



# PREA Annual Report 2018

**ALLEGHENY COUNTY JAIL**

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# From the Warden's Desk

Over 18,000 people move through the Allegheny County Jail in an average year. As the Bureau of Corrections, we are responsible for the care, custody and control of those inside the facility, as well as the safety of the staff, volunteers and the general public. We take the issue of safety seriously and understand that our care of the inmates includes protection from forces both inside and outside of the facility.

With our 2018 accreditation by the American Correctional Association, we are turning our attention to receiving our PREA Accreditation – something that is already contemplated in our prevention planning. We have been proactive in our efforts and are the only county jail with a PREA Juvenile Pod in the state. We do not do cross-gender viewing or searches. We have ensured accommodations for inmates with disabilities or inmates with limited English proficiencies, to ensure that they are afforded the same information and protections. We continue to improve on our training and education for all personnel at the facility, including volunteers and contractors. We have partnered with a third-party provider, Pittsburgh Action Against Rape, to take and process reports of sexual assault or harassment, and to provide victim services to inmates, regardless of when their abuse occurred. We also consistently review our policies and procedures to determine if they can be strengthened.

Part of our mission is to increase public safety in Allegheny County by providing care, custody and control of those incarcerated at the Allegheny County Jail. By working towards PREA accreditation, we will continue improving the facility, strengthening our practices and procedures, and exploring new and innovative ways to help those in our custody reenter and succeed in society.

Sincerely,

Orlando L. Harper, Warden

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# The Prison Rape Elimination Act (PREA)

## About

The Prison Rape Elimination Act (PREA) was signed into law on September 4, 2003. It is the first United States federal law to deter 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 and to provide 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/>.

## Annual Reports

In December 2007, the U.S. Department of Justice published its first report – based on 2006 data – about rapes and sexual violence in American prisons.

The most recent data was published in 2018 and presents data for each year from 2012 through 2015. Correctional administrators reported 24,661 allegations of sexual victimization in 2015, nearly triple the number recorded in 2011. The increase in allegations of sexual victimization from 2011 to 2015 coincided with the release in 2012 of the National Standards to Prevent, Detect, and Respond to Prison Rape. In 2015, an estimated 1,473 allegations were substantiated with 58% of substantiated incidents of sexual victimization perpetrated by inmates, while 42% were perpetrated by staff members.

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# 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. Any form of sexual misconduct by any staff member is deemed an abuse of authority. All allegations of sexual misconduct directed towards 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 signage in the facility. A video is shown daily on CCTV in the facility on each pod. 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 from any inmate phone.

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## 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 which 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.

## 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.

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**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 towards 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.

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## Allegations Made

During 2018, a total of 39 allegations of sexual victimization, as defined by the Department of Justice, were made and reported to the PREA Coordinator.

***Inmate on Inmate Nonconsensual Sexual Acts:*** Four (4) reports of inmate on inmate nonconsensual sexual acts were made. All four (4) allegations were substantiated.

***Inmate on Inmate Abusive Sexual Contact:*** Six (6) reports of inmate on inmate abusive sexual contact were made. As a result of the investigations, one (1) was substantiated, three (3) were unsubstantiated, and two (2) were unfounded.

***Inmate on Inmate Sexual Harassment:*** Four (4) reports of inmate on inmate sexual harassment were made. After investigation, one (1) was substantiated, two (2) were unsubstantiated, and one (1) was unfounded.

***Staff Sexual Misconduct:*** Nine (9) reports of staff sexual misconduct were made during 2018. Of those, one (1) was substantiated and eight (8) were unfounded.

***Staff Sexual Harassment:*** There were 16 reports of staff sexual harassment made during 2018. Investigations determined that two (2) were substantiated, three (3) were unsubstantiated, and 11 were unfounded.

***None of the allegations have ongoing investigations.***

## 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.