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I. AUTHORITY

- a. Catholic Social Services: Operates under the guidance of the Bishop of Scranton as a non-profit entity contracted through the Pennsylvania Department of Corrections, and the Federal Bureau of Prisons to prevent the sexual abuse or sexual harassment of offenders/ inmates by following the National PREA Standards.
- b. Department of Corrections: The Authority of the Secretary of Corrections John E. Wetzel, to direct the operation of the Department of Corrections of the Commonwealth of Pennsylvania is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. SS61, 186, and 310-1 Act of April 9, 1929, P.L. 177, No. 175, as amended.
- c. Bureau of Prisons: The Federal Bureau of Prisons compliance with PREA standard §115.212 (Contracting with other Entities for the Confinement of Residents) regarding the obligation of entities to adopt and comply with the PREA standards. Pursuant to §115.5 (General Definitions) an Agency has direct responsibility for the operation of any facility that confines inmates. The Bureau of Prisons defines an Agency as the entity under contract with the Bureau of Prisons. A facility is a place, institution, building that is used by an agency for the confinement of individuals.

II. APPLICABILITY

This policy is applicable to the Catholic Social Services facility operated under contract of, or conducting business with the Pennsylvania Department of Corrections, as well as the Federal Bureau of Prisons.

III. POLICY

It is the policy of Catholic Social Services to prohibit any form of sexual abuse and/or sexual harassment of an offender/inmate. Catholic Social Services has zero tolerance for sexual abuse or sexual harassment of any individual under the supervision of the Church. Anyone who engages in, fails to report, or knowingly condones sexual harassment or sexual abuse of an offender/inmate shall be subject to disciplinary action and/or sanctions, including possible dismissal and termination of contracts and/or services, if he/she is found after an investigation to have engaged in sexual harassment or sexual contact with an offender/inmate. A claim of consent will not be accepted as an affirmative defense for engaging in sexual harassment or sexual abuse of an offender/inmate. **§115.211**

Catholic Social Services shall prohibit retaliation against an offender/inmate who reports sexual harassment or sexual contact, or a staff member who reports sexual harassment or sexual contact with an offender/inmate.

Catholic Social Services has designated a PREA Coordinator to develop, implement, and oversee the organizations efforts to comply with the National PREA Standards. Catholic Social Services shall also designate a PREA Compliance Manager to coordinate the facility's efforts to comply with the Standards. The PREA Coordinator shall report directly to the Secretary of the Department of Corrections, the Executive Deputy Secretary of the Department of Corrections as well as the Residential Reentry Manager of the Bureau of Prisons.

IV. PROCEDURES

All applicable procedures are contained in the procedures manual that accompanies this policy document.

V. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary/designee of the Pennsylvania Department of Corrections or the RRM/designee of the Federal Bureau of Prisons may suspend any provision or section of this policy for a specific period.

VI. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy is a tool and a guide to be consistent with the laws that govern them and coincide with the policies created by the Pennsylvania Department of corrections and the Federal Bureau of Prisons.

VII. DISTRIBUTION OF POLICY

1. General Distribution

The Policy and procedures shall be distributed to the members of the central office Executive Staff, all Facility Managers, and all corresponding contract contacts for the Pennsylvania Department of Corrections, and the Federal Bureau of Prisons. Distribution of confidential procedures to other individuals and/or agencies is subject to the approval of the Director of the Facility.

2. Distribution to Staff

It is the responsibility of the employer to ensure that each employee expected or required to perform the necessary procedures/duties laid out within this manual be issued a copy of the policy and procedures either in hard copy or via email, whichever in the most appropriate.

3. General Public

The PREA Policy regarding the referral of allegations of sexual abuse or sexual harassment for criminal investigation is published on the agency website. The agency website also makes its annual report readily available to the public at least annually. The policy and annual report can be viewed at <http://cssdioceseofscranton.org/content/>

VIII. CATHOLIC SOCIAL SERVICES SUPERSEDED POLICY AND CROSS REFERENCE

1. List of CSS Policies
2. ACA Standards

- a. Adult Correctional Institutions: 4-4281-1, 4-4281-3, 4-4281-7, 4-4406
 - b. Adult Community Residential Services: 4-ACRS-6A-05
 - c. Correctional Training Academies: 1-CTA-1C-14,
3. National Prison Rape Elimination Act

GLOSSARY OF TERMS

Agency – a business that provides a particular service; or a government department that is responsible for a particular activity/area.

Allegation(s) of Sexual Contact – Outcome of Investigation:

1. Substantiated – an allegation that was investigated and determined to have occurred.
2. Unfounded – an allegation that was investigated and determined not to have occurred.
3. Unsubstantiated – an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

BOP – Bureau of Prisons

Catholic Social Services (CSS) – A community correctional facility/residential re-entry center, contracted by the Department of Corrections and the Bureau of Prisons in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.

Contractor – a person who provides supplies or services on a recurring basis pursuant to a contractual agreement with the Department.

Community Confinement Facility – a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours (All CCCs and CCFs fall into this category).

Community Corrections Center (CCC) – a residential correctional facility operated by the PA Department of Corrections.

Community Contract Facility (CCF) – a privately owned and operated residential correctional facility contracted with the PA department of Corrections. This term may be used interchangeably with “Contract Agency” throughout this policy.

Department – Department of Corrections

Direct Staff Supervision* – supervision that requires security staff to be in the same room with and within reasonable hearing distance of the offenders.

Exigent Circumstances* – any set of temporary and unforeseen circumstances, that require immediate action in order to combat a threat to the security or institutional order of a facility.

Facility – a place, institution, building (or part thereof), set of buildings, structure, or area that is used by an agency for the confinement of individuals. This term may be used interchangeably with “Center” throughout this policy and refers to a CCC or CCF.

Facility Director/designee – The Director of a CCC or CCF or their management designee. This term may be used interchangeably with “center Director/designee” throughout this policy.

Gender – a socially constructed concept classifying behavior as either “masculine” or “feminine,” unrelated to one’s external genitalia.

Gender Identity – a person's concept of himself/herself as being male and masculine or female and feminine, or ambivalent.

Gender Nonconforming* – a person whose appearance or manner does not conform to traditional societal gender expectations.

Gender “norms” – the expectation associated with “masculine” or “feminine” conduct, based on how society commonly believes males and females should behave.

Grooming for Sexual Activity - process that involves offenders approaching other offenders with offers of help, and perhaps protection from real or imagined sexual threats from others, with the ultimate aim of creating an obligation for sexual activity. The grooming might also include offers of commissary and /or other benefits. This deliberate process unfolds over time, with little overt pressure and no violence.

Heterosexual – sexual, emotional, and/or romantic attraction to persons differing from one’s own sex.

Homosexual – sexual, emotional, and/or romantic attraction to persons of the same sex.

Housing Unit – a designated area within the facility which is primarily utilized for offenders to sleep, change clothing, and shower.

Interference with Official Process – Any failure to report or to cover-up an incident of sexual harassment/sexual abuse, making an allegation or statement that the party or witness knew could not have been true, or any other form of failure to cooperate with an investigation or inquiry.

Inmate – Any person, under the jurisdiction of the Federal Bureau of Prisons (BOP), assigned, confined or detained in a community confinement facility. The word inmate and offender may be used interchangeably throughout this policy

Intern – an individual approved by the Department to use experience with the Department to further his or her academic or educational pursuits, programs or credentials. The term does not include employees or contractors.

Intersex* – a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

LGBTBQI – acronym for a group of sexual minorities including lesbians, gay, bisexual, transgender, questioning and intersex individuals.

Manager – someone who is in charge of a business/department.

Medical Practitioner* – a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his/her professional practice. A “qualified medical professional” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Mental Health Practitioner* – a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of he/her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Offender - Any person, under the jurisdiction of the PA Department of Corrections or PA Board of Probation and Parole, assigned, confined or detained in a community confinement facility. The word offender and inmate may be used interchangeably throughout this policy

Other Assigned Person (OAP) – A non-DOC/PBPP offender or civilian assigned as a resident to the facility (county offender, federal offender, private citizen, etc.).

Pat Search*- A running of the hands over the clothed body of an offender/inmate by an employee to determine whether the individual possesses contraband.

PREA – Prison Rape Elimination Act

Prison* - An institution under state jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

Questioning – active process in which a person explores her or his own sexual orientation, gender identity, questions the cultural assumptions that they are heterosexual and or gender conforming.

Retaliation – An act of vengeance, covert or overt action, or threat of action, taken against an offender in response to the offender’s complaint of sexual harassment/sexual abuse or for an offender’s cooperation in the reporting or investigation of sexual misconduct, regardless of the merits or the disposition of the complaint. Examples of acts of retaliation include, but are not limited to, unnecessary discipline, intimidation, unnecessary changes in work or program assignments, unjustified transfers or placements, or unjustified denials of privileges or services.

Sex – ones anatomical make-up, including external genitalia, chromosomes, and reproductive system.

