	<p>GEORGE W. HILL CORRECTIONAL FACILITY</p> <p>POLICY and PROCEDURE MANUAL</p> <p>CHAPTER: Incarcerated Person Rights</p> <p>TITLE: Prison Rape Elimination Act-Sexual Abuse/Assault Prevention</p> <p>RELATED ACA STANDARDS: 5-ALDF-2A-29, 4D-22, 4D-22-2, 4D-22-3, 4D-22-4, 4D-22-5, 4D-22-6, 4D-22-7, 4D-22-8, 2A-29</p> <p>PA DOC STANDARDS: 95.246</p>	<p><u>NUMBER:</u> 1400.02</p> <p><u>SUPERSEDES</u> 12/07/23</p> <p><u>EFFECTIVE:</u> 12/12/24</p>
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1. POLICY:

George W. Hill Correctional Facility operations shall be based upon a fundamental commitment to treating incarcerated persons with dignity and respect. G.W.H.C.F. has a **“zero-tolerance policy”** relative to sexual abuse and sexual harassment. The facility shall comply with federal and respective state laws as they pertain to PREA, sexual violence and sexual misconduct. If there is a variation in laws, the stricter regulation will apply.


It is the policy of the G.W.H.C.F. to provide training to staff and incarcerated persons to prevent sexual abuse and sexual harassment and to fully investigate and prosecute those involved in such conduct. This policy shall be available to all staff, contractors, volunteers, visitors, and incarcerated persons.

The facility shall designate a PREA Compliance Manager with sufficient time and authority to coordinate the facility’s efforts to comply with PREA standards (PREANS 115.11c). This designation can be incorporated into an existing job description or can be a stand-alone position based on the facility size and security level, with proper approval from the Warden.

The PREA Compliance Manager duties include:

- a) Gathering of facility statistics and reports on incidents of Sexual Activity and Sexual Abuse;
- b) Assist with development/revision of any GWHCF PREA policies;
- c) Assist with PREA Training initiatives;
- d) Assist with PREA Facility assessments;
- e) Prepare an annual report on findings and corrective actions for GWHCF; and
- f) Monitoring for retaliation

All new contracts and contract renewals for the confinement of incarcerated persons will include the contract agency’s obligation to adopt and comply with PREA standards. Any new

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contract or contract renewal that provides services with direct contact with individuals in George W. Hill Correctional Facility will obligated to comply with applicable PREA standards and provide for monitoring to ensure the contractor is complying with PREA standards (PREANS 115.12).

2. **AUTHORITY:**

Facility Policy

3. **DEFINITIONS:**

Agency: means the unit of a state, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines incarcerated persons, including the implementation of policy as set by the governing, corporate, or nonprofit authority. This includes the County of Delaware.

Contractor: means a person who provides services on a recurring basis pursuant to a contractual agreement with the Agency.

Employee: means a person employed by the County of Delaware or any operational subsidiary. Sometimes referred to as staff or staff member.


Exigent Circumstances: mean any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of the facility.

Facility: means a place, institution, building, set of buildings, structure, or area that is used by an agency for the confinement of individuals.

Warden: means the principal official of a facility.

Gender Non-Conforming: Gender appearance or manner does not conform to traditional societal gender expectations.

Intersex: means a person who's sexual or reproductive anatomy or chromosomal pattern

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does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

LGBTI: means individuals in a correctional facility who have identified themselves as lesbian, gay, bisexual, transgender, or intersex.

Medical Practitioner: means a health professional who, by virtue of education, credentials, and experience is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “**Qualified Medical Practitioner**” refers to such a professional who has also successfully completed training for treating sexual abuse victims.


Mental Health Practitioner: (For this policy only): Who by virtue of education, credentials, and experience is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “**Qualified Mental Health Practitioner**” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Transgender: means a person whose gender identity (Internal sense of feeling male or female) is different from the person’s assigned sex at birth.

Volunteer: means an individual, not an employee, who donates time and effort on a recurring basis to enhance the activities and programs of the George W. Hill Correctional Facility.

Youthful Offender: means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

Zero Tolerance Policy: In no case will the notion of “consensual sex” in a custodial or supervisory relationship be allowed. Any sexual abusive behavior between employees or agents of the County of Delaware and incarcerated persons violates professional and ethical principles and George W. Hill Correctional Facility policies. All allegations of sexual abuse and sexual harassment will be investigated. If applicable, criminal charges will be filed and/or a professional standard investigation will be conducted which may result in corrective and/or disciplinary action, including termination. Failure of staff members to report incidents of sexual abuse or sexual harassment may result in corrective and/or disciplinary action,


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including termination.

Types of Sexual Assault/Rape or Sexual Misconduct:

1. **Sexual Abuse by another Individual in George W. Hill Correctional Facility:** includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b) Contact between the mouth and the penis, vulva, or anus;
 - c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and,
 - d) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, excluding contact incidental to a physical altercation.

2. **Sexual Abuse by an Employee, Contractor, or Volunteer:** includes:
 - a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b) Contact between the mouth and the penis, vulva, or anus
 - c) Contact between the mouth and any body part where the Employee, Contractor, or Volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - d) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the Employee, Contractor, or Volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - e) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breasts, inner thigh, or the buttocks that is unrelated to official duties or where the Employee, Contractor, or Volunteer has the intent to abuse, arouse, or gratify sexual desire.
 - f) Any attempt, threat, or request by an Employee, Contractor, or Volunteer to engage in the activities described in paragraphs (a)-(e) of this section;

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- g) Any display by an Employee, Contractor, or Volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an individual in George W. Hill Correctional Facility, and Voyeurism by an Employee, Contractor, or Volunteer.

3. **Sexual Harassment:** includes:

- a) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one individual in the George W. Hill Correctional Facility directed toward another; and
- b) Repeated verbal comments or gestures of a sexual nature to an Individual the George W. Hill Correctional Facility by an Employee, Contractor, or Volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- c) **Note: “Repeated” in the context of this provision, means more than one incident. The seriousness of the conduct shall be taken into account in determining the appropriate commensurate response by the facility and serious misconduct along these lines, even if committed once, shall still be addressed.**

4. **Voyeurism by an Employee, Contractor, or Volunteer:** means an invasion of privacy of an individual in George W. Hill Correctional Facility by staff for reason unrelated to official duties, such as peering at an individual within the facility who is using the toilet in his or her cell to perform bodily functions; requiring an individual in the facility to take images of all or part of an individual within the facility; to include their naked body or of an individual in the facility performing bodily functions.

