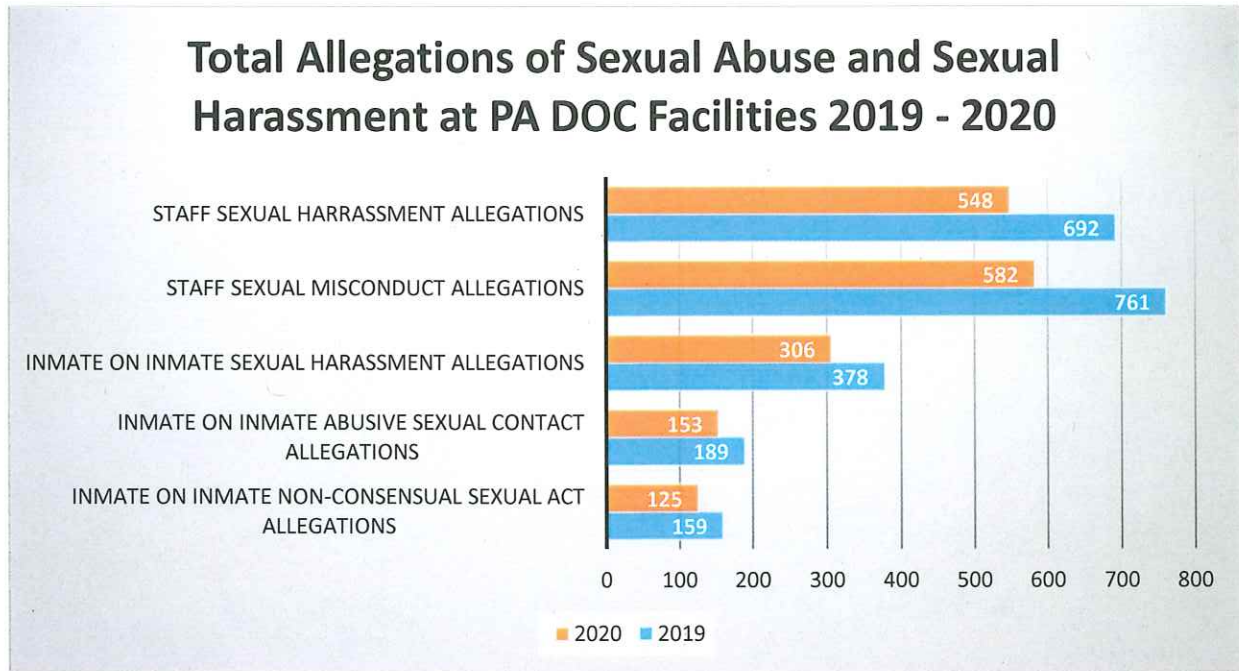
This report summarizes the allegations⁴ reported at PA DOC facilities in calendar year 2020, as well as allegations reported at CCFs and CCJs with incident data comparative to those reported in 2019. As the numbers reflect for DOC facilities, there is a net decrease of 465 reports (21.3 percent) of inmate-on-inmate and staff-on-inmate allegations. At CCFs, there was a net increase of 14 reports (26.9 percent) of inmate-on-inmate and staff-on-inmate allegations. At CCJs, which were utilized for approximately three months in 2020, there was a net decrease of two reports (6.4 percent).

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, 9 Commonwealth operated CCCs, and 20 PBPP Lockups in operation at any time during 2020. One SCI closed in June 2020.

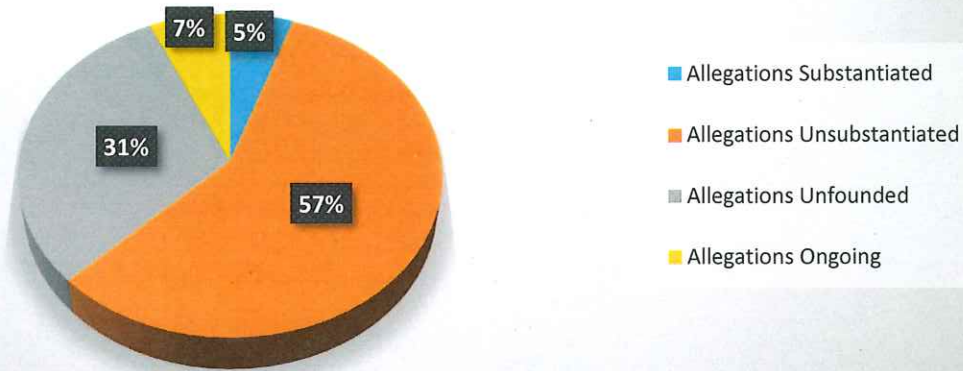
³ Substantiated investigative outcomes were determined to have occurred based on a preponderance of the evidence.

⁴ The phrase "allegations" refers to each specific type(s) of incident(s) alleged to have occurred within a report. A single report may contain multiple "allegations", such as a single report containing both an allegation of sexual abuse and sexual harassment. For purposes of this report, this type of single report is recorded as both an "allegation" of sexual abuse and sexual harassment consistent with SSV reporting requirements.

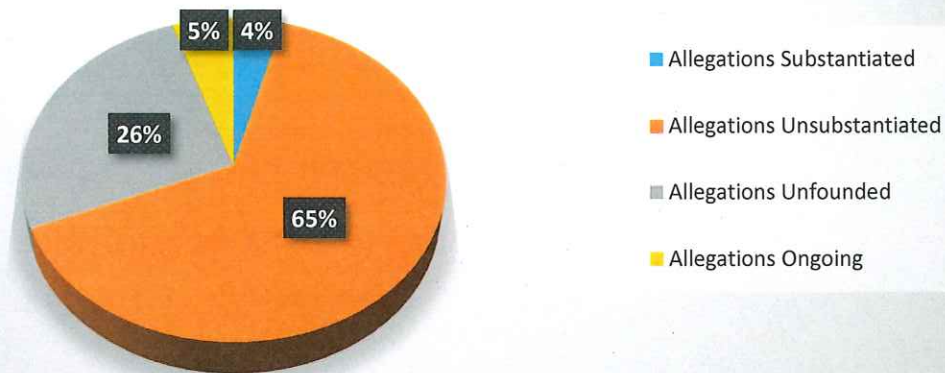


Collectively, approximately 5.3 percent of the total allegations made in PA DOC facilities in 2020 were substantiated and 30.7 percent of the total allegations made in PA DOC facilities were unfounded. Comparatively in 2019, approximately 4.1 percent of the total allegations made in PA DOC facilities were substantiated, while 26.3 percent of all allegations made in PA DOC facilities were unfounded. The DOC's 2020 statistics reflect a continued effort of the DOC's investigators to reach definitive conclusions to hold perpetrators and false reporters accountable.

Disposition of Total Allegations of Sexual Abuse and Sexual Harassment at PA DOC Facilities 2020



Disposition of Total Allegations of Sexual Abuse and Sexual Harassment at PA DOC Facilities 2019



The net decrease in allegations at Department facilities in 2020, as revealed by the subsequent analysis, are likely attributable to several factors occurring in 2020. Foremost, pandemic related precautions and modified operational practices limited the number and frequency of interactions between inmates, as well as interactions between inmates and staff. A second significant change occurring in 2020 was a revision to the inmate education program. Revisions to the inmate education program focused attention on dispelling frequent misconceptions that inmates held about the PREA standards and likely decreased the motivations for false allegations. Thirdly, the continued improvements in achieving definitive substantiated and unfounded investigatory outcomes likely deterred untrue reports.

