



**PRISON POLICY STATEMENT
COUNTY OF LANCASTER, PENNSYLVANIA**

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| Policy Subject: PRISON RAPE ELIMINATION ACT (PREA) | | Policy Number: E-3 |
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I. AUTHORITY

The Prison Rape Elimination Act, 42 U.S.C. § 15601 *et seq.*; The Final National Standards to Prevent, Detect and Respond to Prison Rape.

II. PURPOSE

The Prison Rape Elimination Act (PREA), 42 U.S.C. §15601 *et seq.*, was enacted in 2003 to eliminate sexual abuse and harassment in confinement settings. PREA’s implementing regulations, the “Final National Standards to Prevent, Detect and Respond to Prison Rape,” were published by the Department of Justice and became effective on June 20, 2012. This Policy is designed to ensure that the Lancaster County Prison is in full compliance with PREA and its accompanying regulations.

III. APPLICABILITY

This Policy applies to all units and departments within the Lancaster County Prison.

IV. DEFINITIONS

- a. Administrative Investigation:** Any investigation at the Prison that is not conducted for the sole purpose of criminal prosecution.
- b. Fraternalization:** Staff member association with offenders or their family members that is outside of the staff member’s job functions and extends to unacceptable, unprofessional, and prohibited behaviors. Examples include non-work-related visits between offenders and staff members, non-work-related relationships with family members of offenders, discussing personal matters with offenders, and engaging in romantic or sexual relationships with offenders.
- c. PREA Compliance Manager:** A designee of the Warden of the Lancaster County Prison who is responsible for developing, implementing, and overseeing facility compliance with PREA standards and coordinating the Prison’s response to allegations of sexual misconduct. §115.311(c).

- d. **PREA Coordinator:** A designee of the County Solicitor who will serve as the agency wide PREA Coordinator and is responsible for developing, implementing, and overseeing the County's efforts to comply with the PREA standards in all its facilities. §115.311(b).
- e. **Retaliation:** Any act of vengeance, covert or overt action, or threat of action taken against an individual in response to their claim of sexual misconduct, sexual contact, sexual abuse, or cooperation in the reporting or investigation of sexual misconduct, regardless of the disposition of the complaint.
- f. **Sexual Abuse:** Interactions inclusive of sexually abusive contact, sexually abusive penetration, indecent exposure, voyeurism, and sexual harassment.
 - a. **Sexually Abusive Contact:** Intentional touching without penetration of the anus, groin, breast, inner thigh, buttocks, or other genitalia, either directly or through the clothing, of another person other than by staff for medical purposes or for the purposes of performing legitimate policy authorized searches.
 - b. **Sexually Abusive Penetration:** Contact between the penis and the vagina or the penis and the anus; contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another person by hand, finger, or other object.
 - c. **Indecent Exposure:** The display of a person of his/her genitalia, buttocks, or breasts in the presence of another inmate.
 - d. **Voyeurism:** An invasion of an inmate's privacy by a person unrelated to official duties, such as peering at an inmate who is showering or requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.
 - e. **Sexual Harassment:** Repeated and unwelcomed sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by another individual including demeaning references to gender or sexual orientation, sexually suggestive or derogatory comments about body or clothing, obscene language, or displaying sexually oriented images.
- g. **Substantiated Allegation:** An allegation that was investigated and determined to have occurred.
- h. **Transgender:** A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.
- i. **Unfounded Allegation:** An allegation that was investigated and determined not to have occurred.
- j. **Unsubstantiated Allegation:** An allegation that was investigated, and the investigation produced insufficient evidence to make a final determination as to whether the event occurred.
- k. **Youthful Inmate:** Any person under the age of eighteen who is under adult court supervision and incarcerated or detained in the Lancaster County Prison.

V. PREVENTION PLANNING

a. Zero Tolerance Policy

- i. The County of Lancaster has zero tolerance towards all forms of sexual abuse and harassment of inmates at the Lancaster County Prison. Fraternization, sexual harassment, or sexual contact of any kind between staff members, contractors, or volunteers and inmates is strictly prohibited. Such

conduct is subject to administrative disciplinary sanctions and may result in criminal prosecution. Sexual contact between inmates is not permitted. Offenders who engage in sexual activity of any kind, regardless of consent, will be subject to discipline and may be referred to law enforcement for criminal prosecution. §115.311(a).

b. Contracting with Outside Entities for the Confinement of Inmates

- i. All facilities that contract with the Prison for the confinement of inmates must comply with the Prison's Zero Tolerance policy and meet all PREA standards. All new contracts and any contract renewals for the confinement of inmates must include a clause requiring the outside entity to adopt and comply with the PREA standards and shall provide for agency contract monitoring to ensure the contractor is complying with PREA standards. §115.12

c. Supervision and Monitoring

- i. Security supervisors are required to conduct and document unannounced rounds to identify and deter sexual abuse and harassment. These rounds must be conducted on all three working shifts. Any staff members that alert others to these rounds will be subjected to disciplinary action unless such announcement is related to the legitimate operational functions of the facility. §115.13(d)

d. Youthful Inmates

- i. Youthful inmate will not be placed in a housing unit in which the youthful inmate will have sight, sound, or other physical contact with any adult inmate through the use of a shared dayroom or other common space, shower, or sleeping quarters. §115.14(a)
- ii. In areas outside of housing units, the Prison will either maintain sight and sound separation between youthful inmates and adult inmates or provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact. §115.14(b)
- iii. The Prison will make all efforts to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, the Prison will not deny youthful inmates daily large muscle exercises and any legally required special education services. Youthful inmates shall also have access to programs and work opportunities to the extent possible. §115.14(c)

e. Limits to Cross-Gender Viewing and Searches:

