

PREA AUDIT REPORT Interim Final

**ADULT PRISONS &
JAILS**

Date of report: 10/13/16

Auditor Information			
Auditor name: Patrick J. Zirpoli			
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Telephone number: 570-729-4131			
Date of facility visit: 9/13/2016 & 9/14/2016			
Facility Information			
Facility name: Perry County Prison			
Facility physical address: 300 South Carlisle Street New Bloomfield, PA 17068			
Facility mailing address:			
Facility telephone number: 717-582-2262			
The facility is:	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input checked="" type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
Facility type:	<input type="checkbox"/> Prison	<input checked="" type="checkbox"/> Jail	
Name of facility's Chief Executive Officer: Warden David E. Yeingst			
Number of staff assigned to the facility in the last 12 months: 37 full time staff & 19 part time staff			
Designed facility capacity: 136			
Current population of facility: 106			
Facility security levels/inmate custody levels: work-release through maximum security			
Age range of the population: youthful offenders through adult			
Name of PREA Compliance Manager: Sgt. Gregory Kline		Title: PREA Compliance Manager	
Email address: gkline@perryco.org		Telephone number: 717-582-2262	
Agency Information			
Name of agency:			
Governing authority or parent agency:			
Physical address:			
Mailing address:			
Telephone number:			
Agency Chief Executive Officer			
Name:		Title:	
Email address:		Telephone number:	
Agency-Wide PREA Coordinator			
Name:		Title:	
Email address:		Telephone number:	

AUDIT FINDINGS

NARRATIVE

The second Prison Rape Elimination Act (PREA) audit of the Perry County Prison took place on September 13, 2016 and September 14, 2016. The purpose of the audit was to determine compliance with the Prison Rape Elimination Act standards which became effective August 20, 2012. Prior to the on-site portion of the audit I reviewed all policies and data pertaining to the PREA Standards. All documentation requested by me was provided in a timely and efficient manner, any follow up requests were acted upon immediately. The facility was posted on July 29, 2016, allowing time for inmates and staff to respond to me in writing, no correspondence was received.

I wish to extend my appreciation to Warden Yeingst and his staff for the professionalism they demonstrated throughout the audit and their willingness to comply with all requests and recommendations made. I would also like to thank the Perry County Commissioners for their commitment to the operations of the Perry County Prison, and their dedication to the safety of the staff, as well as their dedication to the care, custody and control of the inmates incarcerated at the facility.

Prior to the onsite audit I had several opportunities to discuss the audit process, and expectations of the facility with Lt. David Wilt the facilities PREA Coordinator.

Upon my arrival on 09/13/16 I met with Lt. David Wilt, Sgt. Rodney Keller, Sgt. Gregory Kline, and Business Manager Karen Barclay. We discussed the audit process and the schedule for the next two days. Since this was the facilities second PREA Audit we further discussed any issues they have faced since the implementation of the PREA Standards. They collectively found that after the initial implementation of the processes, the daily operations have fell into place.

After the entrance meeting I was given a tour of all areas of the facility. During this tour informal interviews were conducted with both staff and inmates in several different areas. I viewed the complete facility, all areas were accessible to me during the audit tour.

A total of 12 inmate interviews were conducted. The inmates were randomly selected from all housing units and represented the overall inmate population. These interviews included inmates who identified as gay, and who disclosed prior sexual offenses.

A total of 18 staff interviews were conducted. The staff was randomly selected from all three shifts, and represented administration, first line supervisors, kitchen staff, correctional officers, medical personnel, and administration.

Throughout the pre-audit and onsite audit, open and positive communication was established with the administration at the Perry County Prison. Through the coordinated efforts of these staff members the auditing process was efficient and all requests were met.

The facility was prepared for the onsite audit and performed extremely well. Looking at the overall performance of the facility I was impressed with not only the facilities operations but the overall agencies operations and response to incidents of sexual abuse or sexual harassment. The seriousness of incidents of this nature are not overlooked by both staff and inmates alike. The interactions with the staff were positive and all were extremely helpful in making the audit process run as seamless as possible. With this being the second PREA Audit, I was impressed with how the entire staff at the facility have implemented the processes, and how these processes have been integrated as part of the daily operations of the facility.

The following staff need to be commended for their work on developing the overall policies and procedures at the Perry County Prison, as well as their overall commitment to the Prison Rape Elimination Act. Lt. David Wilt, Sgt. Rodney Keller, Sgt. Gregory Kline, and Business Manager Karen Barclay. All of these staff members are trained investigators and are tasked with conducting all administrative investigations within the facility.

I utilized an overall methodology to make my determination of compliance with the standards. This included a complete review of all policies and documentation provided to me prior to the onsite audit. The documentation was then corroborated through visual inspection of the facility, as well as interviews with staff and inmates. I was able to determine that the facility has the policies in place to address all standards, and has put these policies into daily practice. In the standard-by-standard discussion I have specifically identified the policies and documentation utilized during this process, these policies and documentation are listed verbatim in italic type. I have also listed any visual evidence, as well as interviews that aided in making

DESCRIPTION OF FACILITY CHARACTERISTICS

The Perry County Prison is located in New Bloomfield Pennsylvania. The immediate area around the facility is best described as a rural area, with some commercial properties. Just north of the facility is New Bloomfield, which is the county seat. The prison was built in 1990 with the surveillance system being updated in August and September of 2015. The facility has recognized other areas of concern and have installed cameras in these areas also.

The Mission of the Perry County Prison is established as follows:

The Perry County Prison is responsible for the CARE, CUSTODY, and CONTROL, of individuals committed to the facility

1. The Perry County Prison is part of the Criminal Justice System of Perry County. Its primary function is to incarcerate individuals as directed by the Judiciary (i.e. District Justice, Common Pleas Court) in such a manner which assures maximum possible safety/security for the public, the Prison Staff, and the incarcerated individual.
2. The Perry County Prison shall "Detain" individuals as identified above who are awaiting Judicial Disposition.
3. The Perry County Prison shall provide a "Punishment" option to the Judiciary via the disposition of being "Sentenced" for a determined period of time to this facility.
4. The Perry County Prison will endeavor to provide the opportunity for "Treatment" programs which may assist the incarcerated individual to prepare for responsible community living. These programs may include Religious Counseling/Worship, GED Instruction, D&A Education, Life Planning, Trusty/Work Release participation.
5. The Perry County Prison shall be planned, developed and administered to meet the requirement of the U.S. Constitution.
6. The Perry County Prison is a Drug-Free, Alcohol-Free, and Tobacco-Free workplace. is to detain prisoners as directed by the courts, provide a physical environment that assures maximum possible safety for the public, prison staff and inmates and provide treatment services and programs that offer inmates the opportunity for positive personal change.

The facility is contained in one building, which includes the administrative offices. The facility has 7 housing units, with one of the units being a work release unit with dormitory style housing.

The outdoor recreational yards are not utilized, the inmates utilize the indoor gym for recreation.

The facility does not hold any female inmates, all female inmates committed to Perry County are housed at either Cumberland County, Adams County, or Franklin County. At the time of the audit 11 females were being housed at Cumberland County Prison. The females are processed through the booking area but are immediately transported out of the facility by the Perry County Sherriff's Office. Cumberland County and Adams County are compliant with the PREA Standards, and have been audited. Franklin County is following the standards but have not been audited.

The facility is designed with a main corridor and all of the housing units are off of this main corridor. The central control is located within this corridor, which allows the central control officers full view of the corridor.

The facility is equipped with a full kitchen and employs full time staff to prepare the food with minimal inmate workers being utilized.

Perry County Prison holds a contract with the US Marshalls Service to house inmates, and the Pennsylvania Department of Corrections.

Perry County Prison has admitted 364 inmates within the last 12 months, with 298 staying for a period of 30 days or more.

SUMMARY OF AUDIT FINDINGS

The Perry County Prison has exceeded in 6 standards, and met 37 standards.