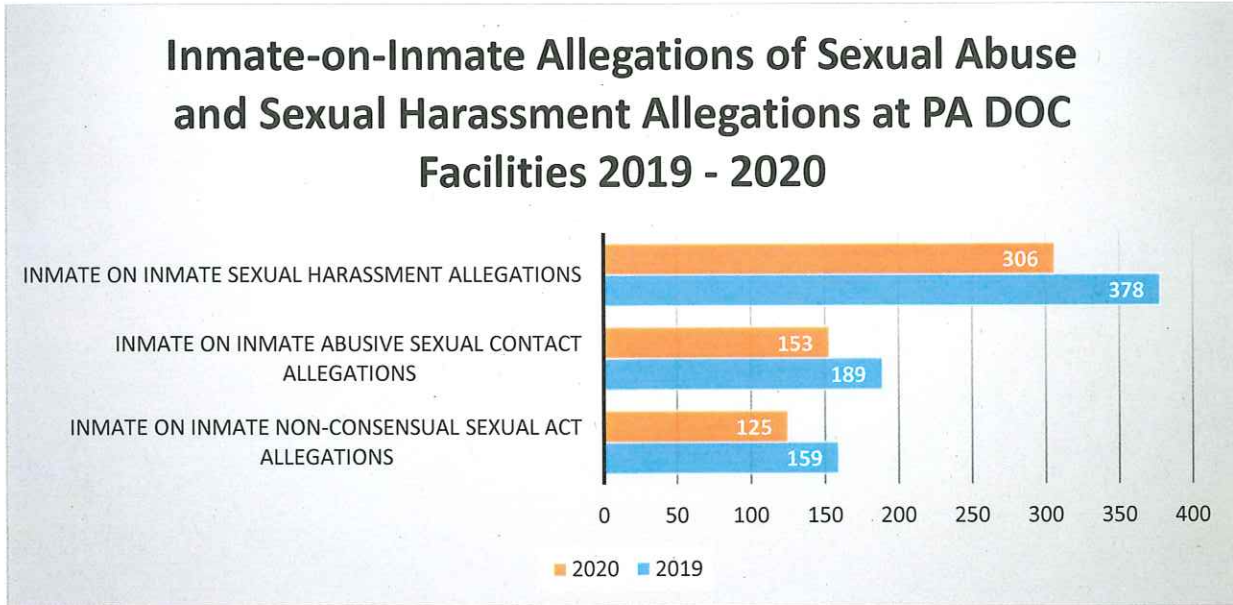
Part 1: Inmate Perpetrators

In 2020, a combined total of 584 inmate-on-inmate sexual abuse and sexual harassment allegations were reported within PA DOC facilities, representing a net decrease of 142 allegations (19.6 percent) from 2019. Of these inmate-on-inmate complaints, 67 incidents (11.5 percent)⁵ were substantiated. In 2020, a total

⁵ Percentages provided in this report are approximate and may not total 100 due to rounding up of numbers

(28 C.F.R § 115.88)

of 125 (21.4 percent) inmate perpetrator allegations involved nonconsensual sexual acts, 153 (26.2 percent) involved allegations of abusive sexual contact and 306 (52.4 percent) involved inmate-on-inmate sexual harassment.



In 2020, a combined total of 33 allegations of inmate-on-inmate sexual abuse and sexual harassment were reported within CCFs. Of these inmate-on-inmate allegations, 11 (33.3 percent) were substantiated. No substantiated inmate perpetrator allegation involved nonconsensual sexual acts, four (36.4 percent) involved allegations of abusive sexual contact, and seven (63.6 percent) involved inmate-on-inmate sexual harassment.



Nonconsensual Sexual Acts⁶

Table 1 demonstrates that inmate-on-inmate nonconsensual sexual act allegations decreased by 34 (21.4 percent) between 2019 and 2020 at PA DOC facilities. A total of two allegations (1.6 percent) of inmate-on-inmate nonconsensual sexual acts were substantiated during 2020, while 73 (58.4 percent) of these allegations were unsubstantiated and 38 (30.4 percent) were unfounded. At the time of this report, 12 allegations of this category remained under investigation and the outcomes were not yet determined (Table 1). Both of the substantiated incidents involved male inmates sexually abusing male cellmates.

Table 1: Inmate-on-Inmate Nonconsensual Sexual Acts, PA DOC Facilities, 2019-2020

Inmate-on-Inmate Nonconsensual Sexual Acts	2019	2020
Total Allegations	159	125
Substantiated	4	2
Unsubstantiated	95	73
Unfounded	40	38
Investigations Ongoing	20	12

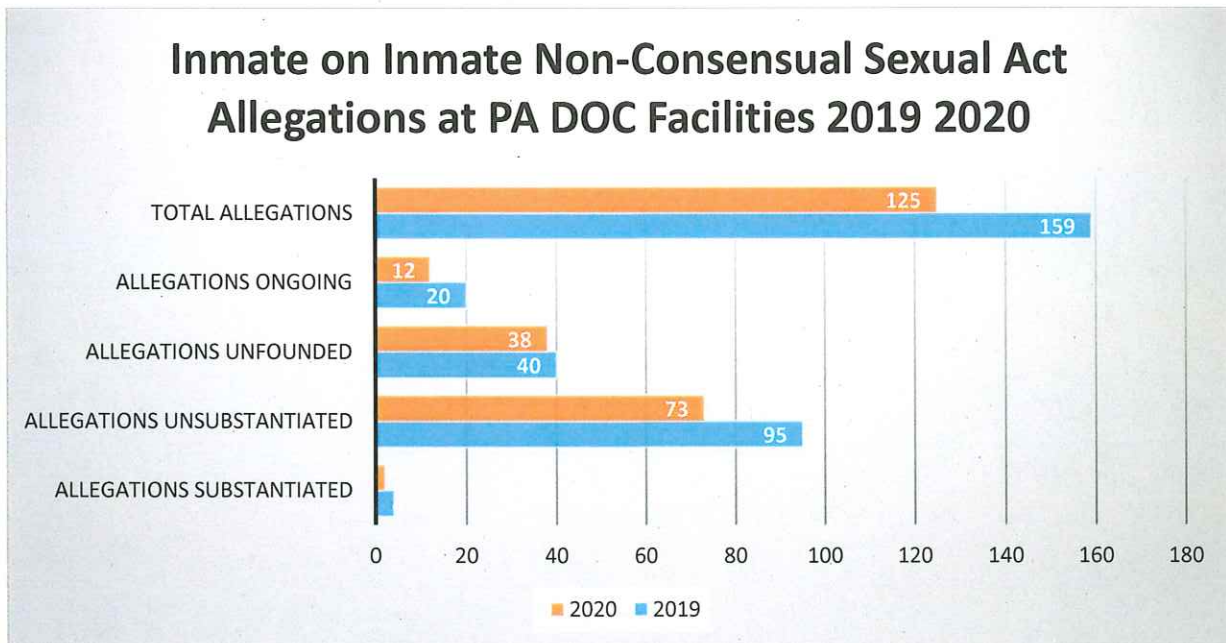
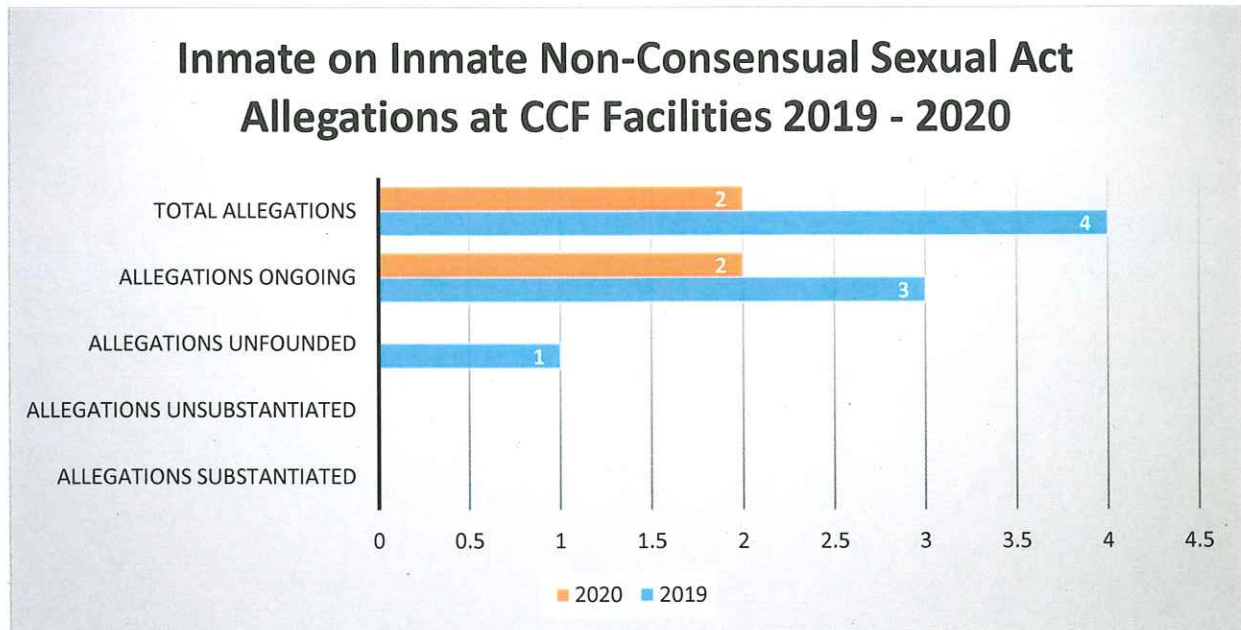


