

PREA AUDIT REPORT Interim Final

ADULT PRISONS & JAILS

Date of report: 3/4/17

Auditor Information			
Auditor name: Patrick J. Zirpoli			
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Telephone number: 570-729-4131			
Date of facility visit: 2/27/17 & 2/28/17			
Facility Information			
Facility name: Lackawanna County Prison			
Facility physical address: 1371 North Washington Avenue Scranton, PA 18509			
Facility mailing address: <i>(if different from above)</i>			
Facility telephone number: 570-963-6639			
The facility is:	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input checked="" type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
Facility type:	<input type="checkbox"/> Prison	<input checked="" type="checkbox"/> Jail	
Name of facility's Chief Executive Officer: Warden Timothy Betti			
Number of staff assigned to the facility in the last 12 months: 211			
Designed facility capacity: 1183			
Current population of facility: 858			
Facility security levels/inmate custody levels: minimum through maximum			
Age range of the population: 18 yrs. and older, juveniles charged as adults			
Name of PREA Compliance Manager: Mari Finlon		Title: PREA Supervisor	
Email address: finlonm@lackawannacounty.org		Telephone number: 570-963-6639 Ext 4577	
Agency Information			
Name of agency:			
Governing authority or parent agency: <i>(if applicable)</i>			
Physical address:			
Mailing address: <i>(if different from above)</i>			
Telephone number:			
Agency Chief Executive Officer			
Name:		Title:	
Email address:		Telephone number:	
Agency-Wide PREA Coordinator			
Name:		Title:	
Email address:		Telephone number:	

AUDIT FINDINGS

NARRATIVE

The second Prison Rape Elimination Act (PREA) audit of the Lackawanna County Prison took place on February 27, 2017 and February 28, 2017. The purpose of the audit was to determine compliance with the Prison Rape Elimination Act standards which became effective August 20, 2012. Prior to the on-site portion of the audit I reviewed all policies and data pertaining to the PREA Standards. The facility was posted on January 4, 2017 allowing time for staff or inmates to respond to me in writing. I mailed a flash drive to the facility which was returned to me on February 9, 2017, allowing ample time to review all policies and procedures prior to the onsite audit. I received additional documentation while onsite. All documentation requested by me was provided in a timely and efficient manner, any follow up requests were acted upon immediately.

I wish to extend my appreciation to Warden Betti and his staff for the professionalism they demonstrated throughout the audit and their willingness to comply with all requests and recommendations made. I would also like to thank the Lackawanna County Commissioners for their commitment to the operations of the Lackawanna County Prison, and their dedication to the safety of the staff, as well as their dedication to the care, custody and control of the inmates incarcerated at the facility.

I would also like to recognize PREA Coordinator Mari Finlon for her hard work and dedication to ensure the facility is compliant with all PREA standards.

Prior to the onsite audit I had several opportunities to discuss the audit process, and expectations of the facility with PREA Coordinator Mari Finlon. I met with Ms. Finlon upon my arrival, at this time we discussed the audit process for the day.

After the entrance meeting I was given a tour of all areas of the facility. During this tour informal interviews were conducted with both staff and inmates in several different areas. I viewed the complete facility, all areas were accessible to me during the audit tour.

During the interview portion of the audit twenty one formal staff interviews were conducted, as well as in depth discussions with other staff available during the tour. Included in the interviews and discussions were the Warden, PREA Coordinator, Medical Staff, Shift Supervisors, Counselors, Kitchen Staff, Volunteers, and First Line Staff. The staff interviewed were randomly selected from all staff working during the audit, I selected random staff from different areas within the facility, as well as all three shifts.

Also during the interview portion twenty three inmates at the facility were interviewed. I selected the inmates by obtaining a population sheet, and randomly selected the inmates from all housing units. The selected inmates included those who have identified as gay or bisexual, inmates identified as high risk for sexual victimization, inmates identified as high risk for abusiveness, and a juvenile charged as an adult. I also interviewed all inmates who contacted me via mail.

All of the interviews were conducted in a very efficient manner; this was accomplished by the efforts of PREA Supervisor Mari Finlon.

The facility was prepared for the onsite audit and performed extremely well. Looking at the overall performance of the facility I was impressed with not only the facilities operations but the overall agencies operations and response to incidents of sexual abuse or sexual harassment. The seriousness of incidents of this nature are not overlooked by both staff and inmates alike. The interactions with the staff were positive and all were extremely helpful in making the audit process run as seamless as possible.

I utilized an overall methodology to make my determination of compliance with the standards. This included a complete review of all policies and documentation provided to me prior to the onsite audit. The documentation was then corroborated through visual inspection of the facility, as well as interviews with staff and inmates. I was able to determine that the facility has the policies in place to address all standards, and has put these policies into daily practice. In the standard-by-standard discussion I have specifically identified the policies and documentation utilized during this process, these policies and documentation are listed verbatim in italic type. I have also listed any visual evidence, as well as interviews that aided in making

DESCRIPTION OF FACILITY CHARACTERISTICS

The Lackawanna Prison is located within the city limits of Scranton, Pennsylvania. The immediate area around the facility is mostly residential, with some commercial properties. The prison was originally built in the mid 1880's for a population of 110 prisoners. A major renovation and expansion was completed in 1999, allowing for a maximum population of 1183. The facility is contained in one building, with the original portion being used for administrative offices. The facility has 10 multiple occupancy housing units, with two being female units, and 3 dorm style housing units. The dorm style units are all male units, housing low risk inmates. The facility is equipped with metal detectors in the corridors during any movement the inmates will pass through the metal detectors, as an added safety measure. The corridor officers pat down 10 inmates, at a minimum, who are passing through the corridors.

The facility houses inmates for Lackawanna County, the United States Marshalls Service, United States Immigration and Customs Enforcement, Pennsylvania Department of Corrections, and other local counties.

The facility is committed to act as both a deterrent to criminal activity and as a force for the rehabilitation of the individual. They offer various programs to inmates based upon their classification status, these include Drug & Alcohol Counseling, Alcoholic Anonymous, Anger Management, and Parenting Classes.

The inmates only leave the housing unit if they work, for special programming, or for medical attention. The meals are prepared by the kitchen workers and the inmates eat all meals on their housing units.

The overall cell construction limits any view of an inmate when they are changing or toileting.

The showers have curtains on them which allows the inmates privacy while utilizing the shower.

During the last 12 months 4,830 inmates have been admitted to the facility.

SUMMARY OF AUDIT FINDINGS

The Lackawanna County Prison has exceeded in three standards, met thirty nine standards, and one standard is not applicable to the facility.

This determination was made after reviewing all materials provided during the pre-audit, the interviews and facility tour conducted during the audit, and the final review of all findings.