- i. The Prison will not conduct any cross-gender visual body cavity searches, pat-down searches, or cross-gender strip searches except in exigent circumstances or when performed by a medical practitioner. All such searches must be documented. §115.15(a)(c)
- ii. Inmates must be able to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. This limitation applies both to in-person viewing and to all forms of remote viewing. Any staff member entering a housing unit with inmates of the opposite gender must announce their presence upon entry. §115.15(d)
- iii. Staff are prohibited from conducting searches for the sole purpose of determining an inmate's genital status. Status should be determined through an interview with the inmate, review of medical records, or if necessary, as part of a medical examination conducted in private by a medical practitioner. §115.15(e)
- iv. Staff will be required to have annual training pertaining to the facility's emergency search and seizure procedures. This training will include training specific to searches of transgender and intersex residents. §115.315(f).

f. Inmates with Disabilities and Inmates who are Limited English Proficient:

- i. The Lancaster County Prison will make appropriate provisions necessary to ensure inmates with disabilities or those who are not English proficient receive all information necessary to benefit from the Prison's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. § 115.16
 - 1. The Prison will not rely on inmate interpreters for this purpose absent exigent circumstances that could compromise the safety and security of the inmate and or the facility.

g. Hiring and Promotion Decisions

- i. The Lancaster County Prison will not hire or promote anyone who may have contact with inmates, and will not enlist the services of any contractor who may have contact with inmates, who:
 - 1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution § 115.17(a)(1)
 - 2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse § 115.17(a)(2); or
 - 3. Has been civilly or administratively adjudicated of engaged in the activity described above § 115.17(a)(3)
- ii. The Prison will consider any incidents of sexual harassment in determining whether to promote a staff member who may have contact with inmates. § 115.17(b)
- iii. All prospective employees, contractors and volunteers must pass a criminal records background check and submit a Pennsylvania Child Abuse History Clearance prior to being hired. All current employees and contractors are subject to a criminal records background check at least every 5 years. § 115.17(c)(1)(d)(e)
- iv. All prior institutional employers will be contacted during reference checks. Any information pertaining to substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse will be obtained consistent with Federal, State, and local laws; §115.17(c)(2).
- v. Any potential new hire will be questioned during the interview process about any past conduct of the type described in Section V(g)(i) of this Policy. All employees of the Lancaster County Prison have a continuing affirmative duty to disclose any such misconduct. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination §115.17(f)(g).
- vi. Unless prohibited by law, the Prison will provide information on substantiated allegations of sexual abuse or sexual harassment involving any former staff member upon receiving a request from an institutional employer for whom the staff member has applied to work. § 115.17(h)

VI. RESPONSIVE PLANNING

a. Referrals of Allegations, Evidence Protocol and Forensic Medical Examinations

- i. After receiving a report of sexual abuse, if the abuse occurred within a time that still allows for the collection of physical evidence, the allegation will immediately be referred to the Lancaster City Police or Lancaster County District Attorney's Office as fully outlined in the Memorandum of Understanding attached to this policy as Appendix B. The Lancaster County Prison will not conduct any criminal investigations. If there is no potential to collect physical evidence and the allegation is not criminal, an initial administrative investigation into the allegation may be conducted by the Prison. If it becomes apparent at any point that an investigation is criminal rather than

administrative in nature, the allegation will immediately be referred to law enforcement. All referrals to law enforcement will be documented. §115.21 & §115.22

- ii. An administrative and/or criminal investigation conducted in accordance with PREA standards will be completed for all allegations of sexual abuse and harassment. §115.22(a)
- iii. Where medically and evidentiarily appropriate, any inmate that is a victim of sexual abuse will be transported to Lancaster General Hospital for a forensic medical examination. This examination will be conducted by a Sexual Assault Forensic Examiner (“SAFE”), or a Sexual Assault Nurse Examiner (“SANE”) as directed by the treating physician. This examination will be provided without cost to the inmate. These services will be provided as fully outlined in the Memorandum of Understanding attached to this policy as Appendix C. §115.21(c)
- iv. Any inmate that is a victim of sexual abuse will be offered a victim advocate and confidential emotional support services through the YWCA of Lancaster. A contract between the County and the YWCA of Lancaster is attached to this policy as Appendix D1 and D2. As requested by the victim, the victim advocate will accompany and support the victim through the forensic medical examination process and any investigatory interviews. The victim advocate will also provide emotional support, crisis intervention information and referrals. §115.21(d),(e); §115.53(c)