Sexual Abuse – As defined by the National Standards to Prevent, Detect, and Respond to Prison Rape

- a. Sexual abuse includes –
 - 1) Sexual abuse of an offender/inmate by another offender/inmate; or
 - 2) Sexual abuse of an offender/inmate by a staff member, contractor, volunteer, intern, or individual who has business with or uses the resources of the CSS.
- b. Sexual abuse of an offender/inmate by another offender/inmate includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- 1) contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - 2) contact between the mouth and the penis, vulva, or anus;
 - 3) penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; and
 - 4) any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- c. Sexual abuse of an offender/inmate by a staff member, contractor, volunteer, intern, or individual who has business with or uses the resources of CSS includes any of the following acts, with or without the consent of the offender/inmate:
- 1) contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - 2) contact between the mouth and the penis, vulva, or anus;
 - 3) contact between the mouth and any body part where the actor has the intent to abuse, arouse, or gratify sexual desire;
 - 4) penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the actor has the intent to abuse, arouse, or gratify sexual desire;
 - 5) any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the actor has the intent to abuse, arouse, or gratify sexual desire;
 - 6) any attempt, threat, or request by an actor to engage in the activities described in paragraphs 1) – 5) of this section;
 - 7) any display by an actor of his or her uncovered genitalia, buttocks, or breast in the presence of an offender; or
 - 8) voyeurism by an actor.

For purposes of this definition the term “actor” refers to a staff member, contractor, volunteer, intern, or individual who has business with or uses the resources of the Department.

- d. A properly conducted pat search will not be considered sexual abuse.

Sexual Coercion – occurs when an offender/inmate is forced to submit to sexual activity by threat of violence, for protection or some other factor imposed by the perpetrator.

Sexual Harassment –

- a. repeated and unwelcome sexual advances, requests for sexual favors or verbal comments, gestures, or actions of a derogatory or offensive sexual nature, by one offender/inmate directed toward another; and
- b. repeated verbal comments or gestures of a sexual nature to an offender/inmate by a staff member, contractor, volunteer, intern, or individual who has business with or uses the resources of CSS including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Sexual Orientation – the direction of one's sexual interest toward members of the same, opposite, or both sexes, especially a direction seen to be dictated by physiologic rather than sociologic forces.

Staff - an employee of the Department of Corrections, Bureau of Prisons, or an employee of a Community Contract Facility (Catholic Social Services). The word staff and employee may be used interchangeably throughout this policy.

Strip Search* - a search that requires a person to remove or arrange some of all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

Supervisor – somebody whose job is to oversee and guide the work or activities of a group of other people.

Transgender* - a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

Transsexual – a person whose physical anatomy does not match their gender identity, and seeks reassignment surgery or hormone treatment.

Transvestite – a person who engages in gender non-conforming behavior, such as adopting the gender expression of the opposite sex for the purposes of sexual or emotional gratification, but does not necessarily consider their gender identity to be different from their sex.

Volunteer - An individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

Voyeurism by a staff member, contractor, volunteer, intern, or individual who has business with or uses the resources of the Department – an invasion of privacy of an offender/inmate for reasons unrelated to official duties, such as peering at an offender/inmate who is using a toilet in his/her cell to perform bodily functions; requiring an offender/inmate to expose his/her buttocks, genitals, or breasts; or taking images of all or part of an offender's/inmate's naked body or of an offender/inmate performing bodily functions.

Youthful Offender* - Any person under the age of 18 who is under adult court supervision and incarcerated in a prison.

SECTION 1 – INFORMATION ON PRISON/RAPE SEXUAL ABUSE

A. Facts Related to an Offender/Inmate on Offender/Inmate Sexual Abuse

1. Sexual abuse is a complicated issue that can include sexual contact, sexual harassment, protective pairing, and coercion.
2. Anyone, male or female can be sexually abused.
3. Age is not a factor in sexual abuse.
4. Sexual orientation is not a factor in sexual abuse. A person who has committed sexual abuse may be heterosexual, homosexual, or bisexual. The victims may be heterosexual, homosexual, or bisexual.
5. A male who has been a victim of sexual abuse may feel dirty, ashamed, and guilty or experience a “loss of manhood.” He may believe that because he became sexually aroused or ejaculated he was not raped or somehow was consenting. This is not true. There are normal, involuntary physiological reactions that have nothing to do with sexual orientation or consent.
6. Many people who have committed sexual abuse state that the gender of their victims was inconsequential to them.
7. In a prison setting, an offender/inmate who commits sexual abuse is frequently doing so to assert his masculinity, strength, dominance, and control. He commits sexual abuse to degrade, humiliate, and punish. He does this at the expense of weaker members of the offender/inmate population.
8. During the intake process, new offenders/inmates are constantly watched by the more experienced offenders/inmates. More sophisticated offenders can identify the predatory offenders and avoid interacting with them. New offenders/inmates lack this knowledge/experience.
9. When an offender/inmate reports abuse, the physical signs may not always be visible to the staff member.
10. Some places in facilities are more likely locations for assaults and other forms of sexual abuse. Areas of concern include: isolated areas, sleeping quarters, unsupervised areas (such as the program areas), showers and bathrooms, dark corners in dorm settings, kitchen and work areas.

B. CHARACTERISTICS OF A SEXUALLY AGGRESSIVE OFFENDER/INMATE

Characteristics of a sexually aggressive offender/inmate, include, but are not limited to the following:

1. between the ages of 27 and 45;
2. medium to large build and possessing physical strength;
3. aggressive in nature;

4. having limited ties to outside family and friends and having no outside means of financial support;
5. incarcerated for sex offenses or other violent offenses;
6. more streetwise and gang affiliated;
7. more accustomed to prison life;
8. may have difficulty controlling anger;
9. may display poor coping skills/strategies;
10. may exhibit voyeuristic/exhibitionistic behavior;
11. following or “staying close” to the potential victim; taking food and other items from the victim;
12. requesting to be celled with an offender/inmate who has some of the characteristics listed in Subsection D. below;
13. doing a substantial amount of time; and/or
14. established him/herself by power and strength with the prison offender/inmate hierarchy.

C. CHARACTERISTICS OF AN OFFENDER/INMATE WHO MAY BE TARGETED AS A VICTIM

Characteristics of an offender/inmate who may be targeted as a victim, include, but are not limited to the following:

1. generally between 16 to 26 years of age;
2. small build and not seen as strong in appearance;
3. seen as possessing “feminine” characteristics;
4. first time offenders, or offenders with relatively short sentences;
5. well connected to outside family and friends who provide an outside means of financial support;
6. identified as homosexual
7. has been previously sexually abused;
8. convicted of sexual offenses against a minor; and/or
9. appear passive, timid, or anxious.

D. POSSIBLE REACTIONS OF A POTENTIAL OFFENDER/INMATE VICTIM

Possible reactions of a potential offender/inmate victim, when there is a change from previous behavior, including, but are not limited to, the following:

1. withdrawing or isolating him/herself;
2. depression or hopelessness;
3. lashing out in anger or frustration;
4. anxiety, fear, or paranoia;
5. nightmares;
6. suicidal thoughts or feelings;
7. self-abuse;
8. uncharacteristic acting out in an effort to stay in segregation or to facilitate a transfer;
9. refusal to shower, eat, or be in certain less supervised areas of the prison; and/or
10. increased medical complaints and attention, particularly increased concerns regarding sexually transmitted diseases, asking to be checked for sexually transmitted disease.
11. Behavior changes, both social and psychological, could be signs of sexual violence. Staying in a location where staff can easily observe the offender is one typical indicator that a person may have been the victim of sexual violence.

SECTION 2 – SEXUAL ABUSE/SEXUAL HARASSMENT PREVENTION AND TRAINING

A. PREVENTION

Catholic Social Services will take appropriate actions to ensure zero tolerance toward all forms of sexual abuse and sexual harassment in order to promote the safety of inmates. CSS will implement federal Prison Rape Elimination Act (PREA) Standards to ensure that all aspects of operations work toward preventing, detecting, and responding to such conduct resulting in a safer environment. **§115.211(a)**

CSS shall ensure that employees enforce and comply with the outlined procedures, take corrective action regarding non-compliance and document appropriately.

B. PREA COORDINATOR-CONTRACT FACILITIES

There is one Agency PREA Coordinator responsible for PREA compliance within Catholic Social Services. The PREA Coordinator's sole responsibility is to develop, implement and oversee agency efforts to comply with the federal PREA Standards within their respective organization. The Coordinator will have the authority to make necessary decisions to ensure compliance and report directly to their Agency Head. This manager can serve as the PREA Compliance Manager for their respective facility. **§115.111(b)**

C. THE PREA COORDINATOR RESPONSIBILITIES

- a. work with the statewide PREA Coordinator, on an annual basis to assess, determine and document whether adjustments are needed to: the staffing plan, deployment of the video monitoring systems and other monitoring technologies and the resources CSS has available to commit to ensure adherence to the staffing plan. In situations where the staffing plan is not complied with, the Bureau Director/designee shall document the justification for the deviations from the plan and forward written documentation to the PREA Coordinator for review. **§115.211(b), §115.213(c)**
- b. coordinate the required CCF PREA audits in conjunction with respective staff and the statewide PREA Coordinator. Ensure that all required responses to the audit report are completed and submitted within applicable timeframes;
- c. ensure all facilities comply with the PREA standards and DOC/BOP policy related to PREA; and
- d. ensure all contracts comply with the PREA standards and DOC/BOP policy related to PREA;
- e. Coordinate with the Federal Bureau of Prisons and the office of the Residential Re-Entry Manager, to ensure that all required responses to the audit are complete and submitted within applicable timeframes;

CSS shall assign a management employee to serve as the PREA Compliance Manager and provide this information to their assigned Contract Facility Coordinator (CFC).

