

PRISON RAPE ELIMINATION ACT ANNUAL REPORT

Pennsylvania Department of Corrections

2021

Introduction

The Pennsylvania Department of Corrections (PA DOC) achieved compliance in each of its audits in calendar year 2021 following a pause related to the COVID-19 pandemic during the second year of the third audit cycle. Due to this pause in auditing of DOC facilities, the Commonwealth was unable to provide certification of compliance for the second year of the third audit cycle in October 2021. While pandemic precautions significantly impacted facility operations during this period, the PA DOC continued its commitment to meeting the goals of the United States Department of Justice Prison Rape Elimination Act (PREA) of 2003 (28 C.F.R. Part 115).

During calendar year 2021, which overlaps the second year of the third audit cycle and beginning of the third year of the third audit cycle, 12 State Correctional Institutions (SCIs) and 5 Community Corrections Centers (CCCs) were certified as PREA compliant through an audit by Department of Justice (DOJ) certified auditors following the pandemic audit pause. Each of these audits were attributed to the third year of the third audit cycle. With the certification of compliance at these facilities in 2021 and previous audit activity from 2016 through 2020; a total of 21 SCIs and 8 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 2021, the PA DOC updated and released its basic training program for new employees. Revisions expanded focus on identifying the acts prohibited by the standards, the concept of consent, and the dynamics of sexual abuse and sexual harassment in confinement to sensitize staff to the potential warning signs that such activities may be taking place. Another significant goal of the revision to the staff training program was to address the procedural variances between institutional and community corrections operations more clearly.

During calendar year 2021, the PA DOC was awarded a Bureau of Justice Assistance grant to overhaul its PREA Risk Assessment Tool (PRAT) and its PREA Tracking System (PTS) to enhance compliance with standards §115.41, §115.42, §115.81, §115.86, §115.87, §115.88, and §115.89. Enhancements to the PRAT prong of the project include a research component to develop validated assessment questions, enhance integration with data sources where possible, and a more robust suite of reporting options for compliance monitoring and audit preparation purposes. The PTS prong of the project includes adding additional data fields for analysis, adding system logic to identify mandatory fields, automation of the sexual abuse incident review process, and creation of additional reports to extrapolate collected data for analysis.

Contract monitoring procedures, relative to PREA standard §115.12/212, were further revised in 2021 to develop a greater level of consistency among contracted community confinement facilities and to enhance the efficiency of the contract monitoring process. Since 2021 was the first year of the utilization of the electronic file system, a post-monitoring training campaign was initiated with all facilities who were identified as needing corrective action through the revised monitoring process and offered to those facilities deemed compliant. Training focused on the types of documentation required for demonstration of compliance, the purpose of such documentation, and in some instances, how to create documentation

(28 C.F.R § 115.88)

to serve as evidence of compliance in both the contract monitoring process and future facility audits. Through contract monitoring in 2021, one contract was terminated, while all remaining facilities deemed in need of corrective action were able to provide sufficient evidence of compliance through a corrective plan of action by established deadline dates.

Training

Despite pandemic related restrictions on in-person trainings, the PA DOC completed its policy update/key refresher information training and engaged in other significant training initiatives in 2021 as follow:

- The PA DOC revamped its PREA essentials refresher course in 2021 for deployment in 2022. The revisions to this course incorporated several of the revisions to the newly deployed basic training curriculum. Other key revisions included additional comprehension questions and search refresher training as required by §115.15.
- Contract community confinement facilities were trained on the revised contract monitoring procedures, use of the electronic file system, and the development of documentation to demonstrate evidence of compliance with monitored standards for contract monitoring and future audits.
- The PA DOC revised its specialized medical and mental health training required by standard §115.35 in 2021 and deployed it to its web-based training platform due to the restrictions on in-person trainings. The course was divided into a two-module course with comprehension questions to verify understanding of the course materials and enhance retention of the materials.
- Refresher training on the PA DOC's current risk assessment tool was offered on a voluntary basis to facilities in a virtual format in the summer of 2021.
- The Bureau of Investigations and Intelligence (BII) and PREA Compliance Division (PCD) collaboratively held a virtual training with facility investigators to initiate a new investigative quality assurance checklist that is required to be completed for each investigation. Investigators and facility PREA Compliance Managers were educated on the required contents for investigative reports and techniques to self-assess investigations for compliance with §115.71 prior to submitting the investigation to BII for the final quality assurance review.

External Collaboration

In 2021, the PA DOC continued to be limited in its external collaboration 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.
- The PA DOC continues to participate in the Governor's LGBTQ workgroup that endeavors to ensure all state agencies develop and maintain welcoming and affirming policies and practices to meet the needs of vulnerable populations.

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 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 23 SCIs, the Quehanna Boot Camp, 9 CCCs, and 20 Parole 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). 2021 marks the sixth 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 specific types of allegations⁴ reported at PA DOC facilities in calendar year 2021, as well as allegations reported at CCFs and CCJs with incident data comparative to those reported

¹ Commonwealth operated CCCs house both PA DOC inmates and paroled reentrants released from custody and reentering the community. This report includes all allegations reported at these facilities.

² PA DOC facilities includes the 23 SCIs, Quehanna Boot Camp, 9 Commonwealth operated CCCs, and 20 Parole Lockups in operation at any time during 2021.

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

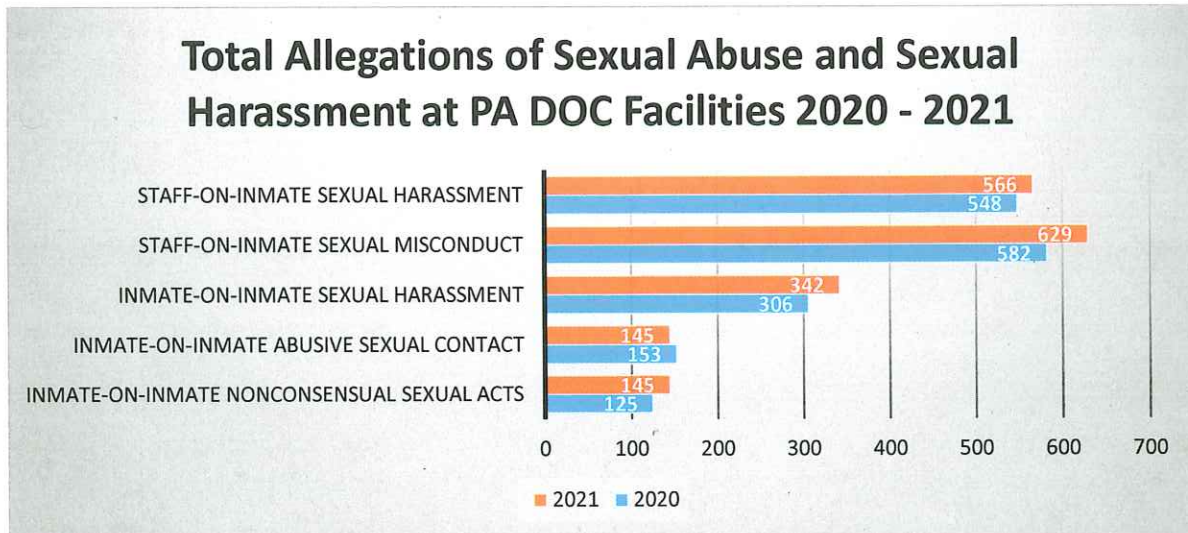
⁴ Allegations refers to each specific type(s) of incident(s) alleged to have occurred within a report. A single report may contain multiple "allegation types", such as a single report containing both an allegation of sexual abuse and sexual harassment. For purposes of this report, this type of single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