VII. TRAINING AND EDUCATION

a. Staff Member Training

- i. The Lancaster County Prison will provide PREA training, tailored to both male and female inmates, to all staff members. Refresher training will be provided to all current staff every two years. Successful completion of training will be documented through staff member signature on the PREA Employee Training Acknowledgement Sheet (Appendix E). §115.31
- ii. Training topics will include:
 - 1. The Prison’s zero-tolerance policy for sexual abuse and sexual harassment;
 - 2. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
 - 3. Inmates’ right to be free from sexual abuse and sexual harassment;
 - 4. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
 - 5. The dynamics of sexual abuse and sexual harassment in confinement;
 - 6. The common reactions of sexual abuse and sexual harassment victims;
 - 7. How to detect and respond to signs of threatened and actual sexual abuse;
 - 8. How to avoid inappropriate relationships with inmates;
 - 9. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates;
 - 10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

b. Volunteer and Contractor Training

- i. Volunteers and contractors who have contact with inmates must complete training on their responsibilities to prevent, detect, and respond to allegations and incidents of sexual abuse and sexual harassment of inmates. §115.32(a),(b). Documentation of successful training completion shall be maintained using the Prison’s PREA Volunteer/Contractor Training Acknowledgment Sheet (Appendix F). §115.32(c)

c. Inmate Education

- i. During the intake process, all inmates will receive the Prison’s Sexual Assault Awareness Brochure (Appendix G). The brochure identifies the Prison’s Zero Tolerance Policy and explains how to report incidents or suspicions of sexual abuse and harassment. The educational PREA video “PREA: What You Need to Know” is played daily for new inmates on the intake housing units. §115.33(a)
- ii. The Prison will provide inmate PREA education in accessible formats to all inmates, including those who are limited English proficient, deaf, visually impaired, otherwise disabled, or have limited reading skills. Accommodations will include translated materials and reading the material directly to the inmate. The educational video includes subtitles for those who are deaf or hard of hearing. §115.33(d)
- iii. Within the first seven days of commitment, each inmate will meet with an Inmate Services Specialist to complete an intake and orientation. During this time, the specialist will review PREA policies and procedures with the inmate to include their rights to be free from sexual abuse, sexual harassment, and retaliation. The specialist will document this meeting and the inmate’s participation in viewing the video via the PREA Inmate Orientation Form (Appendix H) §115.33(b),(e)
- iv. Upon request, all inmates must be provided information about the Prison’s PREA policy. The PREA Inmate Poster (Appendix I 1 & 2) will be posted throughout the facility, to include each housing unit. Information about PREA is also included in the General Rights and Responsibilities document (Appendix J) which is accessible to all inmates via the kiosk and tablet. §115.33(f)

d. Specialized Training- Investigations

- i. In addition to the general training provided to all staff members pursuant to Section (VII)(a) of this policy, the PREA Compliance Manager, Investigator, security supervisors, PREA Caseworker, and any other Prison staff who assist in completing internal and administrative investigations must complete and pass the National Institute of Corrections online PREA training “Investigating Sexual Abuse in a Confinement Setting.” This training includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or referral for prosecution. Each investigator must submit a copy of the certificate of completion provided at the end of the training to his or her supervisor verifying successful completion of the training. §115.34(a),(b),(c)

e. Specialized Training: Medical and Mental Health Care:

- i. PrimeCare Medical, Inc. is the contracted medical service provider for the Lancaster County Prison. PrimeCare requires all staff members to undergo training on PREA and the accompanying regulations. The Prison will keep on file a copy of the training provided to medical staff and the training roster. §115.35(a),(c). Medical staff who have contact with inmates must be trained in the following:
 - 1. How to detect and assess signs of sexual abuse and sexual harassment; §115.35(a)(1)
 - 2. How to preserve physical evidence of sexual abuse; §115.35(a)(2)
 - 3. How to respond effectively to juvenile victims of sexual abuse and sexual harassment; §115.35(a)(3) and
 - 4. How and to whom to report allegations of sexual abuse and harassment. §115.35(a)(4)
- ii. Medical staff at the Prison will not conduct forensic examinations. All victims of sexual assault, where medically and evidentiarily appropriate, will be taken to Lancaster General Hospital for a medical examination with a SAFE or SANE. (See Appendix C). §115.35(b)

- iii. Medical and mental health care practitioners will also be required to complete the Prison's volunteer and contractor training and sign the PREA Volunteer/Contractor Training Acknowledgment Sheet (Appendix F) verifying successful completion of these requirements. §115.35(d)

VIII. SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

a. Screening for Victimization and Abusiveness

- i. All inmates will be assessed within seventy-two (72) hours of commitment during an intake screening conducted by Prison Treatment staff for their risk of being sexually abused by other inmates or sexually abusive towards other inmates. Inmates will be assessed using the Prison's PREA Risk Assessment Tool (Appendix K). §115.41(a),(b),(c) (e)
- ii. The intake screening, at a minimum, will consider the following criteria
 1. Whether the inmate has a mental, physical, or developmental disability §115.41(d)(1);
 2. The age of the inmate §115.41(d)(2);
 3. The physical build of the inmate §115.41(d)(3);
 4. Whether the inmate has previously been incarcerated §115.41(d)(4);
 5. Whether the inmate's criminal history is exclusively nonviolent §115.41(d)(5);
 6. Whether the inmate has prior convictions for sex offenses against an adult or child §115.41(d)(6);
 7. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming §115.41(d)(7);
 8. Whether the inmate has previously experienced sexual victimization §115.41(d)(8);
 9. The inmate's own perception of vulnerability §115.41(d)(9); and
 10. Whether the inmate is detained solely for civil immigration purposes §115.41(d)(10)
- iii. Medical staff will complete a separate, voluntary screening during the commitment process regarding prior sexual victimization and abusiveness. This screening will typically occur within 24 hours of arrival, but no later than 72 hours of confinement, and is utilized to determine whether an inmate requires further treatment as outline in Section XIII(a). The screening is documented and stored in the inmate's medical file. §115.41(a)(b)(h)(i)
- iv. Within thirty (30) days of the initial screening, an Inmate Services Specialist will reassess the inmate's risk of victimization or abusiveness using the PREA Risk Assessment Tool (Appendix K) based upon any additional relevant information received since the intake screening. This screening and review of PREA policies and procedures will be documented on the PREA 30-Day Review Form (Appendix L). §115.41(f)
- v. An inmate's risk level will be reassessed when warranted due to a referral, request, incident of sexual abuse, or upon receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. §115.41(g)
- vi. An inmate may not be disciplined for refusing to answer an inquiry or for not disclosing complete information in response to the questions in the PREA Assessment Tool (Appendix K). §115.41(h)
- vii. Completed PREA Risk Assessment Tools (Appendix K) will be stored in the inmates virtual file via jail management software. Signed review forms (Appendix L) will be kept in the inmate's Behavioral File. The prison's medical contractor will be notified if the assessment reveals that the inmate needs medical care or guidance. §115.41(i)