D. PREA COMPLIANCE MANAGER DUTIES

1. This position may be filled by Catholic Social Services PREA Coordinator.

2. Ensure staff, volunteers, vendors and offenders/inmates are trained in compliance with the PREA standards and CSS policy related to PREA.
3. Ensure the facility complies with the PREA standards including but not limited to: staffing; monitoring; facility layout; personnel decisions; upgrades to facilities and technologies; training and education; risk screening; medical and mental care; investigation compliance and audits as well as CSS policy related to PREA.
4. Work with facility administration, on an annual basis to assess, determine and document whether adjustments are needed to: the staffing plan, deployment of the video monitoring systems and other monitoring technologies and the resources the facility has available to commit to ensure adherence to the staffing plan. **§115.213(c)** In situations where the staffing plan is not complied with, document the justification for the deviations from the plan. **§115.213(b)**
5. Discuss monthly with the CFC/RRM incidents of sexual abuse and harassment or retaliation in the facility and identify what needs offenders, facility staff, volunteers, or interns may have related to sexual abuse and/or harassment.
6. Ensure offenders/inmates who have reported sexual abuse allegations are monitored to protect the offenders/inmates from retaliation for at least 90 days. Specifically, the PREA Compliance Manager will ensure that such offenders/inmates are provided with the opportunity to meet biweekly with a corrections counselor, who will then report to the PREA Compliance Manager. The PREA Compliance Manager will share this information monthly with the CFC/RRM. If the CFC/RRM or PREA Compliance Manager determines that the initial monitoring indicates a continuing need, the periodic status checks will be extended beyond 90 days. **§115.267(c)(d)**
7. Chair the PREA Sexual Abuse Incident Review Committee and convene the committee to review each sexual abuse investigation for those cases that are found to be substantiated and unsubstantiated. Those cases that are determined to be unfounded will not require committee review. Reviews will be coordinated with the CFC or RRM and conducted within 15 working days of the conclusion of the investigation.
8. Work with facility administration to ensure recommendations as the result of investigations and/or reviews are implemented in a timely manner.
9. Keep an updated list of all multi-lingual staff at the facility that would be able to provide translation for any PREA related issues.
10. Conduct and document, via the PREA Administrative Tour Documentation Form (Attachment 6A-05-1A, Attachment 2-A), unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Attachment 2-A is a Department of Corrections Attachment and as such is labeled with the DOC BCC administrative PREA procedures manual attachment number. **§115.213(d)**
 - a. These rounds will be conducted on every shift, not less than once every month. They may be conducted more often if there is an identified need. There is not minimum or maximum number of participants that must conduct the tour.

- b. Staff members will NOT inform anyone that these rounds are occurring. Any staff member found to be alerting other staff to these unannounced rounds will be subject to disciplinary action.
 - c. The CFC of the DOC must be included to participate in a minimum of one tour per quarter.
11. Ensure that when staff learns that an offender/inmate is subject to a substantial risk of imminent sexual abuse, appropriate, immediate action will be taken to protect that offender/inmate. **§115.262**
 12. Coordinate services provided to alleged victims including medical, mental health and crisis counseling.
 13. Serve as the facility's liaison to the BCC investigator assigned to the case.
 14. Ensure all information, evidence, reports, etc. are provided to the BCC investigator immediately upon receipt.
 15. Ensure that staff do not conduct interviews or collect statements from anyone unless directed by the BCC investigator.
 16. Coordinate medical and crisis counseling services related to sexual abuse/assault.
 17. Work with the CFC to schedule and conduct mock PREA audits, at least one time per year and more if deemed necessary to ensure ongoing PREA standards compliance.
 18. Coordinate the required PREA audit in conjunction with respective staff and the CFC/RRM. Ensure that all required responses to the audit report are completed and submitted within applicable timeframes.
 19. Remain up-to-date with PREA information as it becomes available through the statewide PREA Coordinator, PREA Resource Center, Department of Justice, Bureau of Prisons or other credible sources relating to PREA. **§115.212(b)**

F. UPGRADES TO FACILITIES AND TECHNOLOGIES

1. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, CSS shall consider the effect of the design, acquisition, expansion or modification upon the facilities ability to protect offenders/inmates from sexual abuse. **§115.118(a)-1**
2. The PREA Compliance Manager will be present at the planning meetings and be afforded the opportunity to discuss any concerns or make suggestions in regard to PREA Compliance.
3. The PREA Compliance Manager will receive a copy of the meeting minutes and forward them as follows: to the CFC of the DOC and the Agency PREA Coordinator

4. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, CSS shall consider how such technology may enhance the facilities ability to protect offenders/inmates from sexual abuse. **§115.118(b)-1**

G. HOUSING OF YOUTHFUL OFFENDERS/INMATES

1. A youthful adult offender/inmates (under the age of 18) shall not be placed in any sleeping quarters in which the youthful offender/inmate will have sight, sound, or physical contact with any adult offender/inmate to include dormitory style sleeping quarters, shared use of bathroom, shared use of Authorized Changing area, or shared use of shower area. **§115.214(a)**
 - a. In areas outside of the housing unit the facility shall maintain sight and sound separation between youthful inmates/offenders and adult inmate/offenders. **§115.214(b)1**
2. All staff members are to ensure that any witnessed, suspected, or reported inappropriate contact, physical, mental, or verbal, abuse between the Youthful Offender(s)/Inmate(s) and an adult offender/inmate is dealt with immediately following PREA Policy Procedures Manual Section 3, Reporting Sexual Abuse and Sexual Harassment.

Note: CSS does not house Youthful Offenders/Inmates

H. CROSS-GENDER SEARCHES

1. Community Corrections staff shall not conduct cross gender searches, strip searches, or cross-gender visual body cavity searches under any circumstance. **§115.215(a)**
2. Catholic Social Services shall not permit cross-gender pat down searches of female offenders/inmates. CSS shall not restrict female offenders'/inmates' access to regularly available programming or other opportunities in order to comply with this provision. **§115.215(b)**
 - b. Offenders shall be able to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine dorm room checks. **§115.215 (d)**
3. A transgender or intersex offender/inmate shall not be searched or physically examined for the sole purpose of determining the offender's/inmate's genital status. If the offender's/inmate's genital status is unknown, it may be determined during conversations with the offender/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. **§115.215(e)**
4. Community Corrections staff at Catholic Social Services will be trained on how to conduct a pat down search on intersex and transgender inmates during initial PREA training (6A-05-1X). **§115.215 (f)**

I. CROSS-GENDER SUPERVISION

1. Every attempt must be made to ensure that at least one staff person, trained in search procedures, of the same gender as the in-residence offenders/inmates is on duty at all times.
2. Staff of the opposite gender shall announce their presence when entering an inmate housing unit in accordance with the following: **§115.215(d)**
 - a. When the status quo of the gender-supervision on a housing unit changes from exclusively same gender, to mixed- or cross-gender supervision, the opposite-gender staff is required to verbally announce their arrival on the unit. The announcement is required for both security and non-security staff, and may include, for example, a clinician or case worker who spends time on the unit, or senior staff making supervisory rounds. This will be done by public announcement on site. Example: “Female on unit for 6-2 shift.”
 - b. Staff of the opposite gender stationed in the housing unit for the entire shift shall announce their presence when entering a Bathroom area, Shower area, or identified “Authorized Changing Area.” Example: “Female entering Changing Area”.
 - c. Any staff member, contractor, volunteer, or intern that will be entering the housing unit for a limited period of time during a shift must announce their presence each time they enter the housing unit. Example: “Male staff on the unit”.
3. Housing unit is defined by access and staffing.
 - a. If staff members (security and non-security) are generally assigned duties related to all offenders/inmates in the facility and there are no separate or distinct units, the entire facility is considered a housing unit or stand-alone program and announcements for the facility shall be made as one unit.
 - b. If staff members (security and non-security) are generally assigned duties specific to a certain program or housing area with limited access, or separate buildings, the facility is considered to have discreet housing units and shall make announcements on each unit individually.
4. Locations shall be designated throughout the facility that allows offenders/inmates to shower, perform bodily functions and change clothing with basic privacy.
5. Staff of the opposite gender shall announce their presence prior to entering a Bathroom area, Shower area, or identified authorized changing area.

J. ACCESS TO INFORMATION FOR SPECIAL POPULATIONS

1. CSS shall ensure that offenders/inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency’s efforts to prevent, detect and respond to sexual abuse and sexual harassment. **§116.216(a)**
2. Written materials will either be delivered in alternative formats that accommodate the offender’s disability or the information will be delivered through alternative methods, such as reading it to the offender/inmate or communicating through an interpreter, which ensure the understanding of the PREA related material. **§115.216(a)**

3. The PREA Compliance Manager will ensure that only staff members or qualified contractors provide translation for offenders/inmates. IF a multi-lingual staff member is not available, then the AT&T Language Line or equivalent service must be utilized. **§115.216(b)(c)**
 - a. The language line phone number is **877-377-6583**, Use the State code for Region 1: 9001. Staff members will be required to give their name.
 - b. This agency prohibits the use of resident interpreters, resident readers, or other types or resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under **§115.264**, or the investigation of the resident's allegation.

