

## **Luzerne County Division of Corrections**

### **Prison Rape Elimination Act (PREA) Policy**

The Luzerne County Division of Corrections (DOC) is committed to the safety of any individual in Luzerne County DOC custody. Luzerne County DOC has a zero-tolerance policy for sexual abuse involving inmate-on-inmate behaviors and staff-on-inmate behaviors. Luzerne County DOC will respond to all reports of sexualized behaviors or abuse as nonconsensual, regardless of perception, rumor, appearance, or participant disclosure.

#### PROCEDURAL GUIDELINES

- 1) General Overview
  - a) Luzerne County Division of Corrections staff will respond to, investigate and support the prosecution of sexual abuse within the Luzerne County Division of Corrections and externally in partnership with law enforcement. Through continual education of staff and inmates, Luzerne County DOC will increase awareness of safe reporting mechanisms and available services to victims, thereby creating an institutional culture that discourages prison sexual abuse. Through classification and housing assignment, Luzerne County DOC will identify opportunities to separate and carefully monitor sexually predatory inmates and vulnerable inmates to reduce the incidence of prison sexual abuse. Luzerne County DOC will establish data collection systems to accurately track sexual abuse and sexualized behavior; facilitate identification of the casual factors; and annually incorporate 'lessons learned' into improved operations, services and training toward a zero-tolerance standard.
  - b) All department staff must understand their responsibility in the prevention, detection, and reporting of all incidents of sexual abuse. Professional, trained staff will help prevent incidents of prison sexual abuse by following the guidelines below during the performance of their duties:
    - i. Know and enforce rules regarding sexual abuse and sexualized behavior of inmates;
    - ii. Use professional language;
    - iii. Treat all allegations seriously and follow appropriate reporting procedures;
    - iv. Recognize that incidents can occur virtually anywhere, especially in areas that are not directly supervised at all times; (Sound correctional practice includes conducting

frequent, random area and cell checks, providing direct staff supervision whenever possible.)

- v. Maintain an open line of communication with inmates.
  - vi. Recognize that first-time, youthful, elderly, seriously functionally impaired, developmentally disabled, homosexual, and transgender inmates, and/or inmates who have committed sexual offenses are at an increased risk for prison sexual abuse;
  - vii. Be aware of possible warning signs that might indicate that an inmate has been sexually abused or is in fear of being sexually abused; (Warning signs include, but are not limited to, isolation, depression, lashing out at others, refusing to shower, suicidal thoughts or actions, seeking protective custody, and refusing to leave segregation.)
  - viii. Be aware of potential sexually aggressive behavior. The sexual aggressor may be known by the general population. Characteristics or warning signs may include a prior history of committing rape, history of institutional violence, use of strong arm tactics (extortion), associating or pairing up with inmates who meet the profile of a potential victim, exhibiting voyeurism/exhibitionistic behavior, and demonstrated inability to control anger.
- c) Inmates are encouraged to report all allegations of sexual abuse and/or sexualized behavior having occurred or occurring in a correctional institution. Access to services for the inmate victim of sexual abuse will not be dependent on the victim's willingness to report allegations or provide testimony. In large measure, however, reporting of alleged sexual abuse by inmates is critical to the timely delivery of necessary services to the victim and to holding perpetrators accountable and less likely to reoffend. All such reports will be investigated within the limitations of information provided and the willingness of inmates and/or others to provide testimony. When the victims of a PREA incident can be identified, the victims will be offered access to necessary services available through Luzerne County DOC and its community partners.
- d) The Warden will develop procedures to appropriately report 1) all forms of sexual abuse to include, but not be limited to, staff-on-inmate and inmate-on-inmate sexual harassment, sexually abusive penetration, sexually abusive contacts, indecent exposure, voyeurism, and sexualized behavior.
- 2) Confidentiality
- a) All staff working within the Luzerne County Division of Corrections will perform their duties in a professional manner and abide by all HIPAA laws.

- b) When an incident of sexual harassment, sexual assault, or sexual abuse is reported staff will only discuss the allegation with the necessary and appropriate staff.
- c) At no time will staff discuss the allegation on the housing unit or in the presence of any other inmate unless deemed necessary for a proper investigation of the alleged incident.

3) Reporting

- a) Inmates can report sexual assault, sexual harassment, or sexual abuse in one of the following ways:
  - i. Report incident to an officer or supervisor
  - ii. Write to the PREA Coordinator via "In House Mail"
  - iii. Utilize the inmate hotline from the block phones
  - iv. Contact Victim's Resource Center from the block phones.
- b) Third-Parties can report incidents of sexual assault, sexual harassment, or sexual abuse in one of the following ways:
  - i. Ask to speak with a supervisor or the PREA Coordinator
  - ii. Contact the facility hotline or Victim's Resource Center
- c) Staff must report incidents of sexual assault, sexual harassment, or sexual abuse to their supervisor immediately.
  - i. All reports of sexual abuse, sexual assault, or sexual harassment will be reported regardless of whether they were made verbally, in writing, or anonymously from third-parties.
  - ii. Staff will maintain inmate's privacy by reporting and addressing all incidents or accusations privately and professionally.
- d) Inmates detained solely for civil immigration purposes can:
  - i. Utilize all reporting methods offered to all inmates.
  - ii. Will receive contact information for relevant consular officials and relevant officials of the Department of Homeland Security by way of the "Notification of Consular," and copy of the "I.C.E. Detainer."
- e) Retaliation
  - i. The Luzerne County Division of Corrections will make all efforts to protect all inmates and staff that report sexual abuse, assault, or harassment or cooperate with a sexual abuse, assault, or harassment investigation from retaliation by other inmates or staff.
  - ii. Any incidents of retaliation will be addressed by the PREA Coordinator and may result in in-house disciplinary action and/or criminal charges.
- f) False Reports
  - i. In all incidents where reports of sexual abuse, sexual assault, and sexual harassment are made in bad faith, the individual reporting will be subject to internal disciplinary actions and or criminally charged.
- g) Reporting Responsibility After Incident Investigation

- i. The PREA Coordinator will follow-up with all victims following the investigation to notify the victim of the determination of the investigation and the process.
- ii. The PREA Coordinator will provide regular updates to the victim until the incident is fully prosecuted.