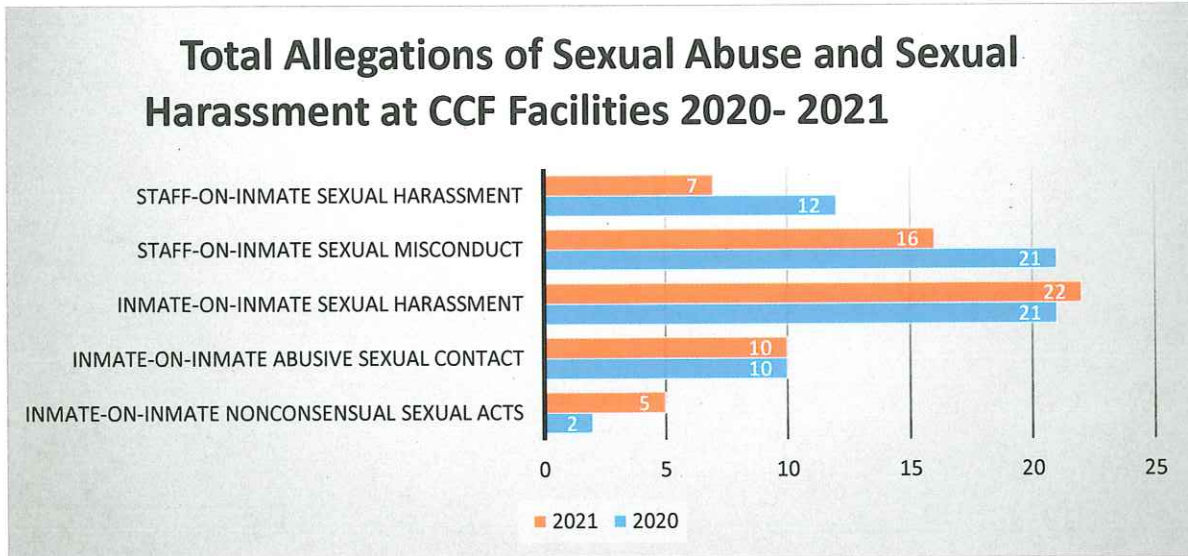
(28 C.F.R § 115.88)

in 2020. Because a single reported incident may contain multiple allegation types, the aggregate data reported within this report will vary from the total number of incidents investigated. For illustrative purposes, although there are a total of 1827 unique allegations reported in PA DOC facilities in 2021, those allegations were contained within 1590 total reported incidents; meaning that some single incidents contained two or more allegations, such as an investigated allegation of a sexual relationship involving both allegations of sexual abuse and sexual harassment.

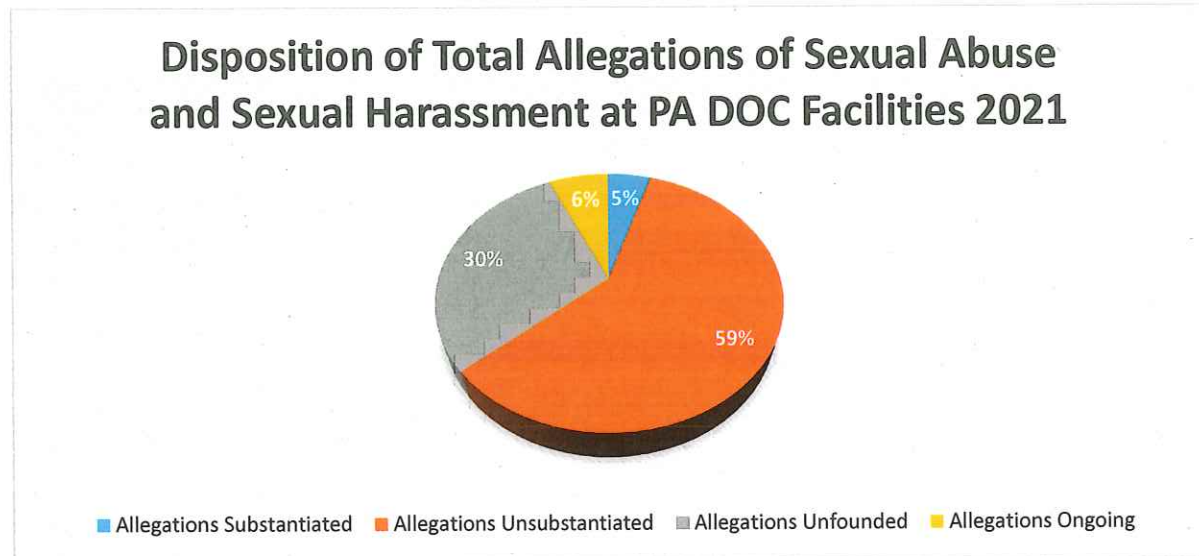
As the numbers reflect for PA DOC facilities, there is a net increase of 113 (6.6 percent) of inmate-on-inmate and staff-on-inmate allegation types. At CCFs, there was a net decrease of six (9.0 percent) of inmate-on-inmate and staff-on-inmate allegation types.

At CCJs, total allegations increased by 58 (156.8 percent). However, it should be noted that two new contracts were established for holding parole violators overnight (or up to a maximum of 72 hours in emergency circumstances) for transportation purposes, while the two remaining work release agreements remained in place, but were not utilized to house those under the custody of the PA DOC. Although the total allegations increased due to the number of CCJs increasing, none of the incidents referenced within this report involved individuals housed under the authority of the PA DOC.

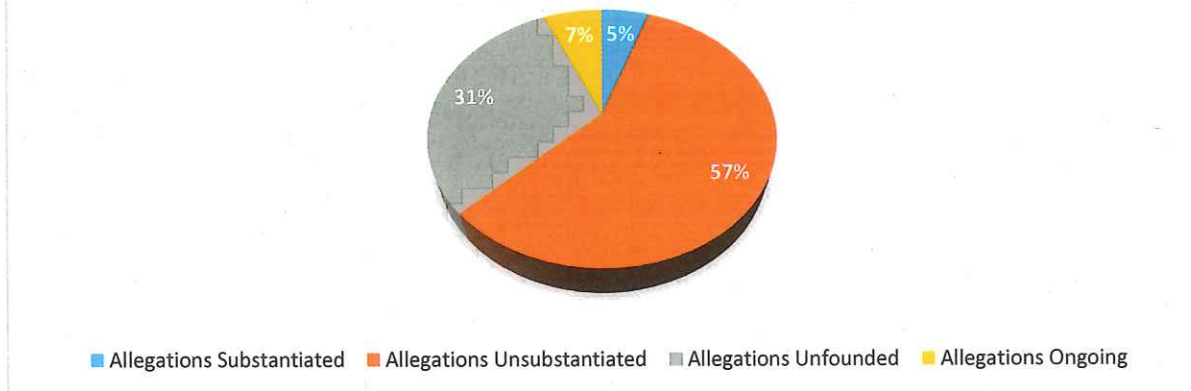




Collectively, approximately 4.8 percent of the total allegations made in PA DOC facilities in 2021 were substantiated, 58.9 percent were unsubstantiated, and 29.7 percent of the total allegations made in PA DOC facilities were unfounded. Comparatively in 2020 approximately 5.3 percent of the total allegations made in PA DOC facilities were substantiated, 57 percent were unsubstantiated, while 30.7 percent of all allegations made in PA DOC facilities were unfounded.



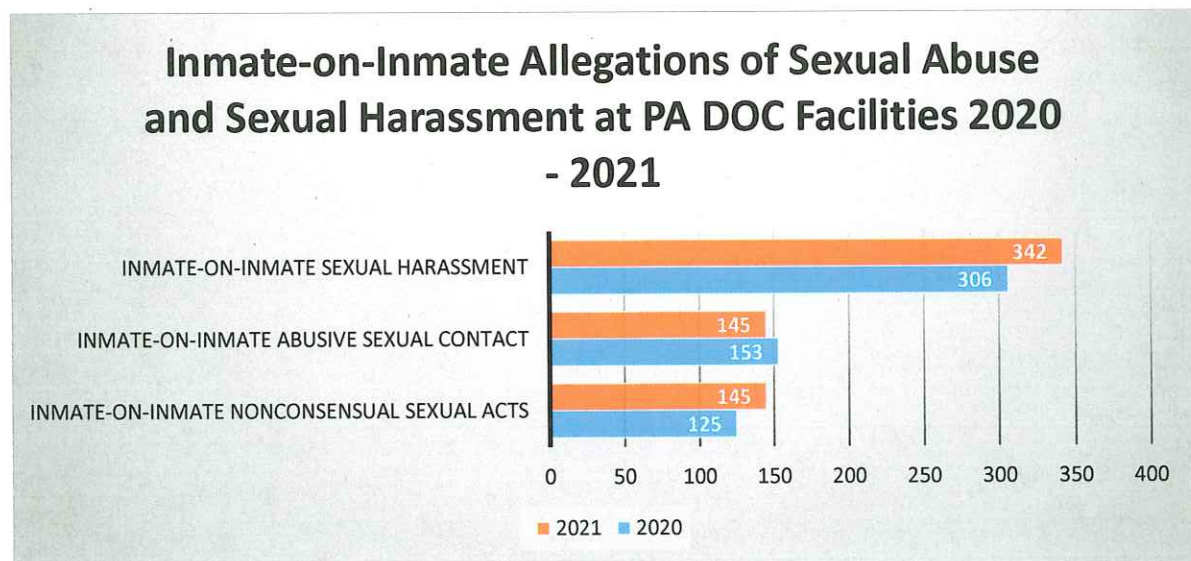
Disposition of Total Allegations of Sexual Abuse and Sexual Harassment at PA DOC Facilities 2020



The net increase in allegations at Department facilities in 2021, as revealed by the subsequent analysis, are likely attributable to the relaxing of pandemic related precautions in 2021 that led to the increased number and frequency of interactions between inmates, as well as interactions between inmates and staff over the previous year.