K. SCREENING FOR RISK OF VICTIMIZATION AND ABUSIVNESS

1. All offenders/inmates shall be assessed during initial reception to the facility. Whenever an offender is involved in an incident of sexual abuse and annually, for risk of being sexually abused by other offenders/inmates or sexually abusive toward other offenders/inmates. **§115.241(a)**
2. IT is CSS's first responsibility to prevent any and all incidents of sexual abuse and sexual harassment. When CSS learns that a resident is subject to a substantial risk of imminent sexual abuse, it takes immediate action to protect the offender/inmate, including but not limited to transfer, room change, and floor change when applicable. **§115.262(a)**
3. The PREA Risk Assessments shall be conducted utilizing the PREA Risk Assessment Tool (Attachment 6A-01-1B). The tool will be an objective instrument that shall consider, at a minimum, the following criteria to assess offenders for risk of sexual victimization: **§115.241(c)(d)**
 - a. whether the offender/inmate has a mental, physical, or developmental disability; **§115.241(d)1**
 - b. the age of the offender/inmate; **§115.241(d)2**
 - c. the physical build of the offender/inmate; **§115.241(d)3**
 - d. whether the offender/inmate has previously been incarcerated; **§115.241(d)4**
 - e. whether the offender's/inmate's criminal history is exclusively nonviolent; **§115.241(d)5**
 - f. whether the offender/inmate has prior convictions for sex offenses against a child or an adult; **§115.241(d)6**
 - g. whether the offender/inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; **§115.241(d)7**
 - h. whether the offender/inmate has previously experienced sexual victimization; **§115.241(d)8**
 - i. the offender's/inmate's own perception of vulnerability; **§115.241(d)9** and

- j. whether the offender/inmate is detained solely for civil immigration purposes. **§115.241(d)10**
4. The initial assessment (within 72 hours of reception) shall consider prior acts of abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known, in order to assess offenders/inmates for the risk of being sexually abusive. **§115.241(b)-2**
5. The PREA Risk Assessment will be administered as follows:
 - a. Within the first 72 hours of reception to the facility. This assessment will be conducted by a trained Counselor. A copy of this assessment shall be kept in the Offender/Inmate Record File.
 - b. A reassessment will be conducted between day 20 and 30 of the offender's/inmate's arrival at the facility (attachment 6A-01-1C). **§115.241(f)** The facility will reassess the offender's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening. **§115.241(g)** This assessment will be conducted by the Counselor assigned to the offender/inmate.
 - c. When there is an allegation of sexual abuse and/or sexual harassment, the PREA Compliance Manager or designee will contact the DOC or BOP so that they may administer the PREA Risk Assessment Tool to all the involved offenders/inmates. **§115.241(g)**
 - d. An offender's/inmate's risk level will be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the offender's/inmate's risk of victimization or abusiveness. This will be logged and discussed with the offender's counselor during the bi-weekly supervision plan. **§115.241(g)**
6. Offenders/Inmates shall not be disciplined for refusing to answer, or for not disclosing, complete information in response to the questions regarding prior victimization, disabilities, their perception of vulnerability or their sexual orientation. **§115.241(h)**
7. If an offender/inmate refuses to answer the PREA Risk Assessment questions, the staff member administering the tool will document that the offender/inmate refused to answer the questions. The staff member will also discuss with the offender/inmate about the importance of answering the questions on the risk assessment honestly.
8. The information received through the administration of the PREA Risk Assessment Tools shall be used to inform housing, work, education, and program assignments with the goal of keeping separate those offenders/inmates at high risk for being sexually victimized from those at high risk of being sexually abusive. **§115.242(a)**
9. In deciding whether to assign a transgender or intersex offender/inmate to a facility for male or female offenders/inmates, and in making other housing and programming assignments, CSS shall consider on a case-by-case basis whether a placement would ensure the offender's/inmate's health and safety, and whether the placement would present management or security problems. **§115.242(c)**
 - a. Placement and programming assignments for each transgender or intersex offender/inmate shall be reassessed, by the PREA Compliance Manager, in consultation with facility staff that regularly interacts with the offender/inmate, at least twice each year to review any threats to

safety experienced by the offender/inmate. This is to be documented in the Offender/Inmate Record.

- b. A transgender or intersex offender's/inmate's own views with respect to his or her own safety shall be given serious consideration.
- c. Transgender and intersex offenders/inmates shall be given the opportunity to shower separately from other offenders/inmates.

10. CSS shall not place lesbian, gay, bisexual, transgender, or intersex (LGBTI) offenders/inmates in dedicated facilities, units or wings solely on the basis of such identification or status, unless placement is in a dedicated facility, unit or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such offenders/inmates.
§115.242(g)

L. TRAINING

1. BASIC STAFF TRAINING

- a. The PREA Compliance Manager shall ensure that all staff members are informed that sexual contact with an offender/inmate is prohibited and that an offender/inmate has a right to report if sexual contact occurs, through the basic PREA training. This training will include, at a minimum, the following information: **§115.231(a)**
 - 1) Its zero tolerance policy for sexual abuse and sexual harassment within Catholic Social Services, the Department of Corrections/Bureau of Prisons; **§115.231(a)1**
 - 2) How staff are to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures; **§115.231(a)2**
 - 3) Offender/Inmate's right to be free from sexual abuse and sexual harassment; **§115.231(a)3**
 - 4) The right of offenders/inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment; **§115.231(a)4**
 - 5) The dynamics of sexual abuse and sexual harassment in confinement; **§115.231(a)5**
 - 6) The common reactions of sexual abuse and sexual harassment victims; **§115.231(a)6**
 - 7) How to detect and respond to signs of threatened and actual sexual abuse; **§115.231(a)7**
 - 8) How to avoid inappropriate relationships with offenders/inmates; **§115.231(a)8**
 - 9) How to communicate effectively and professionally with offenders/inmates, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming offenders/inmates, and; **§115.231(a)9**
 - 10) How to comply with relevant laws of Pennsylvania related to mandatory reporting of sexual abuse to outside authorities. **§115.231(a)10**

- a. Once the initial basic staff training has been completed for all staff members, newly hired fulltime staff members will receive this training as part of their education during their training at the DOC academy.
- b. Beginning in 2015 and every odd numbered year thereafter, the annual PREA education will be provided in the form of an update on Relias Training Services, or equal qualified training education, for all staff members. Training will include all material listed in the PREA Staff Training Manual (Attachment 6A-05-1D). Staff will be required to sign to verify that they have received the updates and understand the included items on the PREA Staff Training and Understanding Verification Form (Attachment 6A-05-1E). This information will be kept in the staff member's personnel file. The training coordinator at CSS shall ensure that all current staff receives this training within six months of the effective date of this policy. **§115.231(c)(d)**
- c. Beginning in 2016 and every even numbered year thereafter, the annual PREA education will be provided in the form of a refresher of the initial basic staff training. Staff will be required to sign to verify that they have received the information and understand the included items on the PREA Staff Training and Understanding Verification Form (6A-05-1E). This information will be kept in the staff member's official personnel file. **§115.231(c)(d)**
- d. Staff will receive training in accordance with CSS policy.

M. VOLUNTEERS, VENDORS (any individual having business inside the facility) & INTERNS

- a. Volunteers, vendors and interns will receive training regarding sexual abuse and sexual harassment of an offender/inmate during orientation sessions and annual training that will be reflective of the level of contact that they have with offenders/inmates. **§115.232(a)**
 - 1) Volunteers, vendors and interns that have a high level of contact (contact on a daily basis) with offenders/inmates, including but not limited to: medical, mental health, food services, etc., the training shall be the same as regular staff members receive both pre-service and on an annual basis. **§115.232(b)**
 - 2) Volunteers, vendors and interns that have a moderate level of contact (at least once a week) with offenders/inmates, including but not limited to: religious volunteers, training program personnel, etc., the training shall be a scaled version of the basic staff training.
 - 3) Volunteers, vendors and interns that have a sporadic level of contact (anything less than once per week) with offenders/inmates, including but not limited to: vendors, specialty maintenance, etc., shall receive a brief orientation by the volunteer coordinator to include information on the Department's zero tolerance policy, how to make a report and whom to make a report to.
- A. All volunteers, vendors and interns will be required to sign off on the PREA Volunteer, Vendor and Intern Training and Understanding Verification Form (Attachment 6A-05-1F) that they have received the information and understand the included items. **§115.232(b)** This

information will be maintained by the PREA Compliance Manager. PREA training will be effective for a period of one year. **§115.232(c)**

N. OFFENDER/INMATE EDUCATION

1. Every offender/inmate will receive information regarding the zero tolerance policy on sexual abuse and sexual harassment, how to report an incident of sexual abuse or sexual harassment, and what to do if he/she is the victim of sexual abuse or sexual harassment. This information shall be provided in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills. **§115.233(d)** The offender/inmate will receive a copy of the PREA Brochure (Attachment 6A-05-1O) upon arrival into facility. Each offender/inmate will be required to sign off upon their review of the Brochure (Attachment 6A-05-1J) Additional information will be offered during offender/inmate orientation conducted within the first 48 hours of arrival. This information is in the form of a video entitled “PREA: What You Need to Know.” The offenders/inmates will be shown this video that describes sexual abuse/harassment, how to report, and intervention. **§115.233(a)(b)**
2. The offenders’ training will be conducted using the attached Sexual Abuse Education Program (Attachment 6A-05-1G). The curriculum may be provided to offenders/inmates individually or in groups, with the aid of a video (PREA: What You Need To Know) and/or power point presentation, or with other teaching aids. A staff member must be present at all times to facilitate discussion on the presentation and to answer questions.
3. The PREA video, “What You Need to Know”, is available for use with all new receptions, including residents transferred from different community confinement facilities. **§115.233(b)** Every facility shall maintain two copies of this video, one in English and one in Spanish. If the facility does not have this video, the PREA Compliance Manager may contact the PREA Coordinator to obtain a new copy. **§115.233(d)**
 - a. A trained staff member shall remain in the room during the playing of the video to observe offenders/inmates, looking for reactions from offenders/inmates.
 - b. Additionally, the trained staff member shall ask questions at the end of the video to determine comprehension on the materials.
 - c. As equally important, the trained staff member shall offer to meet privately with any of the offenders/inmates if they request, to discuss issues related to the video.
 - d. At the end of the training the offender/inmate will sign the education verification form (Attachment 6A-05-1I). This form states that the offender/inmate was properly trained on sexual abuse, sexual harassment, and retaliation. **§115.233(e)**
- e. All training is available to those with the following:
 - a. Limited English proficiency. A Spanish copy of *PREA: What You Need to Know* is available to all offenders/inmates.
 - b. CSS is contracted with an CDI and AOPC certified deaf interpreter.

