
MIFFLIN COUNTY CORRECTIONAL FACILITY **POLICY AND PROCEDURES MANUAL**

Chapter: Inmate Rules, Regulations & Rights *Reference Number:* 14.7

Subject: Prison Rape Elimination Act *Related ACA Standards:*

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I. *PURPOSE:*

To establish policy and procedure for the Prison Rape Elimination Act.

II. *APPLICABILITY:*

To all staff, inmates, visitors, volunteers, and contractors who have contact with inmates.

III. *ZERO TOLERANCE*

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

Effective immediately, the Mifflin County Correctional Facility will not permit cross-gender searches of inmates, absent exigent circumstances. If exigent circumstances arise, they must be documented on a "Cross-Gender Search Documentation" form and submitted to the PREA Coordinator.

IV. *DEFINITIONS AND CLARIFICATION OF PROHIBITED CONDUCT:*

A. **AGENCY:** means the unit of a State, Local, Corporate, or Nonprofit Authority, or the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority.

B. **AGENCY HEAD:** means the principal official of an agency.

C. **COMMUNITY CONFINEMENT FACILITY:** means 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 non-residential hours.

- D. **CONSENT**: words or overt actions by an offender who is functionally competent to give informed approval, indicating a freely given agreement to have sexual intercourse or sexual contact.
- E. **CONTRACTOR**: means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.
- F. **DETAINEE**: means any person detained in a lockup, regardless of adjudication status.
- G. **EMPLOYEE**: means a person who works directly for the agency or facility.
- H. **EXIGENT CIRCUMSTANCES**: means 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.
- I. **FACILITY**: means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or a set of buildings) that is used by an agency for the confinement of individuals.
- J. **FACILITY HEAD**: means the principal official of a facility.
- K. **FALSE ALLEGATIONS**: Any false report or falsification during an investigation of sexual assault. No person shall knowingly make a false statement or knowingly swear or affirm the truth of a false statement previously made.
- L. **FULL COMPLIANCE**: means compliance with all material requirements of each standard except for *de minimis* violations, or discrete and temporary violations during otherwise sustained periods of compliance.
- M. **GENDER NONCONFORMING**: means a person whose appearance or manner does not conform to traditional societal gender expectations.
- N. **INABILITY TO CONSENT**: a freely given agreement to have sexual intercourse or sexual contact could not occur because of age, illness, disability, being asleep or under the influence of alcohol or drugs.
- O. **INABILITY TO REFUSE**: disagreement to have sexual intercourse or sexual contact was precluded because of the use of non-bodily weapons or due to physical violence, threats of physical violence, real or perceived coercion, intimidation, pressure or misuse of authority.
- P. **INMATE**: means any person incarcerated or detained in a prison or jail.
- Q. **INTERFERENCE WITH OFFICIAL PROCESS**: any failure to report or actions intended to cover up an incident of sexual assault/misconduct, making an allegation or statement that the party or witness knew could not be true, or any failure to cooperate with an investigation or inquiry. Proven interference with the process will result in disciplinary action against an employee.
- R. **INTERSEX**: means 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.
- S. **JAIL**: means a confinement facility of a Federal, State, or Local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

- T. **JUVENILE**: means any person under the age of 18, unless under adult court supervision and confined or detained in a prison of jail.
- U. **JUVENILE FACILITY**: means a facility primarily used for the confinement of juvenile pursuant to the juvenile justice system or criminal justice system.
- V. **LAW ENFORCEMENT/CORRECTIONAL STAFF**: means employees responsible for the supervision and control of detainees in lockup.
- W. **LOCKUP**: means a facility that contains holding cells, cell blocks, or other secure enclosures that are:
1. Under the control of a Law Enforcement, Court, or Custodial Officer; and
 2. Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.
- X. **MEDICAL PRACTITIONER**: means 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 or 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.
- Y. **MENTAL HEALTH PRACTITIONER**: means 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 his or 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.
- Z. **PAT-DOWN SEARCH**: means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.
- AA. **PERPETRATOR**: an individual who commits an act of sexual assault towards offenders.
- BB. **PRISON**: means an institution under Federal or 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.
- CC. **RAPE**: is defined as sexual intercourse, oral sodomy and sexual assault with an object or sexual fondling of a person 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. In addition, rape is defined as, forced or against that person’s will or sexual intercourse or the exploitation or fear or threat of physical violence or bodily injury. Rape and related sex crimes are also defined by Pennsylvania statute and include, but not necessarily limited to, the elements defined in each crime.
- DD. **RESIDENT**: means any person confined or detained in a juvenile facility or in a community confinement facility.
- EE. **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 misconduct or cooperation in the reporting or investigation of sexual misconduct, regardless of the merits or the disposition of the complaint. Examples of act of retaliation are unnecessary discipline, intimidation, unnecessary changes in work or program assignments, unjustified transfers or placements and unjustified denials of privileges or services.

FF. SECURE JUVENILE FACILITY: means a juvenile facility in which the movement and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows residents access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.

GG. SECURITY STAFF: means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.

HH. SEXUAL ABUSE OR ASSAULT: includes, but not limited to, sexual intercourse, oral or anal sodomy and sexual acts with instruments 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. Consensual sexual intercourse with an offender is, by its nature, an assault and defined by law as rape in the second degree, a felony.

II. SEXUAL CONTACT/INTIMACY: is defined as the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thighs or buttocks of any offender, when such touching is unrelated to the necessary performance of job duties and conversation or correspondence that demonstrates or suggests a romantic or intimate relationship.