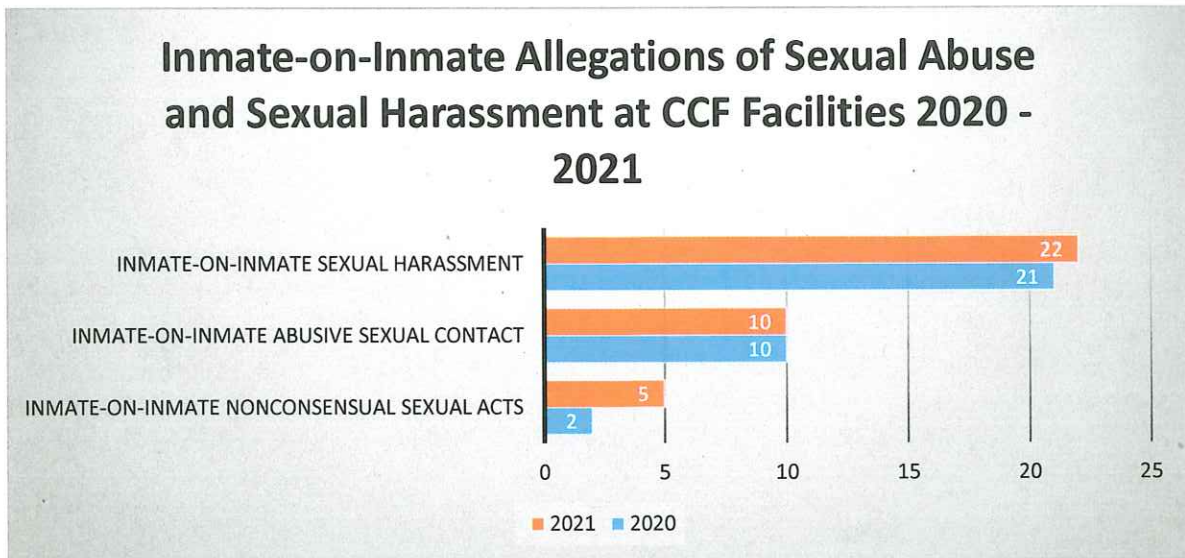
Part 1: Inmate Perpetrators

In 2021, a combined total of 632 inmate-on-inmate sexual abuse and sexual harassment allegations were reported within PA DOC facilities, representing a net increase of 48 allegations (8.2 percent) from 2020. Of these inmate-on-inmate complaints, 64 allegations (10.1 percent)⁵ were substantiated, while 107 (16.9 percent) were unfounded. In 2021, a total of 145 (22.9 percent) inmate perpetrator allegations involved nonconsensual sexual acts, 145 (22.9 percent) involved allegations of abusive sexual contact and 342 (54.1 percent) involved inmate-on-inmate sexual harassment.



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

In 2021, a combined total of 37 allegations of inmate-on-inmate sexual abuse and sexual harassment were reported within CCFs, representing a net increase of four allegations (12.1 percent). Of these inmate-on-inmate allegations, eight (21.6 percent) were substantiated while three (8.1 percent) were unfounded. One (12.5 percent) substantiated inmate perpetrator allegation involved nonconsensual sexual acts, one (12.5 percent) involved allegations of abusive sexual contact, and six (75 percent) involved inmate-on-inmate sexual harassment.



Nonconsensual Sexual Acts⁶

Table 1 demonstrates that inmate-on-inmate nonconsensual sexual act allegations increased by 20 (16 percent) between 2020 and 2021 at PA DOC facilities. One allegation (0.7 percent) of inmate-on-inmate nonconsensual sexual acts were substantiated during 2021, while 75 (51.7 percent) of these allegations were unsubstantiated and 45 (31 percent) were unfounded. At the time of this report, 24 allegations of this category remained under investigation and the outcomes were not yet determined. The substantiated incident involved a male inmate sexually abusing their male cellmate.

Table 1: Inmate-on-Inmate Nonconsensual Sexual Acts, PA DOC Facilities, 2020-2021

Inmate-on-Inmate Nonconsensual Sexual Acts	2020	2021
Total Allegations	125	145
Substantiated	2	1
Unsubstantiated	73	75
Unfounded	38	45
Investigations Ongoing	12	24

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.

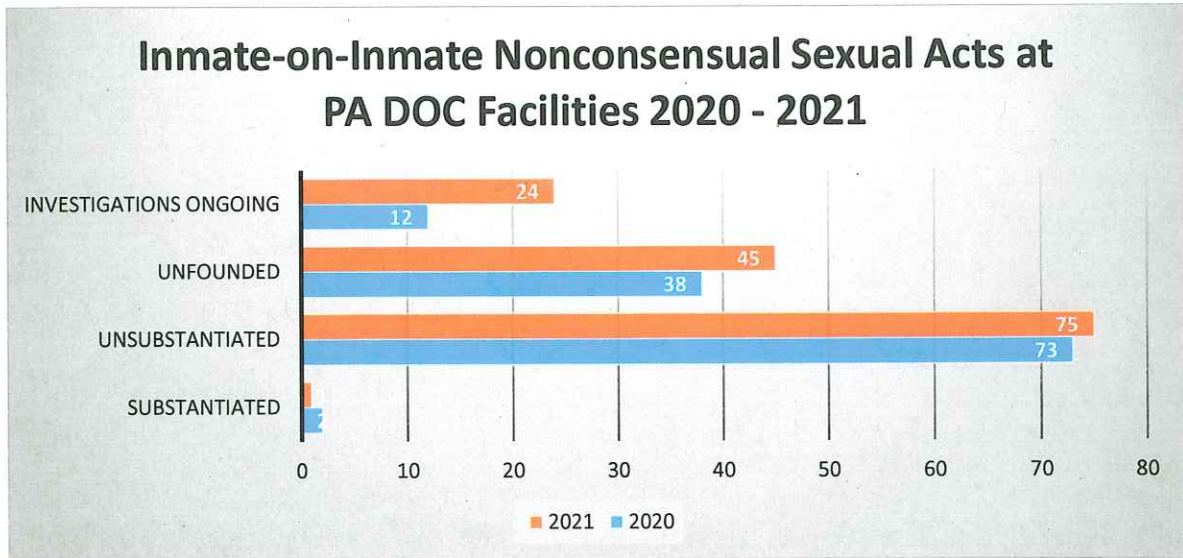
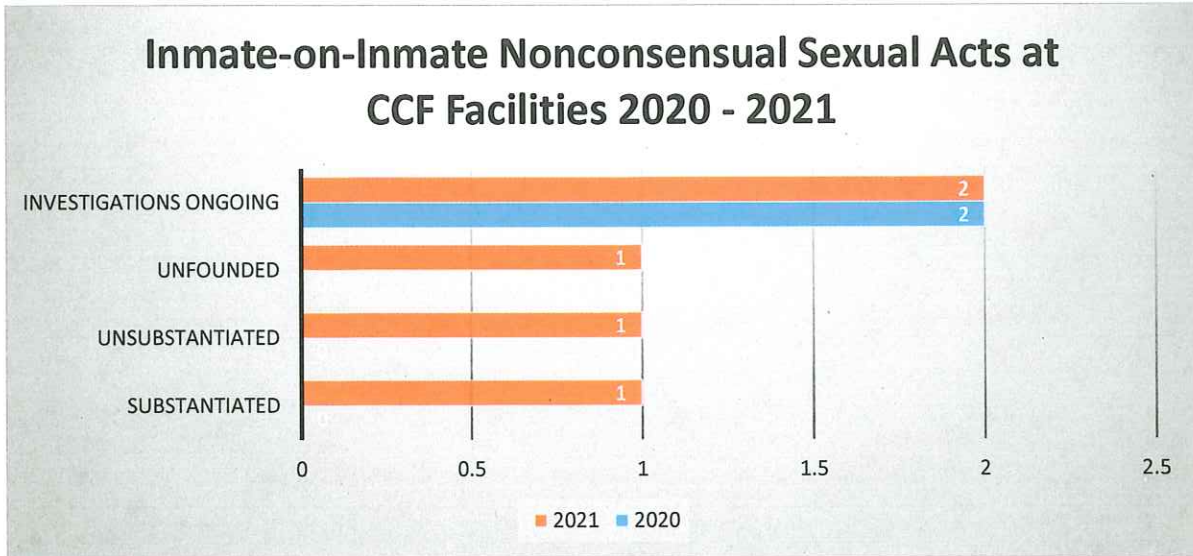


Table 2 reveals that five allegations of inmate-on-inmate nonconsensual sexual acts were made within CCFs in 2021. One allegation (20 percent) was substantiated, one allegation was unsubstantiated (20 percent), and one allegation (20 percent) was unfounded. At the time of this report, two allegations of this category remained under investigation and the outcomes were not yet determined. The substantiated incident involved a male reentrant performing a coerced sexual act on another male inmate in a restroom facility. Prosecution was declined.

