

Allegheny County Jail

2020 Annual PREA Report



ALLEGHENY COUNTY

Introduction from Warden Orlando Harper

With the arrival of COVID-19 in western Pennsylvania, 2020 was a challenging year for the Allegheny County Jail (ACJ). As the Bureau of Corrections, we worked hard to maintain our mandate of care, custody and control of all persons committed to our facility while also providing safety from a global pandemic for all of our inmates and employees.

We take the issue of safety seriously, especially when it comes to the Prison Rape Elimination Act (PREA). The care of the inmates includes protection from forces inside and outside of the facility. With COVID-19, many of our PREA-centered programs and evaluations were rescheduled or cancelled. Trauma and prevention-based group classes for male and female inmates were halted in March. PREA-centered meetings and conferences and on-site training activities with Pittsburgh Action Against Rape (PAAR) specialists were put on hold.

We recognize that rates of sexual violence increase during states of emergency. Even in the midst of a pandemic, priority was given to ensure that appropriate responses and action steps continued. After-incident reviews are still being conducted on all incidents at the jail. They are particularly important in cases where sexual abuse is alleged to determine if corrective action is needed. All ACJ employees completed annual online training including mandatory testing on PREA policies and procedures. Additionally, crisis services and counseling sessions, available to all inmates, continued to be offered through the ACJ's Video Arraignment division. With the existing technology and resources in that division, inmates were able to meet with counselors in a private setting.

As a correctional facility, the Allegheny County Jail will continue to strive to make any necessary improvements to ensure the safety of our inmates and employees.



The Prison Rape Elimination Act (PREA)

The Prison Rape Elimination Act (PREA) was signed into law on September 4, 2003. It is the first federal law aimed at deterring the sexual assault of prisoners. Specifically, the act called for the analysis of the incidence and effects of prison rape in federal, state, and local institutions. PREA also provides information, resources, recommendations, and funding to protect individuals from prison rape. The U.S. Department of Justice is mandated to perform a variety of functions under the act.

National Institute of Corrections

Under the Department of Justice, the National Institute of Corrections (NIC) was mandated to offer training and technical assistance, provide a clearinghouse for information, and produce its own annual report to Congress. More information on NIC and its assistance and resources can be found online at <https://nicic.gov/>.

Our Policy

The Allegheny County Bureau of Corrections adheres to the requirements set forth in the Prison Rape Elimination Act (PREA) and has zero tolerance for sexual misconduct or abuse. Any form of sexual misconduct or abuse by any staff member is deemed a misuse of authority. All allegations of sexual misconduct or abuse directed toward an inmate or staff member within the facility will be thoroughly investigated and, when warranted, sanctions imposed – up to and including termination of employment and criminal prosecution.

Purpose of Sexual Assault/Abuse Prevention Policy

The purpose of the Sexual Assault/Abuse Prevention Policy is to address the prevention, intervention, treatment, investigation, tracking and reporting of all allegations of sexual assault/battery, sexual misconduct or sexual harassment involving an inmate, prison employee, volunteer, contractor, or visitor.

Prevention/Intervention

All authorized personnel who have access to inmates with the facility shall be provided training and education and information on inmate-on-inmate sexual violence.

An initial inmate assessment is conducted during the intake process to determine if the newly arrested inmate is a victim or potential victim of sexual assault or battery or shows tendencies of acting out with sexually aggressive behavior. During the classification assessment, specific criteria is used to identify an inmate who has a history of sexual assault/abuse behavior and/or of being sexually victimized. All inmates also receive education on the zero-tolerance policy during intake. Additionally, information is contained in the inmate handbook and a sexual assault awareness pamphlet made available to the inmate.

After assignment to a pod, education for inmates continues through the inmate tablets and signage in the facility. A video is shown daily on closed-circuit television (CCTV) on each pod in the facility. Procedures for reporting attempts and incidents of sexual assault or battery are outlined, and information on available support services as well as self-protection and prevention techniques are included. Detail on a toll-free Rape Crisis Hotline phone number are part of the video and materials. That information is also posted prominently throughout the facility. Inmates can contact the hotline for free from any inmate phone or tablet.

Response to Allegations

When authorized personnel become aware of, discover or observe a possible incident involving sexual assault/battery, that individual must immediately notify the respective Shift Commander. At that time, specific protocols are completed including, but not limited to, the separation of the suspected victim from the suspected offender; examination of the suspected victim by qualified medical personnel; segregation of the suspected offender so that trace evidence, if appropriate, can be collected by Internal Affairs; testing, counseling, treatment and follow-up for sexually transmitted diseases; and evaluation and access to mental health personnel and rape treatment centers. Notification of the incident is made to the Warden's office, Internal Affairs and the PREA Coordinator to ensure that all policies and procedures are followed.

Examination of the suspected victim is done off-site. When such an incident presents itself, the Shift Commander shall notify the 24/7 Emergency Room Supervisor to give the staff time to prepare for a victim of sexual assault.

Types of Allegations

For reporting purposes, allegations are defined by the Department of Justice as Inmate on Inmate Non-Consensual Acts, Inmate on Inmate Abusive Sexual Contact, Inmate on Inmate Sexual Harassment, Staff on Inmate Sexual Misconduct, and Staff on Inmate Sexual Harassment.

Definitions

Inmate on Inmate Sexual Victimization involves sexual contact with a victim without his or her consent, or with a victim who cannot consent or refuse.

Inmate on Inmate Nonconsensual Sexual Acts are the most serious victimizations and include (1) contact between the penis and the vulva or the penis and the anus including penetration, however slight; (2) contact between the mouth and the penis, vulva, or anus; and, (3) penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

Inmate on Inmate Abusive Sexual Contact is less serious and includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any persons. Incidents in which the contact was incidental to a physical altercation are excluded.