Note: Sexual acts or contact between individuals in G.W.H.C.F. and an Employee, Contractor, or Volunteer even when no objections are raised by either party, are always forbidden and illegal. Accordingly, except in cases where the employee, contractor, or volunteer is clearly the victim of sexually abusive behavior by an individual in G.W.H.C.F., sexual behavior between an employee, contractor, or volunteer and individuals in the George W. Hill Correctional Facility is always the

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employee's, contractor's, or volunteer's responsibility.

Additional Definitions:

Sexual Activity: Physical contact between two or more individuals in G.W.H.C.F. of the same or opposite sex for the purpose of sexual arousal or gratification where all involved individuals in G.W.H.C.F. independently express or imply consent. Such contact includes the following: active or passive contact or fondling of genitals, hands, mouth, buttocks, anus, or breast.


Note: Sexual activity between two or more individuals in G.W.H.C.F. is prohibited. Good correctional practices can reduce, prevent, and detect sexual activity. Avoiding a sexually charged atmosphere, conducting random cell searches, or housing check areas, observing behaviors of the individuals in G.W.H.C.F., taking extra precautions to protect individuals in George W. Hill Correctional Facility identified as high risk, and ensuring that individuals within the facility are in correct bunk/bed assignments can reduce risk.

Sexually Abusive Behavior: The term used in this policy to describe sexual abuse and sexual harassment as defined in this section.


4. PROCEDURES:

Staff Training

1. Staff members shall receive comprehensive training on the Prison Rape Elimination Act upon hire in the prohibition, identification, reporting and prevention of sexual abuse and sexual harassment. The training shall meet all areas of PREANS 115.31a.
2. Staff who may have contact with individuals in GWHCF shall be trained on the following areas:
 - a. The facility's zero tolerance policy for sexual abuse and sexual harassment
 - b. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures

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- c. The individual in GWHCF's right to be free from sexual abuse and sexual harassment
 - d. The right of the individuals in GWHCF and Employees right to be free from retaliation for reporting sexual abuse and sexual harassment
 - e. The dynamics of sexual abuse and sexual harassment in confinement
 - f. The common reactions of sexual abuse and sexual harassment victims
 - g. How to detect and respond to signs of threatened and actual sexual abuse
 - h. How to avoid inappropriate relationships with individuals in GWHCF
 - i. How to communicate effectively and professionally with individuals in GWHCF, including LGBTI and Gender Non-Conforming individuals; and
 - j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
3. Annual in-service training on sexual abuse and sexual harassment will be conducted.
4. PREA training shall be tailored to the gender of the incarcerated persons at the facility. Any employee who is reassigned from a male only facility to a female only facility, or vice versa, shall receive additional training relative to the gender of the incarcerated persons at their new facility (PREANS 115.31b).
5. All volunteers and contractors who may have contact with incarcerated persons must be trained in their responsibilities under this policy and procedure with the Prison Rape Elimination Act. Volunteers and contractors who have contact with individuals at GWHCF are trained on their responsibilities under George W. Hill's Sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
6. The facility shall maintain documentation confirming the volunteer/contractor understands the training (PREANS 115.32a.b.c). Volunteers and contractors who do not have repeated contact with incarcerated persons shall sign the Visitor's Log which shall have a statement such as "This facility has zero-tolerance for all forms of sexual abuse and harassment. If you are involved or witness an incident of sexual


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abuse or harassment of our incarcerated persons, you must report such immediately to the Facility Warden or designee”.

7. All training shall be documented. Through staff/ volunteer/ contractor signature or electronic verification, employees will document that they understand the training they received. (PREANS 115.31d) Unless client mandates require electronic verification, employees shall document through signature on the George W. Hill Correctional Facility PREA Basic Training Acknowledgement Form that they understand the training they have received. This form shall be used to document Pre-Service and Annual In-Service Training.
8. Refresher training shall be conducted each year thereafter for all staff. Training shall include updates to sexual abuse and sexual harassment policies.
9. Volunteers and Contractors who have contact with individuals in GWHCF shall receive annual refresher training.

Specialized Training: Investigations

1. Criminal investigations are not conducted by any George W. Hill Correctional Facility staff.
2. In addition to the general training provided to all staff pursuant to this policy, the Warden shall ensure that, to the extent the facility itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations (PREANS 115.34a)
3. Specialized training shall include age-appropriate techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection and the criteria and evidence required to substantiate a case for administrative or criminal action. (PREANS 115.34b) Investigators shall receive this specialized training in addition to the training mandated for Employees.
4. All training shall be documented. Through staff/ volunteer/ intern/ contractor signature or electronic verification, employees will document that they understand


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the training they received (PREANS 115.34c). Unless client mandates require electronic verification, employees shall document through signature on the PREA Basic Training Acknowledgement Form that they understand the training they have received. This form shall be used to document Pre-Service and Annual In-Service Training.

5. G.W.H.C.F. shall request documentation from the Criminal Investigation Division that provides evidence of such training to its investigators. Training documentation shall be kept on file at G.W.H.C.F.

Specialized Training: Medical and Mental Health Care (For the purposes of this policy, Mental Health Care practitioners shall be considered those who are licensed to provide mental health services to the population)

1. The Warden shall ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: (PREANS 115.35a)
 - How to detect and assess signs of sexual abuse and sexual harassment;
 - How to preserve physical evidence of sexual abuse and sexual harassment;
 - How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
 - How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
2. Medical and Mental Health Care Practitioners shall receive this specialized training in addition to the training mandated for Employees during pre-service orientation.
3. Medical staff shall be trained to not conduct forensic examinations (PREANS 115.35b). Forensic examinations shall be performed by a Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE). An offsite Qualified Medical Practitioner may perform the examination if a SANE or SAFE is not available.
4. All training shall be documented. Through staff/ volunteer/ contractor signature or electronic verification, employees will document that they understand the training


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they received (PREANS 115.35c). Unless client mandates require electronic verification, employees shall document through signature on the PREA Basic Training Acknowledgement Form that they understand the training they have received. This form shall be used to document Pre-Service and Annual In-Service Training.

