

PA Board of Probation and Parole

Prison Rape Elimination Act (PREA) Annual Report

2017

PREA Compliance Manager/Acting PREA Coordinator
Bureau of Standards and Accreditation
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Introduction

The Pennsylvania Board of Probation and Parole (PBPP) is dedicated to meeting the requirements of the U.S. Department of Justice Prison Rape Elimination Act (PREA) of 2003. The purpose of the act is to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, and recommendations and funding to protect individuals from prison rape.” Standards were published in June 2009 and the final rule became effective August 20, 2012.

PBPP is accountable under the Lockup Standards (28 C.F.R. Part 115) to prevent, detect, and respond to prison rape. For the purposes of PREA, confinement relates to offenders in a detained status, either in a PBPP lockup or during transport. PBPP operates holding cells (lockups) at twenty-six (26) locations within District Offices and Sub Offices located across the Commonwealth. Additionally, PBPP utilizes housing for parolees under our supervision at Commonwealth operated Community Correction Centers (CCCs – PA DOC facilities), Community Contract Facilities (CCFs), and Contracted County Jails (CCJs).

Due to the limited extent of confinement within our holding cells, PBPP is not subject to audit. Nonetheless, PBPP has the expectancy of full compliance with the standards. This is accomplished through ongoing staff training, collaboration with other state and local agencies, and data collection. PBPP enforces a zero-tolerance of sexual abuse, sexual harassment, and retaliation directed to anyone who reports it.

Data is collected in accordance with the standards and is stored at PBPP’s Central Office. The agency’s Bureau of Standards and Accreditation is responsible for PREA data collection. The incident-based data includes the data necessary to complete the U.S. Department of Justice, Bureau of Justice Statistics’ Survey of Sexual Victimization (SSV-3). PBPP also receives outcomes of PREA investigations reported to us by the PA DOC’s Office of Special Investigations and Intelligence (OSII). Numbers contained within the report are categorized by type¹ of allegation:

- **Offender-on-Offender Nonconsensual Sexual Acts:**
Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and/or contact between the mouth and the penis, vulva, or anus; or penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

¹The report utilizes the definition of “sexual abuse” as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into three categories of offender-on-offender sexual victimization. Sexual abuse is disaggregated into two categories of staff-on-offender sexual abuse.

- **Offender-on-Offender Abusive Sexual Contact:**
Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, excluding incidents in which the contact was incidental to a physical altercation.
- **Offender-on-Offender Sexual Harassment:**
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 directed toward another.
- **Staff-on-Offender Sexual Misconduct:**
Any behavior or act of a sexual nature directed toward an offender by an employee, volunteer, contractor, official visitor or other agency representative (excludes family, friends or other visitors). Consensual or nonconsensual sexual acts include intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; or completed, attempted, threatened, or requested sexual acts; or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.
- **Staff-on-Offender Sexual Harassment:**
Repeated verbal statements, comments or gestures of a sexual nature to an offender by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Including demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; or repeated profane or obscene language or gestures.

Report outcomes include investigative findings that are substantiated, unsubstantiated, or unfounded. For any substantiated allegation emanating from a PBPP lockup or transport, a five-page Survey of Sexual Victimization Incident Form (SSV-IA) is submitted to the Bureau of Justice Statistics. Some investigations maybe ongoing for which evidence is still being gathered, processed or evaluated, and a final determination has not yet been made. 2017 marks the second full year of data collection.

It is noted that allegations of offender-on-offender sexual harassment complaints are investigated by select field supervision staff. Sexual harassment complaints rising to a criminal level are referred to the local law enforcement authority with jurisdiction. Allegations of staff-on-offender sexual harassment complaints are investigated by Internal Affairs. Any type of sexual abuse complaints are referred for investigation to the local law enforcement authority with jurisdiction.