JJ. SEXUAL HARASSMENT: includes, but not limited to –

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another.
2. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

KK. SEXUAL HARASSMENT ACTIVITIES: includes, but not limited to –

1. Sexually offensive comments, gestures or any physical conduct which is of a sexual nature or sexually suggestive.
2. Influencing, promising or threatening an offender's safety, custody or security level (including recommendations for court actions), privacy, housing privileges, work detail or program status in exchange for sexual favors.
3. Creating an intimidating, hostile or offensive environment for an offender or others by engaging in or permitting sexually offensive behavior or language that is directed at or observed by offenders or others.

LL. STAFF: Employees of the Mifflin County Correctional Facility.

MM. SUBSTANTIATED ALLEGATION: means an allegation that was investigated and determined to have occurred.

NN. SUSPECT: an individual under investigation for allegedly committing an act of sexual assault.

OO. TRANSGENDER: means a person whose gender identity (i.e. internal sense of feeling male or female) is different from the person's assigned sex at birth.

PP. UNCLOTHED SEARCH: means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia

QQ. UNFOUNDED ALLEGATION: means an allegation that was investigated and determined not to have occurred.

RR. UNSUBSTANTIATED ALLEGATION: means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

SS. VICTIM: any offender who is subjected to offender-on-offender sexual assault or staff sexual and/or harassment.

TT. VICTIM SUPPORT PERSON: a voluntary employee or an agency volunteer who is specifically trained to support an alleged victim/offender during the investigation of a sexual assault/misconduct charge.

UU. VOLUNTEER: means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

VV. VOYEURISM BY A STAFF MEMBER, CONTRACTOR, OR VOLUNTEER: means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using the toilet in his cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breast; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

For purposes of reporting and investigating, sexual abuse or assault is categorized as one of the following:

1. Offender-on-Offender

- a. **Sexual Acts:** includes, but not limited to contact between the penis and the vagina or the penis and the anus including penetration, however slight; contact between the mouth and the penis, vagina or anus; or penetration of the anal or genital opening of another person by a hand, finger, or other object.
- b. **Abusive Sexual Contacts:** includes contact of a sexual nature of any offender without his or her consent or of an offender who is unable to consent or refuse; and intentional touching, either directly or through clothing of the genitalia, anus, groin, breast, inner thigh or buttocks. This does not include contact in which the intent was to debilitate the offender.

Sexual Abuse by Another Inmate, Detainee, or Resident: 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 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 buttocks of any person, excluding contact incidental to a physical altercation.

2. Staff-on-Offender

- a. **Staff Sexual Misconduct:** any behavior or act of a sexual nature toward an offender by an employee, consensual or nonconsensual, and one or more of the following: intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks 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 sexual gratification.
- b. **Staff Sexual Harassment:** Repeated verbal statements or comments of a sexual nature to an offender by an employee, including one or more of the following: demeaning references to gender or derogatory comments about body or clothing; or repeated profane or obscene language or gestures.

NOTE: All opposite gender staff must announce their presence when entering an inmate housing unit. Inmates will be given to opportunity to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances, or when such viewing is incidental to routine cell checks.

Sexual Abuse by a Staff Member, Contractor, or Volunteer: includes, but not limited to:

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 staff member, contractor, or volunteer 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 staff member, contractor, or volunteer has the intent to abuse, 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 staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs 1-5 of this section;
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
8. Voyeurism by a staff member, contractor, or volunteer.

WW. YOUTHFUL DETAINEE: means any person under the age of 18 who is under adult court supervision and detained in a lockup.

XX. YOUTHFUL INMATE: means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

V. DIRECTIVES

A. The Mifflin County Correctional Facility Staff, Contractors, and Volunteers will immediately respond to and support the prosecution of sexual assault/misconduct in the Mifflin County Correctional Facility, both internally and externally, in partnership with local law enforcement and prosecutors.

B. The Mifflin County Correctional Facility will increase awareness:

1. Possible Warning Signs,
2. Potentially Abusive Behavior,
3. Safe Reporting Mechanisms,
4. Available Services to Victims,

thereby discouraging sexual aggression and misconduct through continual education of staff and inmates.

C. The Mifflin County Correctional Facility will identify opportunities to separate and carefully monitor both sexually abusive and vulnerable inmates and sexual abusers and victims to reduce the incidence of sexual assault through classification, assignment, review of new technologies, and improvements to institution architecture where feasible.

D. The Mifflin County Correctional Facility will establish data collection systems to accurately track sexual assault/misconduct, facilitate identification of the core causal factors, and annually incorporate lessons learned into improved operations and services toward a sustainable zero-tolerance standard.

E. The Mifflin County Correctional Facility will provide disabled inmates equal opportunity to participate in or benefit from all aspects of prevention of sexual abuse and sexual harassment. Disabled inmates who are unable to benefit from the Inmate PREA Training will receive specialized training facilitated by the counselor, tailored to their individual need.

F. The Mifflin County Correctional Facility will provide equal opportunity for inmates that have limited English proficiency. This will be done using a certified, court-appointed translator or approved translation system (LanguageLine Solutions). Instructions for LanguageLine Solutions are located in the Lieutenant's Office and the PREA Office. At no time shall any inmate be used as an interpreter.

G. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, Mifflin County Correctional Facility shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse.

H. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, Mifflin County Correctional Facility shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.