Inmate on Inmate Sexual Harassment includes (1) repeated and unwelcome sexual advances; (2) requests for sexual favors; and, (3) verbal comments, gestures or actions of a derogatory or offensive sexual nature.

Staff on Inmate Sexual Victimization includes both consensual and nonconsensual acts perpetrated on an inmate by staff. Staff includes an employee, volunteer, contractor, official visitor, or other agency representative. Family, friends, and other visitors are excluded.

Staff Sexual Misconduct includes any behavior or act of a sexual nature directed toward an inmate by staff, including romantic relationships. Such acts include (1) intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; (2) completed, attempted, threatened, or requested sexual acts; and, (3) occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Staff Sexual Harassment includes repeated verbal statements or comments of a sexual nature to an inmate by staff. Such statements include (1) demeaning references to an inmate's sex or derogatory comments about his or her body or clothing; and, (2) repeated profane or obscene language or gestures.



Our Statistics

The investigative findings of all inmate-on-inmate sexual violence or all authorized personnel sexual misconduct/harassment toward inmates are compiled monthly and presented to the U.S. Department of Justice on an annual basis.

Findings

There are four potential findings of an allegation: (1) Substantiated – the incident was investigated and determined to have occurred; (2) Unsubstantiated – the incident was investigated, but evidence was insufficient to make a final determination that the incident occurred; (3) Unfounded – the incident was investigated, but determined not to have occurred; or, (4) Ongoing – the incident is being investigated and a final determination has not yet been reached as to whether the incident occurred.

Allegations Made

The statistics for calendar year 2020 follow:

	Substantiated	Unsubstantiated	Unfounded	Total
Inmate on Inmate Non-Consensual Acts	1	5	1	7
Inmate on Inmate Abusive Sexual Contact	0	2	2	4
Inmate on Inmate Sexual Harassment	1	5	0	6
Staff on Inmate Sexual Misconduct	0	0	0	0
Staff Sexual Harassment	0	2	7	9

For comparison purposes, following are the statistics for 2019:

2019 reports	Substantiated	Unsubstantiated	Unfounded	Total
Inmate on Inmate Non-Consensual Acts	1	6	4	11
Inmate on Inmate Abusive Sexual Contact	3	0	4	7
Inmate on Inmate Sexual Harassment	1	1	1	3
Staff on Inmate Sexual Misconduct	0	0	5	5
Staff Sexual Harassment	0	2	7	9

Contracted Providers

The jail also requires additional protections and reporting from the programs that are contracted to provide alternative housing for the inmates that receive sentencing to those. For calendar year 2021, the county has contracted with The Program for Offenders and Renewal, Inc.

Allegations Made (The Program for Offenders)

	Substantiated	Unsubstantiated	Unfounded	Total
Inmate on Inmate Non-Consensual Acts	0	0	0	0
Inmate on Inmate Abusive Sexual Contact	0	0	0	0
Inmate on Inmate Sexual Harassment	0	0	0	0
Staff on Inmate Sexual Misconduct	0	0	0	0
Staff Sexual Harassment	0	0	0	0

For comparison purposes, following are the statistics for 2019:

2019 reports	Substantiated	Unsubstantiated	Unfounded	Total
Inmate on Inmate Non-Consensual Acts	0	0	0	0
Inmate on Inmate Abusive Sexual Contact	0	0	0	0
Inmate on Inmate Sexual Harassment	0	0	0	0
Staff on Inmate Sexual Misconduct	0	0	0	0
Staff Sexual Harassment	0	0	1	1

Allegations Made (Renewal, Inc.)

	Substantiated	Unsubstantiated	Unfounded	Total
Inmate on Inmate Non-Consensual Acts	0	0	0	0
Inmate on Inmate Abusive Sexual Contact	0	0	0	0
Inmate on Inmate Sexual Harassment	0	0	0	0
Staff on Inmate Sexual Misconduct	0	1	0	1
Staff Sexual Harassment	0	0	0	0

For comparison purposes, following are the statistics for 2019:

2019 reports	Substantiated	Unsubstantiated	Unfounded	Total
Inmate on Inmate Non-Consensual Acts	0	0	0	0
Inmate on Inmate Abusive Sexual Contact	0	0	0	0
Inmate on Inmate Sexual Harassment	1	0	0	1
Staff on Inmate Sexual Misconduct	0	0	0	0
Staff Sexual Harassment	0	1	0	1

Partnership with Pittsburgh Action Against Rape

The Allegheny County Jail has been fortunate to have a unique partnership with Pittsburgh Action Against Rape (PAAR). The organization has been serving the Western Pennsylvania region for almost 50 years through advocacy, counseling, prevention and education. In addition to providing training to jail staff, the organization was also responsible for handling calls to the jail's helpline, accompanying victims for medical examinations and providing individual and group crisis counseling to inmates who are victims of sexual assault, regardless of when that assault occurred.

	Medical Examinations	Individual Crisis Counseling	Referral from PAAR Group	Call to PAAR Helpline
2020	7	93	4*	61
2019	11	110	10	63
2018	10	56	N/A	62

* - PAAR groups were not active from March to December 2020 due to COVID-19 restrictions.

About the Allegheny County Jail



Mission

The mission of the Bureau of Corrections is to increase public safety in Allegheny County by providing care, custody and control of persons incarcerated, and to reduce recidivism through programs that help persons reenter and succeed in society.

Leadership

The Bureau of Corrections, and the Allegheny County Jail, is under the leadership of Warden Orlando L. Harper, Chief Deputy Warden for Operations David Zetwo, Chief Deputy Warden for Healthcare Services Laura K. Williams, and Deputy Warden for Operations Jason Beasom.