Table 2 reveals that two allegations of inmate-on-inmate nonconsensual sexual acts were made within CCFs in 2020. At the time of this report, both allegations of this category remained under investigation and the outcomes were not yet determined (Table 2).

⁶ 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.

Table 2: Inmate-on-Inmate Nonconsensual Sexual Acts, CCFs, 2019-2020

Inmate-on-Inmate Nonconsensual Sexual Acts	2019	2020
Total Allegations	4	2
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	1	0
Investigation Ongoing	3	2



Abusive Sexual Contact⁷

Table 3 shows that allegations of inmate-on-inmate abusive sexual contact decreased by 36 allegations (19 percent) between 2019 and 2020. A total of 153 allegations of inmate-on-inmate abusive sexual contact were made in PA DOC facilities in 2020. Of those allegations, seven (4.6 percent) were substantiated, 108 (58.2 percent) were unsubstantiated and 39 (25.5 percent) were determined to be unfounded. At the time of this report, 18 investigations of this category type remain open and the outcomes are not yet determined (Table 3). Of the substantiated incidents, four involved unwanted touching between male inmates, two involved unwanted touching between female inmates and one involved unwanted touching of a transgender female inmate by a male inmate. Two of the incidents involved cellmates, while the remaining four occurred between individuals who were not housed together.

⁷ 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, 2019-2020

Inmate-on-Inmate Abusive Sexual Contact	2019	2020
Total Allegations	189	153
Substantiated	27	7
Unsubstantiated	108	89
Unfounded	46	39
Investigation Ongoing	9	18

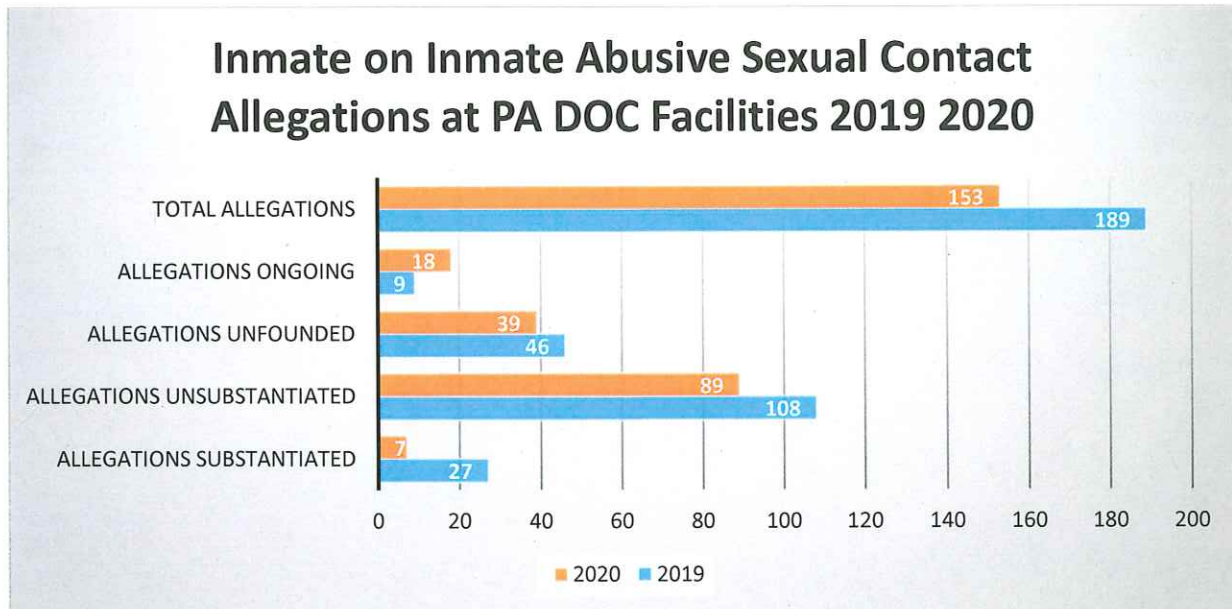
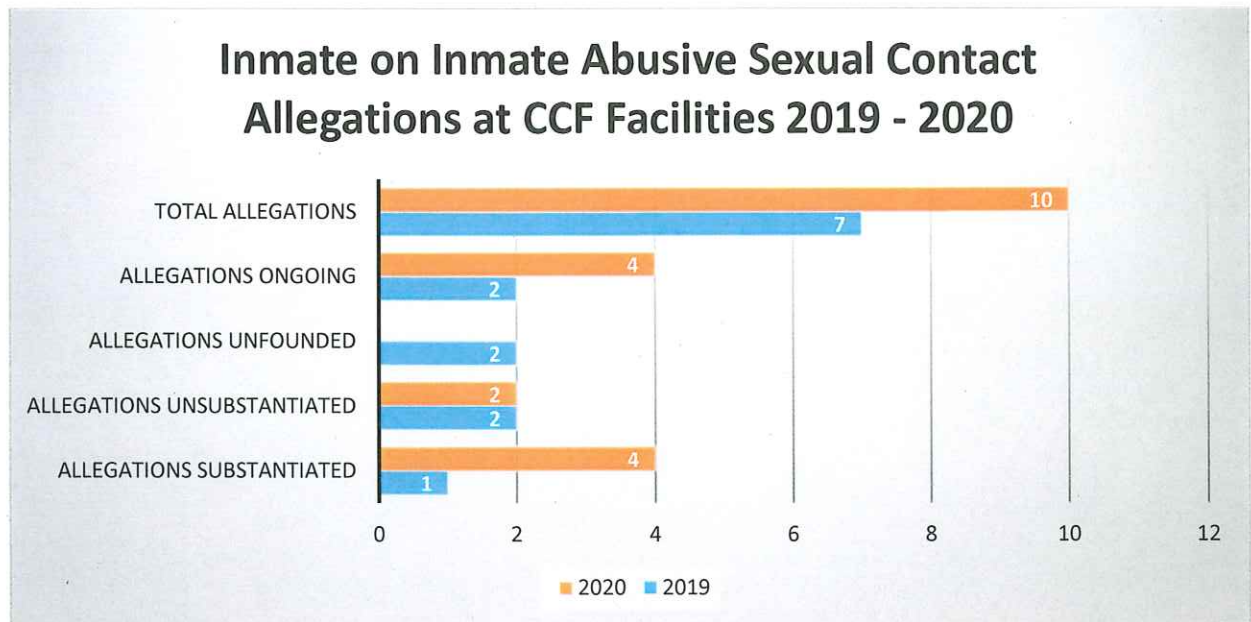