Table 2: Inmate-on-Inmate Nonconsensual Sexual Acts, CCFs, 2020-2021

Inmate-on-Inmate Nonconsensual Sexual Acts	2020	2021
Total Allegations	2	5
Substantiated	0	1
Unsubstantiated	0	1
Unfounded	0	1
Investigation Ongoing	2	2



Abusive Sexual Contact⁷

Table 3 shows that allegations of inmate-on-inmate abusive sexual contact decreased by eight allegations (5.2 percent) between 2020 and 2021. A total of 145 allegations of inmate-on-inmate abusive sexual contact were made in PA DOC facilities in 2021. Of those allegations, nine (6.2 percent) were substantiated, 92 (63.4 percent) were unsubstantiated and 30 (20.7 percent) were determined to be unfounded. At the time of this report, 14 investigations of this category type remain open and the outcomes are not yet determined. Of the substantiated incidents, seven involved unwanted touching between male inmates and two involved unwanted touching between female inmates. One of the incidents involved cellmates, while the remaining eight occurred between individuals who were not housed together, with seven of the incidents occurring in common areas outside of cells. Prosecution was declined for each case.

Table 3: Inmate-on-Inmate Abusive Sexual Contact, PA DOC Facilities, 2020-2021

Inmate-on-Inmate Abusive Sexual Contact	2020	2021
Total Allegations	153	145
Substantiated	7	9
Unsubstantiated	89	92
Unfounded	39	30
Investigation Ongoing	18	14

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.

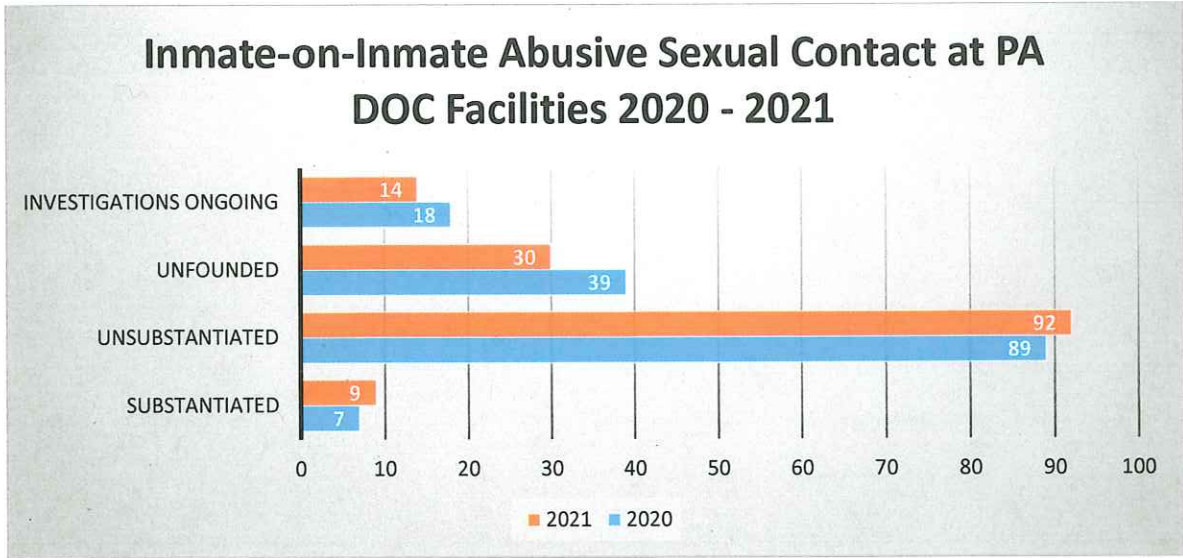
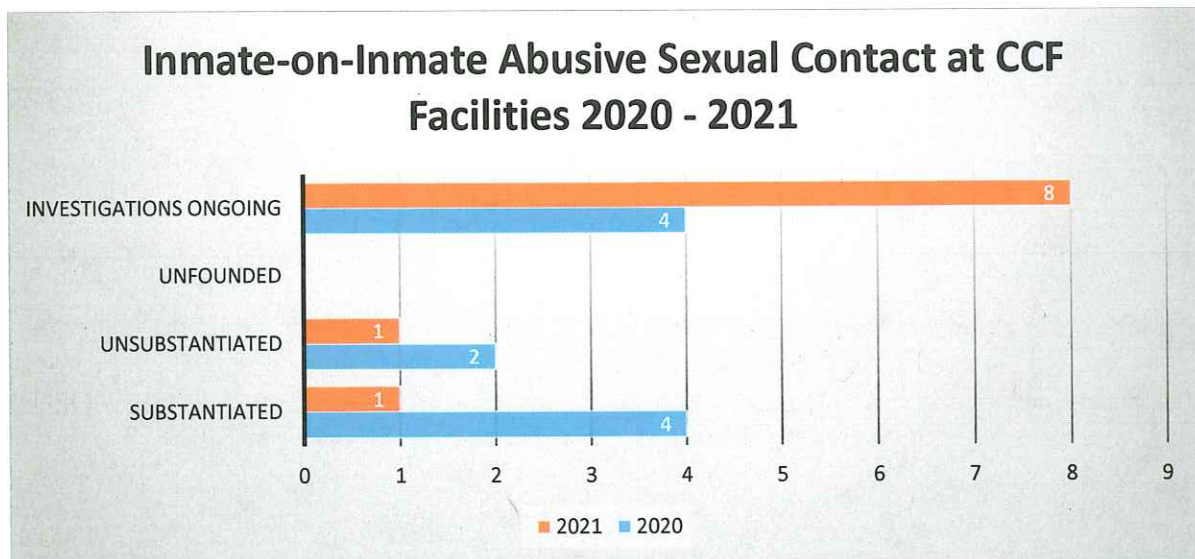


Table 4 demonstrates that the number of allegations of inmate-on-inmate abusive sexual contact at CCFs remained the same between 2020 and 2021. A total of ten allegations of inmate-on-inmate abusive sexual contact were made within CCFs in 2021. One (10 percent) of these allegations were substantiated, one (10 percent) was unsubstantiated and none (0 percent) were unfounded. At the time of this report, eight allegations of this type remained under investigation and the outcomes are unknown.

Table 4: Inmate-on-Inmate Abusive Sexual Contact, CCFs, 2020-2021

Inmate-on-Inmate Abusive Sexual Contact	2020	2021
Total Allegations	10	10
Substantiated	4	1
Unsubstantiated	2	1
Unfounded	0	0
Investigation Ongoing	4	8



Sexual Harassment⁸

Table 5 illustrates that inmate-on-inmate sexual harassment allegations within PA DOC facilities increased by 36 incidents (11.8 percent) from 2020 to 2021. Of the 342 allegations of inmate-on-inmate sexual harassment within PA DOC facilities, 54 (15.8 percent) were substantiated, 234 (68.4 percent) were unsubstantiated and 32 (9.4 percent) were unfounded. At the time of this report, 22 allegations of this type remained under investigation and the outcomes are unknown.

Table 5: Inmate-on-Inmate Sexual Harassment, PA DOC Facilities, 2020-2021

Inmate-on-Inmate Sexual Harassment	2020	2021
Total Allegations	306	342
Substantiated	58	54
Unsubstantiated	188	234
Unfounded	47	32
Investigation Ongoing	13	22