VI. POLICY

It is the policy of the Mifflin County Correctional Facility to provide staff and inmates with an environment free of sexual abuse or assault, sexual misconduct and sexual harassment from co-workers, other inmates, contractors, volunteers or any person visiting the facility. Mifflin County Correctional Facility administers a program of education, prevention, detection, response, investigation and tracking of all reported acts of sexual assault. Punishment for the perpetrator is enforced. The program provides treatment for the victim and the perpetrator and includes ongoing support for the victim. In addition to a program regarding offender-on-offender sexual assault, the agency also provides education to offenders and staff regarding staff sexual misconduct and harassment. During the admission process, all offenders are provided information about sexual assault, to include: prevention/intervention, self-protection, reporting sexual assault, treatment and counseling. Under no circumstances will Mifflin County Correctional Facility house inmates solely for civil commitment.

VII. RESPONSIBILITIES

A. PRISON STAFF

1. Staff must be able to recognize the signs of sexual assault and understand their responsibility in the detection, prevention, and reporting of an alleged sexual assault.
2. Staff must help prevent sexual assaults by acting in the following manner during the performance of their duties:
 - a. Know and enforce rules regarding sexual conduct of inmates;
 - b. Maintain professionalism at all times. Do not laugh or joke about sexual assault.
 - c. Treat any allegation of sexual assault seriously and immediately and follow appropriate reporting procedures.
3. Staff must recognize that sexual assaults can occur in virtually any area in a correctional facility, especially those that are not directly supervised at all times. Sound correctional practice includes sight and sound supervision of inmates, conducting frequent, random area and cell checks, providing direct staff supervision whenever possible, and maintaining an open line of communication with inmates.
4. Staff must recognize that first time, youthful, elderly, mentally ill, developmentally disabled, homosexual, or inmates who have committed sex offenses are at an increased risk for vulnerability.
5. Staff must be aware of possible warning signs that might indicate that an inmate has been sexually assaulted or is in fear of being sexually assaulted. Warning signs can include: isolation, depression, lashing out at others, refusing to shower, suicidal thoughts or actions, seeking protective custody, and refusing to leave segregation or classification.
6. Staff must be aware of potential sexually abusive behavior. The sexual abuser may be known by the general population. Characteristics or warning signs may include a prior history of committing sex offenses, use of strong arm tactics (extortion), associating or pairing up with inmates who meet the profile of a potential victim,

exhibiting voyeuristic/exhibitionistic behavior, and demonstrating inability to control anger.

7. The Mifflin County Correctional Facility will NOT discipline inmates for refusing to answer (or not disclosing complete information related to) the following questions:
 - a. Whether the inmate has a mental, physical, or developmental disability.
 - b. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming.
 - c. the inmate's own perception of vulnerability.
8. The Counselor will reassess the inmate's risk level when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.
9. Intermediate level and/or higher-level staff will conduct daily unannounced rounds. These rounds will be conducted on all shifts and in all areas of the prison. These rounds will be documented on the PREA Unannounced Round Report. The Mifflin County Correctional Facility prohibits staff from alerting other staff of the unannounced rounds.
10. Mifflin County Correctional Facility staff will obtain informed consent from all inmates during the intake process before asking any questions regarding sexual assault.

B. CONTRACTORS, VOLUNTEERS and VISITORS

1. Adhering to these procedures by ensuring that their conduct does not constitute or promote sexual assault nor in any other way violate the provisions of these procedures.
2. Treating all reported incidents of prohibited conduct seriously and ensure that known, suspected acts or allegations of sexual assault or retaliation are reported immediately.
3. Providing complete cooperation and full disclosure during any inquiry or investigation into an alleged act of sexual assault or retaliation.

C. INMATES/OFFENDER

1. Adhering to Prison procedures as outlined in the *Mifflin County Correctional Facility Inmate Handbook*.
2. Ensuring that their conduct does not constitute or promote sexual assault nor in any other way violate the provisions of Prison procedures.

D. ENTITIES UNDER CONTRACT FOR THE CONFINEMENT OF INMATES

1. Any and all private entities or other entities, including government agencies, are obligated to adopt and comply with PREA Standards prior to entering into a contract with Mifflin County Correctional Facility for housing or confinement of inmates.

Any and all private entities or other entities, including government agencies, currently under contract with Mifflin County Correctional Facility for the housing or confinement of inmates must adopt and comply with PREA Standards before the contract will be renewed.

E. HIRING AND PROMOTION PRACTICE

The MIFFLIN COUNTY CORRECTIONAL FACILITY shall not hire, promote, or contract with any individual (that will have direct contact with inmates or detainees) who has engaged in, been convicted of, or been civilly or administratively adjudicated for engaging in sexual abuse in a confinement setting or convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse. This information will be collected from the applicant, contractor or volunteer during the initial application process. The PREA Hiring and Promotional Questionnaire will be completed during the initial interview by the warden, or his designee. The warden, or his designee, will send a copy of the "Hiring and Promotional Questionnaire" to former employers of all applicants with prior correctional employment. The completed "Hiring and Promotional Questionnaire" will be maintained within the applicant's employment file.

The MIFFLIN COUNTY CORRECTIONAL FACILITY shall perform a NCIC background check on all potential employees, contractors, and volunteers. Institutions that an individual has been employed in the past will be contacted and a best effort will be made to collect information on any substantiated allegations of sexual abuse or sexual harassment (unless prohibited by law).

The MIFFLIN COUNTY CORRECTIONAL FACILITY has established a continuous background check through the Pennsylvania Justice Network (JNET). All employees are continuously checked through JNET, a notification is made to the Warden and Deputy Wardens of any infraction.

