

Beaver County Jail Policy and Procedures

Document #: 1.12a

revised 1/2025

Section: Administration, Organization & Management

Chapter: Organization

Subject: Prison Rape Elimination Act (PREA) Preemptive Prevention Steps and Operational Protocols to Mitigate Risk

- I. **Policy:** The Beaver County Jail shall have zero-tolerance towards all forms of sexual abuse and sexual harassment of inmates. This directive, along with the below referenced companion policy directives, describes BCJ's approach to preventing, detecting, and responding to such conduct. [DOJ § 115.11(a)]

- II. **Procedures:** All inmates shall be assessed during an intake screening and upon transfer from another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. Intake screening shall ordinarily take place within 72 hours of arrival at the facility. [DOJ § 115.41]
This facility prohibits disciplining inmates for refusing to answer (or for not disclosing complete information related the following questions regarding; whether the inmate has a mental, physical, or developmental disability;) the inmate's age, physical stature of the inmate, whether the inmate has previously been incarcerated. Whether the inmate's criminal history is exclusively nonviolent, whether the inmate has prior convictions for sex offenses against an adult or child. Whether or not the inmate is or perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming; whether the inmate has previously experienced sexual victimization; and the inmate's perception of his or her own vulnerability to sexual abuse or sexual harassment. Or whether the inmate is detained solely for civil immigration purposes.
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. [DOJ § 115.15]
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

Beaver County Jail Policy and Procedures

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".

Before processing is completed, all new Intakes will receive a PREA booklet. They will also be notified of the requirement to be completed usually within their first 24 to 48 hours to view a video on the tablets; 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**). The Housing Officer will supply new Intakes with earbuds provided by the PREA Co-Ordinator and also complete accompanying form. Forms verifies that the Intake has received their earbuds completes 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.

As stated earlier, 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. The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and known history of prior institutional violence or sexual abuse. Inmate responses to questions asked pursuant to this policy shall not be disseminated beyond the associated decisionmakers in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates. [DOJ § 115.41]

Information received from the risk-screening will be used for housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. Within no more than 30 days of arrival, classification staff shall reassess the inmate's risk of victimization or abusiveness based upon a re-interview and any additional, relevant information received by the facility since the intake screening. [DOJ § 115.41] Placement decisions are based individually for the ensured safety of each of our inmates. They will only remain in this status until an alternate arrangement can be made and ordinarily will never exceed a 30-day period. [DOJ § 115.43]

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. An inmate's risk level shall be reassessed 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. This facility shall clearly document; the basis for the facility's concern for the inmate's safety; and reason why no alternative

Beaver County Jail Policy and Procedures

means of separation can be arranged. Treatment must keep documentation regarding what Programs and Treatments Service are available during this segregation and if there are any limitation on these Services.

When assigning a transgender or intersex inmate housing and programming assignments, Treatment shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems. Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate. [DOJ § 115.42] A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration. These inmates shall be given the opportunity to shower separately from other inmates.

Inmates identified as lesbian, gay, bisexual, transgender, or intersex shall not be placed in dedicated facilities, units, or wings solely on the basis of such identification or status, unless pursuant to a legal settlement or judgment. [DOJ § 115.42]

Cross-gender pat-down searches, and searches of transgender and intersex inmates shall be conducted in a professional manner and in the least intrusive manner possible, consistent with security needs. In keeping with this expectation, in some cases the involved staff should consider asking the subject which gender they would be the most comfortable with for the performance of the search and respond accordingly. [DOJ § 115.15]

- III. **General Information:** All Staff must announce their presence before entering a Housing Unit or Medical Isolation (if applicable) of the opposite gender. 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 Medical Isolation and checked on periodically by a trained Officer.

If because of a medical situation thee isolation cells are in use by an adult; that juvenile(s) will be housed in a single Cell or as a last resort occupy a large cell in Booking. While in Booking, absent exigent circumstances, Juvenile Offender will be afforded daily large-muscle exercise and any legally required special education Services, access to other Programs to the extent possible.

Beaver County Jail Policy and Procedures

IV. Source: PA Title 37 Chapter 95.221(6); PREA 28 CFR § 115.11.a 115.14, 115.15, 115.41, 115.42, 115.43, 115.51, 115.52(f), 115.62, 115.67a, 115.67c, 115.68a-1, 115.71, 115.81, 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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