- c. Case managers are readily available to read the brochure and training to any offender/inmate who is visually impaired or limited in their reading abilities.

SECTION 3 – REPORTING SEXUAL ABUSE AND SEXUAL HARASSMENT

A. GENERAL INFORMATION

An allegation of sexual abuse, sexual harassment or retaliation by other offenders/inmates, other assigned persons (OAP) or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents can be reported by several means: verbal, written, anonymous, or by a third party. **§115.251(a)**

Sexual abuse refers to sexual behavior directed towards an offender/inmate including, but is not limited to: rape, any acts or attempts to commit acts which involve sexual contact; sexual abuse or assault; the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thighs, or buttocks. This does not refer to the incidental physical contact that may occur during a properly conducted search of an Offender's/Inmate's person.

Sexual harassment refers to repeated and unwelcome sexual advances, requests for sexual favors or verbal comments, gestures, or actions of a derogatory or offensive sexual nature, by one offender/inmate directed toward another; and repeated verbal comments or gestures of a sexual nature to an offender/inmate by a staff member, contractor, volunteer, intern, or individual who has business with or uses the resources of CSS including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Catholic Social Services shall provide information on substantiated allegations of sexual abuse or sexual harassment to any inquiring institutional employer conducting a background check on any former employee unless prohibited by State or County law. **§115.217(h)**

It is the policy of CSS Scranton to provide information

Anyone who reports sexual abuse or sexual harassment should provide as many of the following details as possible regarding the incident(s), including the following information:

- a. complete description of incident(s);
- b. names of all parties involved;
- c. date(s);
- d. time(s);
- e. place(s) of alleged incidents; and
- f. witness(es), if any.

B. METHODS OF REPORTING FOR OFFENDERS/INMATES AND OTHER ASSIGNED PERSONS

1. An offender/inmate or other assigned person (OAP) who is the victim of sexual abuse or sexual harassment by another offender/inmate, OAP, employee, contract service provider, volunteer, intern or an individual who has business with CSS, should report the abuse to a staff member as

soon as possible. A report may be made to any staff member in the facility including, but not limited to, supervisory, security staff and counselors. **§115.251(c)**

2. Methods of reporting include the following:
 - a. verbal report to a staff member;
 - b. written report to a staff member;
 - c. Sexual Abuse Reporting mail letter to; BCI/PREA Coordinator 1800 Elmerton Ave Harrisburg, PA 17110;
 - d. Sexual Abuse Reporting Website at www.tipsubmit.com **§115.254**
3. Offenders/Inmates may submit a grievance regarding an allegation of sexual abuse at any time, regardless of when the incident is alleged to have occurred. **§115.252(b)** They may do so without submitting it to the staff member who is the subject of the complaint. **§115.252(c)**
4. Offender/Inmates who submit a grievance alleging sexual abuse will not be referred to the staff member who is the subject of the complaint. **§115.252(c)**
5. Offenders/Inmates are permitted help from third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, to assist them in filing requests for administrative remedies relating to allegations of sexual abuse. If the offender/inmate declines to have a third-party assist in filing a grievance alleging sexual abuse, CSS will make proper notification in documentation. **§115.252(e)**
6. Staff members shall immediately document any verbal report of sexual abuse or harassment provided to them via 6A-05-1Q The reporting person shall not be required to “put the allegation in writing.” PREA Coordinator will fill out a DC-121 and report directly to the DOC.
7. Every report of sexual abuse or harassment will be held in strict confidence; additional questioning or interviewing of the alleged victim, witnesses, or assailant(s) shall not be conducted by facility staff.
8. Once an 6A-05-1Q is filled out the Office of the RRM will be notified.
9. Retaliatory action against an offender/inmate for reporting sexual abuse or sexual harassment or for providing information during an investigation is prohibited. An individual, who seeks to deter an offender/inmate from reporting sexual activity, or who, in any manner, harasses or intimidates any person who reports the alleged contact is subject to discipline. **§115.267(a)** CSS have designated the PREA Coordinator with monitoring for possible retaliation. **§115.267(a)** This monitoring will continue as such time as the offender/inmate resides at CSS.

10. A decision on the merits of any grievance or portion of a grievance alleging sexual abuse be made within 90 days of the filing of the grievance. **§115.252(d)** The Offender/Inmate will be notified in writing when an extension has been filed which can delay the decision. **§115.252(d)**
11. Offenders/Inmates may be subject to regular sanctions in regards to grievances filed in bad faith. However, there will be no additional sanctions or retaliatory action against an offender/inmate for reporting grievances in bad faith. **§115.252(g)**

C. METHODS OF REPORTING FOR EMPLOYEES & INTERNS

1. A CSS employee or intern shall report to their immediate supervisor, without delay, if he/she has knowledge of or a report (written or verbal) of an incident/allegation of sexual abuse or sexual harassment of an offender/inmate or OAP. **§115.261(a)**

NOTE: If the report involves an incident/allegation of sexual abuse the employee shall complete first responder duties as outlined in Section 5 of this procedures manual.

2. The immediate supervisor shall ensure the PREA Compliance Manager and BCC Operations Center Shift Commander or BOP Office of the RRM are notified as outlined in Section 4 of this procedures manual for incidents/allegations of sexual harassment; or Section 6 of this procedures manual for incidents/allegations of sexual abuse. **§115.261(a)**
3. All corresponding paperwork for the DOC/BOP shall be completed by every employee who has knowledge of or receives a report (verbal or written) of an allegation of sexual harassment or sexual abuse. This report shall be provided to the PREA Compliance Manager without delay.
4. A CSS employee, contract employee, or intern may also make a private report to the PREA Compliance Manager, Agency PREA Coordinator, Sexual Abuse Reporting Phone Line or Sexual Abuse Reporting Website.
5. Every report of sexual abuse or harassment will be held in strict confidence; additional questioning or interviewing of the alleged victim, witnesses, or assailant(s) shall not be conducted by facility staff. CSS policy prohibits staff from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, and other security and management decisions. **§115.261(a)**
6. Retaliatory action against a CSS employee, contract employee, or intern for reporting sexual abuse or sexual harassment or for providing information during an investigation is prohibited; an individual, who seeks to deter an offender/inmate or any other individual from reporting sexual activity, or who, in any manner, harasses or intimidates any person who reports the alleged contact is subject to discipline. **§115.267(a)** Furthermore CSS require any employee to report immediately any retaliatory action against an offender/inmate who has reported such an incident of sexual abuse or sexual harassment. **§115.261(a)**
7. CSS requires all staff to report immediately any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. **§115.261(a)**

D. VOLUNTEERS, VENDORS AND OTHER INDIVIDUALS

1. Volunteers, vendors or other individuals who have business with or use the resources of the facility shall report, without delay, if he/she has knowledge that there has been an incident/allegation of sexual abuse or sexual harassment of an offender/inmate or OAP.
2. The allegation(s) may be reported to any of the following:
 - a. Facility contact person;
 - b. Facility staff;
 - c. Facility Director/designee;
 - d. Facility PREA Compliance Manager;
 - e. Sexual Abuse Reporting Website; or
 - f. Department of Corrections / Bureau of Prisons
3. Every report of sexual abuse or harassment will be held in strict confidence; additional questioning or interviewing of the alleged victim, witnesses, or assailant(s) shall not be conducted by facility staff.
4. Retaliatory action against a volunteer, vendor or other individual who has business with or uses the resources of CSS, for reporting sexual abuse or sexual harassment or for providing information during an investigation is prohibited; an individual, who seeks to deter an offender/inmate or any other individual from reporting sexual activity, or who, in any manner, harasses or intimidates any person who reports the alleged contact is subject to discipline.

E. METHODS OF REPORTING FOR FRIENDS, FAMILY AND GENERAL PUBLIC

1. Friends, family and the general public may report allegations of sexual abuse or sexual harassment at a facility by: **§115.254(a)**
 - a. Writing a letter to BCI/PREA Coordinator 1800 Elmerton Ave Harrisburg, PA 17110;
 - b. accessing the Sexual Abuse Reporting Website at www.tipsubmit.com;
 - c. contacting the Facility Director/designee; or
 - d. contacting the PA Department of Corrections.
 - e. contacting the Federal Bureau of Prisons.
2. Every report of sexual abuse or harassment will be held in strict confidence; additional questioning or interviewing of the alleged victim, witnesses, or assailant(s) shall not be conducted by facility staff.