5. Medical contractors shall also receive the training mandated for volunteers/contractors mandated for all employees (PREANS 115.35d).

Incarcerated Person Orientation Training

1. Upon admission, all incarcerated persons will receive an orientation that includes G.W.H.C.F.'s zero-tolerance policy relating to sexual abuse and sexual harassment and how to report it. This will also include information about sexual misconduct, including background information on PREA, prevention, intervention, self-protection, reporting, treatment, counseling, and confidentiality. This orientation must be in addition to what is provided in the Incarcerated Person Handbook and Facility PREA Pamphlet (PREANS 115.33a).
2. The facility will take appropriate steps to ensure that incarcerated persons with disabilities have an equal opportunity to participate in or benefit from all aspects of the agencies PREA efforts (PREANS 115.16a).
 - PREA posters in English/Spanish
 - PREA Fact Sheet English/Spanish
 - PREA Video "What You Need to Know" English/Spanish with subtitles available
 - Verbal Orientation
 - Educational Pamphlet English/Spanish
 - TTY/TDD communication capabilities to assist with PREA orientation
3. The information will be communicated orally and in written form in a manner that is clearly understood by the incarcerated person, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as incarcerated persons who have limited reading skills (PREANS 115.16a.b) (2A-27)
4. Comprehensive education shall include information on individual's rights to be free


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from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents and regarding G.W.H.C.F.'s policies and procedures for responding to such incidents.


5. Incarcerated persons will be required to sign an acknowledgment of having received this information. A copy of the acknowledgment will be maintained in the incarcerated person file (PREANS 115.33e).
6. The facility, within 30 days of intake, shall provide a more comprehensive education to incarcerated persons through PREA video "What You Need to Know" regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding facility policies and procedures for responding to such incidents (PREANS 115.33b). All incarcerated persons will receive this information including all transfers from other facilities and weekends.
7. In addition to providing such education, the facility will ensure that information is continuously and readily available or visible to incarcerated person through posters, handbooks, or other written formats (PREANS 115.33f).

Incarcerated Person Assessment

1. Incarcerated persons shall be assessed using the objective assessment instrument entitled the PREA Risk Assessment Tool unless required differently by state regulations. Trained intake staff will complete the PREA Risk Assessment Tool with the incarcerated person within 24 hours of arrival to the facility (whether new intake or a transfer) for potential vulnerabilities or tendencies with regards to sexually aggressive behavior. In addition to the screening instrument, persons tasked with screening shall conduct a thorough review of any available records (medical records, commitment paperwork, etc.) which can assist them with risk assessment. Housing assignments shall be made accordingly for any separation needs (PREANS 115.41a.b.c) (4D-22).
2. Incarcerated persons identified as "high risk" shall be monitored, segregated if necessary, and counseled accordingly. For the purposes of this policy, "high risk" shall be defined as those incarcerated persons with a history of sexually assaultive behavior. (4D-24)


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3. Incarcerated persons identified as “at risk” for sexual victimization shall be monitored, segregated if necessary, and counseled. (4D-25)
4. The intake screening shall consider, at a minimum, the following criteria to assess incarcerated persons for risk of sexual victimization: (PREANS 115.41d.e).
 - Whether the incarcerated person has a mental, physical, or developmental disability;
 - The age of the incarcerated person;
 - The physical build of the incarcerated person;
 - Whether the incarcerated person has been previously incarcerated;
 - Prior acts of sexual abuse, prior convictions for violent offenses and history of prior institutional violence or sexual abuse;
 - Whether the incarcerated person criminal history is exclusively nonviolent;
 - Whether the incarcerated person has prior convictions for sex offenses against an adult or child;
 - Whether the incarcerated person is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
 - Whether the incarcerated person has previously experienced sexual victimization;
 - The incarcerated person’s own perception of vulnerability;
 - Whether the incarcerated person is detained solely for civil immigration purpose.
5. Incarcerated persons may not be disciplined for refusing to answer, or for not disclosing complete information in response to questions. (PREANS 115.41h).
6. G.W.H.C.F. shall have appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this section in order to ensure that sensitive information is not exploited to the incarcerated person detriment by staff or other incarcerated persons (PREANS 115.41i).
7. The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known


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to the facility, in assessing incarcerated person for risk of being sexually abusive. (PREANS 115.41e).


- If the screening indicates that an incarcerated person has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the incarcerated person is offered a follow-up meeting with a medical or mental health practitioner within fourteen (14) days of the intake screening (PREANS 115.81a,c).
- If the screening indicates that an incarcerated person has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the incarcerated person is offered a follow-up meeting with a mental health practitioner within fourteen (14) days of the intake screening (PREANS 115.81b).
- Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by federal, state, or local law (PREANS 115.81d).
- Medical and mental health practitioners shall obtain informed consent from incarcerated persons before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the incarcerated person is under the age of eighteen (18) (PREANS 115.81e).
- If an incarcerated person is identified as vulnerable to sexual victimization or as having predatory tendencies, this information will be relayed to mental health staff.
- Incarcerated persons with a history of sexually assaultive behavior shall be identified, monitored, and counseled. Incarcerated persons identified as high risk with a history of sexually assaultive behavior shall be assessed by a mental health or other qualified professional. (4D-24)

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- G.W.H.C.F. shall attempt to conduct a mental health evaluation of all known incarcerated person-on-incarcerated person abusers within sixty (60) days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners (PREANS 115.83h).
 - Incarcerated persons at risk for sexual victimization shall be identified, monitored, and counseled. Incarcerated persons identified as at risk for sexual victimization shall be assessed by a mental health or other qualified professional. (4D-25)
 - All information regarding an incarcerated person's risk for sexual victimization or predatory behaviors shall be forwarded to the incarcerated person's case manager to be placed in the incarcerated person's file. This will serve as a method for information sharing between facilities and field staff. All information is limited only to Medical and Mental Health Practitioners and other employees as necessary to inform of treatment plans, security, and management decisions, or otherwise required by Federal, State, or local law.
8. Within a set period of time, not to exceed thirty (30) days from the incarcerated person's arrival at the facility, the facility will reassess the incarcerated person's risk of sexual victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening (PREANS 115.41f). This shall be accomplished using the PREA Vulnerability Reassessment Questionnaire.
 9. An incarcerated person's risk level shall also be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the incarcerated person risk of sexual victimization or abusiveness (PREANS 115.41g).
 10. If during the re-evaluation the incarcerated person's initial screening results need to be modified, the case manager will complete the necessary section of the PREA Vulnerability Reassessment Questionnaire.

