



# PREA Annual Report 2017

## Allegheny County Jail

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# TABLE OF CONTENTS

About the Allegheny County Jail _____	3
Mission _____	3
Leadership _____	3
The Prison Rape Elimination Act _____	4
About _____	4
National Institute of Corrections _____	4
Annual Reports _____	4
Our Policy _____	5
Purpose of Sexual Assault/Abuse Prevention Policy _____	5
Prevention/Intervention _____	5
Response to Allegations _____	6
Our Statistics _____	7
Types of Allegations _____	7
Findings _____	8
Allegations Made _____	8
Moving Forward - from Warden Harper _____	10

# ABOUT THE ALLEGHENY COUNTY JAIL

We protect the citizens of Allegheny County from criminal offenders through a coordinated system of incarceration, which securely segregates offenders from society and assures offenders of their constitutional rights.

Our services to inmates and former inmates support re-entry into the community and reduce recidivism. Through funding provided through the Jail Collaborative, we work with the Department of Human Services, the Allegheny County Health Department, court officials, service providers, ex-offenders, faith-based community organizations, families and the community at large.

The jail is funded primarily by real estate tax dollars. Allegheny County also derives revenue from per diem payments for housing of federal prisoners.

## **Mission**

The mission of the Allegheny County 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 Allegheny County Jail is under the leadership of Warden Orlando L. Harper and a team which includes a Chief Deputy and various deputies. Warden Harper has spent 30 years in the corrections profession. He progressed through the ranks at the Washington, D.C. Department of Corrections where he began his career in 1988, rising to the Deputy Warden for Operations. He was appointed Warden in Allegheny County on October 15, 2012.

# THE PRISON RAPE ELIMINATION ACT

## About

The Prison Rape Elimination Act 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 ordered 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 2006 report about rapes and sexual violence in American prisons. The report, which included information obtained from about 1.3 million prisoners, reported 60,500 cases of sexual violence ranging from unwanted touching to rape in 2006. In total, 4.5 percent of American prisoners reported an incident of sexual violence in the study.

The most recent data on the U.S. Department of Justice website was published in 2014 and reflects data from correctional facilities in 2011. The data includes information obtained from about 1.4 million prisoners. A total of 6,799 incidences of sexual victimization, including both inmate-on-inmate and staff-on-inmate cases, were reported. Of those, 546 were substantiated.

# OUR POLICY

The Allegheny County Bureau of Corrections adheres to the requirements set forth in the Prison Rape Elimination Act, and has a Zero Tolerance policy for sexual misconduct. Any form of sexual misconduct by any authorized personnel is deemed an abuse of authority. All allegations of sexual misconduct directed towards an inmate or authorized personnel 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 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 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.

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, while also being prominently posted throughout the facility. Inmates can contact the hotline from any inmate phone.

## **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.

# OUR STATISTICS

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

## Types of Allegations

Allegations are defined as sexual abuse, sexual assault, sexual contact, sexual harassment and sexual misconduct, based on the following definitions:

**Sexual abuse** includes, but is not limited to, subjecting another person to any sexual act or contact between an employee, volunteer, contractor, or agency representative, and an inmate by force, persuasion, inducement or enticement; any sexual act or contact in which an employee, volunteer, or agency representative participates or forces any inmate to engage in; subjecting another person who is incapable of giving consent by reason of their custody status, physical/mental condition; rape, sexual molestation, prostitution or any other form of sexual exploitation.

**Sexual assault** is any sexual touching or contact, including but not limited to rape, sodomy or unlawful touching.

**Sexual contact** is behavior that includes, but is not limited to, all forms of sexual contact, intentional sexual touching or physical contact in a sexual manner, either directly or through clothing, with or without the consent of the person; or any touching or inappropriate viewing with intent to arouse, humiliate, harass, degrade, or gratify the sexual desire of any person's human anatomy.

**Sexual harassment** is a form of harassment that includes any of the following:

- Repeated and unwelcomed sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmates towards another.

- Repeated verbal statements, comments, or retaliatory behavior of a sexual nature to an inmate or any authorized personnel; examples include, but are not limited to, demeaning references to gender; derogatory comments about body or clothing; and repeated, profane/obscene language or gestures.