Number of standards exceeded: 3

Number of standards met: 39

Number of standards not met: 0

Number of standards not applicable: 1

Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act establishes the facilities zero policy approach to preventing, detecting and responding to sexual abuse and sexual harassment. The policy reads in part:

It is the policy of the Lackawanna County Prison to prohibit any form of sexual contact or harassment with an offender. An offender, staff member, visitor, volunteer, or contracted service provider found to be in violation of this policy is subject to disciplinary action, termination of services or contracts, sanctions, and may be subject to criminal prosecution. A claim of consent is not an acceptable defense for participating in sexual contact or harassment with an offender. Any staff member, volunteer, visitor, or contracted service provider must report any incident witnessed to the Lieutenant on duty or most senior officer on duty. Failure to report an incident may also result in disciplinary action or termination of services.

The aforementioned policy dictates the agency's mandated zero tolerance toward all forms of sexual abuse and sexual harassment and outlines the agency's approach to preventing, detecting, and responding to such conduct. The agency policies furthermore defines all sexual abuse and sexual harassment.

I reviewed the agency policies in their entirety, as well as questioned staff members on its content and applicable sections to their specific duties within the facility. The staff understood the policy and its practical application to the daily operation of the facility.

The agency has designated Mari Finlon as the PREA Supervisor/PREA Coordinator. She related that she has sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards. It should be noted that the PREA Supervisor works directly for the Warden.

Standard 115.12 Contracting with other entities for the confinement of inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison does not contract with any entity for confinement of inmates.

Standard 115.13 Supervision and monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act identifies staffing and analysis of current needs of the facility. The policy reads as follows:

The PREA Coordinator shall document observations and provide recommendations to the Warden on the status of staff planning. The staff planning shall provide for adequate levels of staffing and where applicable, video monitoring to protect offenders against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, the following shall be considered: All components of the facility's physical plant such as, "blind spots" or areas where staff or offenders may be isolated.

- *The composition of the inmate population.*
- *The number and placement of supervisory staff.*
- *Facility programs occurring on a particular shift.*
- *Generally accepted detention and correctional practices.*
- *Any finding of inadequacy, either by a State or Federal investigation, or an internal or external investigative body.*
- *Any applicable State or Local Law.*
- *The prevalence of substantiated or unsubstantiated incidents of sexual abuse.*
- *Any other relevant factors.*

Whenever necessary, but no less than once a year, in consultation with the PREA coordinator, the Warden shall assess, determine, and document whether adjustments need to be made to:

- *The staffing plan*
- *The facility's deployment of video monitoring systems and other monitoring technologies.*
- *The resources the facility has available to ensure adherence to the staffing plan.*

This policy also outlines unannounced rounds as follows:

Intermediate-level and higher-level supervisors shall conduct unannounced rounds to identify and deter sexual abuse and sexual harassment on each shift.

- *Rounds made for this purpose must be documented in the PREA Log book located in the shift commander's office.*
- *It is prohibited for staff to alert other staff that the unannounced rounds are occurring unless it is related to operational functions of the facility.*

The agency has developed, and documented a staffing plan for the facility. This staffing plan provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. The staffing plan is developed by the administration, and reviewed on a yearly basis. This was confirmed through staff interviews and review of the 2016 minimum staffing policy. The agency will utilize overtime to ensure the staffing plan is not deviated from. This was confirmed through the staff interviews and reviewing the daily rosters.

The staffing plan has not been deviated from within the last 12 months.

The staffing of the facility is constantly reviewed, this review includes input from the PREA Coordinator. This was confirmed during the interviews. They related that any incident of misconduct is taken into consideration with staffing, these include the facility layout, composition of the inmate population, any incidents of sexual abuse or sexual harassment, and any other relevant factors were utilized.

The administration constantly monitors the issues in the facility and will make immediate decisions on staffing issues.

The agency has implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. This policy is implemented during all shifts. The policy further prohibits staff from alerting other staff members that these supervisory rounds are occurring.

During the onsite visit I reviewed the aforementioned PREA Log Book, the unannounced rounds are logged into the book on a regular basis. I also reviewed log books on the housing units, where I identified rounds being made by supervisors.

During the staff and inmate interviews I further confirmed that the rounds are taking place.

Standard 115.14 Youthful inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act identifies youthful offenders the policy states a youthful inmate shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate. Direct supervision will be provided for youthful offenders while in their

housing units and while being escorted throughout the facility. Absent exigent circumstances, daily recreation shall not be restricted.

Over the past 12 months the facility has housed three youthful offenders, during the onsite visit one female youthful offenders was currently being incarcerated.

The male youthful offenders are housed in an area that is upstairs of the Special Needs Unit, in an isolated area where sight and sound separation could be maintained.

The female offender currently being housed was on the female isolation block where she was under direct supervision, and housed in a cell where sight and sound separation are maintained. I interviewed the female youthful offender. She confirmed that she is kept sight and sound separated from the other inmates, she also confirmed that she is receiving daily recreation, programming and schooling. This was further confirmed during staff interviews.

Standard 115.15 Limits to cross-gender viewing and searches

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act addresses cross gender viewing and searches.

The policy states that staff of the opposite gender shall announce their presence every time when entering an inmate housing unit in accordance with the following, In a male housing unit, "Female on unit" or in a female housing unit, "Male on unit."

Staff shall not conduct cross gender strip searches or cross gender visual body cavity searches, except in exigent circumstances or when provided by medical practitioners in accordance with LCP Policy 10.15.02, "Unclothed Searches."

Staff shall document all cross-gender strip searches of both male and female inmates and forward it to the shift commander.

Male staff member shall not pat search a female inmate absent exigent circumstances. Staff shall document all cross-gender pat searches of female inmates and forward it to the shift commander. Restrictions on female inmate's programming shall not be enforced to comply with this policy.

Inmates shall be able to shower, perform bodily functions, and change clothing without nonmedical staff

of the opposite gender viewing their breast, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. This limitation not only applies to in-person viewing but also remote viewing as well.

A transgender or intersex shall not be searched or physically examined by facility staff for the sole purpose of determining gender. If gender is unknown, it may be determined by conversation with the offender, by reviewing medical documentation or if necessary an exam conducted in private by a medical practitioner.

The facility does not conduct cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by medical practitioners. The facility dictates in the above policy procedures for conducting such searches. During the staff and inmate interviews I confirmed that only same gender searches are being conducted.

Female inmates have not been restricted from access to regularly available programming or other out-of-cell opportunities, due to the unavailability of a female staff. This was confirmed during the female inmate interviews as well as the staff interviews.

The facility has implemented the above policies that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. These policies further require staff of the opposite gender to announce their presence when entering an inmate housing unit. The procedures are in place, this was confirmed during the staff and inmate interviews, and during my facility tour where I observed staff of the opposite gender making such announcements.

The facility does not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. All staff interviewed understood that gender should be determined through conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. Medical staff are on duty twenty four hours a day and would be able to make a determination of gender. This was confirmed with the medical staff during interviews.

Staff has received training on how to conduct a pat down search of transgender inmates, this was confirmed during the staff interviews and review of the training records.