Standards exceeded: 6

Standards met: 37

Standards not met:

Standards not applicable:

Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act established the facilities zero tolerance policy. The policy reads as follows:

Perry County maintains a zero tolerance for offender-on-offender sexual activity, including but not limited to sexual abuse or assault, and staff sexual misconduct and sexual harassment toward offenders. Every allegation of sexual assault/misconduct and harassment is thoroughly investigated. If the investigation is deemed substantiated, the inmate disciplinary procedure will follow the Perry County Prison Disciplinary Guideline. The prohibited conduct identified below applies to all employees, volunteers and contract staff of the Perry County Prison. Sexual conduct between staff and offenders is prohibited and subject to administrative disciplinary sanctions and referred for prosecution. PREA S.O.P supersedes all Facility Policy and procedures and Union Contract for BI-Laws.

The aforementioned policy dictates the agency's mandated zero tolerance toward all forms of sexual abuse and sexual harassment and outlines the agency's approach to preventing, detecting, and responding to such conduct. This policy furthermore defines all sexual abuse and sexual harassment.

I reviewed the policy in its entirety, as well as questioned staff members on its content and applicable sections to their specific duties within the facility. The staff understood the policy and its practical application to the daily operation of the facility.

The agency has designated Lt. Wilt as the PREA Coordinator and Sgt. Kline as the PREA Compliance Manager. During their interviews they related that they have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards. It should be noted that Lt. Wilt is in the top one third of the rank structure.

Standard 115.12 Contracting with other entities for the confinement of inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

Perry County Prison has entered into agreements with Cumberland County Prison, Franklin County Prison and Adams County Prison to house female inmates. During the audit I verified that Cumberland County Prison and Adams County Prison are in compliance with the Prison Rape Elimination Act and have been audited. Franklin County is working towards compliance and being audited.

Standard 115.13 Supervision and monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedure Manual Chapter: Personnel Subject: Staffing establishes the staffing requirements for the facility. The policy reads in part:

To require regular evaluation of Facility Staffing patterns in order to maintain a level of staffing at the discretion of the Warden and or Deputy Warden.

Staffing assignments will be evaluated on an annual basis by the Warden and other appropriate supervisory personnel. The evaluation will include:

- A. *A regular systematic review of all personnel requirements needed to maintain adequate institutional security levels and availability of support services to inmates.*

Intermediate level and/or higher-level staff will conduct unannounced rounds. These rounds will be conducted on all shifts and in all areas of the prison. These rounds will be documented on the PREA Unannounced Round Report. The Perry County Prison prohibits staff from alerting other staff of the unannounced rounds.

The agency has developed, and documented a staffing plan for the facility. This staffing plan provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse.

The staffing plan has not been deviated from within the last 12 months.

The staffing of the facility is constantly reviewed, this review includes input from the PREA Coordinator. This was confirmed during the interviews with the Warden, and PREA coordinator. They related that any incident of misconduct is taken into consideration with staffing, these include the facility layout, composition of the inmate population, any incidents of sexual abuse or sexual harassment, and any other relevant factors were utilized.

The administration constantly monitors the issues in the facility and will make immediate decisions on staffing issues.

During the facility tour I reviewed the PREA Unannounced Round Reports that are utilized by the supervisors. These reports are being completed consistently by the supervisors. During the staff and inmate interviews I further confirmed the rounds are being completed.

I reviewed the log book in the housing unit control and found that all rounds are being documented.

Standard 115.14 Youthful inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act addresses Youthful Inmates. The policy reads as follows: Youthful offenders will not be housed in units where the youthful offender will have sight, sound, or physical contact with any adult through use of a shared dayroom or other common space, shower area or sleeping quarters unless the youthful offender is under direct supervision by Correctional Staff. Every effort will be made to ensure a youthful offender is never placed in a shower area or sleeping quarter with direct physical access by/with an adult offender. If circumstances should arise whereby this cannot be accomplished, the youthful offender will be placed under continuous direct supervision by Correctional Staff. Best efforts will be made not to isolate/segregate youthful offenders from prison activities. Youthful offenders must be under direct Correctional Staff supervision during recreational activities with adult offenders. Youthful offenders will be permitted to attend extracurricular activities/programs with adult offenders under direct supervision and control of Correctional Staff. All Youthful Offenders will be housed in D or E Block.

The facility dictates in the above policy housing of youthful inmates. This policy ensures that a youthful inmate is not placed in a housing adult unit, and further states they will not share common areas, bathrooms, dayrooms, or sleeping areas with adult inmates. The policy further states that when a youthful inmate is outside of the housing unit they are under direct supervision.

The facility does not place youthful inmates in isolation to comply with this standard.

The facility has not housed a youthful inmate within the last 12 months. All staff interviewed understood their obligations under this policy when housing a youthful inmate.

Standard 115.15 Limits to cross-gender viewing and searches

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Search & Seizures Subject: Search of inmates establishes the policy for searching inmates in the facility. The policy defines strip searches, body cavity searches and frisk (pat) searches. The policy states that strip searches should be conducted in an area separate from other inmates so as to ensure privacy and minimum embarrassment. Absent extraordinary circumstances, female detainees/prisoners shall be searched by female prison staff and male detainees/prisoners by male prison staff. The staff person conducting the search will avoid touching the detainee/prisoner except as required to control the detainee/prisoner. The search shall be conducted in a tactful, professional manner. The policy further states that body cavity searches shall be conducted only with just cause (be it detainee or prisoner) and it must be authorized by the Warden. This inspection will be done ONLY by medically trained personnel (i.e. doctor, PA, RN) within the confines of the prison medical room or a designated medical facility.

The aforementioned staffing policy states that all assignments shall be staffed without regard to gender except where reasonable accommodation to inmate privacy cannot be maintained. Prison staff of the opposite gender to that of the inmate population may not be given assignments/posts that require continuous and open viewing of unclothed inmates. When both male and female inmates are housed in the prison, at least one male corrections staff member and one female corrections staff member shall be on duty at all times. The staffing policy also states that all opposite gender staff must announce their presence when entering an inmate housing unit.

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows: Effective immediately, the Perry County Prison will not permit cross-gender pat down searches of female inmates, absent exigent circumstances. If exigent circumstances arise, they must be documented.

The policy also states that the determining factor in where a transgender or intersex offender is housed will be genitalia. If a transgender woman has completed the surgical process and the penis has been removed, she will be housed in a female facility. If a transgender man has completed the surgical process of penile construction, he will be housed in a male facility. In cases of intersex offenders in which there is genital ambiguity, the decision of gender will be made through consultation with a medical provider who will consider both the physical attributes as well as the chosen gender identity of the offender. In making housing assignments,

the primary concern will be the safety of the transgender and intersex offender to diminish the possibility of sexual or physical assault and possible harassment by other offenders. Under no circumstances will a transgender or intersex offender be strip searched solely to determine gender.

The facility does not conduct cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by medical practitioners. The facility dictates in the above policy procedures for conducting such searches. During the staff and inmate interviews I confirmed that only same gender searches are being conducted.

The facility has not conducted any cross-gender strip searches, cross-gender visual body cavity searches, or cross-gender pat-down searches of female inmates. During the staff interviews they all understood the obligation to document such searches if they occurred under exigent circumstances.

The facility has implemented the above policies that enable inmates 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. These policies further require staff of the opposite gender to announce their presence when entering an inmate housing unit. The procedures are in place, this was confirmed during the staff and inmate interviews, and during my facility tour where I observed staff of the opposite gender making such announcements.

The facility does not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. All staff interviewed understood that gender should be determined through conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. Medical staff are on duty twenty four hours a day and would be able to make a determination of gender. This was confirmed with the medical staff during interviews.

Staff has received training on how to conduct a pat down search of transgender inmates, this was confirmed during the staff interviews and review of the training records.

The facility has cameras throughout the facility in all common areas. I reviewed the surveillance system monitors and confirmed that the views of the cameras do not allow for any cross gender viewing of an inmate.

During the inmate interviews I discussed the level of comfort during the times of toileting, changing and showering. All of the interviewees replied that they are allowed privacy during these times, no one thought there was any issues of cross gender viewing.

Standard 115.16 Inmates with disabilities and inmates who are limited English proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

The Perry County Prison will provide disabled inmates equal opportunity to participate in or benefit from all aspects of prevention of sexual abuse and sexual harassment. The policy further reads that staff will identify, assess, and manage offenders with special needs, including those who are potentially vulnerable or dangerous, to provide safe housing, adequate protection, and programmatic resources to meet their needs. Special needs offenders include, but are not limited to, offenders who are non-English speaking, deaf or hard of hearing, have visual impairments, mentally, intellectually or physically challenged, and speech impaired.