Table 4 demonstrates that allegations of inmate-on-inmate abusive sexual contact at CCFs increased by three allegations (42.9 percent) between 2019 and 2020. A total of ten allegations of inmate-on-inmate abusive sexual contact were made within CCFs in 2020. One (40 percent) of these allegations were substantiated, two (20 percent) were unsubstantiated and none (0 percent) were unfounded. At the 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, 2019-2020

Inmate-on-Inmate Abusive Sexual Contact	2019	2020
Total Allegations	7	10
Substantiated	1	4
Unsubstantiated	2	2
Unfounded	2	0
Investigation Ongoing	2	4



Sexual Harassment⁸

Table 5 illustrates that inmate-on-inmate sexual harassment allegations within PA DOC decreased by 72 incidents (19 percent) from 2019 to 2020. Of the 306 allegations of inmate-on-inmate sexual harassment within PA DOC facilities, 58 (19 percent) were substantiated, 187 (61.1 percent) were unsubstantiated and 47 (15.4 percent) were unfounded. At the time of this report, 13 allegations of this type remained under investigation and the outcomes are unknown. Of the 58 substantiated incidents 35 occurred between male inmates who were not cellmates, two male inmates who were cellmates, three female inmates who were cellmates, five female inmates who were not cellmates, three transgender females harassed by male inmates, seven male inmates harassed by transgender female inmates, and two transgender male inmates harassed by female inmates.

Table 5: Inmate-on-Inmate Sexual Harassment, PA DOC Facilities, 2019-2020

Inmate-on-Inmate Sexual Harassment	2019	2020
Total Allegations	378	306
Substantiated	34	58
Unsubstantiated	279	188
Unfounded	53	47
Investigation Ongoing	12	13

⁸ 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.

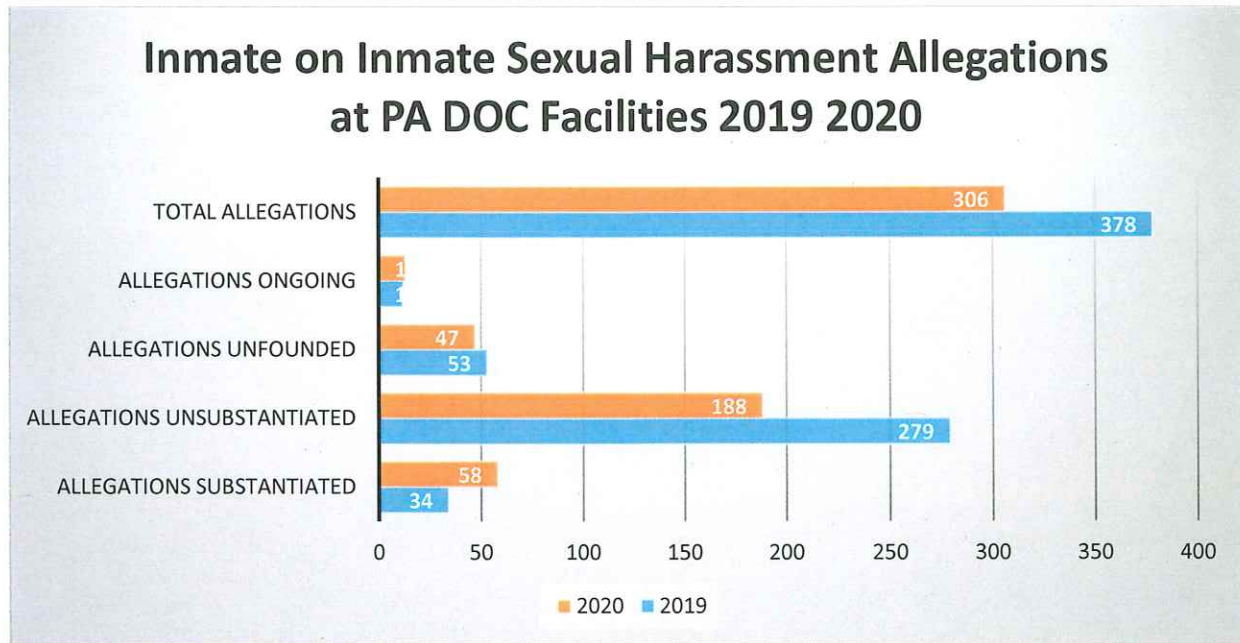
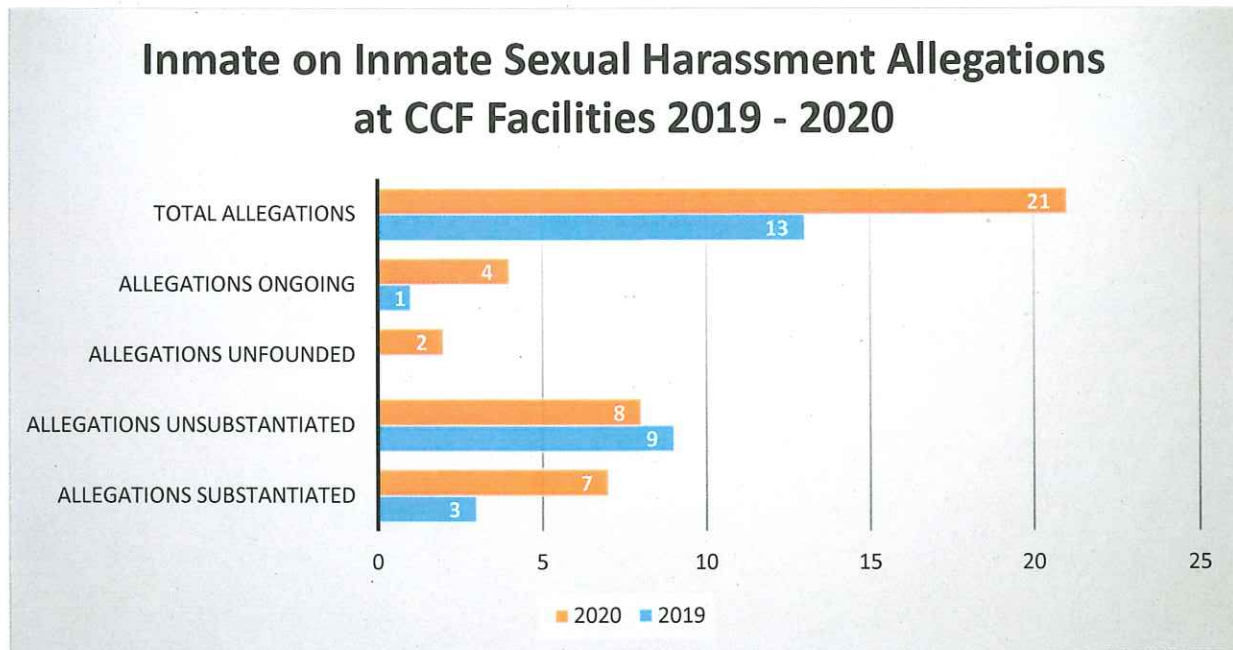


Table 6 indicates that allegations of inmate-on-inmate sexual harassment reports at CCFs increased by 8 allegations (61.5 percent) between 2019 and 2020. Of the 21 allegations of inmate-on-inmate sexual harassment reported in CCFs, seven (33.3 percent) were substantiated, and eight (38.1 percent) were unsubstantiated. Two allegations (9.5 percent) of this category was unfounded and four investigations of this type remain under investigation and the outcome is unknown (Table 6).

Table 6: Inmate-on-Inmate Sexual Harassment, CCFs, 2019-2020

Inmate-on-Inmate Sexual Harassment	2018	2020
Total Allegations	13	21
Substantiated	3	7
Unsubstantiated	9	8
Unfounded	0	2
Investigation Ongoing	1	4



Part 2: Staff Perpetrators

Approximately 66.0 percent, of combined sexual abuse and sexual harassment allegations made at PA DOC facilities primarily involved staff. A total of 1130 allegations against staff were reported in 2020, representing a decrease of 323 (22.2 percent) from 2019 totals. The total substantiated allegations against staff also decreased from a total of 24 (1.7 percent) in 2019 to a total of 23 (2 percent) in 2020.