Employees are required to maintain a continuing affirmative duty to disclose any such misconduct of sexual abuse or sexual harassment. Material omissions of such misconduct, or providing of materially false information, shall be grounds for termination. Unless prohibited by law, MIFFLIN COUNTY CORRECTIONAL FACILITY will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon request from an institutional employer for whom such former employee has applied for employment.

F. Staffing Plan

The Staffing Plan will be reviewed annually by Mifflin County Correctional Facility's Warden, Deputy Wardens, PREA Coordinator, and PREA Compliance Manager.

VIII. EDUCATION

A. PRISON STAFF

1. All employees will receive classroom instruction relating to the prevention, detection, response, reporting and investigating of sexual assault. Classroom instruction will begin 2017. Refresher training will be conducted every 2 years thereafter.

2. All employees will receive annual instruction relating to the prevention, detection, response, reporting and investigation of sexual assault at the facility.
3. If a staff member wants to privately report sexual abuse or harassment of an inmate, they can place a written statement in a sealed envelope in the PREA Coordinators mailbox.
4. Contract staff and volunteers whose primary duties include teaching, training or supervising offenders, receive instruction to emphasize the importance of preventing sexual assault towards offenders. The instruction promotes awareness of the serious impact of sexual victimization within the correctional and community setting.
5. Training is provided for employees who may respond, as part of their job duties, to reported incidents of sexual assault. This training may include, but not limited to, crime scene management, elimination of contamination, evidence collected protocol and crisis intervention. Training will be conducted in 2017. Every 2 years thereafter, refresher training will be provided.
6. Mental health staff will ensure the facility has access to the services of a mental health professional that has a scope of practice, training and/or experience in trauma counseling.
7. Employees will acknowledge understanding of training. Acknowledgements will be signed and placed in employee's personnel file.
8. Employees will receive gender-specific training and training on conducting cross-gender searches.

B. INMATE/OFFENDER

1. Verbal and Written Information

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

- a. Prevention
- b. Self-Protection
- c. Reporting sexual assaults/misconducts, including methods to identify and report such misconduct
- d. Protection from retaliation
- e. Treatment and counseling
- f. Mifflin County Correctional Facility's zero tolerance for sexual assault

Information regarding these topics is included in the *Mifflin County Correctional Facility Inmate Handbook* and the booklet titled "Reporting Sexual Misconduct", which will be made available to all inmates during the intake process. An explanation of the booklet "Reporting Sexual Misconduct" will be given to all inmates.

Inmates/offenders are required to sign off on the PREA Video Form and submit to staff for filing. This video will be shown once per week at the shift commander's discretion.

C. CONTRACTORS, VOLUNTEERS and VISITORS

1. All contractors, volunteers and visitors receive verbal and written information about sexual assault/misconduct prior to entry to the facility. This information addresses:
 - a. Prevention
 - b. Self-Protection
 - c. Reporting sexual assault/misconduct, including methods to identify and report such misconduct
 - d. Protection from retaliation
 - e. Treatment and counseling
 - f. Mifflin County Correctional Facility's zero tolerance for sexual assault.
2. All contractors, volunteers and visitors that are with inmates over 28 hours per week, are required to complete the 4 hour PREA training. All others must sign off on the PREA Acknowledgement form.
3. All contractors or volunteers who engage in sexual abuse will be reported to Lewistown Borough Police Department, unless the activity was clearly not criminal. The contractor or volunteer who engages in sexual abuse will be prohibited from contact with inmates. If the violations are substantiated, the contractor or volunteer will have no further contact with inmates in the Mifflin County Correctional Facility.

D. DISPLAYING OF POSTERS FOR PREA INFORMATION

1. The Mifflin County Correctional Facility will display posters in appropriate locations which are designed to inform all inmates/offenders that:
 - a. Mifflin County Correctional Facility has a zero-tolerance policy towards sexual misconduct.
 - b. All inmates are encouraged to report any and all instances of sexual misconduct.

IX. CLASSIFICATION and HOUSING

The Mifflin County Correctional Facility shall provide housing assignments that reduce the likelihood of sexual assault while an inmate is in custody. Within the first 72 hours, the PREA Screening Form will be completed by the Lt., Sgt., or Acting Lt.. This form will then be forwarded to the Counselor.

Re-assessment will be completed by the Counselor within 10-30 days of commitment and then again annually.

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

1. Vulnerable Inmates

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

- a. Does the inmate have a mental, physical, or developmental disability;
- b. Is the inmate younger than 18 years of age or appear younger;
- c. Is the inmate's stature small in relation to gender;
- d. Has the inmate been previously incarcerated 4 or more consecutive years;
- e. Is the inmate's criminal history exclusively nonviolent;
- f. Does the inmate have a prior conviction for any sex offense against an adult;
- g. Does the inmate have a prior conviction for any sex offense against a child;
- h. Is the inmate perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming;
- i. Does the inmate identify as gay, lesbian, bisexual, transgender, intersex, or gender non-conforming;
- j. Has the inmate previously experienced sexual victimization;
- k. Does the inmate perceive himself/herself to be vulnerable;
- l. Is the inmate detained solely for civil immigration purposes;
- m. Gang Affiliation/STG and/or reputation for aggressive behavior?

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

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

Any inmate who discloses a prior sexual victimization, either in the community or an institutional setting, during the screening process for risk of victimization and abusiveness will be offered a follow-up meeting with a medical or mental health practitioner within 14 days.