4) Rights and Responsibilities

a) Inmates:

- i. Have the right to serve their incarceration free of sexual abuse
- ii. Have the right to be free from retaliation, whether victim, perpetrator, or reporter, from the perpetrator or others, beginning when the allegation is made until the threat has passed as determined through the investigation process, to the degree possible within limited resources and applicable laws.
- iii. Have the right to access medical and mental health services if they have been victimized.
- iv. Have the right to be notified that the information of alleged sexual abuse reported to a Luzerne County DOC staff person will immediately be reported to a Shift Supervisor or above;
- v. Have the right to be informed by all Luzerne County DOC staff/contractors of any limits to confidentiality prior to conducting any interview with a perpetrator or victim;
- vi. Have the right to access treatment resources regardless of their willingness to disclose information relevant to the investigation, whether a victim or perpetrator.
- vii. Have the right to be assured that information obtained through the investigation is only shared with staff who are involved in the investigation or case management of the involved parties, whether victim or perpetrator, to the degree possible within limited resources and applicable laws.
- viii. Have the right to medical or mental health information in relation to a PREA incident not being shared with staff unless directed by the Warden or PREA Implementation Team and PREA Coordinator.
- ix. Have the right to have their identity protected if they are victims of substantiated staff-on-inmate sexual misconduct or sexual harassment, to the degree possible within investigation protocol and applicable laws.
- x. Have the right to documentation of their innocence as an alleged perpetrator in all unfounded incidents.
- xi. Have the right to the least restrictive level of segregation as a perpetrator until the investigation is complete.

b) Luzerne County DOC Staff Members:

- i. Are responsible for immediately reporting any allegation of sexual abuse to a Supervisor or above, as mandated by

- Division and Facility policies, Luzerne County DOC work rules and this directive;
- ii. Are responsible for maintaining appropriate professional boundaries at all times with inmates/offenders, visitors, and staff;
  - iii. Are responsible for conducting themselves in a manner as to foster a safe and secure workplace;
  - iv. Are responsible for sharing victim medical or health information only when directed by the Warden or PREA Implementation Team and PREA Coordinator;
  - v. Are responsible for informing inmate victims of any limits to confidentiality prior to conducting any interview;
  - vi. Are responsible for documenting all unfounded incidents against alleged perpetrators;
  - vii. Are responsible for holding inmates accountable through all means available to the facility for any substantiated incident of sexual abuse;
  - viii. Are responsible for holding inmates accountable who allege sexual abuse, and whose allegations are proven by investigators to be false, through all means available to the facility;
  - ix. Have the right to be free from retaliation, whether the victim of a false allegation, perpetrator, or reporter, from the perpetrator or others, beginning when the allegation is made until the threat has passed as determined through the investigation process, to the degree possible within limited resources and applicable laws;
  - x. Have the right to be assured that information obtained through the investigation is only shared with staff who are involved in the investigation or case management of the involved parties whether victim or perpetrator, to the degree possible within limited resources and applicable laws;
  - xi. Have the right to have their identity protected if they are victims of unfounded allegations of staff-on-inmate sexual misconduct or sexual harassment, to the degree possible within investigation protocol and applicable laws;
  - xii. Have the right to documentation of their innocence as an alleged perpetrator in all unfounded incidents.

### **BACKGROUND CHECKS**

1. All new employees, volunteers, and contracted providers will be required to submit to a background check prior to entrance to the facility.
2. All current employees, volunteers, and contracted providers shall resubmit to a background check every five (5) years.
3. Luzerne County DOC will not allow individuals who meet the following criteria access to the facility:

- a. Anyone who has engaged in sexual abuse in a prison, jail, lock up, community confinement facility, juvenile facility, or other institution.
- b. Anyone who has been convicted of engaging or attempting to engage in sexual activity 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.
- c. Anyone who has been civilly or administratively adjudicated to have engaged in the activity described in a. and b.

### **PROFESSIONAL CONDUCT**

All Luzerne County Division of Corrections staff should maintain professionalism at all times and not engage in personal relationships with inmates who are currently incarcerated or who have previously been incarcerated. *This excludes relative and relationships which existed prior to incarceration.*

### **DISCIPLINARY ACTION**

1. Luzerne County Division of Corrections Staff
  - a. Any Luzerne County DOC staff member found in violation of the Zero Tolerance Policy for sexual assault, abuse, or harassment will be subject to in-house disciplinary action including but not limited to suspension without pay, and termination. If deemed necessary criminal charges will be filed.
  - b. Any Luzerne County DOC staff member found guilty of sexual assault, sexual abuse, or sexual harassment of an inmate will be terminated.
2. Volunteers & Contracted Providers
  - a. Any volunteer or contractor found in violation of the Zero Tolerance Policy for sexual assault, abuse, and harassment will be disciplined accordingly and lose clearance to enter the facility and if necessary criminal prosecution.
3. Inmates
  - a. Any inmate in violation of the Zero Tolerance Policy for sexual assault, abuse, or harassment will be subject to in-house disciplinary sanctions and/or criminal prosecution.