While sexual abuse and sexual harassment allegations against staff overshadow the aggregate allegation totals within this report, for perspective, it is noted that some inmates have historically vexed systems intended to protect them and inmate patterns of alleged misconduct in these categories is not unique to sexual abuse and sexual harassment; rather, it remains consistent with other mechanisms by which inmates may report other allegations of purported staff misconduct or unresolved problems with staff. For comparative purposes, allegations of non-sexual staff abuse of inmates (pertaining to physical abuse or other life-threatening acts) investigated under a separate policy (DC-ADM 001) are relatively consistent with reports of staff sexual abuse and sexual harassment, with approximately 928 reports of the former occurring during the similar timespan, compared to 1130 reports of the latter, with many reports overlapping between the two policies and investigative tracks. Because staff sexual misconduct includes categories of conduct that can simply be alleged to have been verbally articulated and are not easily proven or disproven, such as threatened or requested sexual acts; the opportunity for misuse of reporting mechanisms by segments of the population is substantial and continues to be cause for concern.

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 generally continued to experience a higher number of allegations against staff than lower custody level facilities with fewer inmates in restrictive housing. Consistent with prior annual reports, although CL5 inmates⁹ currently represent approximately four and one-half percent of the PA DOC's total institutional population; approximately 591 (52.3 percent) of those allegations made against staff were reported by inmates housed in a CL5

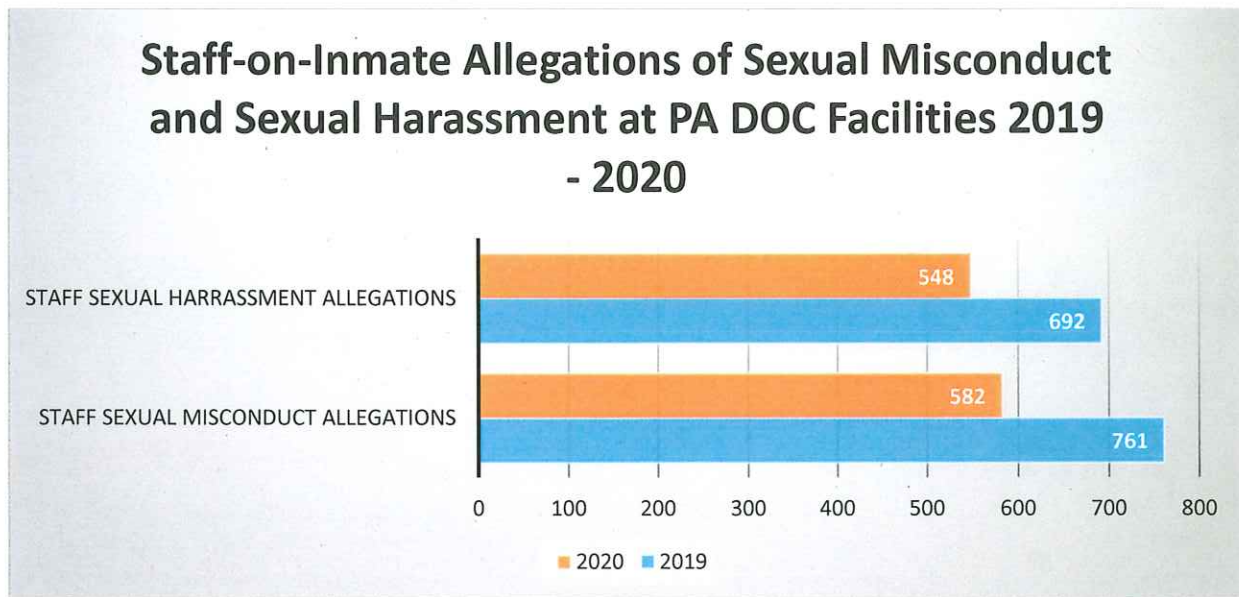
⁹ CL5 inmates include inmates who are either housed in disciplinary custody status, or administrative custody status. Figures are approximate. Custody level data is not available for all allegations, including those occurring in the distant past, where the alleged victim is unknown, closed facilities, was not recorded, etc.

housing unit. Outcomes indicate that only four (0.6 percent) of those allegations were substantiated, while 209 (35.4 percent) were unfounded. When contrasted with the allegation data from the PA DOC's Community Corrections Centers and CL2 facilities, it appears that higher inmate custody levels continue to be associated with higher allegation rates against staff and overall within SCIs.

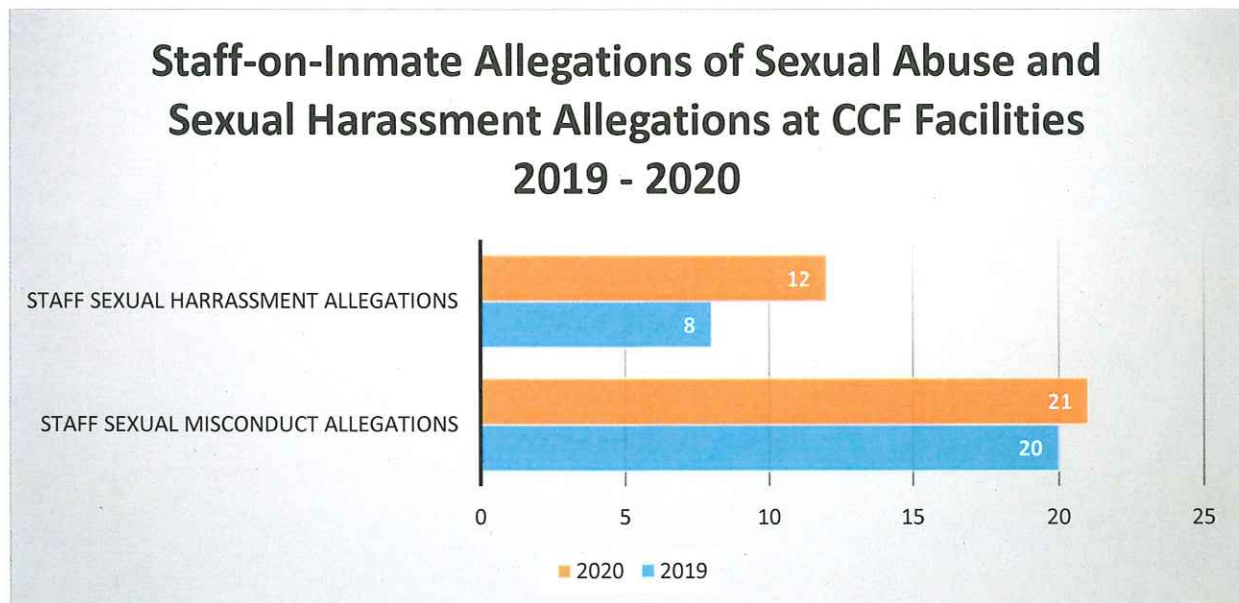
The disparate concentration of allegations within CL5 units continues to appear to be correlated with fundamental management issues associated with the inmates deemed in need of such housing. Moreover, informal review of the predicating allegations originating in such units frequently associates the allegations with requests to transfer to another facility, a denial of access to behavior dependent privileges, disciplinary reports, or inmate disputes with security protocols, such as strip searches prior to out of cell movements, where the allegations appear to have a potential reciprocal connection to unrelated negative outcomes or the performance of an official duty. Because the PREA zero-tolerance policy initiates a significant response to each allegation, inmates within these units continue to appear to use the allegation process to draw attention to complaints associated with the management protocols related to their housing status, bypassing the administrative remedies process for non-PREA related complaints.