The facility has procedures in place to deal with inmates with disabilities and who are limited English speaking. They have never had an incident where they would utilize another inmate for interpretation, they would utilize staff or a language line. During the classification of the inmates they identify any issues concerning disabilities and take the appropriate actions needed to protect the inmate. The facility is equipped to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

Compliance in this area was determined by reviewing policies and procedures of the facility. During the random staff interviews I determined that they all understood the availability of interpreters, and further understood the importance of not utilizing inmates for interpretation during any incident.

At the time of the audit no disabled or non-English speaking inmates were being housed.

Standard 115.17 Hiring and promotion decisions

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: personnel Subject: Hiring/Promotion/Discharge reads as follows:

The names of all prospective employees will be referred to the Warden's Office for criminal history records check. Results of this check will be returned to the Prison.

All employees are required to have a criminal background records check conducted every five (5) years. The policy further states that:

The Perry County Prison prohibits the hiring or promoting anyone who may have contact with inmates and prohibits enlisting the services of any contractor who may have contact with inmates who:

- Has engaged in sexual abuse in a prison, jail, lockdown, community confinement facility, juvenile facility, or other institution.*
- 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 was unable to consent or refuse; or*
- Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (2) of this section.*

The Criminal history Background checks are being conducted through the Perry County Communications Center. This was verified during the interviews.

Standard 115.18 Upgrades to facilities and technologies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The facility is not planning any substantial expansion or modification. The administration understood the obligation under this standard to consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse. They further understood the obligation to consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.

The facility has installed several cameras in areas that they identified. The installation of these cameras shows the continuing commitment by the administration to constantly monitor the facility, and self-identify possible areas of concern.

Standard 115.21 Evidence protocol and forensic medical examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

Preservation of Evidence in Recent Sexual Assaults

1. *If the alleged sexual assault is reported or discovered within 24 hours of the incident, in addition to the provisions in this section, the following steps are taken.*

Physical Evidence –Victim

In preparation for transporting the alleged victim to the hospital's emergency room the offender is provided and instructed to undress over a clean sheet to collect any potential forensic evidence that may fall from the person. The sheet along with the victims clothing is collected as evidence and placed in a paper bag with an appropriate chain of evidence form attached.

Forensic Evidence

- *Forensic evidence collected by the hospital emergency staff is gathered and delivered to the Investigating Authority through appropriate protocol(s).*
- *When the alleged victim returns from the off-site emergency medical care, treatment, safety and security is used to determine placement.*

Physical Evidence -Offender Suspect

- *Immediately upon being identified as the alleged suspect, the offender will be instructed to undress over a clean sheet to collect any potential forensic evidence that may fall from the person. The sheet along with the alleged suspect's clothing is collected as evidence and place in a paper bag with an appropriate chain of evidence form attached.*
- *Thereafter, the alleged suspect under investigation is held in segregation until the investigation is complete, unless other circumstances require transfer.*

During the course of the investigation, the alleged victim and suspect will remain separated.

B.

Physical Evidence -Crime Scene

- *Based upon the amount of time passed since the alleged incident and other factors, a determination is made to assess whether there is a possibility of evidence still existing at the crime scene. If determined that a possibility of evidence still exists, and if possible, the crime scene is secured and any potential evidence remains for the investigator's examination.*
- *If the crime scene cannot be secured, the crime scene is photographed and/or video-taped and if any evidence exists, placed in a paper bag with a chain of evidence form attached.*
- *If a potential crime scene is established, limited access is authorized and a log maintained. The protocol established is age appropriate to youthful offenders.*
- *The policy further states that victim services, including but not limited to, medical treatment, mental health/crisis intervention, and counseling will be provided at no cost to the victim.*

All incidents are immediately responded to by the trained facility investigators, they are further trained in evidence identification and collection.

The agency conducts administrative investigations, all criminal investigations are conducted by the Pennsylvania State Police. The agency follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for both administrative proceedings and criminal prosecutions. The protocol is developmentally appropriate for youthful inmates. The Perry County Prison investigators work hand in hand with the Pennsylvania State Police during the investigations. The Pennsylvania State Police investigators have also received training in evidence identification and collection, this training exceeds any requirements under this standard.

These protocols are outlined in the above policy, all staff interviewed understood these protocols. The facility transports all victims to West Shore Pinnacle Hospital for forensic examinations, this hospital is equipped with SAFE nurses. They have also entered into an MOU with Violence Intervention and Prevention Program Services at the YWCA Greater Harrisburg for victim advocacy.

During the staff interviews I confirmed that the staff understands the process of evidence collection.

The PREA investigators have established a sterile collection kit utilized during PREA incidents. This kit includes all evidence collections material and reporting forms needed.

The above procedures were confirmed during the interviews with the facility investigators, and further confirmed during the review of the investigations, all offers of examinations and victim advocacy are documented.

Standard 115.22 Policies to ensure referrals of allegations for investigations

X Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

REPORTING/FIRST RESPONSE TO SEXUAL ASSAULT

Access to services for the victim of non-assaultive sexual activity, sexual assault, sexual solicitation, or sexual coercion will not be dependent on the victim's willingness to report or provide testimony; however, in large measure, the reporting is critical to the timely delivery of necessary services to the victim and holding perpetrators accountable.

An investigation is conducted and documented whenever an allegation of sexual assault/harassment is reported whether it happened at the Perry County Prison or alleged to have happened at another facility. Allegations of sexual assault threats will be investigated by the trained PREA investigators. Such allegations are treated with discretion and, to the extent permitted by law, confidentially. A "Sexual Assault Report" is completed and forwarded to the Warden for all allegations of sexual assault.

The Warden will be notified immediately of any report of sexual assault/misconduct. The victim will be asked if they want a referral to Crisis intervention. If the victim declines the referral, documentation will be made of the victim's decline. However, the Officer in Charge is to assess and determine the need for Crisis Intervention.

Upon receiving an allegation that an inmates was sexually abused or sexually harassed while confined at another facility, the Counselor of the facility that received the allegation shall notify the PREA Coordinator of the facility where the alleged abuse or harassment occurred within 72 hours after receiving the allegation. The counselor shall also send notification and supporting documentation to the facility PREA Manager. This notification shall be provided as soon as possible.

This policy

further states:

Staff Reporting

1. Staff and service providers with reasonable cause to suspect an offender-on-offender sexual act or sexual assault/abuse/contact has occurred or staff misconduct or harassment has occurred, must submit an incident report before the end of the shift.

2. *Staff who receive a report of a sexual act or contact or staff sexual misconduct or harassment will ensure that the initial evidence is verified and, following verification:*
 - a. *Separate the victim from the alleged perpetrator to protect the victim and prevent violence; and*
 - b. *Promptly intervene on the victim's behalf to ensure prompt medical and psychological assistance including and assessment for potential risk of suicide*
 - c. *Request that the alleged victim not take any actions that could destroy physical evidence.*
 - d. *If the allegations are reported to a non-security member, they report the allegation to a security staff member.*

During the interviews with the staff they all understood their obligation to report any incident or suspected incident of sexual assault or sexual harassment. They also understood their civil liability as well as the specific Pennsylvania Crimes Codes Sections that apply to these incidents.

I reviewed all of the investigations conducted at the facility, all of these were reported to the proper authority for investigation, and were reported immediately by the staff members.

All of the investigations are being investigated by the proper authorities.

Standard 115.31 Employee training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

A. PRISON STAFF

- a. *All employees will receive classroom instruction relating to the prevention, detection, response, reporting and investigating of sexual assault.*
- b. *All employees will receive annual instruction relating to the prevention, detection, response, reporting and investigation of sexual assault at the facility.*
- c. *If a staff member would be sexually abused or harassed by an inmate, they can privately report this to the PREA Coordinator by placing the written statement in a sealed envelope and placing it in the PREA Coordinators mailbox.*
- d. *Contract staff and volunteers whose primary duties include teaching, training*

or supervising offenders, receive instruction to emphasize the importance of preventing sexual assault towards offenders. The instruction promotes awareness of the serious impact of sexual victimization within the correctional and community setting.