3. Sexually abusive inmates (Predators):

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

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

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

If an inmate indicates they have a prior sexual victimization, whether in an institutional setting or in the community, the inmate will be offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

If an inmate indicates that they have previously perpetrated sexual abuse, whether in an institutional setting or in the community, the inmate will be offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18. If the inmate is under the age of 18 the Warden will immediately be notified, and the medical or mental health practitioner will notify the Pennsylvania Childline at 1-800-932-0313.

All follow-up medical and mental health care will be documented in the inmate's medical chart.

- C. Staff and offenders must be alert to situations in which sexual acts or contact, or staff sexual misconduct or harassment might occur and be capable of identifying the following indicators:
 - 1. Overly friendliness of staff and/or offenders
 - 2. The exchange of money, canteen, favors, etc.

3. Security threat group activity
4. Suicidal thoughts or feelings & self-abuse
5. Depression or hopelessness
6. Refusal to shower, eat, or be in certain less supervised areas of the prison.

Staff will identify, assess, and manage offenders with special needs, including those who are potentially vulnerable or dangerous, to provide safe housing, adequate protection, and programmatic resources to meet their needs. Special needs offenders include, but are not limited to, offenders who are non-English speaking, deaf or hard of hearing, have visual impairments, mentally, intellectually or physically challenged, and speech impaired.

D. Youthful Offenders

Youthful offenders will not be housed in units where the youthful offender will have sight, sound, or physical contact with any adult through use of a shared dayroom or other common space, shower area or sleeping quarters. Every effort will be made to ensure a youthful offender is never placed in a shower area or sleeping quarter with direct physical access by/with an adult offender. If circumstances should arise whereby this cannot be accomplished, the youthful offender will be placed under continuous direct supervision by Correctional Staff. Best efforts will be made not to isolate/segregate youthful offenders from prison activities. Youthful offenders must be under direct Correctional Staff supervision during recreational activities with adult offenders. Youthful offenders will be permitted to attend extracurricular activities/programs with adult offenders under direct supervision and control of Correctional Staff.

All Youthful Offenders will be housed in the juvenile detention area at Mifflin County Correctional Facility.

E. Transgender and Intersex Offenders

Housing and programming assignments for transgender or intersex inmates, will be made on a case-by-case basis to ensure the inmate's health and safety, and whether the placement would present management or security problems. The individualized assessment will include:

1. The inmate's security threat level
2. Criminal and disciplinary history
3. Current gender expression
4. Medical and mental health information
5. Vulnerability to sexual victimization
6. Likelihood of perpetrating abuse
7. Overall Inmate population
8. Staffing patterns
9. And physical plant layout

During the individualized assessment serious consideration will be given to the transgender or intersex inmates own views with respect to safety. The housing and programming will be reviewed every thirty days, and documented.

In cases of intersex offenders in which there is genital ambiguity, the decision of gender will be made through consultation with a medical provider who will consider both the physical attributes as well as the chosen gender identity of the offender. In making

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

Any inmate identified as transgender or intersex will be given the opportunity to shower separately from other inmates.

F. Protective Custody Status

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

MCCF shall place inmates in Protective Custody only until an alternative means of separation from likely abusers can be arranged. Involuntary Protective Custody shall not ordinarily exceed a period of 30 days.

Inmates placed in Protective Custody, and/or have been identified as At Risk of Being Victimized, or At Risk of Victimizing shall have access to programs, privileges, education, and work opportunities to the extent possible. If MCCF restricts access to programs privileges, education, and/or work opportunities, it shall be documented on a Special Separations Form what opportunities will be limited, the duration of the limitation, and the reason for the limitation. These forms will be completed and maintained by the Work Release Coordinator and the Counselor.

X. REPORTING/FIRST RESPONSE TO SEXUAL ASSAULT

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

An investigation is conducted and documented whenever an allegation of sexual assault/harassment at the Mifflin County Correctional Facility. Allegations of sexual assault threats will be investigated by the trained PREA investigators. Such allegations are treated with discretion and, to the extent permitted by law, confidentially. A "Sexual Assault Report" is completed and forwarded to the Warden for all allegations of sexual assault. Investigations will not be terminated because an alleged abuser or victim is removed from employment or control of the facility.

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

Upon receiving an allegation that an inmate was sexually abused or sexually harassed while confined at another facility, the Mifflin County Correctional Facility Warden, or his designee, shall notify the facility head of the facility where the alleged abuse or harassment occurred within

72 hours after receiving the allegation. The Mifflin County Correctional Facility, or his designee, shall also send any supporting documentation. This notification shall be provided as soon as possible, and the notification shall be documented on a Facility Notification of PREA Allegation form.

A. Initial Report and Separation

1. Any offender may report acts of sexual assault/misconduct to any employee, contract employee or volunteer using available methods of communication, including but not limited to:
 - a. Report the incident to a staff member
 - b. Utilize the Inmate Request for Services Form.
 - c. Use a Department approved free confidential correspondence to Cathy Romig; or mail to Cathy Romig 20 N. Wayne St, Lewistown, PA 17044
2. Anyone that receives a report of an alleged sexual assault, whether verbally or in writing, must immediately notify their supervisor.
 - a. Recognize that a possible incident has occurred.
 - b. Separate the victim and suspect and provide medical care where applicable.
 - c. Report to supervisor.
 - d. Initiate the checklist and sexual assault report and secure the possible crime scene.
 - e. Call in an investigator and/or PREA team depending on the severity.
3. The supervisor ensures the alleged victim and alleged suspect are physically separated, either through the placement of one or both offenders in segregation, through staff transfer of duty assignment or leave options (including suspension), or other effective means. In every case where the alleged perpetrator is an employee, there will be no contact between the alleged perpetrator and the alleged victim. Once separated, PREA investigators will conduct preliminary interviews with offenders regarding offender on offender alleged sexual assaults and/or staff-on-offender sexual misconduct.
4. The alleged victim is immediately taken to the Medical Room for initial evaluation and any immediate first aid treatment. If a Sexual Assault is suspected Lewistown Borough Police Department must be called immediately.
5. Substantiated deliberately malicious or false reports by offenders or other parties will result in disciplinary action and/or criminal charges.
6. The Mifflin County Correctional Facility will not tolerate retaliation against offenders, employees, or other parties for reporting sexual misconduct, or participating in an investigation of a sexual misconduct. Employees and/or inmates that retaliate will face disciplinary action. Employees and/or inmates that retaliate will face disciplinary action.