Further analysis of the allegation data indicates that each of the top 25 alleged victims of sexual abuse or sexual harassment were housed in CL5 housing for at least some portion of 2020, and that 20 of the top 25 alleged victims spent at least six months within a CL5 housing setting in 2020. Although these top 25 alleged victims accounted for approximately 0.065 percent of the total PA DOC population, these same top 25 alleged victims accounted for 15.1 percent of all allegations within PA DOC facilities within 2020. Of note, seven of the 25 top inmates alleging to have been victims in allegations in 2020 were also among the top 25 inmates involved in allegations in 2019. Contrary to 2019, no female inmates were identified as part of the top 25 inmates alleging victimization. Relatedly, three of the top 25 alleged victims also ranked among the top ten grievance filers within the PA DOC in 2020. Because PREA standard §115.22 requires an investigation for *all* allegations of sexual abuse and sexual harassment, there is no means to circumvent the investigatory process or prevent an inmate in this custody level status from making repeated and demonstrably false allegations.

Consistent with previous years, allegations of sexual abuse and sexual harassment occurring in male facilities were predominately made against staff, while allegations occurring in female facilities were predominately made against other inmates. Of the 1130 allegations made against staff in PA DOC facilities, 1097 of those allegations (97.1 percent) originated in male facilities, while only 33 (2.9 percent) originated in female facilities. Conversely, of the 584 allegations of sexual abuse and sexual harassment made against another inmate, 98 (16.8 percent) originated at female facilities, while 486 (83.2 percent) originated at male facilities. Because female inmates currently represent approximately 5.1 percent of the PA DOC's overall population, the dynamics of allegations of sexual abuse and sexual harassment are apparent between male and female facilities, with female facilities demonstrating a disproportionately lower level of allegations against staff and a disproportionately higher level of allegations between inmates compared to male facilities.



In CCFs, a total of 33 allegations of staff-on-inmate sexual abuse and sexual harassment were reported in 2020. This represents an increase of five allegations (17.9 percent) from the previous year. Additionally, the number of substantiated staff related incidents at CCFs increased from two to six (18.1 percent) in 2020.



Staff Sexual Misconduct¹⁰

Table 7 illustrates that allegations of staff-on-inmate sexual misconduct decreased by 179 allegations (23.5 percent) from 2019 to 2020. Of the 582 allegations of staff-on-inmate sexual misconduct, 13 (2.2

¹⁰ 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,

(28 C.F.R § 115.88)

percent) allegations were substantiated, 291 (50 percent) were unsubstantiated and 235 (40.4 percent) were unfounded. At the time of this report, 43 allegations of this category type remain under investigation and outcomes are not yet determined. Of the 13 substantiated incidents, seven of the incidents involved female staff sexual relationships or sexual requests with male inmates, one involved a female contract service provider engaging in a relationship with a male inmate, one involved a female staff intentionally touching a male inmate in a sexually abusive manner, two involved male staff causing male inmates to intentionally be exposed, one involved a male staff member's sexual threats to a male inmate, and one involved a male staff member's sexual misconduct with a female reentrant.

Table 7: Staff-on-Inmate Sexual Misconduct, PA DOC facilities, 2019-2020

Staff-on-Inmate Sexual Misconduct	2019	2020
Total Allegations	761	582
Substantiated	10	13
Unsubstantiated	429	291
Unfounded	284	235
Investigation Ongoing	38	43

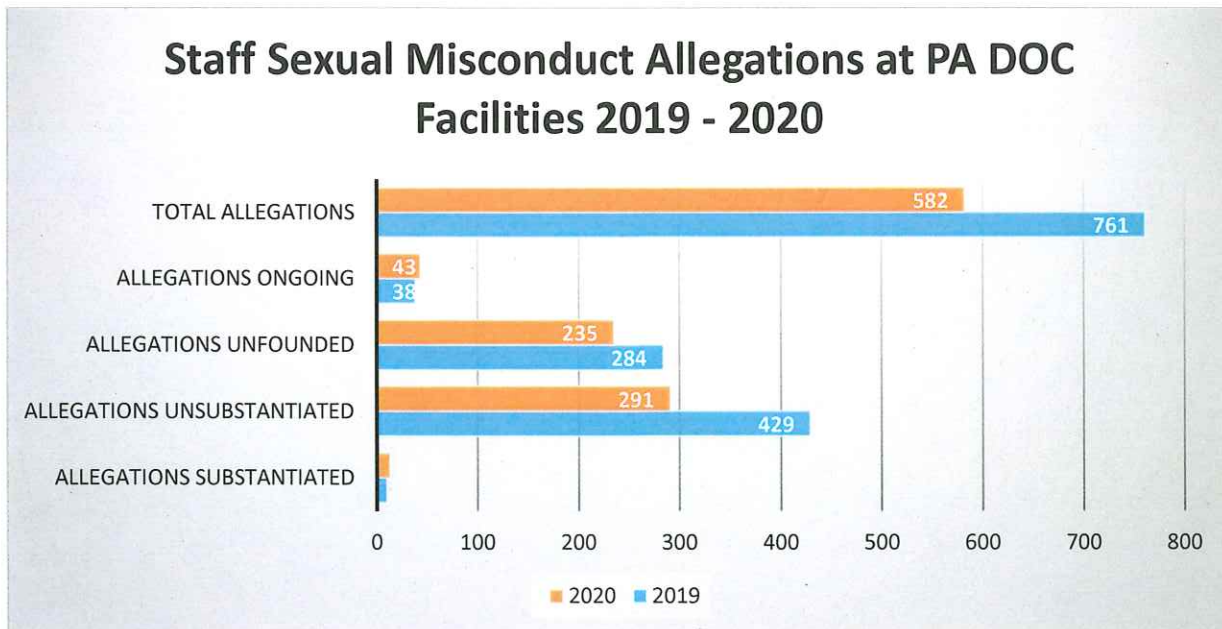
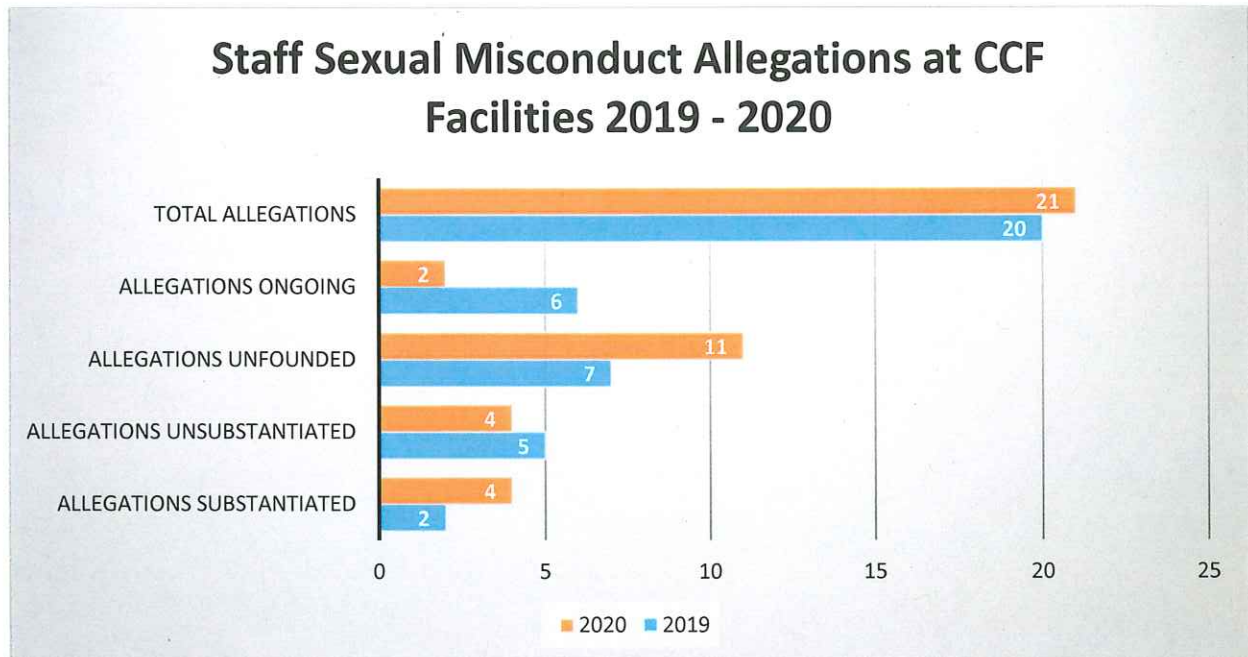


Table 8 reveals that allegations of staff-on-inmate sexual misconduct increased by one allegation (5 percent) between 2019 and 2020. A total of 21 allegations of staff-on-inmate sexual misconduct were made within CCFs in 2020, four (19 percent) were substantiated, four (19 percent) were determined to be unsubstantiated and 11 (52.4 percent) were unfounded. At the time of this report two investigations remain open and the outcomes are unknown.

