

Beaver County Jail Policy and Procedures

Document 7.09C

revised 11/2015

Section: Medical and Health Services

Chapter:

Subject: Investigation of Sexual Harassment

- I. **Policy:** The Beaver County Jail upon receiving notification of a sexual harassment whether of an inmate, staff member, contractor or visitor; occurring in the facility shall conduct a PREA Investigation.

- II. **Procedure:** Upon receiving an allegation of sexual harassment the Facility's PREA Investigators will begin an administrative investigation. **The evidentiary standard for all sexual harassment investigations is a preponderance of the evidence.** Interviews will be conducted of the alleged victim, suspected perpetrator and any witnesses. A review will be conducted (if applicable) of any prior complaints against the suspected perpetrator, as well as the victim. The credibility of the information received will be assessed on the bases of the Case and not on the status of the victim or alleged perpetrator.
If during the Course of the investigation it is determined that the harassment is Criminal instead of Administrative the Investigation will cease and the County Detective PREA Investigation Unit will be notified immediately and given all information that had been collected.
Reports made anonymously or by a third party, will be shown to the alleged victim. If the victim chooses not to have the case pursued, they will put the refusal into writing. Information received from another Facility regarding a transferred Inmate that claims they were sexually abused, harassed or assaulted will be investigated immediately. Inmates transferred to this Facility reporting a sexual assault, abuse or harassment occurring prior to arriving at this Facility, contact will be made with the Overseer of that Facility immediately. All information received will be documented and a copy faxed or mail to the Facility Overseer .
Any documentation collected will be kept on file for five (5) years after the release, resignation or retirement of an alleged victim and perpetrator.

Beaver County Jail Policy and Procedures

III. **General Information:** If the alleged perpetrator or victim is a Staff member; who chooses to resigns during the investigation, this action doesn't close the Case. Nor if the victim is an inmate who is released to transfers to another Facility. The Investigation will continue and if substantiated Charges will be filed. The County Detective PREA Investigative Unit will submit a copy of their findings to the Warden **and the Prison Board** which will be used as part of the information submitted to the Captain in the monthly EOR and to the US Department of Justice. Staff is subject to disciplinary sanctions up to and including termination for violating agency Sexual Abuse or Harassment policies.

Other than actual sexual abuse the degree of the sanction shall be measured by:

- 1) The nature and circumstances of the act committed.
- 2) The staff members disciplinary history
- 3) Comparable offenses by other staff with similar histories

For at least 90 days after an Inmate or Staff member reports a Sexual Abuse or Harassment, the PREA Compliance Manager will monitor the conduct and treatment of the Inmate or Staff that made the report or is assisting in the Investigation and the Victim. If there are changes that may suggest possible retaliation it will be remedied promptly. Protection from retaliation shall also be provided for anyone who cooperates with an investigation and expresses fear of retaliation. Inmates may be disciplined if it is found that the grievance filed for the allegations were filed in bad faith. **Records of Reports and Investigations will be retained for seven (7) years following a victims release or death**

IV. **Source:** PA Title 37 Chapter 95.221(6 & (9) & 246(2), PREA 28 CFR § 115.22, 115.52, 115.61, 115.63, 115.71, 115.73 115.76a-1, 115.78,, 115.89 the County of Beaver. *(also refer to Policy 1.10)* **28PA Code Section 211.5 (c)**

V. **Definitions:** *Refer to Glossary*

Warden Schoupe

Refer to Annual Review Page for Revisions & Reviews

Beaver County Jail Policy and Procedures

Effective 6/2014 revised 10/2015