- e. Training is provided for employees who may respond, as part of their job duties, to reported incidents of sexual assault. This training may include, but limited to, crime scene management, elimination of contamination, evidence collected protocol and crisis intervention.*
- f. Mental health staff will ensure the facility has access to the services of a mental health professional that has a scope of practice, training and/or experience in trauma counseling.*
- g. The booklet "Sexual Misconduct and Harassment" (copy attached) will be issued to all staff. Employees will acknowledge receipt of the handbook. This documentation will be retained in the employee personnel file.*

I reviewed the training materials used to train the staff, the training materials cover all aspects of the standard.

All staff interviewed related that they have received the initial training as well as yearly update training on PREA. All of the staff related that the training was extremely informative.

I reviewed all of the training logs and verified that all of the staff at the facility have been trained.

Standard 115.32 Volunteer and contractor training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

CONTRACTORS, VOLUNTEERS and VISITORS

- I. All contractors, volunteers and visitors receive verbal and written information about sexual assault/misconduct prior to entry to the facility. This information addresses:*
 - i. Prevention*
 - ii. Self-Protection*
 - iii. Reporting sexual assault/misconduct, including methods to identify and report such misconduct*
 - iv. Protection from retaliation*
 - v. Treatment and counseling*
 - vi. Perry County Prison's zero tolerance for sexual assault.*

2. *All contractors, volunteers and visitors that are with inmates over 25 hours per week, are required to complete the 4 hour PREA training. All others must sign off on the PREA Acknowledgement form.*
3. *All contractors or volunteers who engage in sexual abuse will be reported to the Pennsylvania State Police, unless the activity was clearly not criminal. The contractor or volunteer who engages in sexual abuse will be prohibited from contact with inmates. If the violations are substantiated, the contractor or volunteer will have no further contact with inmates in the Perry County Prison.*

The Perry County Prison handbook for volunteers also addresses the zero tolerance policy for sexual misconduct.

I reviewed the materials given to the contractors and volunteers, this material addresses all training items enumerated under this standard. I also reviewed all training sign off sheets and found them to be complete.

No volunteers or contractors were available during the audit.

Standard 115.33 Inmate education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

INMATE/OFFENDER Verbal and Written Information

All new inmates/offenders will receive written, verbal & video information about sexual assault during their commitment to the facility. This information addresses:

- *Prevention*
- *Self-Protection*
- *Reporting sexual assaults/misconducts, including methods to identify and report such misconduct*
- *Protection from retaliation*
- *Treatment and counseling*
- *Perry County Prison's zero tolerance for sexual assault*

Information regarding these topics is included in the Perry County Prison Inmate Handbook and the booklet titled "Reporting Sexual Misconduct", which will be made available to all inmates.

Inmates/offenders are required to sign off on the PREA Video Form and submit to staff for filing. This video will be shown the 2nd and 4th Friday of every month.

All of the inmates receive initial information on PREA in the form of a pamphlet, upon initial intake. I reviewed these pamphlets and found them to be informative.

Inmates/offenders are required to sign off on receiving this information and watching the training video.

The information and training received by the inmates was confirmed during the inmate interviews as well as reviewing the sign off sheets for the inmates.

I also confirmed the inmate education with the staff during the interviews.

Standard 115.34 Specialized training: Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The investigators from the Perry County Prison attended the investigators training provided by the Pennsylvania Department of Corrections. I certified that all investigators have attended the course provided by the Pennsylvania Department of Corrections. This portion of the training was developed by me when I was employed by the Pennsylvania State Police, this training exceeds the expectations of the standard.

I reviewed all investigations conducted during the past 12 months I found them to be complete and conducted in a timely manner.

In furtherance I spoke with the investigators as to their response to an incident, they understood the responsibility of the investigator as well as the limitations when the investigation turns into a criminal investigation.

Standard 115.35 Specialized training: Medical and mental health care

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

PRISON STAFF

- *All employees will receive classroom instruction relating to the prevention, detection, response, reporting and investigating of sexual assault.*
- *All employees will receive annual instruction relating to the prevention, detection, response, reporting and investigation of sexual assault at the facility.*
- *If a staff member would be sexually abused or harassed by an inmate, they can privately report this to the PREA Coordinator by placing the written statement in a sealed envelope and placing it in the PREA Coordinators mailbox.*
- *Contract staff and volunteers whose primary duties include teaching, training or supervising offenders, receive instruction to emphasize the importance of preventing sexual assault towards offenders. The instruction promotes awareness of the serious impact of sexual victimization within the correctional and community setting.*
- *Training is provided for employees who may respond, as part of their job duties, to reported incidents of sexual assault. This training may include, but limited to, crime scene management, elimination of contamination, evidence collected protocol and crisis intervention.*
- *Mental health staff will ensure the facility has access to the services of a mental health professional that has a scope of practice, training and/or experience in trauma counseling.*
- *The booklet "Sexual Misconduct and Harassment" (copy attached) will be issued to all staff. Employees will acknowledge receipt of the handbook. This documentation will be retained in the employee personnel file.*

The facility does not conduct sexual assault examinations at the facility. The medical staff have obtained training through the National Institute of Corrections in PREA: your role responding to sexual abuse.

I interviewed the nurse at the facility she is with Prime Care, who contracts with Perry County for medical services. She understands that her role is to support the facility during an incident, and facilitate any immediate needs of the victim.

Standard 115.41 Screening for risk of victimization and abusiveness

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

CLASSIFICATION and HOUSING

The Perry County Prison shall provide housing assignments that reduce the likelihood of sexual assault while an inmate is in custody.

Within the first 72 hours, the Prison Risk Assessment will be completed by the Lt., Sgt., or OIC. This form will then be forwarded to Medical for filing.

Re-assessment will be completed by the Counselor within 14 days and then again annually.

A. Inmates will be assessed to determine whether they meet specific criteria indicating either vulnerability to sexual assault or a history of sexually abusive behavior.

Vulnerable Inmates

Inmates will be evaluated at intake to specifically determine their vulnerability to sexual assault as indicated by the following risk factors:

- *Does the inmate have a mental, physical, or developmental disability;*
- *Is the inmate younger than 18 years of age or appear younger;*
- *Is the inmate 130 lbs. and/or less than 5'8";*
- *Has the inmate been previously incarcerated;*
- *Is the inmate's criminal history exclusively nonviolent;*
- *Does the inmate have a prior conviction for any sex offense against an adult or child;*
- *Is the inmate perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;*
- *Has the inmate previously experienced sexual victimization;*

- *Does the inmate perceive himself/herself to be vulnerable;*
- *Is the inmate detained solely for civil immigration purposes?*

An inmate should be designated with and identified for vulnerability if:

- *Four or more of the above criteria apply, or*
- *One or more of these factors apply with sufficient documentation by the reviewer to warrant concern.*

Any inmate who discloses a prior sexual victimization during the screening process for Risk of Victimization and Abusiveness will be offered a follow-up meeting with a medical or mental health practitioner.

Sexually abusive Inmates (Predators):

Inmates will be evaluated at intake to specifically determine if there are indications that an inmate is prone to victimize other inmates, especially in regard to sexual behavior, including the following:

- *History of sexually abusive behavior per criminal history, misconduct reports and/or EOR (Extraordinary Occurrence Reports) re: sexual activity or assault, as well as info in police reports, etc.).*
- *Medium to large build and possessing physical strength*
- *Between the ages of 16-25*
- *Aggressive in nature*
- *Incarcerated for sexual offenses*
- *Manipulative personality.*
- *Length of incarceration*

Any inmate who ever previously perpetrated sexual abuse will be offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

I reviewed the screening tool utilized for the screening of the inmates. This screening tool covers all questions enumerated in the standard. The screening is conducted within 72 hours of arrival of the inmate.

The 30 day screening is being conducted by the medical staff. Both screening tools are only accessible to those staff who make housing and programming decisions. This was verified during the staff interviews.

These processes were further confirmed during the inmate interviews and during my visual inspection of the screening tools.

Standard 115.42 Use of screening information

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

CLASSIFICATION and HOUSING

The Perry County Prison shall provide housing assignments that reduce the likelihood of sexual assault while an inmate is in custody.

Within the first 72 hours, the Prison Risk Assessment will be completed by the Lt., Sgt., or OIC. This form will then be forwarded to Medical for filing.

Re-assessment will be completed by the Counselor within 14 days and then again annually.