b. Use of Screening Information

- i. The Prison will use information from the risk screening to inform housing, bed, work, education, and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive. §115.42(a)
- ii. The Prison will make individualized determinations about how to ensure the safety of each inmate. §115.42(b)
- iii. Housing assignments, programming assignments, and inmate management decisions for transgender or intersex inmates will be made in accordance with the Lancaster County Prison's Transgender Inmate Policy E-12. §115.42(c)(d)(e)(f)
- iv. The Prison will not place lesbian, gay, bisexual, transgender or intersex offenders in dedicated facilities, units, or wings on the sole basis of such identification or status. §115.42(g)

c. Protective Custody

- i. Inmates at high risk of sexual victimization will not be placed in involuntary segregated housing unless a determination is made that there are no available alternative means of separation from likely abusers after an assessment of all available alternatives. If an inmate is placed in involuntary segregated housing due to high risk of sexual victimization, the prison shall document the reasoning for placement via a Lancaster County Prison incident report. The documentation must include the basis for concern for the inmate's safety and the reason no alternative means of separation can be arranged. The report must be forwarded to the PREA Compliance Manager, and a copy will be placed in the inmate's Behavioral File. §115.43(a),(d); §115.68
- ii. Any inmate placed in segregated for this reason will be given access to programs, privileges, education, and work opportunities to the greatest extent possible. Any restrictions to these opportunities must be documented and include which opportunities are limited, the duration of the limitation, and the reason for such limitations. The documentation will be forwarded to the PREA Compliance Manager, and a copy will be placed in the inmate's Behavioral File. §115.43(b)
- iii. Inmates at high risk of sexual victimization may only be assigned to involuntary segregated housing until alternative means of separation can be arranged. Ordinarily, assignments to involuntary segregated housing pursuant to this section should not exceed thirty (30) days. Every thirty (30) days, the Prison's PREA caseworker in conjunction with the PREA Compliance Manager will review each inmate segregated pursuant to this section to determine whether there is a continued need for separation. §115.43(c),(e)

IX. REPORTING

a. Inmate Reporting

- i. All inmates of the Lancaster County Prison are encouraged to report sexual abuse, sexual harassment, retaliation by other inmates or staff members for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may contribute to such incidents. §115.51(a). Methods of reporting include the following, all of which are outlined in the General Rights and Responsibilities document (Appendix J) provided to all inmates:
 - 1. Verbal reports to staff members, contractors (including chaplains and medical/mental health practitioners), or volunteers;
 - 2. Written or Electronic Inmate Requests; and
 - 3. Verbal reports made using the Pennsylvania Department of Corrections' "PREA Hotline."
- ii. The PREA Hotline is operated by the Pennsylvania Department of Corrections, a third-party entity unaffiliated with the County of Lancaster, which is authorized to receive reports of sexual abuse and harassment made by inmates at the Prison. A letter from the Department of Corrections indicating

that this service has been established is attached to this Policy as Appendix M. Inmates calling the PREA Hotline may choose to remain anonymous upon request. The telephone number for the PREA Hotline is listed in the General Rights and Responsibilities document (Appendix J), included in the Sexual Assault Awareness Brochure (Appendix G), and provided on the PREA Inmate Poster (Appendix I), which is displayed throughout the facility and on each housing block. §115.51(b)

- iii. Inmates detained solely for civil immigration purposes will be provided, upon request, with information on how to contact relevant consular and Department of Homeland Security Officials. §115.51(b)
- iv. Prison staff members must accept reports made verbally, in writing, anonymously, and from third parties, and will promptly document any reports. §115.51(c)
- v. Prison staff can privately and confidentially report sexual abuse or harassment OF inmates directly by contacting the Warden, the Deputy Wardens, the PREA Coordinator, or the PREA Compliance Manager via telephone, email, letter §115.51(d)

b. Exhaustion of Administrative Remedies:

- i. There is no time limit for a resident to submit a grievance for any situation including an allegation of sexual abuse. Staff will never try to resolve a grievance informally with a resident. §115.52(b)
- ii. Any grievance involving sexual abuse will not be received by or referred to the staff member involved or mentioned in the resident's grievance. §115.52(c).
- iii. All grievances will be resolved in seven (7) calendar days as outlined in the E-2 Inmate Grievances Policy. Any extension of this time frame will result in the inmate receiving written notification of the extension and a date that the final decision will be issued. Inmates will always receive a response to a grievance. §115.52(d).
- iv. Third parties are permitted to file grievances on behalf of an inmate. The normal grievance procedures will be followed upon receipt of a third-party grievance. If an inmate rejects the grievance filed on their behalf, this will be documented, and the inmate's signature will be obtained supporting the rejection. §115.352(e)(1)(2)(3).
- v. Upon receiving an emergency grievance (inmate is subject to a substantial risk of imminent sexual abuse), staff will immediately forward the grievance to the Shift Commander or the PREA Compliance Manager. The Prison will provide an initial response within forty-eight (48) hours of receipt of the grievance, and a final decision regarding the grievance will be made within five (5) calendar days. The initial response, the final decision of the Prison, all conclusions reached, and all actions taken will be documented. §115.52(f)
- vi. The Prison may discipline an inmate for filing a grievance related to alleged sexual abuse if the Prison can demonstrate that the inmate filed the grievance in bad faith. §115.52(g)