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11. G.W.H.C.F. shall use information from the risk screening conducted pursuant to this section to inform housing, bed, work, education, and program assignments with the goal of keeping separate, or under direct supervision of staff, those incarcerated persons at high risk of being sexually victimized from those at high risk of being sexually abusive (PREANS 115.42a).
12. G.W.H.C.F. shall make individualized determinations about how to ensure the safety of each incarcerated person (PREANS 115.42b).
13. Involuntary segregated housing may be used only after an assessment of all available housing alternatives has shown that there are no other means of protecting the individual in the facility. GWHCF shall utilize the “Sexual Assault/Abuse Available Alternatives Assessment” form to document the assessment. All completed forms shall be reviewed and signed by the Warden or the Deputy Warden of Security upon completion.
14. Incarcerated persons in isolation shall receive daily visits from a medical or mental health care clinician. Incarcerated persons shall also have access to other programs and work opportunities to the extent possible. Those placed in segregation for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible (PREANS 115.43b). If an incarcerated person is isolated, the facility shall clearly document the basis for the concern for safety, the reason why no alternative means of separation can be arranged, opportunities that have been limited, the duration of the limitation and the reasons for such limitation (PREANS 115.43b, d).
15. Every 30 days, the facility shall afford this incarcerated person a review to determine whether there is a continuing need for separation from the general population (PREANS 115.43e).
16. When the facility learns that an incarcerated person is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the incarcerated person (PREANS 115.62). Employees shall report and respond to all allegations of Sexually Abusive Behavior and Sexual Harassment. Employees should assume that


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all reports of sexual victimization, regardless of the source of the report are credible and respond accordingly.

17. All conversations and contact with the victim should be sensitive, supportive, and non-judgmental.


Searches

1. The facility shall not conduct cross-gender strip searches except in exigent circumstances or when performed by medical practitioners. If the circumstance requires a cross-gender search, the staff member shall document and justify the reason on an Incident Report (PREANS 115.15a.c).
2. The facility shall not permit pat searches of females by male staff except in exigent circumstances. The facility shall not restrict female incarcerated persons' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision. If the circumstance requires a cross-gender search, the staff member shall document and justify the reason on an Incident Report. (PREANS 115.15b.c).
3. G.W.H.C.F. staff shall be trained in how to conduct cross-gender pat-down searches, and searches of transgender and intersex incarcerated persons, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.
4. Incarcerated persons shall be allowed to shower, change clothes, and perform bodily functions without employees of the opposite gender viewing them, absent exigent circumstances, or instances when the viewing is incidental to routine cell checks.
5. Employees of the opposite gender must announce their presence when entering housing units or any areas where incarcerated persons are likely to be showering, performing bodily functions, or changing clothes.
6. Incarcerated persons who are placed on constant observation by Mental Health Providers shall be provided visual supervision by a security staff member of the same gender.

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Transgender and Intersex Incarcerated Persons

1. In the case of transgender searches, the incarcerated person should be asked which gender staff member they prefer to perform the search. If the incarcerated person does not have a preference, the search should be performed by a staff member of the same sex as the incarcerated person gender expression. The preferred option will be documented on the Statement of Search Preference Form.
2. The facility shall not search or physically examine a transgender or intersex incarcerated person for the sole purpose of determining the incarcerated person's genital status. If the incarcerated persons genital status is unknown, it may be determined during conversations with the incarcerated person, by reviewing medical records, or if necessary, by learning that information as a part of a broader medical examination conducted in private by a medical practitioner. (PREANS 115.15e).
3. In deciding where to assign a transgender or intersex incarcerated persons, G.W.H.C.F. shall consider on a case-by-case basis whether a placement would ensure the incarcerated person health and safety, and whether placement would present management or security problems (PREANS 115.42c).
4. If for security reasons, general population housing is not assigned after intake processing, and involuntary segregation is used, guidelines for protective custody in this policy must be followed. A transgender or intersex incarcerated persons own views with respect to his or her own safety shall be given serious consideration (PREANS 115.42e).
5. Placement and work assignments for each transgender or intersex incarcerated person shall be reassessed at least twice each year to review any threats to safety experienced by the incarcerated person. These reassessments are accomplished through the re-classification process. (PREANS 115.42d). The PREA Vulnerability Reassessment Questionnaire shall be used to conduct the reassessment.
6. The PREA Compliance Manager will maintain an "At-Risk" log of potential victims and potential abusers determined from the PREA Intake Risk Screening Assignment. The "At-Risk" log will be kept current and include current housing locations. Following a reported allegation of sexual abuse, the PREA Compliance Manager will

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ensure victims are placed on the “at-risk” log as soon as possible and tracked as a potential victim and housed separately from potential abusers pending the outcome of the investigation. If the investigation is determined to be “unfounded” the victim may be removed from the “at-risk” log. The PREA Compliance Manager will also maintain a tracking log of those individuals who self-identify as LGBTI with their housing locations.

7. Transgender and intersex incarcerated persons shall be given the opportunity to shower separately from other incarcerated persons (PREANS 115.42f). Transgender and intersex incarcerated persons will also be given the opportunity to shower and perform bodily functions without employees of the opposite gender viewing them.
8. G.W.H.C.F. shall not place lesbian, gay, bisexual, transgender, or intersex incarcerated persons in dedicated units on the basis of such identification or status, unless such placement is in a dedicated unit established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such incarcerated persons (PREANS 115.42f).
9. Transgender and Intersex incarcerated persons may be housed in medical for up to 72 hours (excluding weekends, holidays, and emergencies) until the appropriate housing determination is made by the Transgender Care Committee (TCC).
10. Placement into administrative segregation due to an individual’s identification as Transgender or Intersex should be used only as a last resort and when no other viable housing options exist.
11. TCC members shall consist of the Warden, Major of Security, Classification Coordinator, Medical Staff, and PREA Compliance Manager.
12. At a minimum, the TCC should consider:
 - a. The individual’s documented criminal history and past/present behavior
 - b. The individual’s physical, mental, medical, and special needs;
 - c. The individual’s self-assessment of his/her safety (threatened or risk of harm)
 - d. Privacy issues (showers, beds, and housing)


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- e. All records and prior assessments of the effects of any housing placement on the individual's health and safety that has been conducted by a medical or mental health professional;
- f. Those individuals with a diagnosis of Gender Dysphoria through mental health staff afforded feminine hygiene products and a sports bra as determined by the committee.