**Sexual misconduct** is any behavior or act of a sexual nature directed toward a detainee, victim, witness, complainant or offender by any employee, volunteer, or vendor; such acts include, but are not limited to, sexual assault, sexual abuse, sexual harassment, sexual contact, conduct of a sexual nature or implication, obscenity and unreasonable or unnecessary invasion of privacy. Sexual misconduct also includes, but is not limited to, conversations or correspondence that suggests a romantic or sexual relationship involving any person mentioned above. Sexual misconduct is not limited to unwanted sexual contact. Sexual misconduct is also a range of behaviors or situations that include inappropriate remarks, sexualized name calling, correspondence, and conversations, inappropriate displays, fondling, inappropriate viewing, and sexual contact with individuals vulnerable to the authority of the justice system or any other person in a work setting. Such acts are inappropriate in a work setting and presumed to be unwelcome.

## **Findings**

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

## **Allegations Made**

During calendar year 2017, a total of 23 allegations of sexual abuse, sexual assault, sexual contact, sexual harassment, or sexual misconduct were made and reported to the PREA Coordinator.

In comparison, during calendar year 2016, a total of 17 allegations of sexual abuse, sexual assault, sexual contact, sexual harassment, or sexual misconduct were made and reported to the PREA Coordinator.

## **Substantiated**

Of the 23 allegations made, one (1) was substantiated. It was an allegation of sexual harassment.

In 2016, of the 17 allegations made, one (1) was substantiated. It was an allegation of sexual abuse.

## **Unsubstantiated**

Of the 23 allegations made, 12 were found to be unsubstantiated and include four (4) allegations of sexual abuse, four (4) allegations of sexual assault, three (3) allegations of sexual contact, and one (1) allegation of sexual harassment.

In 2016, none of the 17 allegations made were unsubstantiated.

## **Unfounded**

Of the 23 allegations made, 10 were unfounded including five (5) allegations of sexual assault, two (2) allegations of sexual contact, two (2) allegations of sexual harassment, and one (1) allegation of sexual misconduct.

In 2016, of the 17 allegations made, 16 were unfounded including 10 allegations of sexual abuse, and six (6) allegations of sexual harassment.

## **Ongoing**

None of the investigations into the 23 allegations are on-going.

Likewise, all investigations into the 17 allegations from calendar year 2016 have been concluded.

## FROM WARDEN HARPER

When I began as Warden of the Allegheny County Jail in October 2012, one of the first things that I did was to review the facility's policies and procedures. The policy related to sexual assault and sexual harassment was extensively revised in 2013 as part of that process to further comply with the Prison Rape Elimination Act (PREA).

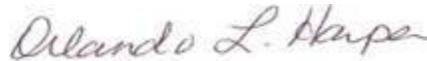
My focus has also been on ensuring that the Allegheny County Jail is following the best correctional practices, and is also accredited. First on that list was accreditation by the American Correctional Association (ACA). The audit of the jail was conducted in November 2017 and we received that accreditation earlier this year. I am proud that the Allegheny County Jail is only one of two county jails in Pennsylvania to have received ACA accreditation. And we did so with flying colors - our facility met 100% of the 62 mandatory standards, and 98.6% of the 323 non-mandatory standards, giving us a 99.3% score overall.

Our next goal is to receive accreditation through the National Commission on Correctional Health Care (NCCHC) which the jail once had, but had lost before I arrived. We are working towards that goal now and hope to accomplish accreditation as we did the ACA audit. The final accreditation on that list is our PREA accreditation. This issue is one that we take seriously. We have over 15,000 people move in and out of the Allegheny County Jail in a given year. We are responsible for the care, custody, and control of those individuals - as well as the safety of the staff, volunteers and the general public.

We have a Zero Tolerance policy on sexual assault and sexual harassment, and a PREA coordinator who works proactively to continue to improve our policies and practices, but also the services and resources that we provide to our inmates. We have worked closely with Pittsburgh Action Against Rape (PAAR) which is our third-party provider of reporting. By partnering with the agency, we have been able to provide victim services, trainings and are working towards additional services to help those individuals who have been victims of sexual assault, whether as an inmate, or before they came to be in the Allegheny County Jail. We are also the first and only county jail in the state with a PREA Juvenile Pod which addresses all of the standards related to youthful inmates.

We will continue to work towards NCCHC and PREA accreditation and, in doing so, will improve the facility, our practices and procedures, and the ways in which we can meet our mission 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.

Sincerely,

A handwritten signature in cursive script that reads "Orlando L. Harper".

Orlando L. Harper, Warden  
Allegheny County Jail