F. SEXUAL ABUSE REPORTING ADDRESS AND WEBSITE

1. An address has been established for reporting and can be sent to BCI/PREA Coordinator 1800 Elmerton Avenue Harrisburg, PA 17110
2. Reports may also be submitted online at www.tipsubmit.com
3. Confidential Sexual Abuse and Sexual Harassment Reports received by the PA Crime Stoppers Tip Line will be provided to the Bureau of Community Corrections Operations Center Shift Commander (for investigation), the OSII and the statewide PREA Coordinator, as well as the PA State Police barracks which provides coverage to that particular facility. The Residential Reentry Managers Office will be contacted regarding any Federal inmates.
4. Every report of sexual abuse or harassment will be held in strict confidence; additional questioning or interviewing of the alleged victim, witnesses, or assailant(s) shall not be conducted by facility staff.
5. Information on how to report from inside a facility will be displayed at all offender/inmate phone banks in English and Spanish (Attachment 6A-05-1K). **§115.254(a)**

G. REPORTS RECEIVED ABOUT OTHER CONFINEMENT FACILITIES

1. Upon receiving an allegation that an offender/inmate or OAP was sexually abused or sexually harassed while confined at another facility, the Center Director of the facility that received the allegation shall document the receipt of the allegation (Attachment 6A-05-0L), **§115.263(a)(d)** and notify the Bureau of Community Corrections Operations Center Shift Commander or BOP Office of the RRM. **§115.263(d)** The Shift Commander will notify the head of the facility where the alleged abuse or harassment occurred. The Shift Commander shall also send notification and supporting documentation to the agency wide PREA Coordinator and reporting facility's PREA Compliance Manager.
2. This notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. **§115.263(a)**

H. REPORTS RECEIVED FROM OTHER CONFINEMENT FACILITIES

1. Upon receiving an allegation from another facility that an offender/inmate or OAP was sexually abused or harassed while confined at his or her facility, the Center Director (or designee) at the allegation facility shall document the receipt of the allegation (Attachment 6A-05-1L). **§115.263(a)(d)**
2. The Center Director/designee shall immediately notify the Bureau of Community Corrections Operations Center Shift Commander for action. In cases dealing with Federal residents, staff will contact the RRM's office. **§115.263(d)**

Note * The following information is the operational guide line for the Department of Corrections in case of a sexual abuse allegation, and does not represent the procedures of CSS

J. BCC OPERATIONS CENTER SHIFT COMMANDER

1. The initial notification of a sexual abuse allegation made by a staff member to the BCC Operations Center must be made by telephone.
2. Once any report is received, the Shift Commander shall:
 - a. ensure the safety of the victim;
 - b. complete the BCC PREA Incident Report (Attachment 3-D) *NOTE:* This attachment is part of the DOC,BCC PREA policy and as such is not labeled with an attachment number corresponding with this policy;
 - c. take action in accordance with Section 4 of this procedures manual for sexual harassment incidents; or
 - d. take action in accordance with Section 6 of this procedures manual for sexual abuse incidents; and
 - e. complete a DC-121, Part 2, Report of Extraordinary Occurrence Report in every case, within 12 hours of the occurrence, where sexual contact with an offender is reported in accordance with Department policy 8.3.1, Section 17. This does not apply to Misconduct #19 “Engaging in Sexual Acts with Others or Sodomy,” unless one of the offenders alleges that he/she was forced into performing the sexual act(s). This also does not apply to reports of sexual harassment.
3. The BCC Operations Center will serve as the repository for all reports.

K. THE FEDERAL BUREAU OF PRISONS REPORTING PROCESS

Inmates are encouraged to immediately report allegations of sexually abusive behavior to a staff member they trust, or the Office of Inspector General. All allegations, including third-party reports, are confidential and will be thoroughly investigated. Third-party allegations on behalf of an inmate can be initiated by contacting the local institution's PREA Compliance Manager, or by writing to one of the following addresses, depending on the type of allegation:

How to report allegations of inmate abuse

To initiate an investigation, please provide information about the incident(s) including: the dates, times, and locations where each incident took place; names of the inmates, staff, or others who were involved; and their identifying information. Any detail you can provide will greatly assist our investigation. Send your information to one of the addresses below:

Inmate abuse of other inmates:

Staff abuse of inmates:

Federal Bureau of Prisons

Federal Bureau of Prisons

National PREA Coordinator
Correctional Programs Division
320 First St. NW, Room 554
Washington, DC 20534

Office of Internal Affairs
320 First St. NW, Room 600
Washington, DC 20534

SECTION 4 – RESPONDING TO AND INVESTIGATING ALLEGATIONS OF SEXUAL HARASSMENT

A. RESPONSIBILITIES

1. Catholic Social Services does not investigate allegations of sexual harassment. However, CSS will assist the DOC/BOP in their investigation regarding any inmate or staff member involved in an allegation.
2. Every complaint or allegation of sexual harassment involving an offender/inmate or Other Assigned Person (OAP) at CSS shall be investigated thoroughly, objectively, and promptly. **§115.222(a)(d) §115.261(e) §115.271(a)**
3. CSS shall take no investigative action unless directed by the Bureau Major/designee, or the BOP. **§115.271(a)** All allegations
4. The BCC OPS Center Shift Commander shall be notified of every allegation of sexual harassment involving any offender or OAP in accordance with Section 3 of this procedures manual.
5. The Federal Bureau of Prisons Office of the Residential Re-Entry Manager shall be notified of every allegation of sexual harassment involving any inmate or OAP in accordance with section 3 of this procedures manual.
6. The DOC/BOP shall NOT require any person who alleges sexual harassment to submit to a polygraph examination or other truth telling device as a condition of proceeding with the investigation of such an allegation. **§115.271(e)**
7. For administrative investigations, the DOC/BOP shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual harassment are substantiated. **§115.272(a)**
8. At the conclusion of the investigation, the DOC/BOP investigator will prepare a confidential investigative summary. The investigative summary will indicate whether the evidence supports a finding that sexual harassment has occurred (substantiated), the allegation is false (unfounded), or the evidence is inconclusive (unsubstantiated). **§115.273(a)**
9. The departure of the alleged abuser or victim from the employment or control of the facility shall not provide a basis for terminating an investigation. **§115.271(j)**
10. All sexual harassment investigative information shall be retained by the facility in a secure location for as long as the alleged abuser is incarcerated or employed by CSS plus five years. **§115.71(i)**

B. CONDUCTING THE ADMINISTRATIVE INVESTIGATION

An administrative investigation shall be conducted for every reported incident/allegation of sexual harassment to determine internal discipline and contract violations. **§115.271(a)**

NOTE: Catholic Social Services staff shall not conduct administrative investigations that involve a DOC/PBPP offender or a BOP Inmate.

C. INVESTIGATIVE REVIEW

1. When a complaint is being investigated by the DOC/BOP or other outside law enforcement agencies, CSS will be responsible for the following:

- a. ensure follow up communication with the investigating agency for updates to the investigative process; **§115.271(i)**
- b. request notification of the outcome of the investigation in order to notify the inmate. **§115.71(i), §115.273(b)**

2. CSS will fully cooperate in the investigation conducted by the PSP, Doc, BOP or other applicable outside law enforcement agency. **§115.271(i)**

1. Following the investigation into an offender's/inmate's allegation that he or she suffered sexual abuse or sexual harassment in a facility within the DOC/BOP, the PREA Compliance Manager for at the facility where the offender/inmate is housed shall inform the offender/inmate, in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded.
2. Regarding DOC offenders; If another agency conducted the investigation, the BCC PREA investigator will request the relevant information from the investigative agency and forward it to the PREA Compliance Manager, who will inform the offender.
3. Following an offender's/inmate's allegation that a staff member has committed sexual abuse or sexual harassment against the offender, the PREA Compliance Manager shall subsequently inform the offender/inmate in writing when any of the following occur: **§115.273(c) §115.273(e)**
 - a. The staff member is no longer posted within the offender's unit.
 - b. The staff member is no longer employed at the facility.
 - c. The agency learns that the staff member has been criminally charged related to sexual abuse or sexual harassment within the facility; or
 - d. The agency learns that the staff member has been convicted on a charge related to sexual abuse or sexual harassment within the facility.
4. Following an offender's/inmate's allegation that he or she has been sexually abused or sexually harassed by another offender/inmate, the PREA Compliance Manager shall subsequently inform the alleged victim in writing whenever: **§115.273(d) §115.273(e)**
 - a. The agency learns that the alleged abuser has been criminally charged related to sexual abuse or sexual harassment within the facility; or

- b. The agency learns that the abuser has been convicted on a charge related to sexual abuse or sexual harassment within the facility.
- 5. The DOC/BOP obligation to report the results of the investigation under this policy shall terminate if the offender/inmate is released from the DOC/BOP's custody.
- 6. CSS will retain all written reports pertaining to the administrative or criminal investigation of alleged sexual abuse or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. **§115.271(i)**

SECTION 5 – RESPONDING TO REPORTS OF SEXUAL ABUSE

A. FIRST RESPONDER DUTIES

1. Upon learning of an allegation that an offender/inmate or other assigned person (OAP) was sexually abused, the first staff member to respond shall:
 - a. immediately call “911” if a physical and/or sexual assault is currently in progress;
 - b. as soon as safely possible separate the alleged victim and alleged abuser. Escort the victim to a safe location away from others; **§115.264(a)(b)1**
 - c. Secure any reported crime scene until appropriate steps can be taken to collect evidence; **§115.264(a)2**
 - d. Contact the center Director/designee. **§115.264(b)**
 - e. contact the BCC Operations Center Shift Commander for DOC offender or contact the RRM for BOP inmate and follow all direction provided to include preserving and protecting any possible crime scene until appropriate steps can be taken to collect evidence; and
 - f. complete the BCC First Responder Checklist (Attachment 5-A) and a DC-121 Part 3-BCC in reference to DOC offender. Fill out Incident Report BP-A0205 for BOP inmate.