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 8: Staff-on-Inmate Sexual Misconduct, CCFs, 2019-2020

Staff-on-Inmate Sexual Misconduct	2019	2020
Total Allegations	20	21
Substantiated	2	4
Unsubstantiated	5	4
Unfounded	7	11
Investigation Ongoing	6	2



Staff Sexual Harassment¹¹

As Table 9 illustrates, staff-on-inmate sexual harassment allegations within PA DOC facilities decreased by 144 (20.8 percent) between 2019 and 2020. In 2020, a total of 548 allegations of staff-on-inmate sexual harassment were made within PA DOC facilities. Of those allegations 10 (1.8 percent) were substantiated, 343 (62.6 percent) were unsubstantiated and 167 (30.5 percent) were unfounded. At the time of this report, 28 investigations remain open and the outcome is unknown. Of note, four of the substantiated allegations were interrelated to substantiated sexual abuse allegations. Specifically, incidents of sexually harassing behavior were substantiated during investigations that also substantiated sexually abusive behavior. Of the remaining six substantiated incidents, five involved male staff at male facilities referring to inmates by sexually harassing terms and one involved a male staff at a male facility making a sexually harassing gesture to an inmate.

¹¹ 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 9: Staff-on-Inmate Sexual Harassment, PA DOC facilities, 2019-2020

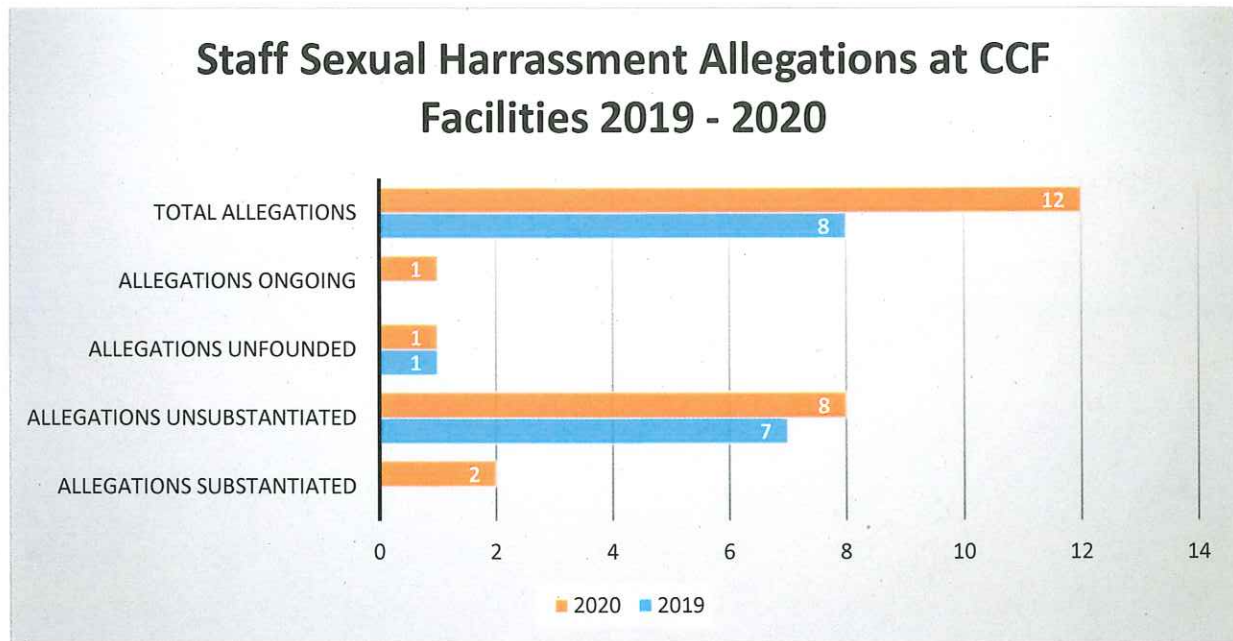
Staff-on-Inmate Sexual Harassment	2019	2020
Total Allegations	692	548
Substantiated	14	10
Unsubstantiated	499	343
Unfounded	149	167
Investigation Ongoing	30	28



Table 10 reveals that allegations of staff-on-inmate sexual harassment increased by four (50 percent) between 2019 and 2020 at CCFs. Of the 12 allegations of staff-on-inmate sexual harassment reported in CCFs in 2020, two (16.7 percent) of the allegations were substantiated, eight (66.7 percent) of the allegations were unsubstantiated, and one (8.3 percent) allegation was unfounded. At the time of this report, one investigation of this allegation type remains open.

Table 10: Staff-on-Inmate Sexual Harassment, CCFs, 2019-2020

Staff-on-Inmate Sexual Harassment	2019	2020
Total Allegations	8	12
Substantiated	0	2
Unsubstantiated	7	8
Unfounded	1	1
Investigation Ongoing	0	1



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 CCJs remained under contract and those two remaining facilities were only utilized for approximately the first three months of 2020.

A total of 13 allegations of inmate-on-inmate sexual abuse were made at CCJs in 2020. Of those allegations, three (23.1 percent) were substantiated, three (23.1 percent) were unsubstantiated, and seven (53.8 percent) were unfounded. At the time of this report, all investigations into allegations of this category were complete.

A total of two allegations of staff-on-inmate sexual abuse were made at CCJs in 2020. Of those allegations, both (100 percent) were unfounded. At the time of this report, all investigations into allegations of this category were complete.

Table 11: Sexual Abuse, CCJs, 2019-2020

Sexual Abuse	2019		2020	
	Inmate-on-Inmate	Staff-on-Inmate	Inmate-on-Inmate	Staff-on-Inmate
Total Allegations	18	5	13	2
Substantiated	2	0	3	0
Unsubstantiated	12	5	3	0
Unfounded	4	0	7	2
Investigation Ongoing	0	0	0	0

A total of 13 allegations of inmate-on-inmate sexual harassment were made at CCJs in 2020. Of those allegations, none were substantiated, eight (61.5 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 two allegations of staff-on-inmate sexual harassment were made at CCJs in 2020, both of which (100 percent) were unfounded. All investigations of this category were complete at the time of this report.