13. The TCC will attempt to reach consensus on all decisions. Summary notes shall be documented on the Transgender Care Committee Summary for each TCC meeting to include persons attending and conclusions reached. A copy of the notes shall be retained in the individual's institutional file and a copy forwarded to the PREA Compliance Manager upon completion.

Prevention


1. The Warden will take all necessary steps to reduce sexual abuse and other violent behaviors in the facility. Preventative measures may include, but are not limited to:
 - a. Physical plant strategies
 - Sight and sound separation in co-ed facilities
 - Educational posters
 - Mirrors
 - Cameras/Video Monitoring
 - Emergency call buttons
 - Staff supervision
 - An intermediate or higher-level supervisor shall make at least one unannounced round of all areas on each shift, each week, in an effort to deter staff abuse and sexual harassment. Staff are prohibited from alerting on-duty staff when these rounds are occurring. These rounds shall be documented in the unit log and the PREA Unannounced Rounds form. (PREANS 115.13.d).
 - Staff of the opposite gender must announce their presence when entering an incarcerated person housing area and bathrooms. Staff are prohibited from observing incarcerated person of the opposite gender while they are showering, performing bodily functions and/or changing clothing, including through video surveillance (115.15d).
 - b. Staff Training

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- Staff shall be educated with regards to sexual abuse and sexual harassment, employee-incarcerated person behaviors, as well as the method of reporting these violations during orientation to the facility.
- Emphasis should be given on the recognition and prevention of these behaviors.
- Other training (Response and reporting; investigative training, etc.)
- c. Constant communication
- d. Staffing
 - G.W.H.C.F. has a staffing plan that provides for adequate levels of staffing which helps to protect incarcerated persons against sexual abuse. In calculating adequate staffing levels the facility shall take into consideration: the physical layout of each facility, the compositions of the incarcerated person population, the prevalence of substantiated and unsubstantiated incidents of sexual abuse, and any other relevant factors. (PREANS 115.13.a). In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan. (PREANS 115.13.b).
 - Facilities shall assess, determine and document no less frequently than once each year whether adjustments are needed to: the staffing plan, the facility's deployment of video monitoring systems and other monitoring technologies; and the resources that G.W.H.C.F. has available to commit to ensure adherence to the staffing plan.
 - All facility assessments shall be reviewed, and appropriate actions shall be taken as necessary to protect individuals in G.W.H.C.F. from sexual abuse. All findings and corrective actions taken shall be documented.
 - Facilities shall consider the effect any new or upgrade design, acquisition, expansion, or modification of physical plant or monitoring technology might have on the facility's ability to protect individuals from sexual abuse. (115.18)


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- The staffing plan, to include all deviations and the Annual PREA Facility Assessment, shall be completed annually.
- G.W.H.C.F. shall not hire or promote anyone who may have contact with incarcerated persons, and shall not enlist the services of any contractor who may have contact with incarcerated persons, who: (PREANS 115.17a)
 1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution.
 2. 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 refuse; or
 3. Has been civilly or administratively adjudicated to have engaged in the activity described in this section.
- G.W.H.C.F. shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with incarcerated persons (PREANS 115.17b).
- Before hiring new employees, who may have contact with incarcerated persons, the facility shall: (PREANS 115.17c)
 1. Perform a criminal background records check; and
 2. Consistent with federal, state, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- G.W.H.C.F. shall also perform a criminal background records check before enlisting the services of any contractor or volunteer who may have contact with incarcerated persons (PREANS 115.17d).

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- All G.W.H.C.F. employees, volunteers, and contractors, who may have contact with incarcerated persons will be subject to a criminal background record check at least once every five years through the Investigations Office. Current employees found to have committed previous acts of sexual misconduct will be ineligible for promotions and may be subject to termination. Additionally, every employee will be required as part of the annual performance review process to disclose any ***previously undisclosed*** incidences of misconduct. As a reminder, every G.W.H.C.F. employee has an on-going obligation to disclose any such misconduct and may be terminated for material omissions or providing materially false information regarding such conduct (PREANS 115.17e).
- G.W.H.C.F. shall ask all applicants and employees, contractors, and volunteers who may have contact with incarcerated persons directly about previous misconduct described in this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews or current employees. Employees shall have a continuing affirmative duty to disclose any such misconduct. (PREANS 115.17f).
- Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination. (PREANS 115.17g).
- Unless otherwise prohibited by law, G.W.H.C.F. shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work (PREANS 115.17h).

Youthful Offenders


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At G.W.H.C.F., youthful, incarcerated persons shall not be placed in a housing unit in which the youthful, incarcerated person will have sight, sound, or physical contact with any adult incarcerated person (aged 18 or older) through use of a shared dayroom or other common space, shower area or sleeping quarters. In areas outside the housing units, the facility shall either maintain sight and sound separations at all times or provide direct staff supervision when youthful and adult incarcerated persons may have sight, sound, or physical contact. G.W.H.C.F. shall avoid placing youthful, incarcerated persons in isolation to comply with this provision if possible (PREANS 115.14).

G.W.H.C.F. houses male youthful offenders in RHU A-side and the Sheltered Housing Unit above medical for the females. Males have access to dayroom, out of cell time, and outdoor recreation. Females have access to dayroom, out of cell time, and recreation in the Gym. All youthful offenders are afforded work and program opportunities and education and religious services to the extent possible.

Reporting Procedures

1. An incarcerated person may report sexual abuse and sexual harassment, retaliation by other incarcerated persons or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents to any staff member, either verbally or in writing (PREANS 115.51a). An incarcerated person may correspond directly with the Warden or Major of Security if desired.
2. G.W.H.C.F. shall provide contact information to individuals detained solely for civil immigration purposes for relevant consular officials and officials at the Department of Homeland Security.
3. G.W.H.C.F. shall also provide at least one way for incarcerated persons to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive, and immediately forward incarcerated person reports of sexual abuse or sexual harassment to facility officials, allowing the incarcerated person to remain anonymous on request (PREANS 115.51b). Incarcerated persons can report to the Delaware County Victim Assistance Center.