Inmates will be assessed to determine whether they meet specific criteria indicating either vulnerability to sexual assault or a history of sexually abusive behavior.

Vulnerable Inmates

Inmates will be evaluated at intake to specifically determine their vulnerability to sexual assault as indicated by the following risk factors:

- *Does the inmate have a mental, physical, or developmental disability;*
- *Is the inmate younger than 18 years of age or appear younger;*
- *Is the inmate 130 lbs. and/or less than 5'8";*
- *Has the inmate been previously incarcerated;*
- *Is the inmate's criminal history exclusively nonviolent;*
- *Does the inmate have a prior conviction for any sex offense against an adult or child;*
- *Is the inmate perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;*
- *Has the inmate previously experienced sexual victimization;*
- *Does the inmate perceive himself/herself to be vulnerable;*
- *Is the inmate detained solely for civil immigration purposes?*

An inmate should be designated with and identified for vulnerability if:

- *Four or more of the above criteria apply, or*
- *One or more of these factors apply with sufficient documentation by the reviewer to warrant concern.*

Any inmate who discloses a prior sexual victimization during the screening process for Risk of Victimization and Abusiveness will be offered a follow-up meeting with a medical or mental health practitioner.

Sexually abusive Inmates (Predators):

Inmates will be evaluated at intake to specifically determine if there are indications that an inmate is prone to victimize other inmates, especially in regard to sexual behavior, including the following:

- *History of sexually abusive behavior per criminal history, misconduct reports and/or EOR (Extraordinary Occurrence Reports) re: sexual activity or assault, as well as info in police reports, etc.).*
- *Medium to large build and possessing physical strength*
- *Between the ages of 16-25*
- *Aggressive in nature*
- *Incarcerated for sexual offenses*
- *Manipulative personality.*
- *Length of incarceration*

Any inmate who ever previously perpetrated sexual abuse will be offered a follow-up meeting with a mental health practitioner within 4 days of the intake screening.

Transgender and Intersex Offenders

The determining factor in where a transgender or intersex offender is housed will be genitalia. If a transgender woman has completed the surgical process and the penis has been removed, she will be housed in a female facility. If a transgender man has completed the surgical process of penile construction, he will be housed in a male facility. In cases of intersex offenders in which there is genital ambiguity, the decision of gender will be made through consultation with a medical provider who will consider both the physical attributes as well as the chosen gender identity of the offender. In making housing assignments, the primary concern will be the safety of the transgender and intersex offender to diminish the possibility of sexual or physical assault and possible harassment by other offenders. Under no circumstances will a transgender or intersex offender be strip searched solely to determine gender.

I verified with the PREA Coordinator that the screening tool is being utilized for housing, work, education and programming decisions. They further confirmed that the determinations are made on an individual basis.

I further confirmed during staff interviews that that when deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, they consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

I also confirmed during interviews that placement and programming assignments for each transgender or intersex inmate would be reassessed at least twice each year to review any threats to safety experienced by the inmate. They would give serious consideration to the inmates own views with respect to his or her own safety.

The facility would allow transgender and intersex inmates the opportunity to shower separately from other inmates.

The facility does not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated housing units. This was confirmed during the inmate interviews and review of the housing unit assignments.

Standard 115.43 Protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

Protective Custody Status

Inmates at a high risk for sexual victimization or inmates that have alleged abuse shall not be placed involuntarily in Protective Custody as a means of protection unless an assessment of all available alternatives has been made by security staff in conjunction with the PREA Manager, and a determination has been made that there is no other available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the inmate in involuntary AC for less than 24 hours while completing the assessment. Alternative placement will be moving the inmate to a different housing block.

During the interview with the PREA Coordinator I verified that no inmates identified as vulnerable are being placed in involuntary protective custody. The facility has enough housing units that give them the opportunity to place inmates in other housing units to protect them without having to utilize a segregated housing unit.

I verified this procedure during the inmate interviews, several had identified as vulnerable during the initial screening. They related that they were not placed in segregated housing.

Standard 115.51 Inmate reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

Any offender may report acts of sexual assault/misconduct to any employee, contract employee or volunteer using available methods of communication, including but not limited to:

Report the incident to a staff member

Utilize the Inmate Communication Form

Use a Department approved free confidential telephone hotline.

The facility also has posters throughout the facility providing a tip line with the following: Report Sexual Assault or Misconduct Sexual Assault Hotline Number 1-866-823-6703 these posters are printed in Spanish also. This hotline is for the Pennsylvania Department of Corrections reporting center in Camp Hill.

Perry County policies also state that staff can make a report to their supervisor, or if need be to the Chief Clerk.

During the interviews with both staff and inmates they all related that they understood the avenues of reporting, all of the inmates related that they would feel comfortable reporting to a staff member at the facility.

I checked the telephone and found the hotline number to be functioning properly.

Standard 115.52 Exhaustion of administrative remedies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

The Perry County Prison will allow third parties to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and to file such requests on behalf of the inmate. If the inmate declines to have third-party assistance in filing a grievance alleging sexual abuse, the Perry County Prison will document this decision by the inmate to decline.

If an inmate feels that he/she is at imminent risk of sexual abuse, he/she may file an emergency grievance with the PREA Coordinator. This grievance will require an initial response within 48 hours and a final decision will be issued within 5 days.

The Perry County Prison will follow the Inmate Disciplinary Guideline for any inmate that has filed a grievance alleging sexual abuse in bad faith.

If an inmate feels that he/she is at imminent risk of sexual abuse, he/she may file an emergency grievance with the PREA Coordinator. This grievance will require an initial response within 48 hours and a final decision will be issued within 5 days.

The Perry County Prison will follow the Inmate Disciplinary Guideline for any inmate that has filed a grievance alleging sexual abuse in bad faith.

INITIAL NOTIFICATION BY

INMATE

1. *Inmates may confidentially disclose incidents of sexual misconduct, sexual contact, sexual abuse and sexual harassment to any prison employee, either verbally or in writing. Inmates may file a sexual misconduct complaint through the emergency grievance system. This process allows for confidential reporting by inmates 24 hours per day, 7 days per week. Such grievances will be handled immediately by the PREA Investigation Team or Shift Commander during non-business hours. Any inmate who reports an incident of sexual misconduct, sexual contact, sexual abuse or sexual harassment may request and be treated as an anonymous informant.*
2. *All interviews will be conducted thoroughly in a professional, non-abusive and non-threatening manner. Staff will make no predetermined judgment regarding whether the reported incident occurred or not, but will proceed with notifying the appropriate*

individuals based on the nature of the report.

3. *Prison employees and any individual in a position of authority over an inmate, shall not retaliate against the alleged victim and/or complainant and/or inmate witness for making allegations of sexual misconduct, sexual contact, sexual abuse or sexual harassment. Such retaliation may include, but is not limited to, threats regarding parole, bail or probation, denial of privileges, subjection to disciplinary or adverse administrative action, negative comments or recommendations to any parties or organizations. No Prison employee shall lead the complainant, victim, or witness to believe that such retaliatory actions can or will be taken to induce statements or other cooperation. This in no way shall limit the Prison employee's ability to take appropriate disciplinary or prosecutorial action where inmates make untruthful allegations.*
4. *Investigations of sexual misconduct, sexual contact, sexual abuse, and sexual harassment shall be conducted by an investigator who has experience and training in investigations and appropriate and effective interview techniques.*

APPEALS

1. *The victim of the sexual misconduct, sexual contact, sexual abuse and or sexual harassment will be informed in writing by the assigned investigator of the outcome of the investigation and the resolution.*
2. *An inmate who is dissatisfied with the investigation or resolution of an allegation of sexual misconduct, sexual contact, sexual abuse or sexual harassment may appeal to the Warden within seven days of receiving the written outcome of the investigation. The Warden shall give written response to the inmate within a reasonable period of time.*

The Perry County Prison does not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse. They also do not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

During the review of the investigations I found that all allegations are acted upon immediately and fall well within the time frame set forth by the standard.

Standard 115.53 Inmate access to outside confidential support services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations

& Rights Subject: Prison Rape Elimination Act reads as follows:

Access to services for the victim of non-assaultive sexual activity, sexual assault, sexual solicitation, or sexual coercion will not be dependent on the victim's willingness to report or provide testimony; however, in large measure, the reporting is critical to the timely delivery of necessary services to the victim and holding perpetrators accountable.