Table 12: Sexual Harassment, CCJs, 2019-2020

Sexual Harassment	2019		2020	
	Inmate-on-Inmate	Staff-on-Inmate	Inmate-on-Inmate	Staff-on-Inmate
Total Allegations	13	9	13	2
Substantiated	3	0	0	0
Unsubstantiated	5	7	8	0
Unfounded	5	2	5	2
Investigation Ongoing	0	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 considered 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. One audited facility in 2020 underwent a brief correction action period to monitor the timeliness of its risk assessments. Although pandemic related precautions caused formal audits to be paused after March 2020 and institutional operations were reinvented to maintain inmate safety, facilities remained committed to the zero-tolerance policy, while ensuring the health and safety of its staff and those committed to its care. Enhancements made by the PA DOC, as an agency, in calendar year 2020 include, to name a few:

- Recertification of compliance through PREA audits at six of its facilities.
- Revision of the inmate education program to enhance focus on those matters applicable to PREA procedures, response protocols, and dispelling misconceptions about the applicability of PREA to routine correctional security protocols.
- Facility specific upgrades and purchases of new camera systems continued as funding was available.
- Facility walkthroughs to ensure sustainability of compliance.
- The PREA Coordinator began facilitating PREA training for all newly hired staff participating in the Department’s Basic Training Academy to serve as a subject matter expert and enhance the delivery of training materials.
- Continuation of desk audit file reviews for all facilities to spot-check ongoing compliance with key standards at various intervals throughout the year.
- The PREA Coordinator continued to serve on 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 eighth 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. Each facility within the PA DOC has been formally audited as compliant at least twice, with 12 of its facilities having been audited as compliant for a third time. Audit results during the 2020 calendar year reinforce and reflect that the Department’s PREA policies are established and adhered to in facility practices.

The continuing trend of the increases of substantiated and unfounded incidents communicates the commitment to the zero-tolerance policy, that all allegations are treated seriously, and that both perpetrators and those who are proven to misuse reporting procedures be held accountable. It also appears that revisions to staff refresher training and inmate education deployed during 2020 have had a positive impact on reducing the aggregate number of allegations within facilities, while also increasing the quality of ensuing investigatory outcomes.

Allegation statistics continue to suggest 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. Allegations and substantiated incidents of sexually abusive contact between inmates continues to trend downward, while substantiated incidents of sexually harassing behavior between inmates continues to trend upward; suggesting that the PA DOC's implementation efforts are detecting and preventing more serious incidents of sexually abusive behavior through earlier intervention. Likewise, substantiated incidents between staff and inmates were less likely to have involved sexual contact between the staff members and inmates; being detected at the stage of sexual request. Deployment of a refresher module for staff who have previously completed the PA DOC's Professional Boundaries¹² course may also have contributed to the outcomes realized within the aggregate data contained within this report.

Continuing with the previous year's trends, more definitive investigatory outcomes have increased accountability for perpetrators, and likely deterred false reports made in bad faith due to increased accountability for such behavior. With the overall reduction in aggregate allegations, investigators appear to have been afforded the opportunity to focus efforts on substantiating a greater number of cases that were likely previously hampered by bad faith allegations that consumed investigatory resources and undermined faith in the intended purposes of the act.


As has been the historical case, CL5 populations represents less than five percent of the DOC's overall population, however, continues to disproportionately report allegations. When examining the demographics of the DOC's highest 25 reporting inmates, all were housed in a CL5 status in 2020. Efforts to regionalize the long-term housing of CL5 inmates were implemented in late 2020, and it is hoped that 2021 aggregated data will demonstrate this effort will assist in reducing the allegation rates among this population by decreasing those allegations made in association with transfer requests, and specialization of management techniques within designated facilities for this segment of the population.

In the spirit of utilizing the information aggregated within this report to improve outcomes and potentially have an impact on future aggregate allegation data, the DOC has implemented a Department-wide initiative for all new inmates committed to its custody, known as Yield Theory. The program is intended to enhance communication through attempting to meet others where they are and de-escalate conflicts. Components of Yield Theory have also been incorporated into staff verbal de-escalation training. It is anticipated that positive outcomes in addressing those aggregate allegations will be evidenced over time.

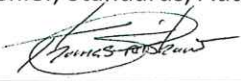
The data collected in support of this annual report supports that robust reporting culture exists, the inmate population maintains confidence in prevention efforts, and response practices employed by the PA DOC continue to improve outcomes. Each annual analysis of aggregate allegation data continues to provide insights into opportunities for development that are targeted through training and education. As

¹² 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.

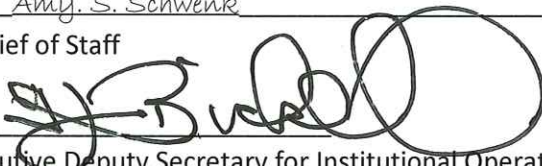
the PA DOC returns to more normalized operations and resumes audits following pandemic related interruptions, it remains steadfast in its efforts of promoting sexual safety and demonstrating itself as a national leader through which implementing innovative initiatives serve stakeholders and inmates and staff alike.

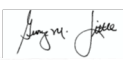
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Allegations of Inmate-on-Inmate Nonconsensual Sexual Acts,
Abusive Sexual Contact, or Sexual Harassment at PA DOC Facilities, 2020

Facility	Total Allegations	Substantiated	Unsubstantiated	Unfounded	Ongoing
SCI Albion	18	0	14	4	0
SCI Benner Township	24	1	13	10	0
SCI Cambridge Springs	11	1	6	3	1
SCI Camp Hill	56	5	39	9	3
SCI Chester	6	0	5	1	0
SCI Coal Township	24	0	2	1	21
SCI Cresson	1	0	1	0	0
SCI Dallas	12	0	7	3	2
SCI Fayette	40	0	31	8	1
SCI Forest	42	11	22	4	5
SCI Frackville	21	0	20	1	0
SCI Graterford	5	0	5	0	0
SCI Greene	53	12	26	13	2
SCI Greensburg	0	0	0	0	0
SCI Houtzdale	31	1	24	6	0
SCI Huntingdon	28	7	11	10	0
SCI Laurel Highlands	2	0	1	1	0
SCI Mahanoy	20	4	11	4	1
SCI Mercer	8	1	4	3	0
SCI Muncy	87	11	54	19	3
SCI Phoenix	15	2	10	2	1
SCI Pine Grove	2	0	1	1	0
SCI Pittsburgh	1	0	1	0	0
Quehanna Boot Camp	1	0	1	0	0
SCI Retreat	0	0	0	0	0
SCI Rockview	11	0	6	5	0
SCI Smithfield	17	5	9	3	0
SCI Somerset	30	2	19	6	3
SCI Waymart	16	3	6	7	0
BCC	2	1	1	0	0
Parole	0	0	0	0	0
Totals	584	67	350	124	43

Allegations of Staff-on-Inmate Sexual Misconduct or Sexual Harassment at PA DOC Facilities, 2020

Facility	Total Allegations	Substantiated	Unsubstantiated	Unfounded	Ongoing
SCI Albion	32	1	26	5	0
SCI Benner Township	52	1	32	19	0
SCI Cambridge Springs	1	0	0	1	0
SCI Camp Hill	130	10	79	38	4
SCI Chester	18	0	13	5	0
SCI Coal Township	61	0	5	10	46
SCI Cresson	0	0	0	0	0
SCI Dallas	42	1	14	19	8
SCI Fayette	125	0	84	40	1
SCI Forest	71	0	41	28	2
SCI Frackville	61	1	45	15	0
SCI Graterford	2	0	2	0	0
SCI Greene	103	1	57	44	1
SCI Greensburg	0	0	0	0	0
SCI Houtzdale	88	2	62	24	0
SCI Huntingdon	35	0	13	22	0
SCI Laurel Highlands	3	0	3	0	0
SCI Mahanoy	19	0	9	10	0
SCI Mercer	5	2	1	3	0
SCI Muncy	32	0	9	23	0
SCI Phoenix	31	0	16	10	5
SCI Pine Grove	38	0	28	10	0
SCI Pittsburgh	0	0	0	0	0
Quehanna Boot Camp	2	0	1	1	0
SCI Retreat	3	0	1	1	1
SCI Rockview	24	0	12	12	0
SCI Smithfield	60	1	31	28	0
SCI Somerset	73	1	48	24	0
SCI Waymart	7	0	2	5	0
BCC	10	2	1	5	2
PBPP	2	0	1	0	1
Totals	1130	23	636	402	71