The facility has cameras throughout the facility in all common areas. I reviewed the surveillance system monitors and confirmed that the views of the cameras do not allow for any cross gender viewing of an inmate.

During the inmate interviews I discussed the level of comfort during the times of toileting, changing and showering. All of the interviewees replied that they are allowed privacy during these times, no one thought there was any issues of cross gender viewing.

Standard 115.16 Inmates with disabilities and inmates who are limited English proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act addresses inmates with disabilities and limited English proficient inmates. The policy reads as follows:

Inmates with disabilities and inmates who are limited English proficient:

- The following procedures have been established to provide disabled inmates equal opportunity to participate in or benefit from all aspects of the LCP's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. All inmate education materials will be in formats accessible to all inmates. Formats include, but not limited to: Interpreter services for Non-English speaking inmates Reading of the material, by staff, to inmates.*
- The LCP will not rely on inmate interpreters, inmate readers or other types of inmate assistants except in limited circumstances, which must be fully documented, where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations.*

The facility has procedures in place to deal with inmates with disabilities and who are limited English speaking. They have never had an incident where they would utilize another inmate for interpretation, they would utilize staff or a language line. During the classification of the inmates they identify any issues concerning disabilities and take the appropriate actions needed to protect the inmate. The facility is equipped to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

Compliance in this area was determined by reviewing policies and procedures of the facility. During the random staff interviews I determined that they all understood the availability of interpreters, and further understood the importance of not utilizing inmates for interpretation during any incident.

The facility has contracted with Language Line Solutions who provides interpretation services for limited English proficient inmates.

Standard 115.17 Hiring and promotion decisions

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act addresses hiring and promotion decisions, the policy reads as follows:

The Warden shall not hire or promote anyone who may have contact with offenders and shall not enlist the services of any contractor who may have contact with offenders, who:
Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent, or
Has been civilly or administratively adjudicated to have engaged in the activities described above. Before hiring new employees who may have contact with inmates, the LCP shall:
Perform a criminal background records check; and
Contact prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
Ask all applicants during the application or interview process about prior acts enumerated in section 1.

The warden shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of a contractor, who may have contact with inmates.

Criminal background records checks will be performed before enlisting the services of any contractor who may have contact with inmates.

Criminal background record checks will be performed at least every five years of current employees and contractors who may have contact with inmates.

During the staff interviews I verified that the above hiring and promotion policies are being adhered to.

Standard 115.18 Upgrades to facilities and technologies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The facility is not planning any substantial expansion or modification. The administration understood the obligation under this standard to consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse. They further understood the obligation to consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.

Standard 115.21 Evidence protocol and forensic medical examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act addresses evidence protocol and forensic medical examinations. The policy reads as follows:

The following steps shall be taken immediately after a report of sexual assault/abuse:

Immediately separate the alleged victim and alleged abuser.

Notify the shift commander that an allegation of sexual abuse has been made.

The victim will be taken to the Medical Department.

If the abuse occurred within 72 hours, the alleged victim will be advised that he/she should not shower or clean him/herself, not drink or brush his/her teeth, or take any action that may damage evidence and then will be escorted to the hospital for evaluation.

The location of the incident will be closed off. Evidence that can't be secured at the scene will be gathered and pictures may be taken.

If the perpetrating inmate is wearing clothing that may have been worn during the incident, it will be removed and collected as evidence in a paper bag.

The perpetrating inmate will be placed in administrative custody pending the outcome of the investigation.

If the first staff responder is not a security staff member, that responder shall be required to:

Request that the alleged victim not take any actions that could destroy evidence

Immediately notify security staff

All incidents are immediately responded to by the trained facility investigators, they are further trained in evidence identification and collection.

It should be noted that the Lackawanna County Prison is tasked with conducting administrative investigations, criminal investigations are conducted by the Lackawanna County Detectives.

The agency follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for both administrative proceedings and criminal prosecutions. The protocol is developmentally appropriate for youthful inmates.

These protocols are outlined in the above policy, all staff interviewed understood these protocols.

The facility transports all victims to Geisinger Medical Center for forensic examinations, this hospital is equipped with Sexual Assault Nurse Examiners. These examinations are provided at no cost to the victim.

The facility has also entered into an MOU with the Women's Resource Center for victim advocacy. If requested by the victim, the victim advocate, will accompany and support the victim through the forensic medical examination process and investigatory interviews, providing emotional support, crisis intervention, information, and referrals. The MOU is dated 1/24/17.

These above procedures were confirmed during the interview with the facility investigator.

Standard 115.22 Policies to ensure referrals of allegations for investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act addresses referrals of allegations for investigations. The policy reads as follows:

A Report of Extraordinary Occurrence must be completed in every case where sexual contact of any kind is reported.

Every allegation of sexual contact will be investigated thoroughly and promptly. The preliminary investigation will be conducted by the Security Department and PREA Coordinator. The Lackawanna County District Attorney's Office shall be contacted to conduct a criminal investigation if necessary.

A copy of the investigation report will be forwarded to the Lackawanna County District Attorney's Office in all cases of sexual contact with an offender.

The policy further states the following:

INVESTIGATING ALLEGATIONS OF SEXUAL HARASSMENT OF INMATES

- An allegation of harassment shall be investigated thoroughly and objectively.*
- The PREA coordinator will interview the offender complainant or complainant and obtain a written statement following the interview. If the offender refuses to be interviewed or provide a written statement, document the refusal and keep it in the investigation file.*
- The PREA coordinator will interview any inmate or staff witnesses and collect reports if necessary.*
- Video footage will be reviewed and saved to a media storage device to submit with the investigation.*
- When appropriate, review all housing unit log books, medical documentation, misconduct reports, inmate grievances, and other pertinent documentation specific to the allegation of sexual abuse and include the documentation in the investigation report.*
- All interviews will be conducted in a professional, non-abusive, and non-threatening manner.*
- The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as an inmate or staff.*

CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS:

- All investigations into allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, will be done promptly, thoroughly, and objectively.*
- The LCP shall use investigators from the Lackawanna County District Attorney's Office as well as Prison Investigators who have received special training pursuant to § 115.34.*
- Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.*
- When the quality of evidence appears to support criminal prosecution, investigators shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.*
- Administrative investigations shall:*
- Attempt to determine whether staff actions or failures to act contributed to the abuse;*
- be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.*
- All allegations of conduct that appear to be criminal will be referred for prosecution.*
- The LCP retains all written reports pertaining to administrative or criminal investigations of alleged sexual assault or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.*
- The LCP imposes a standard of a preponderance of the evidence or a lower standard of*

proof for determining whether allegations of sexual abuse or sexual harassment are substantiated.

During the interviews with the staff they all understood their obligation to report any incident or suspected incident of sexual assault or sexual harassment. They also understood their civil liability as well as the specific Pennsylvania Crimes Codes Sections that apply to these incidents.

I reviewed the investigation conducted at the facility, they were reported to the proper authority for investigation, and were reported immediately by the staff members.

