

Beaver County Jail Policy and Procedures

Document #: 1.12B

revised 10/2015

Section: Administration, Organization & Management

Chapter: Organization

Subject: Prison Rape Elimination Act for Inmates

- I. **Policy:** The Beaver County Jail shall have zero-tolerance policy for sexual abuse and sexual harassment. All Staff because of their contact with inmates will receive training on the Prison Rape Elimination Act (PREA). This Facility shall not hire or promote persons who have committed sexual abuse in an institutional setting or who have been adjudicated to have done so in the Community. Nor permit any Volunteers inside the Facility who have committed sexual abuse in an institutional setting or who have been adjudicated to have done so in the Community.

- II. **Procedures:** During the Booking process; Transgender or Intersex inmates whose genital status are unknown or cannot be determined will never be subject to a search or physical exam for that purpose. Determination will be made through conversation or if possible a review of medical records. In a case where all attempts have failed to determine genital status, the Warden or designee can request a broader medical examination be conducted in private by a medical practitioner. If the Facility's Medical Practitioner is unavailable the Inmate will be transported to the Hospital for the examination.
Once genital status of a Transgender or Intersex is determined all searches will be conducted in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.
If the Booking Officer contacts their immediate Supervisor with concerns regarding whether to send this Inmate to the Intake Unit and no one from Treatment/ Classification is in the Facility, the Supervisor will keep the Inmate in Booking as a safety precaution until Treatment returns and is able to make their assessment. Since Booking isn't considered as a Segregated Housing Unit the inmate will not be considered as "Involuntary Segregated".
All Inmates committed to the Facility will be assessed by Classification within 72 hours of their arrival for their risk of being sexually abused or sexually abusive by/or to other inmates. Information received will be considered for Housing and Programs in order to keep inmates at risk for sexual victimization separate from those at high risk of being abusive. Placement decisions are based individually for the ensured safety of each of our inmates. Involuntary Segregation can only be used as a last resort when all other available alternates' separations of inmates at risk for sexual victimization have been made and no likely separation of an abuser can be determined. They will only remain in this status until an alternate arrangement can be made and ordinarily will never exceed a 30 day period. Treatment must keep doc-

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umentation regarding what Programs and Treatments Service are available during this segregation and if there are any limitation on these Services.

LGBTI Inmates will never be placed in a dedicated Unit or Area within the Facility based on their status or as a way to identify them. Determination on whether to house a transgender or intersex inmate in a male or female housing unit; will be determined on a case by case basis, ensuring that inmates safety and if the decision could create a management and/or security issue.

If relevant information regarding an inmate's risk of victimization or abusiveness is obtained after the initial screening, this subject will be reassess within 30 days.

In-House contracted Services such as Medical and Substance Abuse/Mental Health Provider will provide any needed Services after they are notified of all Inmates who have answered "yes" to being sexually victimizes or a sexual predators within 14 days. "One on One" counseling will be provided to those whose relevant information was received after their initial intake, with special consideration and availability of these Services provided, to those who state that they are attempting to come to grips with their past sexual abuse.

All new Intakes will receive a booklet and be shown a video within usually their first 24 to 48 hours; educating them on PREA (*what is sexual abuse and sexual harassment, how to report, freedom from retaliation, zero tolerance policy and sexual abuse policy and procedure*). During that time any further questions will be addressed and the PREA Coordinator will have each person attending complete forms stating that they have received PREA information and a booklet. This form will also be turnover to Treatment to be placed in their file folder.

Documentation must be completed for any Inmate who reports that they were sexually abused while incarcerated in another Facility, this allegation will be reported to the Facility Head or the Department in that Facility which handles these types of allegation within 72 hours. Allegation of sexual abuse or sexual harassment occurring within the Facility may be reported by:

- a) The Victim
- b) Staff
- c) Third Party

These allegations may also be reported in writing to the PREA Coordinators or verbally to a Staff member or Volunteer; who will document the information received. A private non- recorded Telephone Hotline Service is also provided free of charge. The information received on the 'hotline" will be forward back to this Facility. Inmates using any of these Services may remain anonymous. All reporting parties have been trained on the privacy of information received and protection against retaliation by the accused, other inmates and/or staff members. In-house investigation is provided for Sexual Harassment; unless after speaking with victim there is a realization the Harassment could be considered criminal. In that case the harassment and all cases of abuse will be turned over to the County Detective PREA Investigation Unit. Third parties complaint of harassment & abuse made on a Victim's behalf must be shown to the victim; who must then agree to have the complaint processed, if they decline it will be documented. There is no time limit on when a

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Grievance may be submitted regarding an allegation of abuse. If a report is made as a Grievance it will never be forwarded to the Staff member who is involved in the complaint. A final decision on the merits of any portion Grievances filed for Sexual Abuse will be addressed within 90 days of your initial filing. The Investigating Agency if needed may notify a Victim in writing if additional time is needed. This time extension cannot be more than 70 days.