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Incarcerated persons are notified through the incarcerated person handbook, facility tablets, and the facility PREA Pamphlet.


4. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports (PREANS 115.51c).
5. Staff shall be able to privately report sexual abuse and sexual harassment of incarcerated person in writing to the Warden or Major of Security. Staff also have access to the Delaware County Victim Assistance Center, an anonymous hotline established to provide an outlet for all employees to report alleged or perceived abuses, or suspected, capricious, or illegal acts committed by any G.W.H.C.F. staff member (PREANS 115.51d,e).
6. The Warden or designee must report any sexual misconduct to all regulatory and/or law enforcement agencies (Delaware County Criminal Investigation Division) pursuant to contract, licensure, or statute. This shall be treated as a Priority I incident and shall follow the internal report procedures-Policy 900.03 Serious Incident Reporting.
7. All reports must be documented. The incident report must be submitted to the Shift Commander and the PREA Compliance Manager as soon as possible and will be logged by the PREA Compliance Manager or designee for the purpose of analysis and follow up (*see Data Collection in this policy and the PREA Incident Reporting Instructions attachment for further details*).
8. All case records associated with claims of sexual abuse, including incidents reports, investigative reports, offender information, case disposition, medical counseling evaluation findings, and recommendations for post-release treatment and/or counseling, shall be retained for a minimum of 10 years. (4D-29)

Grievances (PREANS 115.52)

1. G.W.H.C.F. shall not impose a time limit on when an incarcerated person may submit a grievance regarding an allegation of sexual abuse. The facility may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.

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2. The facility shall not require an incarcerated person to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
3. Nothing in this section shall restrict the facility's ability to defend against a lawsuit filed by an incarcerated person on the ground that the applicable statute of limitations has expired.
4. The facility shall ensure that
 - An incarcerated person who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
 - Such grievance is not referred to a staff member who is the subject of the complaint.
5. The facility shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. Computation of the 90-day time period shall not include time consumed by incarcerated person in preparing any administrative appeal.
6. The facility may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The facility shall notify the incarcerated person in writing of any such extension and provide a date by which a decision will be made.
7. At any level of the administrative process, including the final level, if the incarcerated person does not receive a response within the time allotted for reply, including any properly noticed extension, the incarcerated person may consider the absence of a response to be a denial at that level.
8. Third parties, including fellow incarcerated persons, staff members, family members, attorneys, and outside advocates, shall be permitted to assist incarcerated person in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of incarcerated person. If a third party, other than a parent or legal guardian, files such a request on behalf of an incarcerated person, the facility may require as a condition of processing the request


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that the alleged victim agree to have the request filed on his or her behalf, however, he/she is not personally required to personally pursue any subsequent steps in the administrative remedy process. If the incarcerated person declines to have the request processed on his or her behalf, the agency shall document the incarcerated person decision.

9. The facility shall allow for the filing of an emergency grievance alleging that an incarcerated person is subject to a substantial risk of imminent sexual abuse.
10. After receiving an emergency grievance alleging an incarcerated person is subject to a substantial risk of imminent sexual abuse, the Warden or designee shall ensure that immediate corrective action is taken to protect the alleged victim.
11. The initial response is required within 48 hours and a final decision shall be provided within five (5) calendar days. The final decision shall document the facility's determination whether the incarcerated person is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
12. The facility may discipline an incarcerated person for filing a grievance related to alleged sexual abuse only where the facility demonstrates that the incarcerated person filed the grievance in bad faith.
13. The PREA Compliance Manager shall receive copies of all grievances related to sexual abuse, sexual harassment, or sexual activity for monitoring purposes.

Staff First Responder Duties


1. Upon learning of an allegation that an incarcerated person was sexually abused, the first staff member to respond to the report shall request that the alleged victim not take any actions that could destroy physical evidence, and then notify operations staff (PREANS 115.64b) (4D-23). **Note: Please refer to the PREA Coordinated Response-SOP.**
2. The first operations staff to respond to the report shall be required to: (PREANS 115.64a)
 - Separate the alleged victim and abuser if they have not already been separated.

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- Immediately notify the on-duty Supervisor and Shift Commander and remain on the scene until relieved by responding personnel.
 - Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence in coordination with the referral of the Criminal Investigation Division of Delaware County (CID).
 - If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; and
 - If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating.
3. The facility shall not rely on incarcerated person interpreters, incarcerated person readers or other types of incarcerated person assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could comprise the incarcerated person safety, the performance of first-response duties under PREANS 115.64 or the investigation of the incarcerated person's allegation. (PREANS 115.16c).
 4. The facility has a written plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership. The facility shall review this plan and revise it to ensure it is specific to the facility, noting outside agencies for investigative bodies and support (PREANS 115.65). The PREA Compliance Manager shall be a required participant of the coordinated response.


Staff Reporting

1. All staff, shall report immediately and according to agency policy 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 incarcerated persons or staff who reported such

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incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation (PREANS 115.61a).


2. Any information regarding sexual misconduct that is received by any staff member, medical, mental health or treatment provider, contractor, or volunteer shall be immediately reported to the PREA Compliance Manager, the Major of Security, or the Warden to initiate the appropriate follow-up actions. Staff members, contract employees, volunteers, or employees of G.W.H.C.F. who receive any information, regardless of its source, concerning sexual abuse or sexual harassment, or who observe an incident of sexual abuse or sexual harassment, are required to immediately report the information or incident directly to the PREA Compliance Manager, Major of Security, or the Warden for subsequent investigation.
3. Reports by staff shall be made in writing utilizing the chain-of-command or by sending information directly to the Warden within two (2) hours of the occurrence. In addition, ensure the PREA Compliance Manager, Director of Internal Affairs, and other designated individuals are notified within two (2) hours of the occurrence.
4. Staff may report directly to the Major of Security or the Warden whenever they feel that following the chain of command would jeopardize the investigation.
5. Apart from reporting to designated supervisors or officials, staff, contractors, or volunteers shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in facility policy, to make treatment, investigation, and other security and management decisions (PREANS 115.61b).
6. All reports must be documented by the PREA Compliance Manager. Notification must be submitted to the Warden within two (2) hours of the occurrence and will be logged by the PREA Compliance Manager for the purpose of analysis and follow up (*see Data Collection in this policy for further details*).