Table 1: Offender-on-Offender Nonconsensual Sexual Acts, PBPP Lockups, 2017

Offender-on-Offender Nonconsensual Sexual Acts	2016	2017
Total Allegations	0	0
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	0	0
Investigations Ongoing	0	0

Table 2: Offender-on-Offender Abusive Sexual Contact, PBPP Lockups, 2017

Offender-on-Offender Abusive Sexual Acts	2016	2017
Total Allegations	0	0
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	0	0
Investigations Ongoing	0	0

Table 3: Offender-on-Offender Sexual Harassment, PBPP Lockups, 2017

Offender-on-Offender Sexual Harassment	2016	2017
Total Allegations	0	1
Substantiated	0	1
Unsubstantiated	0	0
Unfounded	0	0
Investigations Ongoing	0	0

The above allegation involved an incident of sexual harassment rising to a criminal level. It was referred to local law enforcement for investigation. It was substantiated by arrest.

Part 2: Staff Perpetrators

Table 4: Staff-on-Offender Sexual Misconduct, PBPP Lockups, 2017

Staff-on-Offender Sexual Misconduct	2016	2017
Total Allegations	0	1
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	0	1
Investigations Ongoing	0	0

The above allegation was investigated and determined to be unfounded; the allegation did not meet the threshold for PREA.

Table 5: Staff-on-Offender Sexual Harassment, PBPP Lockups, 2017

Staff-on-Offender Sexual Harassment	2016	2017
Total Allegations	1	0
Substantiated	0	0
Unsubstantiated	1	0
Unfounded	0	0
Investigations Ongoing	0	0

Not included in the previous tables were two (2) investigations for staff neglect during 2017. The first allegation involved a transport and was found to be unsubstantiated. The second allegation involved a holding cell incident. It was found to be substantiated and was referred to HR.

PBPP also received and processed allegations involving other facilities. In all instances, these were reported to the appropriate staff for follow up. This included allegations originating from the below.

PA State Prisons: SCIs Camp Hill (1), Coal Township (1), Mahanoy (1), Western (1), and unknown (1).

PA County Prisons: Columbia (1), and Lackawanna (1).

Other States' Prisons: TX (1).

Private Facilities: (1).

PA CCC/CCF's: Alle-Kiski (1), Coleman Hall (3), Harrisburg (2), Luzerne (1), Penn Pavilion (1), Scranton CEC (1), Sienna House (1).

PBPP also received investigation outcomes from OSII involving CCC/CCF's. In all instances, PBPP field supervision staff were notified of the investigations' findings. This involved the following types of investigations:

Staff-on-resident sexual abuse (0); staff-on-resident sexual harassment (0); resident-on-resident sexual abuse (0); resident-on-resident sexual harassment (9).

Details regarding the aforementioned can be found in the PREA Annual Reports originated by the above entities.

During the last year, PBPP staff engaged in the following efforts to support the prevention, detection, and response to prison rape:

- Annual training and new agent training was conducted;
- Specialized investigative training was conducted; and
- PBPP staff assisted PADOE staff with external PREA audits.

Conclusion

During 2017, a total of 42 PREA allegations were processed. This included allegations originating from other facilities, outside investigation outcomes, and a couple of allegations that did not meet the threshold for PREA. It was again observed that instances of PREA allegations were frequently associated with violation behaviors. Additionally, allegations of staff-on-inmate or resident sexual abuse were frequently associated with pat-down concerns. Offender-on-offender allegations continue to be infrequent. There was a slight increase of allegations involving staff. Of the 42 allegations, there was duplicate reporting in ten (10) instances, resulting in 32 total PREA allegations for 2017.

This is the second annual PREA report signifying PBPP's efforts to raise sexual safety awareness. We continue to provide multiple means of reporting PREA concerns by staff and offenders as well as by third parties. It is anticipated that as staff become more proficient with the Lockup Standards, that occurrences of PREA allegations will continue to decline. The PA Board of Probation and Parole remains committed to enforcing a zero tolerance of sexual abuse, sexual harassment, and retaliation directed to anyone who reports it.

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