Notification will be submitted to the Inmate when:

1. It has been determined the allegation is substantial, unsubstantial or unfounded.

The accused Inmate:

1. Has been indicted on the charge
2. Has been convicted

The accused Staff Member:

1. Is no longer posted within a Housing Unit
2. No longer employed at the Facility
3. Has been indicted on the charge
4. Has been convicted

For sexual assaults occurring inside this Facility; the alleged victim & abuser must be separated immediately. In order to collect evidence appropriate steps must be taken to protect and preserve the crime scene. Request that the alleged victim not take any action that could destroy physical evidence, while ensuring the alleged victim is not permitted to do the same. The Shift Supervisor will notify Medical, transporting the victim as soon as possible to the Medical Department. If any physical markings are found, or evidence are present in the Area where the assault occurred; digital photos will be taken immediately by Staff.

The Warden, PREA Coordinators and County Detective PREA Investigation Unit will be notified. Sheriff Department will be contacted for transport to Hospital for Rape kit to be completed. Hospital will be notified to have their Forensic Nurse on standby. All clothing for victim must be left on and an additional outfit sent to the Hospital. The Forensic Nurse will check clothing and then chain of custody these clothing as evidence to the County Detectives after the examination of the clothing is complete.

The County Detective will notify a representative of the Women's Center to meet the victim at the Hospital. While maintaining dignity and confidentiality to the victim, this Facility will afford them with all the needed medical treatment and any Mental Health follow-ups, consistent to that provided to the Community.

For an assault that is reported and no time period can be established on when the incident took place, the Shift Supervisor will contact the Medical Department and if any physical injuries are present digital photos will be taken. If this victim had vagi-

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nal, oral or anal penetration within the last 72 hours; they will be transported to the Hospital to be examined by the Forensic Nurse and a rape kit will be collected. The Warden, PREA Coordinators and County Detective PREA Investigation Unit will be notified. The County Detective will notify a representative of the Women's Center to meet the victim at the Hospital. Again while maintaining dignity and confidentiality to the victim, this Facility will afford them with all the needed medical treatment and any Mental Health follow-ups, consistent to that provided to the Community. Regardless of when an allegation of vaginal, oral or anal penetration occurred victims will be tested for sexually transmitted diseases. Female victims will also be given a pregnancy test.

- III. **General Information:** All Staff must announce their presence before entering a Housing Unit or Medical Isolation (if applicable) of the opposite gender. Male Officers are never permitted to do any kind of search including a pat down search on female inmates. The only "Cross-gender" Search permitted is a pat down search performed by a Female Officers on a male offender. Because Booking is used for the housing of Inmates of both genders on Suicide Watch and/or Observation, on Shifts where one (1) Full-time Officer is assigned to Booking; the Regional Booking Officer after completing their duties shall also be stationed in Booking to assist. This Facility will avoid placing youthful inmates (Juveniles) arraigned as an adult for an alleged crime in isolation. To comply with this provision where youthful inmate shall not have sight, sound, or physical contact with any adult inmate, through use of a shared dayroom or other common space, shower area or sleeping quarters. They will be housed in a single cell in Booking under the watchful eye of trained Officers. If because of numerous medical situation all the single cells in Booking are occupied a larger cell will be used. While in Booking absent exigent circumstances, Juvenile Offender will be afford daily large-muscle exercise and any legally required special education Services, access to other Programs to the extent possible
- IV. **Source:** PA Title 37 Chapter 95.221(6); PREA 28 CFR § 115.14, 115.15, 115.41, 115.42, 115.43, 115.51, 115.52, 115.67a, 115.67c , 115.68a-1, 115.71, 115.82, 115.83
- V. **Definitions:** *Refer to Glossary attached to Policy 1.12*

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Refer to Annual Review Page for Revisions & Reviews

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