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7. Unless otherwise precluded by federal, state, or local law, medical and mental health practitioners shall be required to report sexual abuse and to inform the incarcerated person of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services (PREANS 115.61c).
8. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons' statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws (PREANS 115.61d).
9. Regardless of any non-statutory confidentiality obligation (*e.g.* privileged communication such as therapist-client, doctor-patient, clergyman-penitent; etc.), all staff have an affirmative obligation to report any incarcerated person who has reported to them a sexual abuse allegation. The staff member must report the relevant information, including who, what, when and where, of the allegation.
10. G.W.H.C.F. shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators and the Delaware County Criminal Investigation Division (CID) (PREANS 115.61e). **The G.W.H.C.F. Administration shall report all allegations of sexual abuse/harassment.**
11. All conversations and contact with the victim should be sensitive, supportive, and non-judgmental.


Protection Against Retaliation

1. G.W.H.C.F. will protect all incarcerated persons and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other incarcerated person or staff. The PREA Compliance Manager or designee will be designated as the Retaliation Monitor (PREANS 115.67a).
2. Protection measures shall be employed, such as housing changes or transfers for incarcerated person victims or abusers, removal of alleged staff or incarcerated person abusers from contact with victims, and emotional support services for

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incarcerated persons or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations (PREANS 115.67b). Any use of segregated housing to protect an incarcerated person who is alleged to have suffered sexual abuse shall be subject to the requirements of PREANS 115.42/115.242/115.342 (PREANS 115.68).

3. For at least 90 days, the Retaliation Monitor shall meet with the incarcerated person and document such on the Protection from Retaliation form. This will occur every week after the initial meeting for at least 90 days (PREANS 115.67 d). The Retaliation Monitor will monitor the conduct of all incarcerated persons or staff who report sexual abuse or sexual harassment, have suffered the alleged sexual abuse reported, and/or have cooperated with sexual abuse or sexual harassment investigations to see if there are changes that may suggest possible retaliation by incarcerated person or staff, and shall act promptly to remedy any such retaliation.
4. This monitoring is only necessary if the individual involved is still in the facility.
5. Each time monitoring for retaliation occurs, the Retaliation Monitor shall meet with the individual being monitored and discuss whether or not they fear being retaliated against for reporting the incident, being the alleged victim, or for cooperating with the investigation.
6. In the event that the individual being monitored leaves the facility and then returns within 90 days of the incident being reported, monitoring for retaliation must be conducted as if the individual never left the facility.
7. The facility shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need (PREANS 115.67c)
8. If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation (PREANS 115.67e).
9. The obligation to monitor shall terminate if the Warden or designee determines


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that the allegation is unfounded (PREANS 115.67f).

10. For at least 90 days following a report of Staff Sexual Misconduct (abuse or harassment) by another employee, the Human Resources staff or the Investigations Department as designated by the Warden shall monitor the conduct and treatment of the employee who reported the Staff Sexual Misconduct or employee witness who cooperates with these investigations to see if there are changes that may suggest possible retaliation by others and shall act promptly to remedy such retaliation. Monitoring shall terminate if the allegation is determined unfounded.
11. Designated staff shall meet every 30 days for 90 days with employees in private to ensure that sensitive information is not exploited by staff or others and to see if any issues exist. The Employee Assistance Program may also be offered for emotional support for employees who fear retaliation.
12. Any information shall be noted on the “Employee Protection from Retaliation Log” items to be monitored for Employees include negative performance reviews and employee reassignments. Any issues discussed shall be noted to include corrective actions taken to address the issue.
13. Completed monitoring logs shall be retained in the investigative file of the corresponding PREA incident.

Incarcerated Person Access to Support Services/Legal Representation

1. G.W.H.C.F. shall provide incarcerated persons with access to outside victim advocates for emotional support services related to sexual abuse, by providing, posting, or otherwise making accessible mailing addresses and telephone numbers, including toll free hotline numbers where available for the Delaware County Victim Assistance Center through the Incarcerated Person Handbook, facility tablets, and the facility educational PREA Pamphlet. The facility shall enable reasonable communication between incarcerated person and these organization(s) and agency(s), in as confidential a manner as possible (PREANS 115.53a).
2. G.W.H.C.F. shall inform incarcerated person, prior to giving them access, of the

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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 (PREANS 115.53b). This is communicated through a telephone prompt when telephone is utilized.


3. The facility shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide incarcerated persons with confidential emotional support services related to sexual abuse. The facility shall maintain copies of agreements or documentation showing attempts to enter into such agreements (PREANS 115.53c).

Third Party Reporting

1. The facility shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an incarcerated person. (PREANS 115.54)
 - Posters indicating the procedures are to be posted in all institutions where incarcerated person and visitors can see them.
 - The G.W.H.C.F. uses the Delaware County Victim Assistance Center P.O. Box 211, Media, PA 19063 (610) 566-4342


Reporting to Other Confinement Facilities.

1. Upon receiving an allegation that an incarcerated person was sexually abused while confined at another facility, the Warden shall notify the head of the facility or appropriate official of the agency where the alleged abuse occurred. (PREANS 115.63a,)
2. Such notification shall be provided as soon as possible, but no later than seventy-two (72) hours after receiving the allegation (PREANS 115.63b).
3. The facility shall document that it has provided such notification. (PREANS 115.63c).
4. The Warden upon receipt of such notification shall ensure that the allegation is investigated in accordance with this policy (PREANS 115.63d).

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Investigations

1. The facility shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment (PREANS 115.22a). When the facility conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports (PREANS 115.71a).
2. To the extent the facility is responsible for investigating allegations of sexual abuse; the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions (PREANS 115.21a).
3. The protocol shall be developmentally appropriate for youthful offenders where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011 (PREANS 115.21b).
4. The facility shall offer all victims of sexual abuse access to forensic medical examinations through an outside agency or hospital without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The facility shall document its efforts to provide SAFEs or SANEs (PREANS 115.21c) (4D-27). The facility shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the facility shall make available to provide these services a qualified staff member from a community-based organization or a qualified facility staff member. G.W.H.C.F. shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance to victims of sexual assault of all ages. The facility may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides

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similar victim services (PREANS 115.21d).