c. Inmate Access to Outside Confidential Support Services

- i. Any inmate seeking emotional support services related to sexual abuse is encouraged to contact the YWCA of Lancaster (Appendix D). The mailing address and toll-free hotline number for the YWCA of Lancaster are included in the Sexual Assault Awareness Brochure (Appendix G). Confidential, free calls to the YWCA of Lancaster can be made from any inmate telephone or tablet §115.53(a)
- ii. Inmates are informed by signs located on or near the inmate phone banks, pre-recorded messages played at the beginning of all phone calls, and during orientation that their telephone conversations, except for attorney communication, may be monitored, recorded, or divulged at any time. Inmates are also informed that certain reports, particularly those made by youthful offenders, may be forwarded to outside authorities pursuant to mandated reporting laws. §115.53(b)

d. Third-Party Reporting:

- i. Third party reports of sexual abuse and harassment can be made by calling the Department of Corrections' PREA Hotline. The telephone number for the PREA Hotline and information on how to make a third-party report will be posted on the Prison's website and displayed to members of the public in the Prisons' main lobby and visitation area. §115.54

X. OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

a. Staff and Agency Reporting

- i. All Lancaster County Prison staff members, contractors, and volunteers are required to immediately report any knowledge, suspicion, or information regarding sexual abuse or sexual harassment that occurs in the facility; retaliation against inmates or staff members who reported such an incident; and any staff member neglect or violation of responsibilities that may have contributed to an incident or retaliation. If applicable, a report must be submitted to the Shift Commander, Investigator, or PREA Compliance Manager. §115.61(a)
- ii. Apart from reporting to designated supervisors or officials, staff members may not reveal information related to a sexual abuse report to anyone other than to the extent necessary, as specified in this Policy, to make treatment, investigation, and other security and management decisions. §115.61(b)
- iii. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners must report sexual abuse pursuant to this policy. Said practitioners should inform inmates of the duty to report and the limitations on confidentiality at the initiation of services. §115.61(c)
- iv. If the alleged victim of sexual abuse is under eighteen (18) or considered a vulnerable adult under the Pennsylvania Adult Protective Services Act, the County must report the allegation to the Pennsylvania Department of Human Services via ChildLine or Adult Protective Services hotline pursuant to Pennsylvania's Child Protective Services Law and Pennsylvania's Adult Protective Services Law §115.61(d)
- v. The facility must report all allegations of sexual abuse and harassment, including third-party reports, to the Shift Commander, Investigator, or PREA Compliance Manager. §115.61(e)

b. Agency Protection Duties:

- i. If the County learns that an inmate is subject to a substantial risk of imminent sexual abuse, it must take immediate action to protect that inmate. Such actions may include, but are not limited to, removing the alleged staff member or inmate abuser from contact with the victim and making changes to housing, work, education, or other program assignments. §115.62

c. Reporting to Other Confinement Facilities

- i. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Investigator, PREA Compliance Manager, or Warden will notify the head of the other facility within seventy-two (72) hours of receiving the allegation. A Situation Report will be written and signed by the Warden that contains documented details of the notification. A copy of the report will be retained by the PREA Compliance Manager. §115.63(a),(b),(c)
- ii. If the Prison receives notification from another facility that an inmate was sexually abused at the Lancaster County Prison, the report will immediately be referred to the PREA Compliance Manager or Investigator to ensure the allegation is investigated in accordance with this policy. §115.63(d)

d. Coordinated Response

i. Response to a Report of Sexual Abuse §115.65

1. Staff Member First Responder Duties: Upon learning of an allegation that an offender was sexually abused, the first security staff member to respond to the report is required to:
 - a. Separate the alleged victim and the abuser; §115.64(a)(1)
 - b. Preserve and protect the crime scene until law enforcement can be contacted and take appropriate steps to collect any evidence; §115.64(a)(2)
 - c. If the abuse occurred within a time that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; §115.64(a)(3)
 - d. If the abuse occurred within a time that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; §115.64(a)(4) and
 - e. If the first staff responder is not a security staff member, the responder is required to request that the alleged victim not take any actions that could destroy physical evidence, then to notify the Security Supervisor immediately. §115.64(b)
2. Security Supervisor Responsibilities after Receiving Report of Abuse
 - a. After receiving a report of abuse from a staff member, the Security Supervisor must immediately initiate any necessary action, or verify that all action has been taken, to protect the physical evidence and to ensure the safety and welfare of the alleged victim.
 - b. The Security Supervisor will follow the Sexual Assault Checklist (Appendix N) and complete the Sexual Assault Interview form (Appendix O) to ensure all proper steps are taken and all appropriate notifications are made. This includes but is not limited to:
 - i. Transporting the inmate to the medical department for care
 - ii. Transporting the inmate to the local hospital for a SAFE exam
 - iii. Connecting the inmate to sexual assault advocate services through the YWCA
 - iv. Contacting local law enforcement
 - v. Making appropriate notifications
 - c. If the abuse did not occur within a time that still allows for the collection of physical evidence and the allegation does not involve criminal conduct, the Prison may conduct an internal administrative investigation pursuant to this policy.
3. The PREA Compliance Manager will notify the PREA Coordinator and Warden that an allegation was received and must keep these individuals apprised of the status of the investigation.
 - a. The PREA Compliance Manager will ensure that all PREA sexual abuse incidents are documented using the Prison's investigative and reporting module.