NOTE: Attachment 5-A is a Department of Corrections Attachment and as such is labeled with the DOC BCC administrative PREA procedures manual attachment number.

- g. if the abuse occurred within the last 96 hours that still allows for the collection of physical evidence, request the alleged victim and ensure that the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. **§115.64(a)3,4**

B. MEDICAL

1. All victims of sexual abuse shall be offered access to a forensic medical examination at an outside facility, without financial cost to the victim, using a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) where possible. CSS has a Memorandum of Understanding (MOU) with Geisinger Community Medical Center (Attachment 6A-05-1M). **§115.221(c) §115.282(d)**
2. If a SAFE or SANE cannot be made available, the examination can be performed by other qualified medical practitioners; and documented appropriately. **§115.221(c)**

3. The PREA Compliance Manager shall coordinate medical services related to sexual abuse at their facility
4. If sexual contact is suspected and the victim reports an allegation of vaginal, oral, and/or anal penetration by a body part or inanimate object, and the most recent act occurred within the past 96 hours, then he/she will be immediately transported to an outside medical facility to be examined by a medical professional who is skilled and experienced in the use of a rape kit for the collection of forensic evidence. **§115.282(d)**

NOTE: A staff member must accompany the victim to the hospital and stay with the victim until seen by medical professional. Wait for the victim and escort back to the facility.

5. Photographs of Injuries
 - a. Photographs of injuries alleged to have occurred during sexual abuse shall not be photographed by facility staff.
 - b. The collection of any photographic evidence must be conducted by the outside medical professional or PSP.
 - c. Offender Access to Outside Supportive Services
6. CSS works in collaboration with the Women's Resource Center as the local rape crisis centers where a MOU (Attachment 6A-05-1N) has been created for the sole purposes of PREA. **§115.221(d)**
7. The PREA Compliance Manager shall ensure that offenders/inmates are provided with access to outside victim advocates for emotional supportive services related to sexual abuse which has occurred in a community confinement setting. Supportive services may be provided via a variety of methods including in person, over the phone and/or in writing. The preferred service delivery method is in person. Women's Resource Center provides all of these services. **§115.283(a)** A notice of the Womens Resource Center and their services are posted throughout the facility (Attachment 6A-05-1P).
8. An offender/inmate will be offered the opportunity to talk with a victim advocate and receive continued care when they have been a victim of sexual abuse, no matter if they reported the abuse immediately or made a delayed disclosure. **§115.253(a)** CSS works in collaboration with the Women's Resource Center as the local rape crisis centers where a MOU (Attachment 6A-05-1N)
 - a. If the offender/inmate is taken to a local hospital for a forensic examination, the victim advocate will meet the victim at the hospital.

- b. If the offender/inmate does not receive medical attention at a hospital, the PREA Site Manager shall make arrangements for the victim advocate to meet with the offender/inmate, if the victim wishes to speak with an advocate. This should occur off-site if possible.

C. CONTINUITY OF CARE

Ongoing medical and mental health treatment shall be available for offenders/inmates who have been victimized by sexual abuse. This includes appropriate follow-up services and, when necessary, referrals for continued care following their transfer to other facilities and/or their release from the Department.

D. CARE FOR SEXUAL ABUSE VICTIMS

1. Female victims of sexually abusive vaginal penetration while incarcerated are offered pregnancy tests.
2. If pregnancy results from sexual abuse while incarcerated, victims receive timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services.
3. Victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate.
4. Through the MOU with the Women's Resource Center, a mental health evaluation will be conducted of all known resident-on-resident abusers within 60 days of learning of such abuse history and offers treatment when deemed appropriate by mental health practitioners.

SECTION 6 – INVESTIGATING ALLEGATIONS OF SEXUAL ABUSE

A. Allegations Made about a Community Contract Facility (CCF)

NOTE: *Catholic Social Services staff shall not conduct investigations of alleged sexual abuse that involve a DOC/PBPP offender or a BOP Inmate.*

1. Every grievance or allegation of sexual abuse involving an offender (DOC/PBPP) or inmate (BOP) or other assigned person (OAP) at CSS shall be investigated thoroughly and promptly regardless of when the incident is alleged to have occurred **§115.252(b)** and a confidential investigative report compiled. **§115.222**
2. The Pennsylvania State Police (PSP) will conduct all criminal investigations. Referrals to PSP will be for sexual abuse allegations only. **§115.222(b)**
3. The administrative investigation involving any offender (DOC/PBPP) will be conducted by the Bureau of Community Corrections (BCC) Security Division or the Office of Special Investigations and Intelligence (OSII). The administrative investigation involving any inmate (BOP) will be conducted by the Office of the Residential Reentry Manager (RRM).
4. Staff members (CSS) may not discuss any active investigation regardless of the level of information he/she is privy to.
5. The administrative investigation involving an OAP at CSS (no DOC/PBPP offender involvement), will be conducted by the facility. A copy of the final report shall be provided to the Contract Facility Coordinator (CFC) and Bureau Major/designee.
6. An accused staff member, contract service provider, volunteer, intern or an individual who has business with or uses the resources of the DOC, may be suspended pending investigation of the allegation. This decision will be made by the Bureau Director/designee on a case-by-case basis (based on the evidence at hand) in consultation with the Executive Deputy Secretary, the Bureau of Human Resources, and/or the Office of Chief Counsel. The Bureau Director/designee will notify the agency wide PREA Coordinator of these decisions within three business days.
7. An accused staff member, contract service provider, volunteer, intern or an individual who has business with or uses the resources of the BOP, may be suspended pending investigation of the allegation. This decision will be made by the Office of the Residential Reentry Manager (RRM) and will notify CSS's PREA Coordinator of these decisions.
8. All staff will fully cooperate in any administrative or criminal investigation conducted by the Pennsylvania Department of Corrections, Bureau of Prisons, State Police or other applicable outside law enforcement agency.

B. PRELIMINARY PROCEDURES FOR RECEIPT OF A SEXUAL ABUSE ALLEGATION

1. When an allegation or grievance of sexual abuse is received by any staff member, the BCC Operations (OPS) Center Shift Commander shall be contacted immediately by phone. The Residential Reentry Manager for the Bureau of Prisons will be contacted if an allegation involves a staff member or inmate. **§115.252(a)**

C. CONDUCTING THE ADMINISTRATIVE INVESTIGATION

1. An administrative investigation shall be conducted for every reported allegation of abuse to determine internal discipline and contract violations.
2. Contract Facility staff including Catholic Social Services shall not conduct administrative investigations that involve a DOC/PBPP offender or a BOP inmate.

SECTION 7 – SEXUAL ABUSE INCIDENT REVIEW

A. SEXUAL ABUSE INCIDENT REVIEW

1. A Sexual Abuse Incident Review shall be conducted at the conclusion of every sexual abuse investigation where the allegation was substantiated or unsubstantiated. No review will be conducted if the allegation has been determined to be unfounded. **§115.286(a)** The review shall occur within 15 working days of notice of satisfactory completion of the investigation. These reviews must take place for ALL sexual abuse investigations, whether they are conducted by the BOP, or DOC. **§115.286(b)**
2. The purpose of the incident review is to look retrospectively at the incident to ensure that the incident was managed in compliance with this procedures manual; to gather data relevant to enhancing understanding of prison rape; and to sensitize staff members to possible “red flags” associated with such incidents so that they may become better at detecting preventable incidents.
3. The PREA Coordinator will chair the Sexual Abuse Incident Review committee. The PREA Coordinator, in collaboration with the Facility Director/designee, will determine the exact composition of the team based on the nature of the incident. At a minimum, the Sexual Abuse Incident Review Team will consist of the following: **§115.286(c)**
 - a. Facility Director/designee;
 - b. Facility Supervisor/PREA Coordinator;
 - c. DOC/BOP Investigator;
 - d. Facility Counselor (presence not authorized for Staff on Offender accusations);
 - e. CSS Security Staff (as necessary).
 - f. DOC/Agency PREA Coordinator (when necessary).
4. The Sexual Abuse Incident Review must occur at the facility where the incident occurred.
5. The team will carefully review the documentation surrounding the incident. The review will focus upon the events associated with the incident, such as housing assignment, location of the alleged incident, measures taken as a result of the allegation, need for follow-up for the victim, etc.
6. In addition to reviewing the information surrounding the incident, the team will also gather information that can help to sensitize staff to possible clues and situations that are present before such incidents may occur. The aim is to help all staff become more proficient at detecting preventable incidents before they occur.
7. The Sexual Abuse Incident Review Committee shall:
 - a. consider whether the incident or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; **§115.286(d)1**

- b. consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; **§115.286(d)2**
 - c. examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse: **§115.286(d)3**
 - d. assess the adequacy of staffing levels in that area during different shifts; **§115.286(d)4**
 - e. assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; **§115.286(d)5** and
- 8. The PREA Coordinator shall ensure a copy of the final report is provided to the Sexual Abuse Incident Review Committee.
 - 9. The facility shall implement the recommendations for improvement, or shall document reasons for not doing so. The PREA Coordinator will provide a copy of the documentation to the BOP/DOC.
 - 10. Appropriate information, excluding the confidential report, may be used for in-service training for appropriate staff. References to and dissemination of protected information will be in accordance with CSS policy and in accordance with state and federal laws.