Standard 115.31 Employee training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act addresses employee training. It states the following:

Employee Training:

The LCP shall train all employees who may have contact with inmates on Basic PREA Training which will include:

- It's zero tolerance policy for sexual abuse and sexual harassment;*
- How to fulfill their responsibilities under LCP sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;*
- Inmates' right to be free from sexual abuse and sexual harassment;*
- The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;*
- The dynamics of sexual abuse and sexual harassment in confinement;*
- The common reactions of sexual abuse and sexual harassment victims;*
- How to detect and respond to signs of threatened and actual sexual abuse;*
- How to avoid inappropriate relationships with inmates;*
- How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and*
- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.*

All current employees who have not received such training shall be trained within one year of the effective date of the PREA Standards

Beginning in 2015 and during every odd numbered year thereafter, the LCP shall provide each employee with training to ensure that all employees are know the LCP's current sexual abuse and sexual harassment policies and procedures.

Beginning in 2016 and during every even numbered year thereafter, the LCP shall provide each employee with refresher training on the items stated paragraph one of this section.

The LCP shall document, through employee signature that employees understand the training they have received.

The LCP shall train security staff on how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

I reviewed the training materials used to train the staff, the training materials cover all aspects of the standard.

All staff interviewed related that they have received the initial training as well as yearly update training on PREA. All of the staff related that the training was extremely informative.

I reviewed all of the training logs and verified that all of the staff at the facility have been trained.

Standard 115.32 Volunteer and contractor training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act addresses Volunteer and Contractor training. It states the following:

Volunteer and Contractor Training

The LCP shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the LCP's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates, but all volunteers and contractors who have contact with inmates will be notified of the LCP's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

The LCP shall maintain documentation confirming that volunteers and contractors understand the training they have

I reviewed the materials given to the contractors and volunteers, this material addresses all training items enumerated under this standard. I also reviewed all training sign off sheets and found them to be complete.

During the audit I interviewed several contractors and volunteers, they all related that they have received the training and understood their responsibilities under the standards.

Standard 115.33 Inmate education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act addresses Inmate Education. It states the following:

Inmate Education

During the intake process, all inmates shall receive information explaining the LCP's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

Within 30 days of intake, the LCP shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding LCP policies and procedures for responding to such incidents. This will be accomplished by a Sergeant showing the LCP PREA Video to inmates in the Assessment unit every Monday, Wednesday and Friday morning.

- *Sergeants must obtain written documentation that each inmate has viewed the video. This shall be documented on the Inmate Locator Sheet.*

Current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards.

The LCP provides inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.

The LCP shall maintain documentation of inmate participation in these education sessions.

In addition to providing such education, the LCP shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

All of the inmates receive information on PREA upon initial intake. I reviewed the information and found this to be informative.

Inmates/offenders are required to sign off on receiving this information. The inmates further receive in depth information on PREA, which is constantly available to them.

The information and training received by the inmates was confirmed during the inmate interviews as well as reviewing the sign off sheets for the inmates.

I also confirmed the inmate education with the staff during the interviews.

Standard 115.34 Specialized training: Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act addresses specialized training for investigations. It states the following:

Specialized Training: Investigations

In addition to the Basic PREA Training, the LCP shall ensure that its investigators have received training in conducting sexual harassment/sexual abuse investigations in confinement settings.

Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case or administrative action or prosecution referral.

The LCP shall maintain documentation that LCP investigators have completed the required specialized training in conducting sexual abuse investigations.

Documentation of completion of this training shall be forwarded to and maintained by the training lieutenant and PREA Coordinator.

I reviewed the documentation certifying that all investigators have attended the course provided by the Pennsylvania Department of Corrections. This portion of the training was developed by me when I was employed by the Pennsylvania State Police, this training exceeds the expectations of the standard.

I reviewed the investigation conducted during the past 12 months I found this to be complete and conducted in a timely manner.

In furtherance I spoke with the investigators as to their response to an incident, they understood their responsibility as well as the limitations when the investigation turns into a criminal investigation.

Standard 115.35 Specialized training: Medical and mental health care

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act addresses specialized training for medical and mental health. It states the following:

Specialized Training: Medical and Mental Health

In addition to the Basic PREA Training, all full and part time medical and mental health care practitioners who work in the facility will be trained in

- How to detect and assess signs of sexual assault and sexual harassment;*
- How to preserve physical evidence of sexual abuse;*
- How to respond effectively and professionally to victims of sexual abuse and sexual harassment;*
- How and to whom to report allegations or suspicions of sexual abuse or sexual harassment.*

Medical staff training will be provided by the PREA Coordinator using the training curriculum offered through the PREA Resource Center. The Training Lieutenant and PREA Coordinator shall maintain documentation that the medical and mental health practitioners have received the mandatory training.

The medical and mental health staff at the facility have received the basic PREA training offered by the facility as well as the additional training required under this standard. This was confirmed through interviews with staff and reviewing the training certificates.

Standard 115.41 Screening for risk of victimization and abusiveness

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act addresses screening for risk of victimization/abusiveness. The policy states the following:

SCREENING FOR RISK OF VICTIMIZATION/ABUSIVENESS AND USE OF SCREENING INFORMATION

All inmates will be assessed during the intake process. Intake screening shall ordinarily take place within 72 hours of arrival at the facility, and such assessments shall be conducted using an objective screening instrument. The following criteria is used to assess inmates for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.

- *Mental, physical, or developmental disability*
- *Age*
- *Physical build*
- *Previous incarcerations*
- *Whether the inmate's criminal history is exclusively nonviolent;*
- *Prior sex offenses against a child or adult*
- *Is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming*
- *Previous experienced sexual victimization*
- *Offender's own perception of vulnerability*
- *Whether the inmate is detained solely for civil immigration purposes.*

All concerns noted by the medical or psychology staff regarding an offender's sexual victimization history or predatory behavior will be communicated to the Records Department for appropriate housing assignments.

Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

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.

Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to the assessment.

The facility shall use information from the risk screening to inform housing, 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.

The Facility will make individualized determinations about how to ensure the safety of each inmate.

Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice a year to review any threats to safety experienced by the inmate.

A transgender or intersex inmates own views with respect to his or her own safety shall be given serious consideration. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

I reviewed the screening tool utilized for the screening of the inmates. This screening tool covers all questions enumerated in the standard. The screening is conducted within 72 hours of arrival of the inmate. The screening is being conducted at intake and the screening forms are forwarded to the PREA Supervisor for review. Anyone who identifies as high risk for victimization or at high risk for abusiveness are met with in person by the PREA Supervisor.

All inmates are reassessed within 30 days through classification.

Both screening tools are only accessible to those staff who make housing and programming decisions. This was verified during the staff interviews.

These processes were further confirmed during the inmate interviews and during my visual inspection of the screening tools.