An investigation is conducted and documented whenever an allegation of sexual assault/harassment is reported whether it happened at the Perry County Prison or alleged to have, happened at another facility. Allegations of sexual assault threats will be investigated by the trained PREA investigators. Such allegations are treated with discretion and, to the extent permitted by law, confidentially. A "Sexual Assault Report" is completed and forwarded to the Warden for all allegations of sexual assault.

The Warden will be notified immediately of any report of sexual assault/misconduct. The victim will be asked if they want a referral to Crisis intervention. If the victim declines the referral, documentation will be made of the victim's decline. However, the Officer in Charge is to assess and determine the need for Crisis Intervention.

The policy further states that victim services, including but not limited to, medical treatment, mental health/crisis intervention, and counseling will be provided at no cost to the victim.

The facility transports all victims to West Shore Pinnacle Hospital for forensic examinations, this hospital is equipped with SAFE nurses. They have also entered into an MOU with Violence Intervention and Prevention Program Services at the YWCA Greater Harrisburg for victim advocacy.

During the inmate interviews they all were aware of the advocacy services available to them through the prison.

During the review of the investigations I found that these services were not utilized during the past 12 months.

Standard 115.54 Third-party reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The facility has posting in the lobby area to notify individuals on third party reporting procedures. These posters provide the following information: Report Sexual Assault or Misconduct Sexual Assault Hotline Number 1-866-823-6703 these posters are printed in Spanish also. This hotline is for the Pennsylvania Department of Corrections reporting center in

Camp Hill.

These posters are also in Spanish.

Standard 115.61 Staff and agency reporting duties

X Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

Anyone that receives a report of an alleged sexual assault, whether verbally or in writing, must immediately notify their supervisor.

- *Recognize that a possible incident has occurred.*
- *Separate the victim and suspect and provide medical care where applicable.*
- *Report to supervisor and/or OIC*
- *Initiate the checklist and sexual assault report and secure the possible crime scene.*
- *Call in an investigator and/or PREA team depending on the severity.*

The supervisor ensures the alleged victim and alleged suspect are physically separated, either through the placement of one or both offenders in segregation, through staff transfer of duty assignment or leave options (including suspension), or other effective means. In every case where the alleged perpetrator is an employee, there will be no contact between the alleged perpetrator and the alleged victim without the approval of the Warden. Once separated, PREA investigators will conduct preliminary interviews with offenders regarding offender on offender alleged sexual assaults and/or staff-on-offender sexual misconduct.

The alleged victim is immediately taken to the Medical Room for initial evaluation and any immediate first aid treatment. If a Sexual Assault is confirmed PA State Police must be called immediately.

Substantiated deliberately malicious or false reports by offenders or other parties will result in disciplinary action and/or criminal charges.

The Perry County Prison will not tolerate retaliation against offenders, employees, or other parties for reporting sexual misconduct. Employees that retaliate will face disciplinary action.

All staff interviewed understood the above policy requiring them to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. They also understood their obligation not to reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as

specified in agency policy, to make treatment, investigation, and other security and management decisions.

I also reviewed all of the investigations and found that they had been reported properly and acted upon immediately.

Standard 115.62 Agency protection duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

If an inmate feels that he/she is at imminent risk of sexual abuse, he/she may file an emergency grievance with the PREA Coordinator. This grievance will require an initial response within 48 hours and a final decision will be issued within 5 days.

All of the staff interviewed understood their duties to protect an inmate, they all responded in the same manner, they would act immediately.

The staff also recognized the importance of separating the alleged offender from further interaction with any other inmate, they all related that they would have the alleged offender under constant supervision.

I reviewed all of the investigations conducted and found that the initial response showed that the staff took the safety of the alleged victim seriously and acted appropriately to the situation.

Standard 115.63 Reporting to other confinement facilities

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

Upon receiving an allegation that an inmates was sexually abused or sexually harassed while confined at another facility, the Counselor of the facility that received the allegation shall notify the PREA Coordinator of the facility where the alleged abuse or harassment occurred within 72 hours after receiving the allegation. The counselor shall also send notification and supporting documentation to the facility PREA Manager. This notification shall be provided as soon as possible.

The PREA Coordinator understood his responsibilities under this policy.

The PREA Coordinator has not had to notify another confinement facility relative to a PREA allegation.

Standard 115.64 Staff first responder duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

Access to services for the victim of non-assaultive sexual activity, sexual assault, sexual solicitation, or sexual coercion will not be dependent on the victim's willingness to report or provide testimony; however, in large measure, the reporting is critical to the timely delivery of necessary services to the victim and holding perpetrators accountable.

An investigation is conducted and documented whenever an allegation of sexual assault/harassment is reported whether it happened at the Perry County Prison or alleged to have happened at another facility. Allegations of sexual assault threats will be investigated by the trained PREA investigators. Such allegations are treated with discretion and, to the extent permitted by law, confidentially. A "Sexual Assault Report" is completed and forwarded to the Warden for all allegations of sexual assault.

The Warden will be notified immediately of any report of sexual assault/misconduct. The victim will be asked if they want a referral to Crisis intervention. If the victim declines the referral, documentation will be made of the victim's decline. However, the Officer in Charge is to assess and determine the need for Crisis Intervention.

Upon receiving an allegation that an inmates was sexually abused or sexually harassed while confined at another facility, the Counselor of the facility that received the allegation shall notify the PREA Coordinator of the facility where the alleged abuse or harassment occurred within 72 hours after receiving the allegation. The counselor shall also send notification and supporting documentation to the facility PREA Manager. This notification shall be provided as soon as possible.

Initial Report and Separation

1. *Any offender may report acts of sexual assault/misconduct to any employee, contract employee or volunteer using available methods of communication, including but not limited to:*
 - *Report the incident to a staff member*
 - *Utilize the Inmate Communication Form*
 - *Use a Department approved free confidential telephone hotline.*
2. *Anyone that receives a report of an alleged sexual assault, whether verbally or in writing, must immediately notify their supervisor.*
 - *Recognize that a possible incident has occurred.*
 - *Separate the victim and suspect and provide medical care where applicable.*
 - *Report to supervisor and/or OIC*
 - *Initiate the checklist and sexual assault report and secure the possible crime scene.*
 - *Call in an investigator and/or PREA team depending on the severity.*
3. *The supervisor ensures the alleged victim and alleged suspect are physically separated, either through the placement of one or both offenders in segregation, through staff transfer of duty assignment or leave options (including suspension), or other effective means. In every case where the alleged perpetrator is an employee, there will be no contact between the alleged perpetrator and the alleged victim without the approval of the Warden. Once separated, PREA investigators will conduct preliminary interviews with offenders regarding offender on offender alleged sexual assaults and/or staff-on-offender sexual misconduct.*
4. *The alleged victim is immediately taken to the Medical Room for initial evaluation and any immediate first aid treatment. If a Sexual Assault is confirmed PA State Police must be called immediately.*
5. *Substantiated deliberately malicious or false reports by offenders or other parties will result in disciplinary action and/or criminal charges.*
6. *The Perry County Prison will not tolerate retaliation against offenders, employees, or other parties for reporting sexual misconduct. Employees that retaliate will face disciplinary action.*

During the staff interviews I found that the staff understand their duties as to responding to an incident. They all advised me that they would act immediately and make the protection of the inmate their first priority.

I reviewed the investigations that were conducted, I found that all first responders acted appropriately.

Standard 115.65 Coordinated response

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act outlines the overall response plan to an incident. This policy includes the responsibilities of all parties involved including security, medical, and investigators. The shift supervisor will coordinate the immediate efforts of all involved parties, and ensure that the response is appropriate to the allegation.

I reviewed all of the investigations and found that all were conducted in this manner, and were all initially coordinated by the Shift Supervisor.

Standard 115.66 Preservation of ability to protect inmates from contact with abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison has entered into an agreement with the Teamsters Local Union 776, who represent the Correctional Officers. I spoke with the shop stewards who verified that the agreement would not limit the ability of the Perry County Prison to remove alleged staff sexual abusers from contact with inmates.

Standard 115.67 Agency protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

The Perry County Prison will protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and the PREA Investigators will be responsible for monitoring any and all retaliation.