e. Preservation of Ability to Protect Inmates from Contact with Abusers: The County will not enter into a collective bargaining agreement or renew a collective bargaining or other agreement that limits the County's ability to remove alleged staff sexual abusers from contact with inmates pending outcome of an investigation or determination of whether and to what extent discipline is warranted. §115.66(a),(b)

f. Agency Protection Against Retaliation

- i. The Prison will protect all inmates who report sexual abuse or harassment or cooperate with investigations from retaliation by other inmates or staff members. The PREA Compliance Manager,

with the assistance of Shift Commanders and the PREA Caseworker, will conduct monitoring to ensure these protections. §115.67(a)

- ii. Measures to protect staff and inmates will include, but are not limited to: §115.67(b)
 - 1. Initiating housing transfers of both victims and alleged abusers;
 - 2. Removing alleged staff or inmate abusers from contact with the victim;
 - 3. Providing emotional support services through the YWCA of Lancaster and the County Employee Assistance Program (EAP)
- iii. The Prison will conduct monitoring of any staff members or inmates for a ninety (90) day period following receipt of a report of sexual abuse or harassment. Monitoring of inmates will include inmate periodic status checks, a review of disciplinary records, housing, or program changes, or negative performance reviews or reassignment of staff. Monitoring will continue beyond the initial ninety (90) day period if the initial monitoring indicates a continuing need. §115.67(c),(d)
- iv. This Policy will apply to any other individual who cooperates in an investigation and expresses a fear of retaliation. §115.67(e)
- v. The obligation to monitor under this policy will terminate if the prison determines that the allegation is unfounded. §115.67(f)

XI. INVESTIGATIONS

a. Criminal and Administrative Agency Investigations

- i. An administrative or criminal investigation conducted in accordance with PREA standards must be completed for all allegations of sexual abuse and sexual harassment, regardless of the method they were received, using investigators who have received training in sexual abuse investigations pursuant to this policy and do so promptly, thoroughly, and objectively. §115.71(a),(b)
- ii. If it becomes apparent that an investigation is criminal rather than administrative in nature, the allegation will be referred to the Lancaster City Police and/or the Lancaster County District Attorney's Office (See Appendix B). §115.71(g),(h)
- iii. Upon receipt of an allegation of sexual abuse or harassment, the Prison will have thirty (30) days to complete an administrative investigation. §115.71(a)(b)
- iv. The Prison will not conduct any compelled interviews. If the quality of the evidence appears to support criminal prosecution, the case will be referred to the Lancaster City Police and/or the Lancaster County District Attorney's Office (See Appendix B). §115.71(d)
- v. During an investigation, the credibility of an alleged victim, suspect, or witness must be assessed on an individual basis and may not be determined by the person's status as an inmate or a staff member. No inmate will be required by the Prison to submit to a polygraph examination as a portion of the investigation. §115.71(e)
- vi. All administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The investigation shall be documented on a Lancaster County Prison Incident Report form and include a description of physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. §115.71(f)
- vii. Upon completion of the investigation, the investigator or his designee must include a determination of whether the allegation is substantiated, unsubstantiated, or unfounded. A copy of the Report must be provided to the Warden and the PREA Compliance Manager within seven (7) days of the completion of the investigation. The report and supplemental material will be added to the investigative and reporting module by the PREA Compliance Manager to include the outcome of the investigation. §115.71(f)
- viii. If the allegation is substantiated and the allegations involve possible criminal conduct, the Investigative Report will immediately be forwarded to the Lancaster City Police or the Lancaster

County District Attorney's Office (See Appendix B). If the report is substantiated but does not involve possible criminal conduct, further discipline and correction action will be administered pursuant to this policy.

- ix. If the allegation is unsubstantiated or unfounded, no disciplinary action will be taken. Corrective actions may still be taken to prevent future incidents as identified in the reports.
 - x. All Investigative Reports made pursuant to this section will be retained by the Prison for as long as the alleged abuser is incarcerated by the Prison or employed by the County, plus five (5) years. §115.71(i)
 - xi. The departure of the alleged abuser or victim from the employment or control of the Prison or the County will not provide a basis for terminating the investigation. §115.41(j)
 - xii. When outside agencies investigate sexual abuse, the Prison will cooperate with outside investigators and attempt to remain informed about the investigation. §115.71(l)
- b. Evidentiary Standard for Administrative Investigations:** The Prison will impose a “preponderance” of the evidence standard in determining whether allegations of sexual abuse or sexual harassment are substantiated. §115.72
- c. Reporting to Inmates**
- i. At the completion of an investigation into an inmate's allegation that he or she suffered sexual abuse while incarcerated at the prison, the PREA Compliance Manager will inform the inmate whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. If the investigation was conducted by the Lancaster City Police or the Lancaster County District Attorney's Office, the PREA Compliance Manager will request relevant information from the investigative agency in order to inform the inmate. §115.73(a),(b)
 - ii. Following an inmate's allegation that a staff member committed sexual abuse against the inmate, the PREA Compliance Manager will advise the inmate (unless the allegation was unfounded) whenever:
 - 1. The staff member is no longer posted within the inmate's unit; §115.73(c)(1)
 - 2. The staff member is no longer employed by the Prison; §115.73(c)(2)
 - 3. The Prison learns that the staff member has been indicted on a charge related to sexual abuse within the Prison; §115.73(c)(3) or
 - 4. The Prison learns that the staff member has been convicted on a charge related to sexual abuse within the Prison. §115.73(c)(4)
 - iii. Following an inmate's allegation that he or she was sexually abused by another inmate, the prison will advise the alleged victim whenever:
 - 1. The Prison learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; §115.73(d)(1) or
 - 2. The Prison learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility. §115.73(d)(2)
 - iv. All notifications made pursuant to this section must be documented with copies placed in the inmate's behavioral file. §115.73(e)
 - v. The Prison's obligation to report pursuant to this Section will terminate if the inmate is released from the Prison's custody. §115.73(f)

