

Beaver County Jail Policy and Procedures

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revised 1/2025

Section: Administration, Organization & Management

Chapter: Management

Subject: Sexual Assault/Rape & Misconduct/ PREA Reporting Requirements and Response Protocols

I. **Policy:** The Beaver County Jail shall have a policy for Inmates requiring how they report PREA complaint, while providing multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse or sexual harassment, and staff neglect that may have contributed to such incidents. [DOJ § 115.51 (a), (b), & (c)] As well as this Facility response to any allegation of sexual assault or abuse. Whether it occurred in this Facility or while the individual was housed at another Facility.

II. **Procedure:** Inmates can file reports of sexual abuse that occurred while incarcerated in this or another Facility through the Sexual Abuse Hotline, completion of a "Request Slip"/Grievance form or private communication between Staff/Supervision. The Sexual Abuse Hotline number is posted on the Housing Unit, calls are answered 24 hours per day, seven days per week and are monitored by Department Of Corrections (DOC). Anyone making prank calls to the DOC will be disciplined, if for some reason the Housing Unit is identified but that caller cannot be determined, calling privileges of that **whole** Housing Unit could face suspension of phone services. **Hotline and direct phone calls to designated officials allow the reporter to remain anonymous upon request.**

When calling you will be required to answer the following questions:

- a. Facility
- b. Your name (optional)
- c. Name of inmate (victim)
- d. Date and time of incident
- e. Location of incident (cell # or area of facility)
- f. Name of inmate assailant(s) (if known)
- g. Name of assailant(s) if not another inmate
- h. Additional remarks

As stated earlier; Inmates can verbally notify any staff member or contractor, utilize request slips or submit a grievance. [DOJ § 115.52 (a), (b), (c), (e) & (g)]

Grievance are waived of all typical submittal time requirements regarding allegations of sexual abuse. Inmates are not required to use any informal grievance process, or to otherwise attempt to resolve with staff an alleged incident of sexual abuse.

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An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and such grievance is not referred to a staff member who is the subject of the complaint. [DOJ § 115.62]

Designated staff will routinely issue a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. [DOJ § 115.51 (a), (b), & (c)] Computation of the 90-day period shall not include time consumed by inmates in preparing any administrative appeal. This Facility may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. [DOJ § 115.51 (a), (b), & (c)] The inmate shall be notified in writing of any such extension and provide a date by which a decision shall be made.

At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level. BCJ may discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith. Staff shall accept reports made verbally, in writing, and anonymously including from third parties and shall promptly document any verbal reports. [DOJ § 115.51 (c), 115.52(e) & 115.54]. They shall promptly notify their shift commander and document any verbal reports in an incident report, but not record the information in a housing unit logbook.

As described more fully in the overarching PREA policy, staff are required to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment; retaliation against inmates or staff who reported such an incident; and any staff neglect that may have contributed to such incident or retaliation. Staff shall present the initial report verbally to their shift commander **and if so directed prepare a written incident report.** [DOJ § 115.51 (d) & 115.61]

Medical and mental health practitioners shall report knowledge, suspicion, or information regarding sexual abuse, sexual harassment, retaliation, or staff neglect pursuant to this section. This information shall be provided to inmates, in writing, during the medical intake interview. [DOJ § 115.35] The identity of a staff member who reports the potential sexual abuse and sexual harassment of inmates shall remain private to the greatest degree possible. [DOJ § 115.51 (d) & 115.61]

BCJ encourages third-party reports of sexual abuse and sexual harassment via notices in handbooks, pamphlets, website posts, and signage, on how to report sexual abuse and sexual harassment on behalf of an inmate.

Third parties, including fellow inmates, staff members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates. If a third-party file such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf and may also require the alleged victim to personally pursue any subse-

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quent steps in the administrative remedy process. If the inmate declines to have the request processed on his or her behalf, the involved staff member shall document the inmate's decision. [DOJ § 115.51 (c) & 115.52 (e) & 115.54]

Immediate steps by the Shift Supervisor after receiving a Report from a staff member and/or anyone inside the facility of an **Incident of Sexual Abuse**. [DOJ § 115.64-65 & 115.82] **This includes information about an assault that occurred but the subject was afraid to come forward any sooner.** The alleged victim & abuser must be separated immediately, [DOJ § 115.64-65 & 115.82] in order to collect evidence. Appropriate steps will be taken to protect and preserve the crime scene. A request will be made to the alleged victim not to take any action that could destroy physical evidence, while ensuring the alleged abuser is not permitted to do the same.

The Shift Supervisor will notify a member of our PREA trained Medical Staff, and have the victim transported as soon as possible to the Medical Department. [DOJ § 115.82]

Any physical markings found or evidence present in the Area where the assault occurred will be photographed immediately by Staff. The Subject will not be allowed to shower, wash, brushing teeth, changing clothes, urinating, defecating, drinking, or eating. or if assault was oral drink or brush their teeth. [DOJ § 115.64-65 & 115.82]

The Shift Supervisor must also notify, the Warden and/or Designee, PREA Compliance Manager and County Detective PREA Investigation Unit as well as the Hospital to have their Forensic Nurse on standby. When possible, examinations will be conducted by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs). [DOJ § 115.21]

The Sheriff Department will be contacted to escort Paramedic transport to Hospital where a Rape kit will be completed. Clothing will only be changed and secure by a Supervisor or designee, if the PREA bag is being used. (**refer to 7.09.1**) If unable to complete usage of PREA bag collection prior to a victim's transport to Hospital, even if blood splattered or torn all clothing of the victim must be left on and an additional outfit (**change of clothes**), accompany them to the Hospital