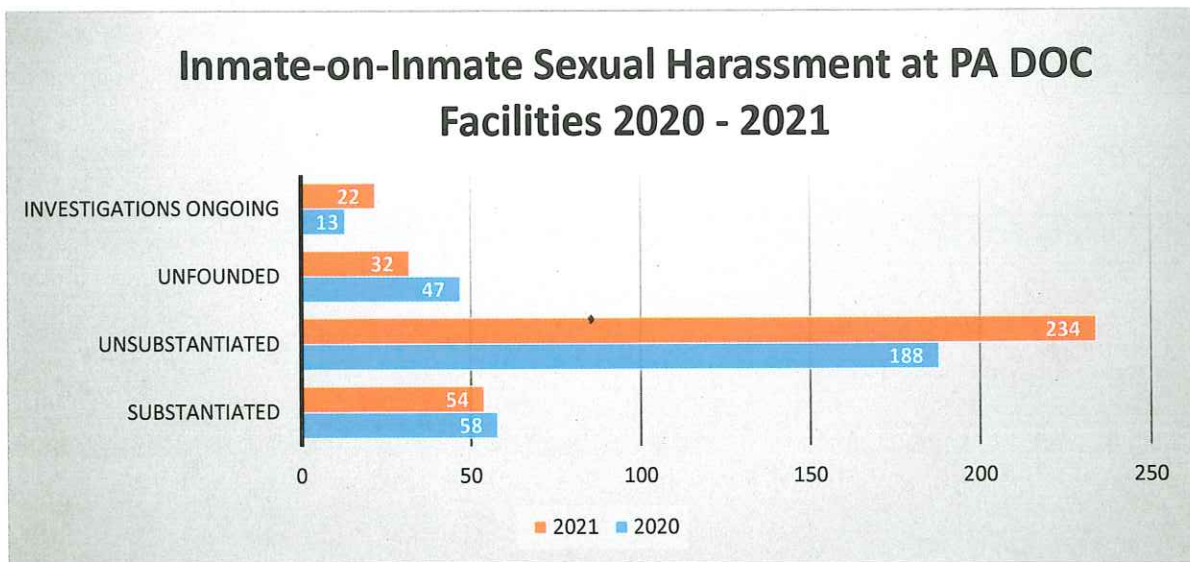
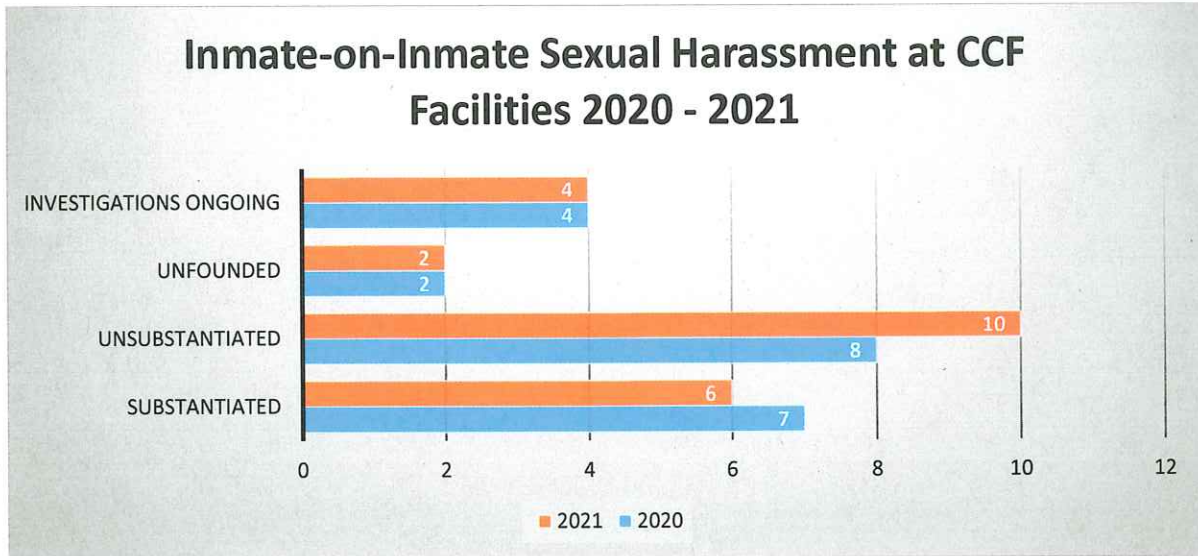


Table 6 indicates that allegations of inmate-on-inmate sexual harassment reports at CCFs increased by one allegation (4.8 percent) between 2020 and 2021. Of the 22 allegations of inmate-on-inmate sexual harassment reported in CCFs, six (27.3 percent) were substantiated and ten (45.5 percent) were unsubstantiated. Two allegations (9.1 percent) of this category was unfounded and four investigations of this type remain under investigation and the outcome is unknown.

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: Inmate-on-Inmate Sexual Harassment, CCFs, 2020-2021

Inmate-on-Inmate Sexual Harassment	2020	2021
Total Allegations	21	22
Substantiated	7	6
Unsubstantiated	8	10
Unfounded	2	2
Investigation Ongoing	4	4



Part 2: Staff Perpetrators

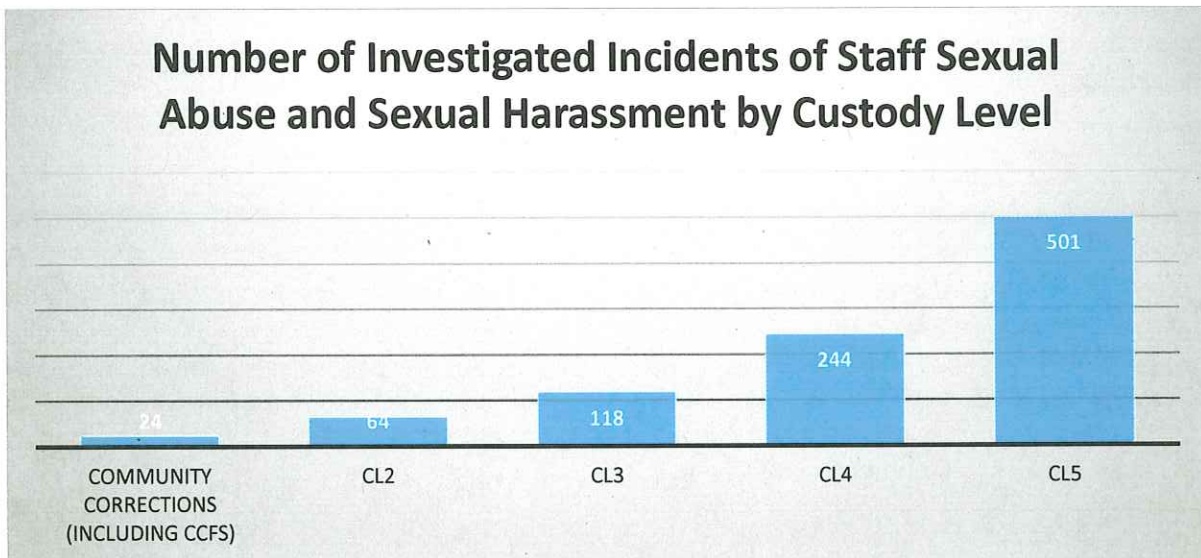
Approximately 65.4 percent, of combined sexual abuse and sexual harassment allegations made at PA DOC facilities primarily involved staff. A total of 1195 allegations against staff were reported in 2021, representing an increase of 65 (5.8 percent) from 2020 totals. The total substantiated allegations against staff remained the same between 2020 and 2021, with a total of 23 (2 percent) of allegations being substantiated in 2020 and 23 (1.9 percent) being substantiated in 2021.

While sexual abuse and sexual harassment allegations against staff overshadow the aggregate allegation totals within this report, for perspective, it is noted that this trend has been historically consistent within the PA DOC. Since the agency first promulgated its PREA policies, some segments of the population have continually distressed reporting systems for perceived secondary gain and to draw attention to complaints unrelated to sexual abuse and sexual harassment. For instance, ten inmates out of an approximate population of 37,000 accounted for 12.8 percent of all investigated incidents in the PA DOC in 2021.

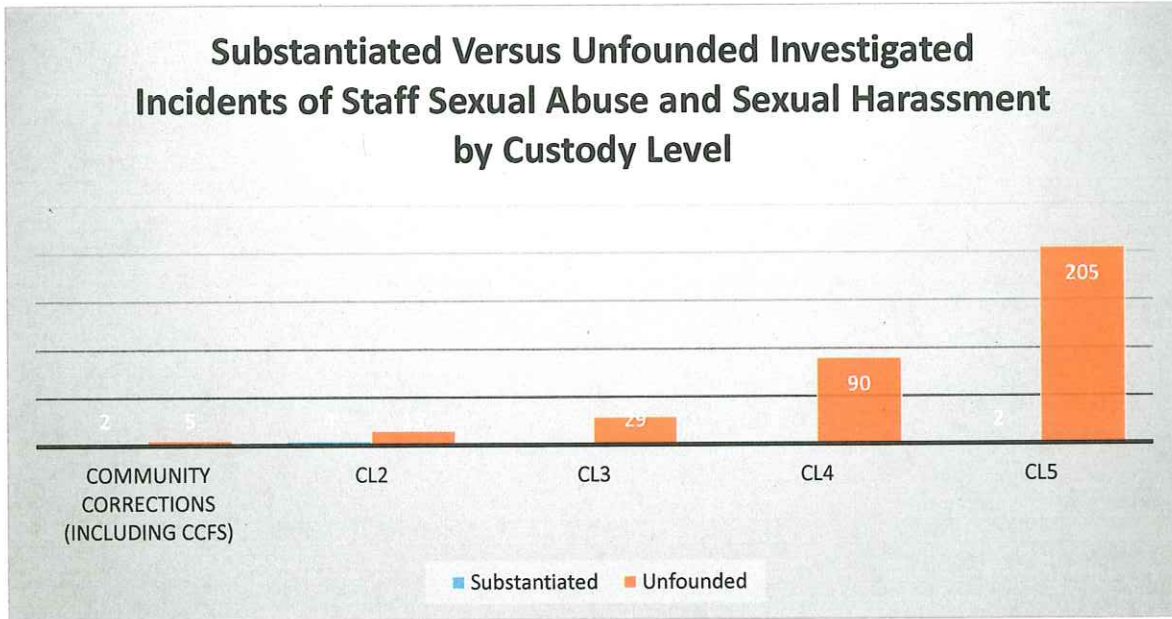
Because the standards consider purported comments, such as a sexual request, sexual threat, or derogatory reference to constitute sexual abuse and sexual harassment; it creates an opportune mechanism to file a false compliant with a low likelihood of accountability for making a false report without a means of constant audio surveillance. Compounding this problem is that as more incidents of this type had been investigated and determined to be unfounded; those potentially making false allegations have refined the context of their allegations in a manner that prevents investigators from being able to identify direct witnesses to acknowledge or refute allegations.