The Perry County Prison shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmate or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. The Perry County Prison will monitor any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. This will continue beyond 90 days if the initial monitoring indicates a continued need.

I verified that the PREA Coordinator and PREA Compliance Manager are tasked with monitoring retaliation after a PREA allegation is reported. I spoke with both and they understand their responsibilities under monitoring for retaliation.

I reviewed the investigations and found that interaction was documented and no retaliation or alleged retaliation was noted.

Standard 115.68 Post-allegation protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

Protective Custody Status

Inmates at a high risk for sexual victimization or inmates that have alleged abuse shall not be placed involuntarily in Protective Custody as a means of protection unless an assessment of all available alternatives has been made by security staff in conjunction with the PREA Manager, and a determination has been made that there is no other available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the inmate in involuntary AC for less than 24 hours while completing the assessment. Alternative placement will be moving the inmate to a different housing block.

During the interview with the PREA Coordinator I found that he understands the restrictions of utilizing protective custody post-allegation. He related that the facility has the ability to move inmates to a separate housing unit without having to utilize segregation.

I reviewed the investigations and found that the facility did not utilize any post allegation protective custody in any of the incidents reported.

Standard 115.71 Criminal and administrative agency investigations

- X Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

GENERAL INVESTIGATORY GUIDELINES

All investigations will be conducted in thorough, professional, non-abusive and non-threatening manner, and if substantiated, result in a recommendation for criminal prosecution.

- A. *The shift commander, or designee, will initiate and complete the Incident Report. A call will be made to the PREA Coordinator and ensure designated staff follow appropriate security procedures.*
- B. *The Warden, or designee, will establish procedures for the administrative investigation of alleged sexual acts and contact and staff sexual misconduct and harassment; individuals assigned to investigate administratively will work in cooperation with any other agency conducting an investigation.*
- C. *Gender-specific investigators are assigned, if deemed necessary.*
- D. *Investigators will consult with, and have available during interviews, mental health support staff. Allegations which include intercourse, sodomy or physical force will require consultation with medical and mental health staff.*
- E. *A victim support person or case manager is permitted to sit in on any victim interviews if requested by the victim. Only employees or agency volunteers who voluntarily agree to act as victim support persons are utilized in this capacity. Victim support persons acting in this capacity will be approved by the Warden. If a victim support person is requested, the individual selected will be at the discretion of the affected administrator.*
- F. *A medical report to the Warden will document the incident and treatment of the alleged victim.*

- G. *If an outside agency (Pennsylvania State Police) conducts the investigation, the Perry County Prison will request relevant information from the investigative agency in order to inform the inmate as to the outcome of the investigation.*

PREA Investigator Guidelines

1. *An allegation of sexual harassment shall be investigated thoroughly and objectively and will include the following when appropriate:*
- *Interview the inmate complainant or complainants and obtain an Inmate Written Statement following the interview. If the complainant refuses to be interviewed or provide a written statement, said refusal, including date, time and persons should be documented as part of the investigation file.*
 - *Interview all inmate witnesses and obtain an Inmate Written Statement of Sexual Abuse from the inmate(s) following the interview;*
 - *Interview all staff member witnesses and/or potential staff member witnesses and obtain a Staff Written Statement of Sexual Abuse;*
 - *When appropriate, interview all subject staff members and obtain a Staff Written Statement of Sexual Abuse;*
 - *Review all available video footage and save the video footage to a media storage device to submit with the investigative report; and*
 - *When appropriate, review and copy all housing unit log books, medical documentation, work related reports, misconduct reports, inmate grievances and all other pertinent documentation.*

 - *Prior to giving an inmate outside access to support services, that inmate will be told about the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosure of sexual abuse made to outside victim advocates, including and limits to confidentiality under relevant federal, state, or local law.*

The Perry County Prison conducts administrative investigations, and the Pennsylvania State Police investigate any criminal act within the facility.

I found the PREA investigators to be well versed in their duties as to the administrative investigation, and more importantly the understanding of when the investigation takes on a possible criminal element they immediately contact the State Police.

I reviewed all of the investigations and found that they were conducted immediately and by the proper authorities.

Standard 115.72 Evidentiary standard for administrative investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

The Perry County Prison shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

While speaking with the PREA Investigators they understand this level of evidence when making determinations in administrative investigations.

While reviewing the investigations from the last 12 months I confirmed that no higher standard of evidence was applied to the allegations.

Standard 115.73 Reporting to inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

A. *Following an inmate's allegation that he/she has been sexually abused or sexually harassed by another inmate or employee:*

1. The PREA coordinator shall inform the alleged victim thru the "Notification of Outcome of Allegation Form" to the alleged victim

2. If the Perry County Prison did not conduct the investigation, it shall request the relevant information from the investigate agency in order to inform the inmate.

3. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:

- a. *The staff member is no longer posted within the inmates unit;*
- b. *The staff member is no longer employed at the facility;*
- c. *The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or*
- d. *The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.*

I reviewed the Notification of Outcome of Allegation Forms for the investigations from the last 12 months and found them to be complete.

Standard 115.76 Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

EMPLOYEE SANCTIONS

The Perry County Prison prohibits hiring or promoting anyone who may have contact with inmates and prohibits enlisting the services of any contractor who may have contact with inmates who:

- *Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 U.S.C. 1997.*
- *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; or*
- *Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (2) of this section.*

During the investigation of Sexual Harassment, Sexual Misconduct, or Sexual Assault, the employee may be suspended with or without pay at the discretion of the Warden.

Employees determined to have acted in violation of this policy will be disciplined in accordance with the Collective Bargaining Agreement.

The facility has policies in place for disciplinary sanctions for staff.

I reviewed the investigations and found that one staff had been disciplined for a violation of a procedural policy relating to a PREA allegation.

Standard 115.77 Corrective action for contractors and volunteers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

All contractors or volunteers who engage in sexual abuse will be reported to the Pennsylvania State Police, unless the activity was clearly not criminal. The contractor or volunteer who engages in sexual abuse will be prohibited from contact with inmates. If the violations are substantiated, the contractor or volunteer will have no further contact with inmates in the Perry County Prison.

The facility has policies in place for corrective action for contractors and volunteers.

I reviewed the investigations and found that no contractors or volunteers had been disciplined for a violation of this policy.

Standard 115.78 Disciplinary sanctions for inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

Perry County lists the sanctions for inmate discipline in the Perry County Prison Misconduct Report. This report lists any rape or sexual acts against another inmate or staff as a category

“A” violation major offense. It further lists the sanctions as follows:

- *Filing of Criminal Charges*
- *Disciplinary detention up to 60 days per incident*
- *Loss privileges for up to 60 days*
- *Loss of programs and/or work assignments*
- *Warden’s administrative detention*

The facility has policies in place for disciplinary sanctions for inmates.

The disciplinary process takes into consideration whether an inmate’s mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

I reviewed the investigations and found that no inmates had been disciplined for a violation of this policy.

Standard 115.81 Medical and mental health screenings; history of sexual abuse

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

The Perry County Prison shall provide housing assignments that reduce the likelihood of sexual assault while an inmate is in custody. Within the first 72 hours, the Prison Risk Assessment will be completed by the Lt., Sgt., or OIC. This form will then be forwarded to Medical for filing.

Re-assessment will be completed by the Counselor within 14 days and then again annually.

Inmates will be assessed to determine whether they meet specific criteria indicating either vulnerability to sexual assault or a history of sexually abusive behavior.

Vulnerable Inmates

1. Inmates will be evaluated at intake to specifically determine their vulnerability to sexual assault as indicated by the following risk factors:

- *Does the inmate have a mental, physical, or developmental disability;*

- *Is the inmate younger than 18 years of age or appear younger;*
- *Is the inmate 130 lbs. and/or less than 5'8";*
- *Has the inmate been previously incarcerated;*
- *Is the inmate's criminal history exclusively nonviolent;*
- *Does the inmate have a prior conviction for any sex offense against an adult or child;*
- *Is the inmate perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;*
- *Has the inmate previously experienced sexual victimization;*
- *Does the inmate perceive himself/herself to be vulnerable;*
- *Is the inmate detained solely for civil immigration purposes?*

An inmate should be designated with and identified for vulnerability if:

- *Four or more of the above criteria apply, or*
- *One or more of these factors apply with sufficient documentation by the reviewer to warrant concern.*

Any inmate who discloses a prior sexual victimization during the screening process for Risk of Victimization and Abusiveness will be offered a follow-up meeting with a medical or mental health practitioner.