XII. DISCIPLINE

a. Disciplinary Sanctions for Staff

- i. The Lancaster County Prison has zero tolerance for any staff member that violates this policy as it pertains to sexual abuse and harassment. Any staff member engaging in sexual abuse or harassment of inmates, or that has engaged in sexual abuse of inmates in the past, will be terminated. Disciplinary actions for violations agency policies relating to sexual abuse or sexual harassment, other than engaging in sexual abuse, will be issued in accordance with the Lancaster County Human Resource Department's Policies and Procedures Manual. Sanctions will be imposed based upon the severity of the incident, the staff member's disciplinary history, and past precedent of sanctions implemented at the Prison for similar violations. §115.76(a),(b),(c)
- ii. All terminations for violations of this policy, or resignations by staff members who would have been terminated pursuant to this policy if not for their resignation, will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. §115.76(d)

b. Corrective Action for Contractors and Volunteers:

- i. The Prison has zero tolerance for any contractor or volunteer who engages in sexual abuse or sexual harassment. Any contractor or volunteer that engages in such activity will be banned from the Prison. The matter will also be referred for investigation to the appropriate law enforcement agency, unless the activity was clearly not criminal, or to the relevant licensing body. For violations of this policy other than directly engaging in sexual abuse or harassment, the Prison will take appropriate remedial measures, including prohibiting the contractor or volunteer from having any further contact with inmates. §115.77

c. Disciplinary Sanctions for Inmates

- i. The Prison has zero tolerance for any inmate who is found to have engaged in sexual abuse or harassment. Any inmate that violates these policies will be subject to the following:
 1. Disciplinary sanctions pursuant to a formal disciplinary process abuse as outlined in the General Rights and Responsibilities document (Appendix J) following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual. Sanctions will take into consideration the nature and circumstances of the offense, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories. The disciplinary process will also consider whether an inmate's mental disability or mental illness contributed to his or her behavior when determining what sanction should be imposed. §115.78(a),(b),(c)
 2. Referrals will be made as appropriate to the medical vendor on behalf of the perpetrator for mental health treatment and counseling. §115.78(d)
- ii. Inmates are subject to disciplinary sanctions for contact with staff if, upon investigation, it is determined that the staff member did not consent to the contact. §115.78(e)
- iii. No inmate will be subject to disciplinary sanctions for filing a report of sexual abuse or sexual harassment made in good faith based upon a reasonable belief that the alleged conduct occurred, even if that report is unsubstantiated or unfounded. §115.78(f)
- iv. Sexual contact between inmates at the Prison is strictly prohibited; however, such contact is not considered sexual abuse unless the activity is coerced. §115.78(g)

XIII. MEDICAL AND MENTAL CARE

a. Medical and Mental Health Screenings; History of Sexual Abuse

- i. Any inmate who indicates during the medical intake screening that they experienced a prior sexual victimization or previously perpetrated sexual abuse, whether in the Prison or the community, will be tasked for a follow-up meeting with a mental health practitioner within fourteen (14) days of the intake screening for further evaluation. §115.81(a)(b)(c)
- ii. Any information related to sexual victimization or abusiveness that occurred in an institutional setting may only be provided to staff members to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments as otherwise required by Federal, State, or local law. §115.81(d)
- iii. Medical and mental health care providers must obtain informed consent from inmates over eighteen (18) before reporting information about prior sexual victimization that did not occur in an institutional setting. Informed consent is not required prior to reporting information about prior sexual victimization, regardless of where the abuse occurred, if the inmate is less than eighteen (18) years old. §115.81(e)

b. Access to Emergency Medical and Mental Health Services

- i. Inmate victims of sexual abuse must receive immediate medical treatment and crisis intervention services provided by the medical vendor and Lancaster General Hospital. These services may include transport to the Lancaster General Hospital for a forensic examination and information about contraception and sexually transmitted diseases and infections. Access to emergency contraception and sexually transmitted infections prophylaxis will be provided to the victim, where medically appropriate, by the medical vendor or Lancaster General Hospital. Medical and sexual assault advocacy will be offered to the inmate and coordinated through the YWCA of Lancaster (Appendix D). §115.82(a),(b),(c)
- ii. All treatment services will be provided to the victim free of charge and regardless of whether the victim names the abuser or cooperates within any investigation arising out of the incident. §115.82(d)

c. Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers

- i. Medical and mental health evaluations and any identified, appropriate treatment determined by a medical professional will be offered to all inmates who have been victimized by sexual abuse in a prison or jail. The evaluation and treatment may include the implementation of treatment plans and referrals for follow up-care regardless of transfer or release from custody. All services will be consistent with the community level of care. §115.83(a),(b),(c)
- ii. The medical vendor offers pregnancy tests to all female inmates upon admission and by request while incarcerated at the Prison. Any female inmate who is a victim of sexually abusive vaginal penetration while incarcerated will be offered a pregnancy test and will receive timely and comprehensive information about, and access, to lawful pregnancy related medical services. §115.83(d),(e)
- iii. Any inmate who is a victim of abuse while incarcerated will be offered tests for sexually transmitted infections as medically appropriate. §115.83(f)
- iv. All treatment services under this section will be provided without cost to the victim. The services will be provided regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. §115.83(g)
- v. All inmate-on-inmate abusers will be subject to a mental health examination within sixty (60) days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. §115.83(h)