B. Preservation of Evidence in Recent Sexual Assaults

1. If the alleged sexual assault is reported or discovered within 96 hours of the incident, in addition to the provisions in this section, the following steps are taken.
 - a. Physical Evidence – Victim

The victim will be transported the Lewistown Hospital for examination by a SAFE/SANE nurse for treatment and collection of forensic evidence.
 - b. Forensic Evidence

Forensic evidence collected by the hospital emergency staff is gathered and delivered to the Investigating Authority through appropriate protocol(s). When the alleged victim returns from the off-site emergency medical care, treatment, safety and security is used to determine placement.
 - c. Physical Evidence – Offender Suspect
 1. Immediately upon being identified as the alleged suspect, the offender will be instructed to undress over a clean sheet to collect any potential forensic evidence that may fall from the person. The sheet along with the alleged suspect's clothing is collected as evidence and place in a paper bag with an appropriate chain of evidence form attached.
 2. Thereafter, the alleged suspect under investigation is held in segregation, in a dry cell to prevent the destruction of physical evidence. The alleged suspect will not, as appropriate, wash, brush teeth, urinate, defecate, smoke, drink, or eat until the investigation is complete, unless other circumstances require transfer. During the course of the investigation, the alleged victim and suspect will remain separated.
 - d. Physical Evidence – Crime Scene
 1. Based upon the amount of time passed since the alleged incident and other factors, a determination is made to assess whether there is a possibility of evidence still existing at the crime scene. If determined that a possibility of evidence still exists, and if possible, the crime scene is secured and any potential evidence remains for the investigator's examination.
 2. If the crime scene cannot be secured, the crime scene is photographed and/or video-taped and if any evidence exists, placed in a paper bag with a chain of evidence form attached.
 3. If a potential crime scene is established, limited access is authorized and a log maintained.
2. Investigation of Sexual assaults Occurring More than 96 Hours Prior
 - a. If the alleged sexual assault is reported or discovered more than 96 hours after the incident, the following steps are taken by the supervisor in charge:
 1. If feasible, secure the alleged crime scene, as forensic evidence may exist,

2. Place the alleged victim in an environment to assure safety and security,
3. Place the alleged offender suspect, if known, in segregation or if a staff member, ensure separation from the victim.

C. Staff Reporting

1. Staff and service providers must immediately remove the victim from imminent danger, then report all knowledge, suspicion, or information regarding offender-on-offender sexual acts or sexual assault/abuse/contact, or staff misconduct or harassment, including third-party and anonymous reports, to the shift commander.
2. Shift Commanders who receive a report of a sexual act or contact or staff sexual misconduct or harassment will ensure that the initial report is verified by interviewing the victim and, following verification:
 - a. Separate the victim from the alleged perpetrator (if it hasn't already been done) to protect the victim and prevent violence; and
 - b. Promptly intervene on the victim's behalf to ensure prompt medical and psychological assistance including and assessment for potential risk of suicide.
 - c. Request that the alleged victim not take any actions that could destroy physical evidence.
 - d. If the allegations are reported to a non-security member, they report the allegation to a security staff member.
3. Staff who receive a report of a sexual act or contact, or staff sexual misconduct or harassment will not reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and/or other security and management decisions.
4. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners are required to report all allegations, or suspicions of sexual abuse or harassment. Medical and mental health practitioners will inform inmates of the medical and mental health practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
5. The PREA Coordinator, or his designee, will investigate all allegations of sexual abuse or sexual harassment, including those that are referred from other facilities.

D. Victim Services Provided

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

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

- a. Medical examination, documentation, and treatment of injuries,
- b. Mental Health crisis intervention and treatment, and
- c. Social, family, and peer support

These services will be provided in cooperation with facility medical and mental health staff, the Lewistown Hospital and the Abuse Network. All services will be consistent with the community level of care.

- 2. Staff will adhere to the following standards for examination of victims of sexual acts or staff misconduct.
 - a. If the victim refuses medical or mental health attention, staff will document the refusal on the Medical treatment Refusal Form;
 - b. If reported within 96 hours of the incident, staff will immediately transport the victim to a Lewistown Hospital for treatment and evidence collection. If reported more than 96 hours after the incident the Criminal Investigator will make the determination on evidence collection. The following will be adhered to in all cases:
 - 1. Refer victims to the in-house health care providers. Information and healthcare will be provided for sexually transmitted diseases and pregnancy which are a result of the sexual assault. The medical will complete a patient history, and conduct an examination to document the extent of physical injuries and determine whether referral to another medical facility is required; and
 - 2. Upon request from law enforcement, transport the victim to Lewistown Hospital for evidence collection by a SAFE/SANE Nurse, if available.
- 3. Mental health staff or established outside providers will provide services, e.g., crisis intervention and trauma-specific treatment, for offenders victimized by sexual acts or contact or staff sexual misconduct or harassment and for offenders affected other than the victimized offender.