When the aforementioned screening indicates an inmate has experienced prior sexual victimization, or has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff ensures that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

All information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions. These decisions include housing, bed, work, education, and program assignments.

During the staff and inmate interviews I confirmed that these procedures are in place. The staff further understood their obligation to obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

Standard 115.82 Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

Access to services for the victim of non-assaultive sexual activity, sexual assault, sexual solicitation, or sexual coercion will not be dependent on the victim's willingness to report or provide testimony; however, in large measure, the reporting is critical to the timely delivery of necessary services to the victim and holding perpetrators accountable.

An investigation is conducted and documented whenever an allegation of sexual assault/harassment is reported whether it happened at the Perry County Prison or alleged to have happened at another facility. Allegations of sexual assault threats will be investigated by the trained PREA investigators. Such allegations are treated with discretion and, to the extent permitted by law, confidentially. A "Sexual Assault Report" is completed and forwarded to the Warden for all allegations of sexual assault.

The Warden will be notified immediately of any report of sexual assault/misconduct. The victim will be asked if they want a referral to Crisis intervention. If the victim declines the referral, documentation will be made of the victim's decline. However, the Officer in Charge is to assess and determine the need for Crisis Intervention.

This policy further reads:

Victim services, including but not limited to, medical treatment, mental health/crisis intervention, and counseling will be provided at no cost to the victim. However, should the allegation be found to be unsubstantiated or unfounded, the alleged victim may be responsible for restitution for services provided.

The Warden, or designee, will develop procedures for providing victim services to offenders who allege that they are victims of sexual acts or contact or staff sexual misconduct or harassment, services will include, at minimum:

- *Medical examination, documentation, and treatment of injuries,*
- *Mental Health crisis intervention and treatment, and*
- *Social, family, and peer support*

2. *Staff will adhere to the following standards for examination of victims of sexual acts or staff misconduct.*

If the victim refuses medical or mental health attention, staff will document the refusal on the medical treatment Refusal Form;

If reported within 24 hours of the incident, staff will, with the victim's permission, immediately transport the victim to a medical facility equipped to evaluate and treat sexual assault/rape victims; and

a. If reported more than 24 hours after the incident, staff will, with the victim's permission, adhere to the following:

- 1. Refer victims to the in-house health care providers responsible for treatment and follow-up care for sexually transmitted or other communicable disease, completing a patient history, and conducting an examination to document the extent of physical injury and determine whether referral to another medical facility is required; and*
- 2. Upon request from law enforcement, transport the victim to a community medical facility for evidence collection.*
- 3. Mental health staff or established outside providers will provide services, e.g., crisis intervention and trauma-specific treatment, for offenders victimized by sexual acts or contact or staff sexual misconduct or harassment and for offenders affected other than the victimized offender.*

The facility has the policies in place for emergency medical and mental health services. These services are offered to any inmate who reports sexual abuse or sexual harassment. I confirmed that these services are offered with both the PREA Coordinator and medical supervisor.

When reviewing the investigations I found that all of the alleged victims were offered these services, although none of them accepted.

Standard 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

Victim services, including but not limited to, medical treatment, mental health/crisis intervention, and counseling will be provided at no cost to the victim. However, should the allegation be found to be unsubstantiated or unfounded, the alleged victim may be responsible

for restitution for services provided.

The Warden, or designee, will develop procedures for providing victim services to offenders who allege that they are victims of sexual acts or contact or staff sexual misconduct or harassment, services will include, at minimum:

- *Medical examination, documentation, and treatment of injuries,*
- *Mental Health crisis intervention and treatment, and*
- *Social, family, and peer support*

Staff will adhere to the following standards for examination of victims of sexual acts or staff misconduct.

- a. *If the victim refuses medical or mental health attention, staff will document the refusal on the Medical treatment Refusal Form;*
- b. *If reported within 24 hours of the incident, staff will, with the victim's permission, immediately transport the victim to a medical facility equipped to evaluate and treat sexual assault/rape victims; and*
- c. *If reported more than 24 hours after the incident, staff will, with the victim's permission, adhere to the following:*
 1. *Refer victims to the in-house health care providers responsible for treatment and follow-up care for sexually transmitted or other communicable disease, completing a patient history, and conducting an examination to document the extent of physical injury and determine whether referral to another medical facility is required; and*
 2. *Upon request from law enforcement, transport the victim to a community medical facility for evidence collection.*
 3. *Mental health staff or established outside providers will provide services, e.g., crisis intervention and trauma-specific treatment, for offenders victimized by sexual acts or contact or staff sexual misconduct or harassment and for offenders affected other than the victimized offender.*

The facility has the policies and procedures in place for ongoing medical and mental health care. The PREA Coordinator informed me that the services would be coordinated by facility medical personnel. I further confirmed this with the medical staff.

I reviewed the investigations conducted, these services were offered to all involved in an allegation, although these services were not utilized.

Standard 115.86 Sexual abuse incident reviews

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

At the conclusion of every sexual abuse investigation, unless the investigation has been determined to be unfounded, the Perry County Prison will conduct a sexual abuse incident review within 30 days. This review will include the PREA Coordinator, Investigators, upper-level management and allow for input from line supervisors, investigators, and medical or mental health practitioners.

During the interviews with the PREA Coordinator, PREA Compliance Manager and investigators they informed me that the incidents are reviewed. I found that the administration meet regularly to discuss any issues with in the facility and take appropriate action.

Moving forward they are going to review all of the incidents that occur, including those determined to be unfounded. This procedure will enhance their ability to determine trends in the prison.

Standard 115.87 Data collection

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

- *The Perry County Prison shall collect information related to the purpose outlined at the beginning of this policy; specifically to gather data that will help Perry County Prison reduce the risk that sexual assault and/or sexual activity would occur within the facility.*
- *This data will be compiled into monthly and annual reports for the purpose of:*

- *The Perry County Prison will collect accurate, uniform data for every allegation of sexual abuse at the facility under its direct control using a standardized instrument and set of definitions.*
- *The Perry County Prison shall aggregate the incident-based sexual abuse data at least annually.*
- *The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.*
- *The Perry County Prison shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.*
- *The Perry County Prison shall obtain incident-based and aggregated data from every private facility with which it contacts for the confinement of its inmates.*
- *Upon request, the Perry County Prison shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.*

The PREA Coordinator related that the data is collected from all of the PREA related investigations. The data has been placed into a report for review.

Standard 115.88 Data review for corrective action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

7. *The Perry County Prison shall review data collected and aggregated pursuant to 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:*
 - a. *Identifying problem areas;*
 - b. *Taking corrective action on an ongoing basis; and*
 - c. *Preparing an annual report of its findings and corrective actions for the Perry County Prison.*
9. *Such report shall include a comparison for the current year's data and corrective actions with those from prior years and shall provide an assessment of the Perry County Prison progress in addressing sexual abuse.*

10. *The Perry County Prison shall be approved by the Warden and made readily available to the public through a copy kept in the Perry County Prison lobby.*

11. *The Perry County Prison may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.*

The data being collected is reviewed by the administration at the facility. During the interviews I was informed that if a trend was noticed, they would put into place an immediate corrective action plan.

While reviewing the investigations I did not identify any trends or issues that would call for immediate action. The agency has redacted specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

Standard 115.89 Data storage, publication, and destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EVIDENCE OF COMPLIANCE:

The Perry County Prison Policy and Procedures Manual Chapter: Inmates Rules, Regulations & Rights Subject: Prison Rape Elimination Act reads as follows:

The Perry County Prison shall ensure that data collected are securely retained.

The Perry County Prison shall make all aggregated sexual abuse data readily available to the public at least annually through the Perry County website.

Before making aggregated sexual abuse data publicly available, the Perry County Prison shall remove all personal identifiers.

The Perry County Prison shall maintain sexual abuse data collected for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

The Perry County Prison will be audited every three –year period starting on August 20, 2013.

All of the information from the investigations is secured in a locked filing cabinet.

I reviewed the Perry County Prison 2015 Annual report and found it to be complete. Upon final review by the Warden the report will be posted on the website.

AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

October 13, 2016

Auditor Signature

Date