XIV. DATA COLLECTION AND REVIEW

a. Sexual Abuse Incident Reviews

- i. The Lancaster County Prison will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, unless the allegation has been unfounded, within thirty (30) days of receiving the final, documented investigative outcome from the assigned investigator or from the investigating law enforcement agency. §115.86(a),(b)
- ii. The incident will be reviewed by a team consisting of upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners. §115.86(c)
- iii. The review team will convene and review:
 1. Whether the allegation or investigation indicates a need to change Prison policies or practices to better prevent, detect, or respond to sexual abuse; §115.86(d)(1)
 2. Whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; §115.86(d)(2)
 3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; §115.86(d)(3)
 4. Assess the adequacy of staffing levels in that area during different shifts; §115.86(d)(4)
 5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; §115.86(d)(5) and
 6. Prepare a report of its findings, including but not necessarily limited to, determinations made pursuant to Sections XIV(a)(iii)(1-5) of this policy and any recommendations for improvement and submit the report to the Warden and PREA Compliance Manager. §115.86(d)(6)
- iv. The Warden shall implement the recommendations for improvement or shall document the reasons for not doing so to the PREA Compliance Manager. §115.86(e)

b. Data Collection

- i. The Prison will collect information for every allegation of sexual abuse. This data will include, at a minimum, information necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice and will be based on the definitions set forth in this policy. All incident-based data will be aggregated annually. §115.87(a),(b),(c)
- ii. The Prison will maintain, review, and collect data as need from all available incident-based documents including reports, investigation files, and sexual abuse incident reviews. The Prison will also obtain incident based and aggregated data from any facility with which it contracts for the confinement of inmates. §115.87(d),(e)
- iii. Upon request, the Prison will provide all such data from the previous calendar year to the Department of Justice no later than June 30. §115.87(f)

c. Data Review for Corrective Actions

- i. The Prison will review all data collected and aggregated pursuant to this policy in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
 1. Identifying problem areas; §115.88(a)(1)
 2. Taking corrective action on an ongoing basis; §115.88(a)(2) and
 3. Preparing the annual report of its findings and corrective actions for the Prison, as well as for the County as a whole. §115.88(a)(3)
- ii. The annual report will include a comparison of the current year's data and corrective actions with those from prior years and must provide an assessment of the County's progress in addressing

sexual abuse. The report will be approved by the Warden and will be made available to the public on the Prison's website. Material that would present a clear and specific threat to the safety and security of the facility will be redacted; however, the report will indicate the nature of any such redactions. §115.88(b),(c),(d)

d. Data Storage, Publication, and Destruction

- i. The Prison will ensure that data collected pursuant to this policy is securely retained. Data will be collected and maintained by the PREA Compliance Manager. §115.89(a)
- ii. The County will make all aggregated sexual assault data from facilities under its control and private facilities with which it contracts readily available to the public at least annually through the County's website. §115.89(b)
- iii. Before making aggregated sexual abuse data publically available, the County will remove all personal identifiers. §115.89(c)
- iv. The County will maintain sexual abuse data collected under this Policy for ten (10) years after the date of the initial collection unless Federal, State, or local law requires otherwise. §115.89(d)

XV. REFERENCES

- a. **Appendix A:** PREA Employee Disclosure Statement
- b. **Appendix B:** Memorandum of Understanding between Lancaster County Prison, Lancaster City Policy, and Lancaster County District Attorney's Office
- c. **Appendix C:** Memorandum of Understanding with Lancaster General Hospital
- d. **Appendix D1:** Independent Contract Agreement with the YWCA of Lancaster
- e. **Appendix D1:** Independent Contract Agreement Extension with the YWCA if Lancaster
- f. **Appendix E:** PREA Employee Training Acknowledgment Sheet
- g. **Appendix F:** PREA Volunteer/Contractor Training Acknowledgment Sheet
- h. **Appendix G:** Sexual Assault Awareness Brochure
- i. **Appendix H:** PREA Inmate Orientation Form
- j. **Appendix I1:** PREA Poster in English
- k. **Appendix I2:** PREA Post in Spanish
- l. **Appendix J:** Inmate General Rights and Responsibilities
- m. **Appendix K:** PREA Risk Assessment Screening Tool
- n. **Appendix L:** 30-Day Screening Review
- o. **Appendix M:** Letter from the Department of Corrections
- p. **Appendix N:** Sexual Assault Checklist
- q. **Appendix O:** Sexual Assault Interview Form

XVI. REVIEW, REVISIONS, AND REISSUING

This policy will supersede all previous policies relating to this subject and will remain in effect until further notice. The Director of Administration will ensure that review, necessary revisions, and reissuing of this policy occurs annually.