Mental health evaluations will be conducted on all known inmate-on-inmate abusers within 60 days of learning of such abuse history. Any treatment deemed appropriate will be offered to these inmates.

XI. GENERAL INVESTIGATORY GUIDELINES

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

- A. The shift commander, or designee, will initiate and complete the Incident Report. A call will be made to the PREA Coordinator and ensure designated staff follow appropriate security procedures.

- B. The Warden, or designee, will establish procedures for the administrative investigation of alleged sexual acts and contact and staff sexual misconduct and harassment; individuals assigned to investigate administratively will work in cooperation with any other agency conducting an investigation.
- C. Gender-specific investigators are assigned, if deemed necessary.
- D. Investigators will consult with, and have available during interviews, mental health resources. Allegations which include intercourse, sodomy or physical force will require consultation with medical and mental health staff.
- E. A victim support advocate or case manager is permitted to sit in on any victim interviews if requested by the victim. Only employees or agency volunteers who voluntarily agree to act as victim support persons are utilized in this capacity. Victim support persons acting in this capacity will be approved by the Warden. If a victim support person is requested, the individual selected will be at the discretion of the affected administrator.
- F. A medical report to the Warden will document the incident and treatment of the alleged victim.
- G. If an outside agency (Lewistown Borough Police Department) conducts the investigation, the Mifflin County Correctional Facility will request relevant information from the investigative agency in order to inform the inmate as to the outcome of the investigation.
- H. The Mifflin County Correctional Facility will protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and the PREA Compliance Manager, or his designated PREA Investigator will be responsible for monitoring any and all retaliation.
- I. The Mifflin County Correctional Facility shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmate or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
- J. For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. The Mifflin County Correctional Facility will monitor any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. This will continue beyond 90 days if the initial monitoring indicates a continued need.
- K. In cases involving inmates, such monitoring shall also include status checks every 30 days.
- L. If any other individual who cooperated with an investigation expresses a fear of retaliation, the Mifflin County Correctional Facility shall take appropriate measures to protect the individual against retaliation.
- M. The termination of the monitoring shall only end if the allegation is unfounded.
- N. All monitoring of retaliation will be documented in the investigative report.
- O. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual

basis and shall not be determined by the person's status as an inmate or staff. No agency shall require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

- P. When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for criminal prosecution.

XII. PREA Investigator Guidelines

1. An allegation of sexual abuse and sexual harassment shall be investigated thoroughly and objectively and will include the following when appropriate:
 - a. Interview the inmate complainant or complainants and obtain an Inmate Written Statement following the interview. If the complainant refuses to be interviewed or provide a written statement, said refusal, including date, time and persons should be documented as part of the investigation file.
 - b. Interview all inmate witnesses and obtain an Inmate Written Statement of Sexual Abuse from the inmate(s) following the interview;
 - c. Interview all staff member witnesses and/or potential staff member witnesses and obtain a Staff Written Statement of Sexual Abuse;
 - d. When appropriate, interview all subject staff members and obtain a Staff Written Statement of Sexual Abuse;
 - e. Review all available video footage and save the video footage to a media storage device to submit with the investigative report; and
 - f. When appropriate, review and copy all housing unit log books, medical documentation, work related reports, misconduct reports, inmate grievances and all other pertinent documentation.
 - g. The Mifflin County Correctional Facility shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
 - h. Prior to giving an inmate outside access to support services, that inmate will be told about the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosure of sexual abuse made to outside victim advocates, including and limits to confidentiality under relevant federal, state, or local law.
 - i. If at any point in time during the investigative process the investigator determines that the incident is criminal, rather than administrative, the investigation will be immediately suspended, and referred to law enforcement, and documented in the investigative report. Upon completion of the criminal investigation, the administrative investigation will continue.
 - j. While it is not a normal practice at Mifflin County Correctional Facility, if any Department of Justice component conducting an investigation within Mifflin County Correctional Facility shall have in place a policy governing the conduct of such investigation.

XIII. FINDINGS/RECOMMENDATIONS

- A.** All case records associated with claims of sexual assault including incident report, investigation reports, offender information, case disposition, medical and counseling evaluative findings and recommendations for pre and post-release treatment and counseling will be retained in the Inmate Record. All files will be retained for length of incarceration or employment plus five years.
- B.** The investigative report indicates whether the evidence substantiates that a sexual assault has occurred or the allegations are unsubstantiated or unfounded. If there is a substantiated finding of sexual assault, which violates state statute, a copy of the "PREA Incident Report" and supporting documentation/evidence is forwarded immediately to the appropriate jurisdiction for possible criminal prosecution.
- C.** Following an inmate's allegation that he/she has been sexually abused or sexually harassed by another inmate or employee:
 - 1. The PREA coordinator shall inform the alleged victim thru the "Notification of Outcome of Allegation Form" to the alleged victim; the alleged victim will receive the original and a copy of the completed form will be retained in the investigative file of corresponding PREA incident. Mifflin County Correctional Facility's obligation to report will terminate if the inmate is released from it's custody.
 - 2. If the Mifflin County Correctional Facility did not conduct the investigation, it shall request the relevant information from the investigate agency in order to inform the inmate.
 - 3. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:
 - a. The staff member is no longer posted within the inmates unit;
 - b. The staff member is no longer employed at the facility;
 - c. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - d. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- D.** If an inmate does not agree with the investigator findings he/she may file a grievance with the PREA Coordinator. This grievance will never be referred to the staff member who is the subject of the complaint.
- E.** There is no time limit in which an inmate may file a grievance regarding an allegation of sexual abuse.
- F.** Once a grievance is filed, a decision on the merits of the grievance or portion of the grievance alleging sexual abuse will be made within 90 days.
- G.** If the Mifflin County Correctional Facility cannot provide the grievance decision within 90 days, they may request an extension of the 90-day period. The Mifflin County Correctional Facility will then have 70 days to resolve the grievance. If this happens the inmate will be notified in writing that an extension was requested. This will include notice of the date by

which the decision will be made.