Standard 115.42 Use of screening information

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act addresses use of screening information. The policy states the following:

SCREENING FOR RISK OF VICTIMIZATION/ABUSIVENESS AND USE OF SCREENING INFORMATION

All inmates will be assessed during the intake process. Intake screening shall ordinarily take place within

72 hours of arrival at the facility, and such assessments shall be conducted using an objective screening instrument. The following criteria is used to assess inmates for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.

- *Mental, physical, or developmental disability*
- *Age*
- *Physical build*
- *Previous incarcerations*
- *Whether the inmate's criminal history is exclusively nonviolent;*
- *Prior sex offenses against a child or adult*
- *Is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming*
- *Previous experienced sexual victimization*
- *Offender's own perception of vulnerability*
- *Whether the inmate is detained solely for civil immigration purposes.*

All concerns noted by the medical or psychology staff regarding an offender's sexual victimization history or predatory behavior will be communicated to the Records Department for appropriate housing assignments.

Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

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.

Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to the assessment.

The facility shall use information from the risk screening to inform housing, 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.

The Facility will make individualized determinations about how to ensure the safety of each inmate.

Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice a year to review any threats to safety experienced by the inmate.

A transgender or intersex inmates own views with respect to his or her own safety shall be given serious consideration. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

Inmate identified as lesbian, gay, bisexual, transgender, or intersex will not be placed in a dedicated unit solely on the basis of this identification

I verified with the PREA Supervisor that the information received from the screenings is being utilized for housing, work, education and programming decisions. She further confirmed that the determinations are

made on an individual basis.

I further confirmed during staff interviews that when deciding whether to assign a transgender or intersex inmate to a housing unit for male or female inmates, and in making other housing and programming assignments, they 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.

I also confirmed during interviews that placement and programming assignments for each transgender or intersex inmate would be reassessed at least twice each year to review any threats to safety experienced by the inmate. They would give serious consideration to the inmates own views with respect to his or her own safety.

The facility would allow transgender and intersex inmates the opportunity to shower separately from other inmates.

The facility does not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated housing units. This was confirmed during the inmate interviews and review of the housing unit assignments.

Standard 115.43 Protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act addresses use of protective custody. The policy states the following:

Inmates at a high risk for sexual victimization (RSV) or inmates that have alleged sexual abuse may not be placed in Administrative Custody until all other means of separation have been exhausted.

Inmates placed in segregated housing for this purpose shall have accesses to programs, privileges, education, and work opportunities to the extent possible. If restrictions to programs, privileges, education, and/or work opportunities occur, the PREA coordinator shall document:

- The opportunities that have been limited;*
- The duration of the limitation; and*
- The reason for such limitations*

If an inmate is placed in protective custody, the PREA Coordinator will document:

- *The basis for concern for the inmate's safety; and*
- *The reason why no alternative means of separation could be arranged*

Every 30 days, the facility shall review inmates placed in involuntary administrative segregation for a continued need for separation from the general population.

During the interviews I verified that no inmates identified as vulnerable are being placed in involuntary protective custody. The facility has enough housing units that give them the opportunity to place inmates in other housing units to protect them without having to utilize a segregated housing unit.

I verified this procedure during the inmate interviews, several had identified as vulnerable during the initial screening. They related that they were not placed in segregated housing.

It should be noted that inmates placed in protective custody are not restricted from programs, privileges, education, and work opportunities.

Standard 115.51 Inmate reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act addresses inmate reporting. The policy states the following:

The LCP shall provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.

Reports may be made verbally, in writing, anonymously, on an emergency grievance and from third parties. See also Policy 03.03 "Grievance Procedure. Emergency Grievance."

- *Staff shall promptly document any verbal reports.*
- *All reports must be immediately reported to the shift commander.*
- *Staff must report any knowledge, suspicion or any other information they receive regarding an incident of sexual abuse/harassment.*
- *All staff are required to report any incidents of retaliation towards inmates or staff*

- *who make reports of sexual abuse/harassment.*
Staff are required to report incidents of neglect or violations of responsibilities that contributed to an incident or retaliation

Offenders may use any telephone in each housing unit to report any acts of sexual contact or misconduct to the PA DOC.

Staff may privately report acts of sexual abuse/harassment to any member of LCP management as they feel necessary. There is no limitation on how officers may make a report of sexual abuse/harassment.

Grievances of sexual abuse shall never be referred to the staff member who is the subject of the complaint.

Retaliatory action against staff or an inmate for reporting sexual abuse or sexual harassment or for providing information during an investigation is prohibited. Any individual who seeks to deter staff or inmates from reporting sexual activity or intimidates any person who reports the alleged act is subject to discipline.

All reports of sexual contact with an offender will be kept confidential.

The facility has provided the above information to all inmates at the facility.

During the interviews with both staff and inmates they all related that they understood the avenues of reporting, all of the inmates related that they would feel comfortable reporting to a staff member at the facility.

All information is properly posted throughout the facility and available to all inmates, staff, volunteers, contractors and visitors.

Standard 115.52 Exhaustion of administrative remedies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 03.03 Section: Inmate Rules, Discipline and Rights Chapter: Inmate Grievance and Appeal Procedure addresses administrative remedies.

This policy reads identifies any grievance related to sexual abuse as an emergency grievance. The procedures for an emergency grievance are as follows:

Sometimes an inmate grievance may be of an emergency nature, where disposition according to regular

time limits would subject the inmate to a substantial risk of personal injury, or cause other serious and irreparable harm.

An inmate who seeks grievance review of an emergency situation as defined within this policy and procedure should submit his/her grievance to the grievance coordinator as soon as possible after the incident/occurrence that gave rise so that it may be processed in a timely manner.

Emergency grievances shall be filed by speaking with the housing unit officer and/or counselor or by using the standard Inmate Request Form. If the inmate believes the grievance qualifies as an emergency grievance, the inmate shall mark "EMERGENCY" on the top front of the Inmate Request Form. The grievance may then be placed in the designated receptacle on the unit for pickup and processing. The inmate may also give the grievance to the housing unit officer or counselor for more immediate delivery.

The grievance coordinator will immediately refer any inmate grievance that appears to be of an emergency nature to the Warden. The Warden will make a determination as to whether or not any particular grievance is to be treated an emergency grievance. This determination will be made within two (2) working days after receipt of the inmate grievance.

- If the Warden determines that the inmate grievance is to be treated as an emergency grievance, then the Warden shall provide written instruction to the grievance coordinator to investigate the grievance as an emergency grievance. Emergency grievances will be resolved and a written response provided to the grievant within three (3) working days from the receipt of the grievance.*
- If the Warden determines that a grievance is not an emergency, then the Warden will provide written instruction to the grievance coordinator to process the inmate grievance as an ordinary grievance.*

LCP permits third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and to file such requests on their behalf. If third party assistance is declined by the inmate, then this shall be documented.

LCP does not impose a time limit on grievances filed that allege an incident of sexual abuse.

The above grievance policy addresses all enumerated sections of this standard.