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 4.7 percent of the PA DOC's total institutional population; approximately 501 (47.9 percent) of the total 1046 investigated incidents alleged against staff were reported by inmates housed in a CL5 housing unit. Outcomes indicate that only two (0.4 percent) of those allegations were substantiated, while 205 (40.1 percent) were unfounded.

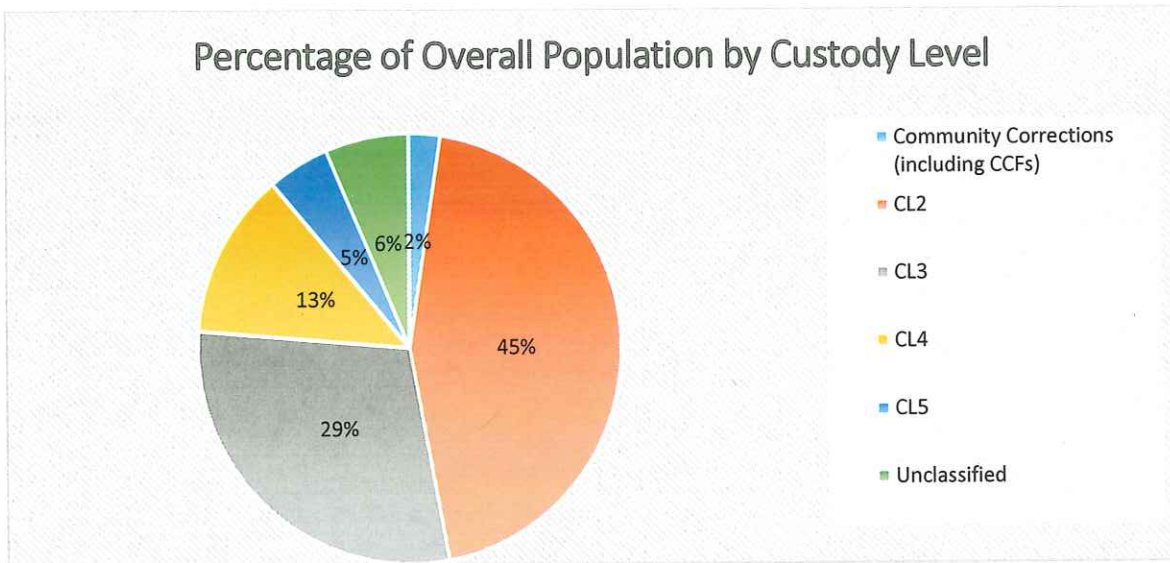
When contrasted with the allegation data from the PA DOC's CL2 inmates, higher inmate custody levels continue to distinctly be associated with higher allegation rates against staff. Inmates in a CL2 status, represent approximately 44.7 percent of the PA DOC's overall population; yet, inmates in a CL2 status only accounted for a total of 64 (6.1 percent) of the total 1046 investigated incidents alleged against staff. Outcomes among the CL2 population reveal that four (6.3 percent) were substantiated, while 15 (23.4 percent) were unfounded; indicating that PREA reporting mechanisms were less likely to have been misused by the lower risk populations.



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.



*Custody level data was unavailable for some incidents and unclassified inmates were involved in reported incidents. Some reported incidents are pending disposition; therefore, totals in the two preceding charts will not be reflective of the total number of investigated incidents involving staff.



*The number of inmates who are unclassified and are pending assignment of a custody level varies significantly each day; therefore, percentages are approximate as of the date of this report.

The continued concentration of allegations within CL5 units appears to correlate with the management challenges posed by the types of individuals committed to such units and objections to the regimented security controls associated with these units, such as strip searches being required prior to any out-of-cell activity. Likewise, inmates housed in such units are dependent upon staff to provide access to all activities of daily living, which can be denied based upon an inmate's behavior or failure to cooperate with security protocols. Anecdotally, a review of the underlying predicated allegations from CL5 units, tends to associate reported incidents with a perceived belief that making multiple allegations may effectuate a transfer from the facility or a staff member's removal from a housing unit, a denial of access to behavior

dependent privileges, and disciplinary reports. Because the PREA zero-tolerance policy initiates a significant response to each allegation and does not limit the number or frequency with which reports can be made; there is no effective means of deterring or mitigating an inmate's predilection for making repeated unfounded accusations when the potential deterrent effect of disciplinary sanctions becomes irrelevant to those already serving lengthy disciplinary sanctions.

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 1195 allegations made against staff in PA DOC facilities, 1158 of those allegations (96.9 percent) originated in male facilities, while only 37 (3.1 percent) originated in female facilities. Conversely, of the 632 allegations of sexual abuse and sexual harassment made against another inmate, 95 (15.0 percent) originated at female facilities, while 537 (85 percent) originated at male facilities. Because female inmates currently represent approximately 5.5 percent of the PA DOC's overall population, the dynamics of allegations of sexual abuse and sexual harassment remain 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 21 allegations of staff-on-inmate sexual abuse and sexual harassment were reported in 2021. This represents a decrease of 12 allegations (36.3 percent) from the previous year. Additionally, the number of substantiated staff related incidents at CCFs decreased from six to zero (0 percent) in 2021.

Staff Sexual Misconduct¹⁰

Table 7 illustrates that allegations of staff-on-inmate sexual misconduct increased by 47 allegations (8.1 percent) from 2020 to 2021. Of the 629 allegations of staff-on-inmate sexual misconduct, 13 (2.1 percent) allegations were substantiated, 286 (45.5 percent) were unsubstantiated and 291 (46.3 percent) were unfounded. At the time of this report, 39 allegations of this category type remain under investigation and outcomes are not yet determined. Of the 13 substantiated incidents, five 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 directing an inmate to touch another inmate's genitals to assist with a medical procedure, one involved male staff causing a male inmate to intentionally be exposed, one involved a male staff member's threatening sexual gesture to a male inmate, one involved a male staff member making sexual contact with a male inmate unrelated to official duties, and three involved a male staff member's sexual misconduct with a female inmate/reentrant. Prosecution was declined in nine of these incidents, two individuals were criminally convicted, and two were criminally charged and remain pending prosecution.

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, 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, 2020-2021

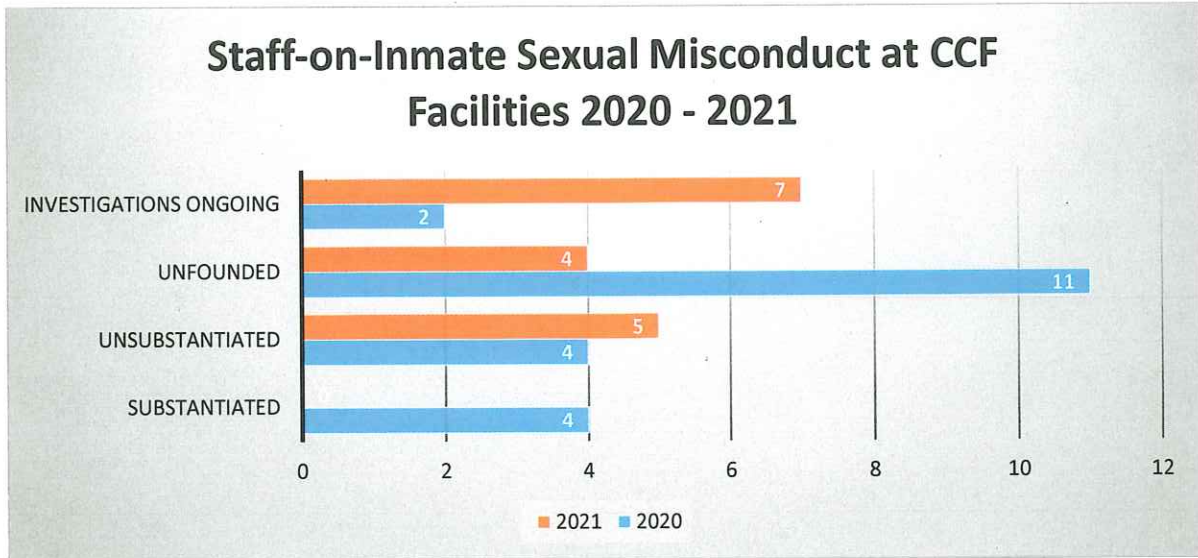
Staff-on-Inmate Sexual Misconduct	2020	2021
Total Allegations	582	629
Substantiated	13	13
Unsubstantiated	291	286
Unfounded	235	291
Investigation Ongoing	43	39



Table 8 reveals that allegations of staff-on-inmate sexual misconduct in CCFs decreased by five allegations (23.8 percent) between 2020 and 2021. A total of 16 allegations of staff-on-inmate sexual misconduct were made within CCFs in 2021, none were substantiated, five (31.3 percent) were determined to be unsubstantiated and four (25 percent) were unfounded. At the time of this report seven investigations remain open and the outcomes are unknown.