- H. The Mifflin County Correctional Facility will allow third parties to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and to file such requests on behalf of the inmate. If the inmate declines to have third-party assistance in filing a grievance alleging sexual abuse, the Mifflin County Correctional Facility will document this decision by the inmate to decline.
- I. If an inmate feels that he/she is at imminent risk of sexual abuse, he/she may file an emergency grievance with the PREA Coordinator, or report the information to any staff member. The inmate reporting imminent risk of sexual abuse will be immediately removed, and be kept separated from the perceived threat until the PREA Coordinator, or his designee, investigates the threat, and deems special housing considerations are no longer necessary. Special housing considerations will carry through from one commitment to the next, and records will be maintained through the Offender Management System.
- J. The Mifflin County Correctional Facility will follow the Inmate Disciplinary Guideline for any inmate that has filed a grievance alleging sexual abuse in bad faith.
- K. At the conclusion of every sexual abuse or sexual harassment investigation the Mifflin County Correctional Facility will conduct an incident review within 30 days. This review will include the PREA Coordinator, Investigators, upper-level management and allow for input from line supervisors, investigators, and medical or mental health practitioners. These reviews will consider, at a minimum, policy changes, motivation of incident, physical layout of area, staffing levels and monitoring technology. A PREA incident review form will be completed.

XIV. DATA COLLECTION and COMPILATION

The Mifflin County Correctional Facility's PREA Coordinator shall collect information related to the purpose outlined at the beginning of this policy; specifically to gather data that will help Mifflin County Correctional Facility reduce the risk that sexual assault and/or sexual activity would occur within the facility.

- A. This data will be compiled into monthly and annual reports for the purpose of:
 - 1. The Mifflin County Correctional Facility will collect accurate, uniform data for every allegation of sexual abuse at the facility under its direct control using a standardized instrument and set of definitions.
 - 2. The Mifflin County Correctional Facility shall aggregate the incident-based sexual abuse data at least annually.
 - 3. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
 - 4. The Mifflin County Correctional Facility shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
 - 5. The Mifflin County Correctional Facility shall obtain incident-based and aggregated data from every private facility with which it contacts for the confinement of its

inmates.

6. Upon request, the Mifflin County Correctional Facility shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.
7. The Mifflin County Correctional Facility shall review data collected and aggregated pursuant to 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
 - a. Identifying problem areas;
 - b. Taking corrective action on an ongoing basis; and
 - c. Preparing an annual report of its findings and corrective actions for the Mifflin County Correctional Facility.
8. Such report shall include a comparison for the current year's data and corrective actions with those from prior years and shall provide an assessment of the Mifflin County Correctional Facility progress in addressing sexual abuse.
9. The Mifflin County Correctional Facility shall be approved by the Warden and made readily available to the public through the website of the Mifflin County Correctional Facility.
10. The Mifflin County Correctional Facility may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.
11. The Mifflin County Correctional Facility shall ensure that data collected are securely retained.
12. The Mifflin County Correctional Facility shall make all aggregated sexual abuse data readily available to the public at least annually through the Mifflin County website.
13. Before making aggregated sexual abuse data publicly available, the Mifflin County Correctional Facility shall remove all personal identifiers.
14. The Mifflin County Correctional Facility shall maintain, electronically, sexual abuse data collected for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.
15. The Mifflin County Correctional Facility will be audited every three –year period.

XV. EMPLOYEE SANCTIONS

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

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 U.S.C. 1997.

2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
3. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (2) of this section.

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

Employees determined to have acted in violation of this policy will be disciplined in accordance with the Collective Bargaining Agreement. Disciplinary sanctions could range up to and including termination. Any staff member found to have engaged in sexual abuse will be terminated. All terminations for violations of Mifflin County Correctional Facility's sexual abuse, or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, will be reported to Lewistown Borough Police Department, unless the activity was clearly not criminal, and to any relevant licensing bodies.

Minor Violations,
Major Violations, or
Major Offense

XVII. INMATE SANCTIONS

- A. Inmates will be subject to disciplinary sanctions pursuant to guidelines set forth in the *Mifflin County Correctional Facility Inmate Handbook* following an administrative finding that the inmate engages in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse.
- B. Sanctions will be commensurate with the nature of the 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/her behavior when determining what type of sanction, if any, should be imposed.
- D. If available, therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for abuse will be offered. If available, participation may be required to access programming, or other benefits.

XVIII. IMPLEMENTATION

This policy will be adopted immediately and reviewed annually to remain in compliance with all governing Acts, laws, and statutes.

APPROVED:

Warden Michael S. Pugh 7/24/17
WARDEN

Lt Josh [Signature] 7-24-17
CHAIRPERSON

REVIEWED:

WARDEN

CHAIRPERSON

WARDEN

CHAIRPERSON

WARDEN

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