This grievance procedure is being adhered too, this was confirmed during staff interviews and review of the investigations.

Standard 115.53 Inmate access to outside confidential support services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act addresses inmate access to outside confidential support services. The policy states the following:

INMATE ACCESS TO OUTSIDE CONFIDENTIAL SUPPORT SERVICES

Outside victim advocates for emotional support services related to sexual abuse will be available to all victims of sexual abuse for the purposes of forensic exams, investigations, emotional support and crisis intervention. Addresses, telephone numbers, and other information shall be made available upon request by the inmate.

Offenders shall be informed, prior to receiving access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

All agreements with outside agencies shall be documented.

The facility has entered into an MOU with the Women's Resource Center for victim advocacy. If requested by the victim, the victim advocate, will accompany and support the victim through the forensic medical examination process and investigatory interviews, providing emotional support, crisis intervention, information, and referrals. The MOU is dated 1/24/17.

During the review of the investigation I found that these services were offered. I also confirmed this during inmate and staff interviews, as well as the review of the investigations.

Standard 115.54 Third-party reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The facility has postings in the lobby area and entrance to the visiting areas to notify individuals on third party reporting procedures. They also list the following on their website:

To report allegations of sexual abuse taking place within the Lackawanna County Prison, during regular working hours call the Prison Rape Elimination Act Coordinator's Office at 570-963-6639 ext. 4577. During any other time, call the Lackawanna Prison at 570-963-6639 ext. 0 and ask to speak with the Shift Commander. Please be prepared to give as much information as possible regarding the incident so that we may quickly and efficiently protect everyone involved. This report may be made anonymously but we request that all people making a report leave their name and number for further communication.

Standard 115.61 Staff and agency reporting duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act states the following:

It is the policy of the Lackawanna County Prison to prohibit any form of sexual contact or harassment with an offender. An offender, staff member, visitor, volunteer, or contracted service provider found to be in violation of this policy is subject to disciplinary action, termination of services or contracts, sanctions, and may be subject to criminal prosecution. A claim of consent is not an acceptable defense for participating in sexual contact or harassment with an offender. Any staff member, volunteer, visitor, or contracted service provider must report any incident witnessed to the Lieutenant on duty or most senior officer on duty. Failure to report an incident may also result in disciplinary action or termination of services.

All staff interviewed understood the above policy requiring them to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or

retaliation.

They also understood their obligation not to reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.

Standard 115.62 Agency protection duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act states the following:

When the LCP learns that an inmate is in imminent risk of being sexually abused, that inmate shall be segregated from the potential abuser(s) pending review by the PREA Coordinator and appropriate security personnel.

All of the staff interviewed understood their duties to protect an inmate, they all responded in the same manner, they would act immediately.

The staff also recognized the importance of separating the alleged offender from further interaction with any other inmate, they all related that they would have the alleged offender under constant supervision.

Standard 115.63 Reporting to other confinement facilities

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act states the following:

If an inmate makes an allegation that he/she was sexually abused in another confinement facility, the

warden or designee shall notify the head of that facility, or appropriate office, that the allegation was reported. This report shall be made within 72 hours of the allegation being made and documented as proof of notification. The report shall be maintained by the PREA Coordinator.

The interviewed staff understood their responsibilities under this policy.

The Lackawanna County Prison has made notification to other facilities in the past. I reviewed this documentation and found that the notification was made immediately and the initial investigation process was started.

Standard 115.64 Staff first responder duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act states the following:

RESPONDING TO REPORTS OF SEXUAL ABUSE

A Report of Extraordinary Occurrence must be completed in every case where sexual contact of any kind is reported.

Every allegation of sexual contact will be investigated thoroughly and promptly. The preliminary investigation will be conducted by the Security Department and PREA Coordinator. The Lackawanna County District Attorney's Office shall be contacted to conduct a criminal investigation if necessary.

A copy of the investigation report will be forwarded to the Lackawanna County District Attorney's Office in all cases of sexual contact with an offender.

The following steps shall be taken immediately after a report of sexual assault/abuse:

- *Immediately separate the alleged victim and alleged abuser.*
- *Notify the shift commander that an allegation of sexual abuse has been made.*
- *The victim will be taken to the Medical Department.*
- *If the abuse occurred within 72 hours, the alleged victim will be advised that he/she should not shower or clean him/herself, not drink or brush his/her teeth, or take any action that may damage evidence and then will be escorted to the hospital for evaluation.*
- *The location of the incident will be closed off. Evidence that can't be secured at*

- the scene will be gathered and pictures may be taken.*
- *If the perpetrating inmate is wearing clothing that may have been worn during the incident, it will be removed and collected as evidence in a paper bag.*
 - *The perpetrating inmate will be placed in administrative custody pending the outcome of the investigation.*

If the first staff responder is not a security staff member, that responder shall be required to:

- *Request that the alleged victim not take any actions that could destroy evidence*
- *Immediately notify security staff*

When the LCP learns that an inmate is in imminent risk of being sexually abused, that inmate shall be segregated from the potential abuser(s) pending review by the PREA Coordinator and appropriate security personnel.

If an inmate makes an allegation that he/she was sexually abused in another confinement facility, the warden or designee shall notify the head of that facility, or appropriate office, that the allegation was reported. This report shall be made within 72 hours of the allegation being made and documented as proof of notification. The report shall be maintained by the PREA Coordinator.

Allegations of sexual abuse received from other confinement facilities will be investigated in accordance with the PREA standards.

Staff are prohibited from revealing information related to the sexual abuse report to anyone other than necessary to make, immediate notification, treatment, investigation, and other security and management decisions.

If the alleged victim is under the age of 18 the allegation shall be reported to the Lackawanna County Children and Youth as well as Pennsylvania Department of Human Services Child Abuse hot line at 1-800-932-0313.

During the staff interviews I found that the staff understand their duties as to responding to an incident. They all advised me that they would act immediately and make the protection of the inmate their first priority.

I reviewed the investigation that were conducted, I found that all first responders acted appropriately.

I had the opportunity to interview staff who were first responders in incidents, from the interviews I concluded that they acted appropriately.

Standard 115.65 Coordinated response

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The overall policies outline the coordinated response to incidents. All of the staff interviewed understood their responsibilities in responding and the importance of all entities working together.

I reviewed the investigation and found that this was conducted in this manner, and was initially coordinated by the Shift Supervisor.

Standard 115.66 Preservation of ability to protect inmates from contact with abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison has not entered into any collective bargaining agreement that would limit the ability of the Lackawanna County Prison to remove alleged staff sexual abusers from contact with inmates.

This was confirmed during staff interviews, as well as during the review of investigations where staff were removed from specific posts during an investigation.

Standard 115.67 Agency protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act reads as follows:

Any inmate or staff member that reports sexual abuse or harassment or cooperates with an investigation shall be protected from retaliation from staff or other inmates.

A Lieutenant shall be designated to monitor potential retaliation.