Table 8: Staff-on-Inmate Sexual Misconduct, CCFs, 2020-2021

Staff-on-Inmate Sexual Misconduct	2020	2021
Total Allegations	21	16
Substantiated	4	0
Unsubstantiated	4	5
Unfounded	11	4
Investigation Ongoing	2	7



Staff Sexual Harassment¹¹

As Table 9 illustrates, staff-on-inmate sexual harassment allegations within PA DOC facilities increased by 18 (3.3 percent) between 2020 and 2021. In 2021, a total of 566 allegations of staff-on-inmate sexual harassment were made within PA DOC facilities. Of those allegations 10 (1.8 percent) were substantiated, 387 (68.4 percent) were unsubstantiated and 144 (25.4 percent) were unfounded. At the time of this report, 25 investigations remain open and the outcome is unknown. Of note, five of the substantiated allegations were also connected to and were components of substantiated sexual abuse allegations. Specifically, incidents of sexually harassing behavior were substantiated during investigations that also substantiated sexually abusive behavior and were not separate reported incidents themselves.

Table 9: Staff-on-Inmate Sexual Harassment, PA DOC facilities, 2020-2021

Staff-on-Inmate Sexual Harassment	2020	2021
Total Allegations	548	566
Substantiated	10	10
Unsubstantiated	343	387
Unfounded	167	144
Investigation Ongoing	28	25

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.

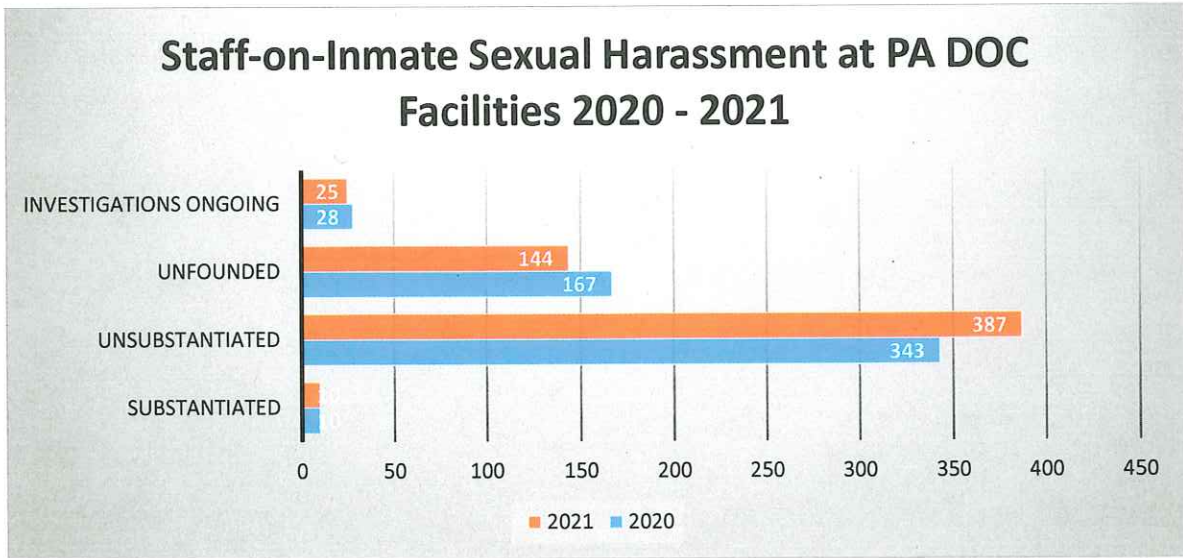
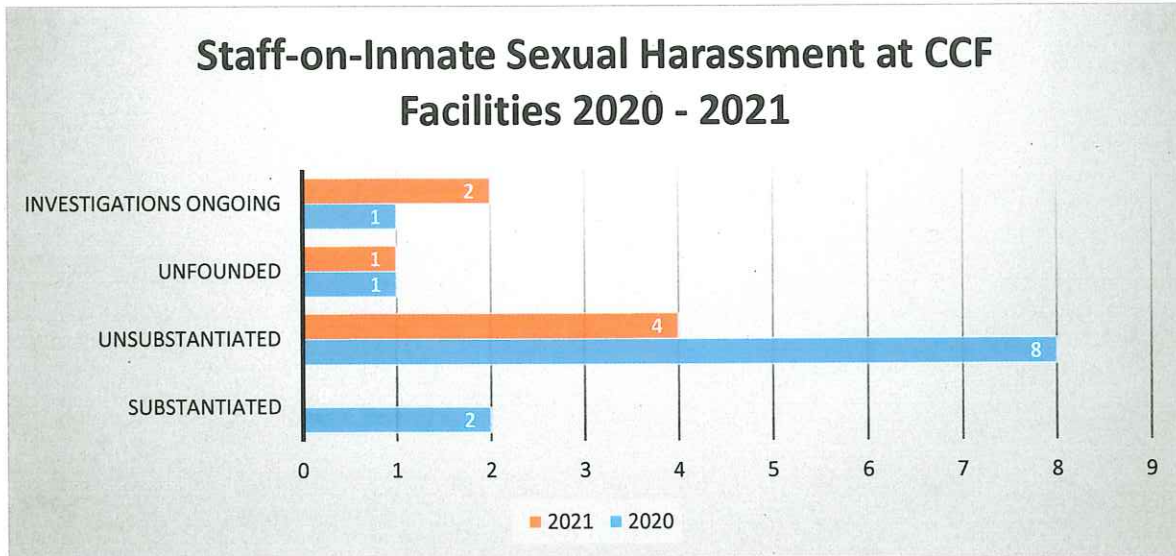


Table 10 reveals that allegations of staff-on-inmate sexual harassment decreased by five (41.7 percent) between 2020 and 2021 at CCFs. Of the seven allegations of staff-on-inmate sexual harassment reported in CCFs in 2021, none of the allegations were substantiated, four (57.1 percent) of the allegations were unsubstantiated, and one (14.3 percent) allegation was unfounded. At the time of this report, two investigations of this allegation type remain open.

Table 10: Staff-on-Inmate Sexual Harassment, CCFs, 2020-2021

Staff-on-Inmate Sexual Harassment	2020	2021
Total Allegations	12	7
Substantiated	2	0
Unsubstantiated	8	4
Unfounded	1	1
Investigation Ongoing	1	2



Part 3: Contracted County Jails (CCJs)

The PA DOC contracts with two 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 the PA DOC has not housed any individual at either of these facilities, pursuant to its contract, since March of 2020. Yet, since the contract remains open, the statistical information is provided in compliance with §115.89(b).

The PA DOC's parole field services also contract with two county jails to house parole violators for approximately 24 hours or less for regional transportation coordination purposes. In emergency circumstances, these contracts may be utilized to house individuals up to 72 hours. These contracts were established in early 2021 and were utilized during 2021.

Due to the increase in the number of CCJs, allegation rates have increased; however, none of the aggregate incidents involved an individual committed to a facility pursuant to the PA DOC's contracts.

A total of 29 allegations of inmate-on-inmate sexual abuse were made at CCJs in 2021. Of those allegations, four (13.8 percent) were substantiated, ten (34.5 percent) were unsubstantiated, and 15 (51.7 percent) were unfounded. At the time of this report, all investigations into allegations of this category were complete.

A total of 13 allegations of staff-on-inmate sexual abuse were made at CCJs in 2021. None of the allegations were substantiated. A total of four (30.8 percent) allegations were unsubstantiated and nine of the allegations (69.2 percent) were unfounded. At the time of this report, all investigations into allegations of this category were complete.