Prior to escort to Hospital if possible, a PREA bag should be taken to the victim, this bag should not be opened until at the scene. It is important to have the victim remain as close to the scene as possible so evidence is not lost in moving around. A bed sheet from the bag should be placed on the floor first follow by a blanket prior to the removal of clothing. Clothing should be removed by the victim (**only**) one item at a time and placed individually into an evidence bag. Once completed; evidence bag(s) must be sealed with evidence tape and initialed by the person assisting with the clothing removal/evidence retention. The blanket then should be carefully folded and also secured in a separate bag in case of any loose evidence that could have fallen, followed by the sheet. After all items have been bagged person assisting will recheck to make sure all evidence bags are properly; marked, taped/sealed and placed and secured in the retention bag. After which provided clothing can be issued to victim. While victim is dressing, a chain of custody form can be completed and attached with other paperwork to evidence box by the Evidence Collector. These same steps will be repeated with the PREA bag when the alleged perpetrator is known.

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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 photographs or digital photos will be taken. The Warden, PREA Coordinators and County Detective PREA Investigation Unit will be notified along with a representative from the Women's Center. [DOJ § 115.21(d)(e) & (h)]

Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. Treatment services shall be provided to the victim—without financial cost to the victim—and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. [DOJ §115.82] Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests, as medically necessary. If pregnancy results from the conduct described in this section, victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services, such as prenatal care and access to pregnancy termination services, where available. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections, as medically appropriate. Ongoing treatment services shall be provided to the victim without financial cost to the victim and regardless of whether the victim names the abuser or cooperates with any investigation [DOJ § 115.64-65 & 115.82]

If the source is Hepatitis B positive, the victim will receive Hepatitis B immune globulin within seven days from the exposure; if the subject is unvaccinated they will begin the Hepatitis B vaccine series. **(A subpoena may be needed in order to obtain medical records or needed blood testing of an inmate refusing to cooperate with Authorities).**

Without disturbing or entering the area, pictures should be taken after which the area should be secured and designated a crime scene for the county detectives to investigate and clear before usage. [DOJ §115.83] 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 they shall be photographed by Staff. If this victim had vaginal, oral or anal penetration within the last 72 hours; the Warden, PREA Compliance Manager and County Detective PREA Investigation Unit will be notified immediately. The victim will be transported to the Hospital where they will be examined by the Forensic Nurse and a rape kit will be collected. The County Detective will notify a representative of the Women's Center to meet the victim at the Hospital. This victim while maintaining dignity and confidentiality will also be afforded all the needed medical treatment and any Mental Health follow-ups, consistent to that provided to the Community. An Advocate from the Women's Center will be present during the examination, any interviews of the victim and assist with the providing of crisis intervention counseling and any other special need Services. Interviews for the victim will be conducted at a location off-site the Facility. If the victim was being housed in this Facility for another Institution and/ or Agency, that Institution and/or Agency will be notified of the incident immediately

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III. General Information: 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. A victim should not be placed in administrative segregation or secluded unless there is no other means available to safely house them.

Reports will be submitted by all parties involved in the incident in a timely fashion. Any information obtained by an inmate or outside parties must be written on a "Statement of Fact" form. All information collected will be kept in strict confidence with limited parties knowing the information. There will never be retaliatory action taken against subject's who report sexual contact or provide information during an investigation. If the victim is an inmate he/she should be monitored in general population and only be placed in Administrative Segregation if he/she cannot be protected by any other means.

Upon completion of the investigation all documentation of any sexual assault or allegation of sexual assault or sexual misconduct shall be submitted to the Beaver County Board of Prison, PA DOC and the United States Department of Justice, if applicable. *See attached Appendix for general PREA definitions.* In a case of sexual harassment or allegations of sexual assault during the investigative process the accused Staff member may not be permitted to work the Housing Unit where the accused is housed. In Sexual Assault Cases involving Staff where they were observed having any type of sexual misconduct with an Inmate; along with notification to the County Detectives; the Warden will notify the Prison Board immediately. The Staff member will be removed from the work schedule and await their pending Charges. Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Termination shall be the presumptive disciplinary sanction for staff who have committed sexual abuse. Disciplinary sanctions for violations of BCJ policies relating to sexual abuse or sexual harassment shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. [DOJ §115.76]

In cases of sexual harassment after the investigation depending on the severity as agreed upon by the Warden and Prison Board; the Staff member can face disciplinary action or criminal charges or both if found to have engaged in both. In a sexual assault and/or sexual misconduct the Staff member faces loss of their job, criminal charges and conviction. Criminal Charges will still be filed against a Staff Members

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who chooses to resign during an investigation of Sexual Assault or Sexual Misconduct.

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

The facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates, in the case of any other violation of BCJ sexual abuse or sexual harassment policies by a contractor or volunteer. [DOJ §115.77]

Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories. The disciplinary process shall consider whether an inmate's mental disability or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. Sexual assault allegation or sexual misconduct that proceeds forward after the initial Investigation will result in new Charges filed against the Offender(s). False allegation made against a Staff member or Offender could also cause Criminal Charges or be handled by the Facility's Disciplinary Hearing Board.

BCJ may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident, even if an investigation does not establish sufficient evidence to substantiate the allegation.

[DOJ §115.78]

- IV. **Sources:** PA Title 37 Chapter 95.221(6 & (9) & 246(2), PREA 28 CFR § 115.5 ,115.6, 115.51(a-c) & (d), 115.52(a-d &(g),15.61, 115.63, 115.64-65, 115.82 the County of Beaver
- V. **Definitions:** Refer to Glossary 1.12

Warden Schouppe

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Refer to Annual Review Page for Revisions & Reviews

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