The PREA coordinator shall employ multiple protection measures, such as housing changes, removal of staff abusers from contact with victims, emotional support for inmates or staff who fear retaliation, and periodic status checks.

For ninety days following a report of sexual abuse, the PREA coordinator shall monitor the conduct and treatment of inmates or staff involved to observe any changes that may occur to suggest retaliation and act promptly to remedy any such retaliation.

The Facility's obligation to monitor the situation shall terminate if the PREA coordinator deems the allegation unfounded.

During the staff interviews I confirmed that the alleged victims are being monitored for retaliation. This was also confirmed during the interviews with the inmates who had reported an incident.

Standard 115.68 Post-allegation protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act addresses use of protective custody. The policy states the following:

Inmates at a high risk for sexual victimization (RSV) or inmates that have alleged sexual abuse may not be placed in Administrative Custody until all other means of separation have been exhausted.

Inmates placed in segregated housing for this purpose shall have accesses to programs, privileges, education, and work opportunities to the extent possible. If restrictions to programs, privileges, education, and/or work opportunities occur, the PREA coordinator shall document:

- *The opportunities that have been limited;*
- *The duration of the limitation; and*
- *The reason for such limitations*

If an inmate is placed in protective custody, the PREA Coordinator will document:

- *The basis for concern for the inmate's safety; and*
- *The reason why no alternative means of separation could be arranged*

Every 30 days, the facility shall review inmates placed in involuntary administrative segregation for a continued need for separation from the general population.

During the interview with the PREA Supervisor I found that she understands the restrictions of utilizing protective custody post-allegation. She related that the facility has the ability to move inmates to a separate housing unit without having to utilize segregation.

I reviewed the investigation and found that the facility did not utilize any post allegation protective custody in any of the incidents reported.

It should be noted that if a victim was moved to a protective custody housing unit, no privileges would be lost. They would still have access to all programming, education, recreation, and so forth.

Standard 115.71 Criminal and administrative agency investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act addresses referrals of allegations for investigations. The policy reads as follows:

A Report of Extraordinary Occurrence must be completed in every case where sexual contact of any kind is reported.

Every allegation of sexual contact will be investigated thoroughly and promptly. The preliminary investigation will be conducted by the Security Department and PREA Coordinator. The Lackawanna County District Attorney's Office shall be contacted to conduct a criminal investigation if necessary.

A copy of the investigation report will be forwarded to the Lackawanna County District Attorney's Office in all cases of sexual contact with an offender.

The policy further states the following:

INVESTIGATING ALLEGATIONS OF SEXUAL HARASSMENT OF INMATES

- *An allegation of harassment shall be investigated thoroughly and objectively.*
- *The PREA coordinator will interview the offender complainant or complainant and obtain a written statement following the interview. If the offender refuses to be interviewed or provide a written statement, document the refusal and keep it in the investigation file.*
- *The PREA coordinator will interview any inmate or staff witnesses and collect reports if necessary.*
- *Video footage will be reviewed and saved to a media storage device to submit with the investigation.*
- *When appropriate, review all housing unit log books, medical documentation, misconduct reports, inmate grievances, and other pertinent documentation specific to the allegation of sexual abuse and include the documentation in the investigation report.*
- *All interviews will be conducted in a professional, non-abusive, and non-threatening manner.*
- *The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as an inmate or staff.*

CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS:

- *All investigations into allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, will be done promptly, thoroughly, and objectively.*
- *The LCP shall use investigators from the Lackawanna County District Attorney's Office as well as Prison Investigators who have received special training pursuant to § 115.34.*
- *Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.*
- *When the quality of evidence appears to support criminal prosecution, investigators shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.*
- *Administrative investigations shall:*
 - *Attempt to determine whether staff actions or failures to act contributed to the abuse;*
 - *be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.*
- *All allegations of conduct that appear to be criminal will be referred for*

- prosecution.*
- *The LCP retains all written reports pertaining to administrative or criminal investigations of alleged sexual assault or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.*

The LCP imposes a standard of a preponderance of the evidence or a lower standard of proof for determining whether allegations of sexual abuse or sexual harassment are substantiated.

The facility investigators conduct administrative investigations, and the Lackawanna County Detectives investigate any criminal act within the facility.

I found the PREA investigators to be well versed in their duties as to the administrative investigation, and more importantly the understanding of when the investigation takes on a possible criminal element they immediately contact the Lackawanna County Detectives.

I reviewed the investigations and found that they were conducted immediately and by the proper authorities.

Standard 115.72 Evidentiary standard for administrative investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act reads that the LCP imposes a standard of a preponderance of the evidence or a lower standard of proof for determining whether allegations of sexual abuse or sexual harassment are substantiated.

While reviewing the investigations from the last 12 months I confirmed that no higher standard of evidence was applied to the allegations.

Standard 115.73 Reporting to inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act reads as follows:

REPORTING TO INMATES

Following an inmate's allegation that a staff member has committed sexual abuse, the PREA coordinator will notify the inmate:

- *If the staff member is no longer posted within the inmate's unit;*
- *The staff member is no longer employed at the facility*
- *The PREA Coordinator learns of the staff member has been indicted on a charge related to sexual abuse within the facility;*
- *The PREA Coordinator learns that the staff member has been convicted on a charge related to sexual abuse*

Following an inmate's allegation that he or she has been abused by another inmate, the PREA Coordinator will notify the inmate:

- *If the PREA Coordinator learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or*
- *The PREA coordinator learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.*

The LCP requires that any inmate who makes an allegation that he or she suffered sexual abuse in the Lackawanna County Prison is informed, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following the investigation

All reports to the inmates must be documented by the PREA Coordinator.

The PREA Supervisor understands her obligation on reporting to inmates after an investigation has been conducted.

I reviewed all of the investigation and found that the inmates were notified of the outcome of the investigation in writing. I also confirmed this during the inmate interviews.

Standard 115.76 Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act reads as follows:

STAFF DISCIPLINE

Any employee, contract service provider, volunteer, intern, or any individual that conducts business with the Lackawanna County Prison who engages in, fails to report, or knowingly condones sexual abuse or harassment of any offender will be subject to appropriate disciplinary action up to and including prosecution.

Any accused staff member, volunteer, visitor, contracted service provider may be suspended pending investigation of any allegations. The Warden will make this decision on a case by case basis, based on evidence and severity of the alleged offense.

All terminations for violations of LCP sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to the Lackawanna County District Attorney's Office and any relevant licensing bodies, unless the activity was clearly not criminal.

The facility has policies in place for disciplinary sanctions for staff.

No staff have been disciplined for a violation of this policy. This was confirmed through staff interviews and review of the investigations.

Standard 115.77 Corrective action for contractors and volunteers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act reads as follows:

STAFF DISCIPLINE

Any employee, contract service provider, volunteer, intern, or any individual that conducts business with the Lackawanna County Prison who engages in, fails to report, or knowingly condones sexual abuse or harassment of any offender will be subject to appropriate disciplinary action up to and including prosecution.