SECTION 8 – DISCIPLINE ISSUES RELATED TO SEXUAL ABUSE AND HARASSMENT

A. STAFF DISCIPLINE

1. Any employee, contract service provider, volunteer, intern or any individual who has business with or uses the resources of Catholic Social Services Residential Reentry Facility, one who engages in, fails to report, or knowingly condones sexual abuse or sexual harassment of an offender shall be subject to appropriate disciplinary or administrative action. **§115.276(a)**
2. The disciplinary sanctions for violations of this policy relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by the other staff with similar histories. **§115.276(c)**
3. All terminations for violations of the sexual abuse and sexual harassment policy, or resignations by staff that would have been terminated if not for their resignation, are reported to the DOC/BOP or other proper law enforcement agencies. **§115.276(d)**
4. Retaliatory action against an offender or any employee, contract service provider, volunteer, intern or any individual who has business with or uses the resources of CSS for reporting sexual abuse or sexual harassment or for providing information during an investigation is strictly prohibited.

B. CORRECTIVE ACTION FOR CONTRACTORS AND VOLUNTEERS

1. Contractors and volunteers are subject to the following:
 - a. when an allegation is made involving a contractor or volunteer, this person will be removed from contact with the alleged victim until the conclusion of this investigation
 - b. if a contractor or volunteer violates this procedures manual, other than by engaging in sexual abuse, the facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates **§115.277(b)**; and
 - c. any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates, and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. **§115.277(a)**

C. DISCIPLINARY SANCTIONS FOR OFFENDERS

All disciplinary actions for Offenders are carried out by the Department of Corrections. Catholic Social Services does not in any way make decisions when it comes to disciplinary sanctions regarding the guilt for sexual abuse or sexual harassment. The following procedures are the disciplinary sanctions for Offenders of the Department of Corrections.

1. SIP Offenders shall be subject to disciplinary sanctions pursuant to the formal disciplinary process, outlined in DC-ADM 801, following an administrative finding that the offender engaged in sexual abuse or sexual harassment or following a criminal finding of guilt for sexual abuse or sexual harassment. **§115.278(a)**

2. Parole Offenders shall be subject to disciplinary sanctions pursuant to the local disciplinary process, following the outline in DC-ADM 801 and checked off as “Other” on the DC 141 part 1, following an administrative finding that the offender engaged in sexual abuse or sexual harassment or following a criminal finding of guilt for sexual abuse or sexual harassment. **§115.278(a)**
3. Sanctions shall be commensurate with the nature and circumstances of the abuse or harassment committed, the offender’s disciplinary history, and the sanctions imposed for comparable offenses by other offenders with similar histories.
4. The disciplinary process shall consider whether an offender’s mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
5. When an offender is found guilty of a Class 1 Violation on a Formal Misconduct, or Local Disciplinary process for Parolees, related to sexual abuse, the facility shall:
 - a. Return all SIP offender to a closed institution where they will be referred to the Sex Offender Management Program for evaluation to determine whether or not the offender is appropriate for the program and if the offender will be required to complete the program as part of the sanctions or as a condition to access programming or other benefits.
 - b. Parolees will be moved to another facility where the PREA Compliance Manager will coordinate with Parole to require the offender to participate in an assessment with a local Sex Offender Treatment Provider, for an evaluation to determine whether or not the offender is appropriate for the program and if the offender will be required to complete the program as part of the sanctions or as a condition to access programming or other benefits.
6. The facility may discipline an offender for sexual contact with staff only upon a finding that the staff member did not consent to such contact. **§115.278(e)**
7. For the purpose of disciplinary action, a report of sexual abuse or sexual harassment made in good faith, based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. **§115.278(f)**
8. The Department prohibits all sexual activity between offenders and disciplines offenders for such activity. The Department will not deem such activity to constitute sexual abuse if the Department determines that the activity is not coerced. **§115.278(g)**

D. REVIEW OF MISCONDUCT #19 FOR SIP OFFENDERS TO BE CONDUCTED BY THE DOC

When an SIP offender is charged with Misconduct #19, “Engaging in Sexual Acts with others or Sodomy,” with another offender he/she will be returned to a closed institution, it is possible that the sexual activity was not consensual. The receiving institution is governed by the DC ADM 008 and will ensure that an offender who may not have consented to the activity will receive supportive services, and that an investigation will be initiated if indicated.

F. BOP DISCIPLINARY SANCTIONS AND PROCEDURES.

All disciplinary actions for Inmates are carried out by the Bureau of Prisons. Catholic Social Services does not in any way make decisions when it comes to disciplinary sanctions regarding the guilt for sexual abuse or sexual harassment. The following steps are the procedures of the Bureau of Prisons regarding Disciplinary actions.

1. Federal Pre-Release Inmates shall be subject to disciplinary sanctions pursuant to the Federal Bureau of Prisons offices of the Residential Reentry Manager. **§115.278(a)**
 - a. Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.
 - b. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories
 - c. The disciplinary process shall consider 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.
 - d. If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits. **§115.278(d)**
 - e. The agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact. **§115.278(e)**
 - f. For the purpose of disciplinary action, a report of sexual abuse or sexual harassment made in good faith, based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. **§115.278(f)**
 - g. The Bureau prohibits all sexual activity between offenders and disciplines offenders for such activity. The Department will not deem such activity to constitute sexual abuse if the Department determines that the activity is not coerced. **§115.278(g)**
2. Disciplinary sanctions for staff. Bureau employees are subject to the Program Statement Standards of Employee Conduct, the Master Agreement, and employment-based laws, rules, and regulations.
 - (a) Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
 - (b) Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. If evidence supports that a staff member engaged in sexual abuse. The matter

will first be referred for criminal prosecution. Administrative discipline (including proposed removals for sexual abuse) will be conducted using the Program Statement Standards of Employee Conduct, the Program Statement Human Resource Management Manual, and the collective bargaining agreement. Any decision made on the proposal will be in accordance with all applicable laws, rules, and regulations.

- (c) Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

§115.276(c)

- (d) All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

- 3. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

NOTE: Generally, this section is applied in cases where there is possible criminal prosecution.

- 4. The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

NOTE: Generally, this section is applied in cases where administrative investigation/actions would be appropriate.

SECTION 9 – DATA COLLECTION AND RETENTION

A. ANNUAL PREA REPORT

1. Review the data collected and aggregated annually pursuant to PREA Auditing Standards **§115.287**, in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training by: **§115.287(b)**, **§115.288(a)**
 - a. Identifying the problem areas; **§115.288(a)1**
 - b. Taking corrective action on an ongoing basis; **§115.288(a)2**
 - c. Preparing an annual report of its findings and corrective actions for the facility. **§115.288(a)3**
2. All data information shall be maintained, reviewed, and collected as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. **§115.287**
3. Catholic Social Services will produce an annual PREA report, capturing data from January 1 to December 31, and will provide the following information (Attachment 6A-05-1U):
 - a. the number of allegations made at each facility;
 - b. the number of substantiated, unsubstantiated, and unfounded investigations completed as of December 31 of each year;
 - c. the number of ongoing investigations as of December 31 for each facility;
 - d. the report shall include a comparison of the current year's data and corrective actions taken to reduce the incident of sexual abuse, sexual harassment, and retaliation with those from prior years, and shall provide an assessment of the Department's progress in addressing sexual abuse. **§115.288(b)**
 - e. Specific identifying information collected for reporting purposes shall be redacted so that no individual is identifiable. In addition, the Department may redact specific material from the reports when publication would present a clear and specific danger to a facility, but must indicate the nature of the material redacted. **§115.289(c)**, **115.288(d)**
 - f. Any additional information that is required by the Survey of Sexual Violence required by the Department of Justice. **§115.287(c)**
 - g. The agency annual report will be approved by the agency head and uploaded to the agency website along with the agency's PREA policy. They can be found at <http://cssdioceseofscranton.org/content> **§115.288 (c)**

4. CSS shall securely retain all aggregate PREA data, collected for a period of no less than ten years after the date of the initial collection unless federal, state, or local law requires otherwise. §115.289(a)(c)

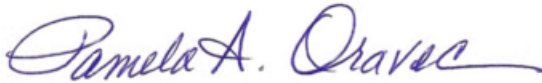
NOTE: All PREA documents shall remain on file and maintained at the facility for audit verification purposes. These files will be maintained and kept by the PREA Compliance Manager.

By:



Paul Gianino
Center Supervisor

Approval:



Pamela A. Oravec
Center Director