Table 11: Sexual Abuse, CCJs, 2020-2021

Sexual Abuse	2020		2021	
	Inmate-on-Inmate	Staff-on-Inmate	Inmate-on-Inmate	Staff-on-Inmate
Total Allegations	13	2	29	13
Substantiated	3	0	4	0

(28 C.F.R § 115.88)

Unsubstantiated	3	0	10	4
Unfounded	7	2	15	9
Investigation Ongoing	0	0	0	0

A total of 22 allegations of inmate-on-inmate sexual harassment were made at CCJs in 2021. Of those allegations, two (9.1 percent) were substantiated, 17 (77.3 percent) were unsubstantiated, and three (13.6 percent) were unfounded. At the time of this report, all investigations into allegations of this category were complete.

A total of 31 allegations of staff-on-inmate sexual harassment were made at CCJs in 2021. A total of two (6.5 percent) were substantiated, 13 (41.9 percent) were unsubstantiated, and 16 (51.6 percent) were unfounded. All investigations of this category were complete at the time of this report.

Table 12: Sexual Harassment, CCJs, 2020-2021

Sexual Harassment	2020		2021	
	Inmate-on-Inmate	Staff-on-Inmate	Inmate-on-Inmate	Staff-on-Inmate
Total Allegations	13	2	22	31
Substantiated	0	0	2	2
Unsubstantiated	8	0	17	13
Unfounded	5	2	3	16
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 community corrections facility in calendar year 2021 underwent a corrective action period to monitor its documentation of security rounds in all areas of the facility, leading to a community corrections wide change in security round documentation protocols and steps to acquire an updated electronic security round documentation system.

Accomplishments and enhancements made by the PA DOC, as an agency, in calendar year 2021 include, to name a few:

- Recertification of compliance through PREA audits at 17 of its facilities.
- Revision of the staff basic training program to improve explanation of those elements identified in the staff training standard.
- Hosting of virtual training sessions with contracted facilities on contract monitoring obligations and the development of evidence of compliance for use in future audits and contract monitoring.
- Application for and award of a Bureau of Justice Assistance grant to enhance the agency’s PREA Tracking System and PREA Risk Screening Tool systems. Part of this initiative involves funding a research position to study substantiated incidents and identify predictive metrics to develop a validated assessment.

- Facility specific upgrades and purchases of new camera systems continued as funding was available.
- A virtual investigator's meeting was held with facility investigators in the fall of 2021 to reinforce investigatory requirements and to stress the importance of utilizing effective credibility assessments to ascertain more definitive investigatory outcomes.
- An investigation quality assurance checklist was initiated in the fall of 2021, in response to audit feedback. This checklist was established to verify that the facility's investigator, investigator's supervisor, and PREA compliance manager affirm through their signature that the investigatory report contains the minimum requirements of standard §115.71 prior to its submission to BII for final review.
- Facility walkthroughs were reinitiated after a pandemic related pause to ensure sustainability of compliance.
- 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 ninth 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 29 of its facilities having been audited as compliant for a third time by the conclusion of calendar year 2021. As of this report's writing, the remaining four facilities have been found compliant in 2022. Audit results during the 2021 calendar year reinforce and reflect that, despite modified operational practices instituted due to the COVID-19 pandemic, the Department's facilities continued to adhere to the agency's PREA policies and protocols.

Although allegation statistics trended upward during calendar year 2021, it is likely that these increases can be attributed to the relaxing of COVID precautions implemented in 2020 that increased the number and frequency of staff and inmate interactions. Despite the 6.6 percent increase in allegations in 2021, allegation rates remain significantly lower than the pre-pandemic trends observed in 2018 and 2019.

Allegation statistics continue to suggest that inmates are more than adequately aware of reporting mechanisms, feel confident 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 and sexually harassing behaviors between inmates has remained consistent with the previous year's findings. Likewise, substantiated incidents between staff and inmates were consistent with the previous year's findings, however, given that half of the substantiated sexual harassment allegations were a sub-element of a substantiated sexual abuse allegation; the overall number of staff-on-inmate substantiated incidents continues to decrease. Requirements for an annual refresher module for staff who have previously completed the PA DOC's Professional Boundaries¹² course may continue to contribute to the reduction in substantiated incidents between staff and inmates.

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 safety in correctional settings.

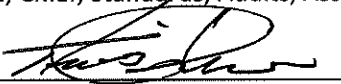
(28 C.F.R § 115.88)

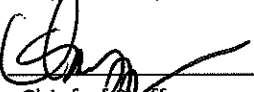
Continuing with the previous year's trends, more definitive investigatory outcomes continue to hold perpetrators accountable, as well as those who continue to make false reports in bad faith. Historically, CL5 populations report allegations against staff at significantly higher rates than lower custody level inmates, which continues to be true in 2021.

The data collected in support of this annual report supports that robust reporting culture continues to exist, 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, education, and new strategies where applicable. As the PA DOC returned to more normalized operations post pandemic the compliance rates of successfully audited facilities exhibits that the agency continues to promote sexual safety and demonstrates itself as an innovative national leader in developing sustainable strategies for both maintaining and enhancing compliance with the PREA standards.

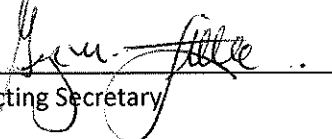
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Allegations of Inmate-on-Inmate Nonconsensual Sexual Acts,
Abusive Sexual Contact, or Sexual Harassment at PA DOC Facilities, 2021

Facility	Total Allegations	Substantiated	Unsubstantiated	Unfounded	Ongoing
SCI Albion	25	3	13	5	4
SCI Benner Township	24	2	22	0	0
SCI Cambridge Springs	7	1	5	1	0
SCI Camp Hill	52	5	31	11	5
SCI Chester	10	1	9	0	0
SCI Coal Township	20	3	8	5	4
SCI Cresson*	1	0	1	0	0
SCI Dallas	4	0	2	1	1
SCI Fayette	32	2	20	6	4
SCI Forest	44	7	29	8	0
SCI Frackville	11	0	10	1	0
SCI Graterford*	9	0	8	0	1
SCI Greene	40	4	23	11	2
SCI Greensburg*	1	0	1	0	0
SCI Houtzdale	50	3	39	7	1
SCI Huntingdon	35	3	22	7	3
SCI Laurel Highlands	9	2	6	0	1
SCI Mahanoy	5	0	4	0	1
SCI Mercer	9	3	4	4	2
SCI Muncy	88	7	62	10	9
SCI Phoenix	21	1	15	3	2
SCI Pine Grove	3	0	3	0	0
SCI Pittsburgh*	6	0	5	0	1
Quehanna Boot Camp	2	1	1	0	0
SCI Retreat*	1	0	1	0	0
SCI Rockview	27	2	17	6	2
SCI Smithfield	21	5	12	2	2
SCI Somerset	64	7	30	14	13
SCI Waymart	6	0	1	5	0
BCC	5	2	1	0	2
Parole	0	0	0	0	0
Totals	632	64	405	107	60

* Allegations occurred prior to the facility's closing, but reported in calendar year 2021

Allegations of Staff-on-Inmate Sexual Misconduct or Sexual Harassment at PA DOC Facilities, 2021

Facility	Total Allegations	Substantiated	Unsubstantiated	Unfounded	Ongoing
SCI Albion	52	2	29	20	1
SCI Benner Township	42	0	37	5	0
SCI Cambridge Springs	2	0	1	1	0
SCI Camp Hill	86	10	49	24	7
SCI Chester	25	3	20	2	0
SCI Coal Township	46	0	32	10	4
SCI Cresson*	0	0	0	0	0
SCI Dallas	18	0	4	9	5
SCI Fayette	93	0	60	30	3
SCI Forest	69	0	41	26	2
SCI Frackville	79	0	59	20	0
SCI Graterford*	0	0	0	0	0
SCI Greene	136	0	82	45	9
SCI Greensburg*	0	0	0	0	0
SCI Houtzdale	181	1	87	93	0
SCI Huntingdon	31	0	15	16	0
SCI Laurel Highlands	3	0	1	2	0
SCI Mahanoy	15	0	4	11	0
SCI Mercer	2	0	2	0	0
SCI Muncy	35	1	11	21	2
SCI Phoenix	55	1	29	14	11
SCI Pine Grove	23	0	17	5	1
SCI Pittsburgh*	0	0	0	0	0
Quehanna Boot Camp	0	0	0	0	0
SCI Retreat*	0	0	0	0	0
SCI Rockview	48	1	23	24	0
SCI Smithfield	36	2	14	20	0
SCI Somerset	100	1	50	32	17
SCI Waymart	7	0	2	5	0
BCC	11	5	4	0	2
Parole	0	0	0	0	0
Totals	1195	27	673	435	64

* Allegations occurred prior to the facility's closing, but reported in calendar year 2021