Any accused staff member, volunteer, visitor, contracted service provider may be suspended pending investigation of any allegations. The Warden will make this decision on a case by case basis, based on evidence and severity of the alleged offense.

All terminations for violations of LCP sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to the Lackawanna County District Attorney's Office and any relevant licensing bodies, unless the activity was clearly not criminal.

The facility has policies in place for corrective action for contractors and volunteers.

No contractors or volunteers had been disciplined for a violation of this policy. This was confirmed through staff interviews and review of the investigations.

Standard 115.78 Disciplinary sanctions for inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act reads as follows:

Offenders will be subject to disciplinary action pursuant to the formal disciplinary process. Criminal charges may also be filed.

The disciplinary action shall 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 disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

A reporting inmate may be subject to disciplinary action if the report is determined to be unfounded at the conclusion of the investigation. All sexual activity between inmates is prohibited and will be subject to

discipline.

An offender may be disciplined for sexual contact with staff only upon finding that the staff member did not consent to the contact.

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 or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

The facility has policies in place for disciplinary sanctions for inmates.

No inmates had been disciplined for a violation of this policy. This was confirmed through interviews and review of the investigations.

Standard 115.81 Medical and mental health screenings; history of sexual abuse

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act reads as follows:

All inmates in the LCP who have disclosed any prior sexual victimization during a screening pursuant to § 115.41 are offered a follow-up meeting within 14 days with a medical or mental health practitioner.

Medical and mental health staff shall maintain secondary documentation materials (e.g. form, log). Information related to sexual victimization or abusiveness that occurred in an institutional setting is limited to medical and mental health practitioners. The information shared with other staff is strictly limited to informing security and management decisions, including treatment plans, housing, bed, work, education, and program assignments, or as otherwise required by federal, state or local law.

Medical staff must obtain informed consent to release information on prior sexual abuse that did not occur in a correctional facility.

When the aforementioned screening indicates an inmate has experienced prior sexual victimization, or has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff ensures that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

All information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions. These decisions include housing, bed, work,

education, and program assignments.

During the staff and inmate interviews I confirmed that these procedures are in place. The staff further understood their obligation to obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

During initial screenings 100 inmates were offered follow-up meetings with medical or mental health practitioners.

Standard 115.82 Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act reads as follows:

Treatment services shall be provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

The LCP offers medical and mental health evaluations and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup or juvenile facility.

The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and when necessary, referrals for continued care following their transfer to, or placement in, other facilities or their release from custody.

The LCP shall provide such victims with medical and mental health services consistent with the community level of care. Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.

If pregnancy results from contact described in #7 of this section, such victims shall receive timely and comprehensive information about access to all lawful pregnancy related medical services.

Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as appropriate.

Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. (There is a co-

pay, however, if they become a victim while in the custody of the LCP the co-pay will be waived.)

The LCP shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

The facility has the policies in place for emergency medical and mental health services. These services are offered to any inmate who reports sexual abuse or sexual harassment. I confirmed that these services are offered with both the PREA Compliance Manager and medical supervisor.

When reviewing the investigation I found that the alleged victim was offered these services.

Standard 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act reads as follows:

Treatment services shall be provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

The LCP offers medical and mental health evaluations and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup or juvenile facility.

The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and when necessary, referrals for continued care following their transfer to, or placement in, other facilities or their release from custody.

The LCP shall provide such victims with medical and mental health services consistent with the community level of care. Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.

If pregnancy results from contact described in #7 of this section, such victims shall receive timely and comprehensive information about access to all lawful pregnancy related medical services.

Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as appropriate.

Treatment services shall be provided to the victim without financial cost and regardless of whether the

victim names the abuser or cooperates with any investigation arising out of the incident. (There is a co-pay, however, if they become a victim while in the custody of the LCP the co-pay will be waived.)

The LCP shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

The facility has the policies and procedures in place for ongoing medical and mental health care. The PREA Coordinator informed me that the services would be coordinated by facility medical personnel. I further confirmed this with the medical staff.

I reviewed the investigation conducted, these services were not utilized.

Standard 115.86 Sexual abuse incident reviews

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act reads as follows:

SEXUAL ABUSE INCIDENT REVIEW

The LCP conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded.

Sexual abuse incident reviews will be conducted within 30 days of learning the investigation has concluded.

The sexual abuse incident review team will include the Warden, Deputy Warden, Intelligence Captain, Administrative Officer and PREA Coordinator and allows for input from line supervisors, investigators, and medical or mental health staff.

The LCP prepares a report of its findings from sexual abuse incident reviews, along with recommendations for improvement, and will be maintained by the PREA Coordinator.

The LCP will implement the recommendations or will document the reason for not doing so.

During staff interviews I confirmed that the incidents are reviewed within the 30 days, they also indicated that if anything needed immediate attention it would be acted upon.

The facility has initiated a procedure to document the incident reviews.

Standard 115.87 Data collection

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act reads as follows:

The LCP PREA Coordinator collects accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions.

The standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice.

The LCP aggregates the incident-based data at least annually.

The LCP maintains, reviews and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

Upon request, the LCP shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

The PREA Supervisor related that the data is collected from all of the PREA related investigations. The data is placed into a report for review. This was confirmed by staff interviews and review of the 2015 and 2016 reports.

Standard 115.88 Data review for corrective action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act reads as follows:

The LCP reviews data collected and aggregated pursuant to §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies, and training, including:

- *Identifying problem areas*
- *Taking corrective action on an ongoing basis*
- *Preparing an annual report of its findings from its data review and any corrective actions.*

The annual report will include a comparison of the current year's data and corrective actions with those from prior years. The annual report will provide an assessment of the agency's progress in addressing sexual abuse.

The LCP will make its annual report readily available to the public at least annually through its website. The annual reports must be approved by the Warden.

When the LCP redacts material from an annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility. The LCP will indicate the nature of the redaction.

Any data being collected would be reviewed by the administration at the facility. I was informed by both the staff that if a trend was noticed, they would put into place an immediate corrective action plan.

While reviewing the investigations I did not identify any trends or issues that would call for immediate action.

Standard 115.89 Data storage, publication, and destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Lackawanna County Prison Policy & Procedure 11.13 Section: Safety and Emergency Procedures Chapter: Prison Rape Elimination Act reads as follows:

The LCP ensures that the incident-based and aggregate data are securely retained by the PREA Coordinator.

Aggregated sexual abuse data from the LCP and facilities with which it contracts shall be made readily available to the public at least annually through its website.

Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed.

The LCP maintains sexual abuse data collected pursuant to §115.87 for at least 10 years after the date of initial collection, unless federal, state, or local law requires otherwise.

All of the information from any investigation would be secured in the office of the PREA Supervisor.

During her interview she understood her obligations under this policy.

Both the 2015 and 2016 reports are available to the public.

AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

3/4/17_____

Auditor Signature

Date