

Allegheny County Jail

2021 ANNUAL PREA REPORT



A Letter from Warden Orlando Harper



I present you the 2021 Annual Prison Rape Elimination Act (PREA) report. The Bureau of Corrections maintains and enforces a zero-tolerance policy toward sexual assault for both inmate-on-inmate and staff-on-inmate misconduct. This report is offered to outline our efforts to that end at the Allegheny County Jail.

The COVID-19 pandemic continues to present challenges for facilities throughout the country and the Allegheny County Jail (ACJ) is no exception. 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 the pandemic for all employees and incarcerated individuals.

As part of that response, there were limitations on in-person professional and social visitors to the jail. This included arrangements with Pittsburgh Action Against Rape (PAAR) to provide programming and counseling services. In collaboration and cooperation with the facility, the jail's Video Arraignment Division continued to offer crisis services and individual counseling sessions in a private setting. Despite being unable to conduct in-person counseling and programs, PAAR received a record-setting numbers of calls to the helpline and participation in individual crisis counseling sessions. Through collaborative efforts, individuals may also request PAAR services through the inmate tablet system.

As the jail continues to phase in the return of in-person programming and services, we have also worked with providers like PAAR to restore services in line with their own protocols and safety practices. Accordingly, PAAR resumed in-person hospital visits for victims in February 2021 and the jail has contact with PAAR as part of its procedures when transporting an inmate to a hospital so that someone from the organization may accompany them through this process.

Our staff have also done their part to connect people with services. The Discharge and Release Center (DRC) staff has completed specialized training on sexual violence in correctional settings and assists PAAR in creating continuity of care for individuals after they are released. The DRC also provides information about PAAR for individuals who may have not requested PAAR services while incarcerated but would benefit from those services post-release. Additionally, ACJ employees receive continuing education regarding PREA policies and procedures. All new employees undergo PREA training as part of the orientation process, and complete mandatory online training and testing annually. In addition, nine officers have attended PREA investigator training in February provided by the Pennsylvania Prison Wardens Association.

As a correctional facility, the Allegheny County Jail will continue to strive to make any necessary improvements to ensure the safety of our employees and incarcerated individuals. The care, custody and control of our incarcerated population is our primary mission and ensuring PREA services and compliance is an important way we can help ensure those entrusted to our custody are prepared to re-enter society.

Sincerely,
Warden Orlando Harper
Allegheny County Jail

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 incarcerated individuals within 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 incarcerated individuals 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 incarcerated individuals 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. Incarcerated individuals 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 incarcerated individuals 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 2021 follow:

2021 Reports	Substantiated	Unsubstantiated	Unfounded	Total
Inmate on Inmate Non-Consensual Acts	0	1	1	2
Inmate on Inmate Abusive Sexual Contact	0	1	0	1
Inmate on Inmate Sexual Harassment	1	0	1	2
Staff on Inmate Sexual Victimization	4*	1	6	11
Staff Sexual Harassment	0	0	4	4

* On May 26, 2021, the Internal Affairs Division of the Allegheny County Police Department was contacted by jail staff of an incident involving a female inmate at the jail who had reported concerning conduct of a jail medical employee. Subsequent complaints from two other inmates were received on May 26 and May 28. All three allegations involved a medical assistant at the jail. Jail administration immediately suspended the individual pending termination and revoked all clearances. The individual's employment with the facility was terminated on June 4, 2021.

Following interviews with the inmates, Internal Affairs investigators also interviewed the then former medical assistant regarding the allegations of inappropriate touching and interaction with the inmate. Investigators also verified additional information and details provided by the victims related to their interviews and complaints. Based on the information gathered by investigators, a warrant was issued for the former medical assistant who was charged with institutional sexual assault and indecent assault. After initial charges were filed, an additional allegation was made by a fourth inmate.

[Former Jail Medical Assistant Charged with Institutional Sexual Assault \(July 22, 2021\)](#)

For comparison purposes, following are the statistics for 2020:

	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 Victimization	0	0	0	0
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 incarcerated individuals that receive sentencing to those. For calendar year 2021, the county has contracted with The Program for Offenders and Renewal, Inc. Questions relative to reports made by contracted providers should be directed to the specific provider.

Allegations Made (Passages to Recovery – formerly the Program for Offenders)

2021 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 Victimization	0	0	0	0
Staff Sexual Harassment	0	0	0	0

For comparison purposes, following are the statistics for 2020:

	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 Victimization	0	0	0	0
Staff Sexual Harassment	0	0	0	0

Allegations Made (Renewal, Inc.)

2021 Reports	Substantiated	Unsubstantiated	Unfounded	Total
Inmate on Inmate Non-Consensual Acts	0	0	0	0
Inmate on Inmate Abusive Sexual Contact	0	1	2	3
Inmate on Inmate Sexual Harassment	0	0	0	0
Staff on Inmate Sexual Victimization	1	1	3	5
Staff Sexual Harassment	1	0	1	2

For comparison purposes, following are the statistics for 2020:

	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 Victimization	0	1	0	1
Staff Sexual Harassment	0	0	0	0

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 incarcerated individuals 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
2021	4	142	0**	122
2020	7	93	4*	61
2019	11	110	10	63
2018	10	56	N/A	62

** - PAAR groups were inactive in 2021 due to COVID-19 restrictions

* - 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 Jason Beasom, Deputy Warden for Administrative Operations and Employee Development Blythe Toma, and Deputy Warden Adam Smith.



ALLEGHENY COUNTY