5. As requested by the victim, the victim advocate, qualified facility staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals (PREANS 115.21e).
6. If the facility is not responsible for investigating allegations of sexual abuse, the facility shall request that the investigating agency follow the following requirements (PREANS 115.21f):
7. For the purposes of this standard, a qualified facility staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.
8. Any State entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations (PREANS 115.34d).
9. Appropriate security procedures will be followed, to include at a minimum:
 - Separating perpetrator and victim.
 - Isolating witnesses.
 - Securing the crime scene.
10. The Warden shall ensure that allegations of sexual abuse or sexual harassment are referred for investigation to the Delaware County Criminal Investigations Division (CID), unless the allegation does not involve potentially criminal behavior, and to document all such referrals. All allegations of sexual abuse that involve penetration or touching of the genital areas must be referred to outside law enforcement. If the agency declines to investigate, the decline must be documented.
11. Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in the facility shall have in place a policy governing the conduct of such investigations. (PREANS 115.22b.c.d.e).


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12. If an external agency conducts the investigation, the facility shall be responsible to follow up with the agency and document requests to gain access to final reports. Facilities shall request copies of completed investigative reports. Upon receipt, the investigative report will be forwarded to the PREA Compliance Manager for review and closure.

- External Criminal 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 (PREANS 115.71c).
- When the quality of evidence appears to support criminal prosecution, the facility shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution (PREANS 115.71d).
- 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 incarcerated person or staff. No agency shall require an incarcerated person who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (PREANS 115.71e).


13. Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse shall 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. These investigations shall be conducted by specifically trained and appointed employees (PREANS 115.71f). Preliminary investigative reports must be forwarded to the PREA Compliance Manager for review and approval no later than 60 days after the allegation is reported. Extensions must be authorized by the PREA Compliance Manager and the Warden.

14. Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches

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copies of all documentary evidence where feasible (PREANS 115.71g).

15. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution (PREANS 115.71h).
16. The facility shall retain all written reports regarding the investigation for as long as the alleged abuser is incarcerated or employed by the agency, plus five years (PREANS 115.71i). Investigative files must be maintained orderly for each allegation and contain at a minimum: final/approved investigative report, email from Warden reviewing and documenting closure, witness statements, medical/mental health assessments or documented refusal, notice of outcome of investigation, retaliation logs, sexual abuse incident review, and video footage as applicable. Each file shall be labeled with case number and include a file folder checklist indicating what documents are included and all documentation shall be secured inside a file.
17. The departure of the alleged abuser or victim from the employment or control of the facility shall not provide a basis for terminating an investigation (PREANS 115.71j).
18. Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements (PREANS 115.71k).
19. When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation (PREANS 115.71l).
20. Upon completion of the investigation (criminal or administrative) and final report, the incarcerated person shall be informed, via written communication, whether the allegations/incident were substantiated.
21. Within five (5) days of receipt of the final written report, the Warden, in conjunction with the Human Resources Department or designee, shall initiate appropriate disciplinary action and/or legal action against the staff member accused of the sexual misconduct.
22. Upon completion of an investigation where a staff member is accused of sexual abuse:

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- The facility shall inform the incarcerated person as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded (PREANS 115.73a). If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the incarcerated person (PREANS 115.73b);
- Following an incarcerated person allegation that a staff member has committed sexual abuse against the incarcerated person, the facility shall subsequently inform the incarcerated person (unless it is determined that the allegation is unfounded) whenever (PREANS 115.73c):
 - The staff member is no longer posted within the incarcerated person unit;
 - The staff member is no longer employed at the facility;
 - The facility learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - The facility learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- Following an incarcerated person allegation that he or she has been sexually abused by another incarcerated person, the facility shall subsequently inform the alleged victim whenever (PREANS 115.73d):
 - The facility learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - The facility learns that the alleged abuser has been convicted of a charge related to sexual abuse within the facility.
- All such notifications or attempted notifications shall be documented on the Notification of Outcome Form. (PREANS 115.73e).
- The facility's obligation to report under this standard shall terminate if the incarcerated person is released from the agency's custody (PREANS 115.73f).

23. The facility shall impose no standard higher than a **preponderance of the evidence** in determining whether allegations of sexual abuse or sexual harassment are substantiated ((PREANS 115.72).

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24. All final determinations will be documented in the investigative file with the information that was originally submitted. The final determination must be submitted and logged by the PREA Compliance Manager or designee for the purpose of analysis and follow up (*see Data Collection and Analysis in this policy for further details*).

Interim Procedures During an Investigation

1. The Warden may place an accused staff member on administrative leave with or without pay pending the outcome of an investigation.
2. A staff member placed on administrative leave shall be prohibited from having contact with any incarcerated person. Any no contact orders shall be documented.
3. When appropriate or necessary, the Warden may arrange for the transfer of the incarcerated person to another facility. However, it is strictly prohibited to transfer an incarcerated person involuntarily in retaliation for reporting sexual misconduct.
4. Every effort shall be made to minimize any disturbance of the incarcerated person activities.

Sexual Abuse Incident Reviews


1. The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation (whether conducted by an external agency or trained internal staff), including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded (PREANS 115.86a).
2. Such review shall normally occur within thirty (30) days of the conclusion of the investigation (PREANS 115.86b).
3. The review team shall include upper-level management officials and the PREA Compliance Manager, with input from line supervisors, investigators, and Medical or Mental Health Practitioners (PREANS 115.86c).
4. The review team shall: (PREANS 115.86d)
 - Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;

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- Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
 - Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - Assess the adequacy of staffing levels in that area during different shifts;
 - Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - Prepare a report of its findings, including but not necessarily limited to determinations made above in this section, and any recommendations for improvement and submit such report to the Warden and facility PREA Compliance Manager
5. The facility shall implement the recommendations for improvement or shall document its reasons for not doing so (PREANS 115.86e).
6. A “PREA After Action Review Report” of the team’s findings shall be completed and signed by the Warden no later than 10 working days after the review. The PREA Compliance Manager shall maintain copies of all completed PREA “After Action Review Reports” and a copy shall also be maintained in the corresponding investigative file.

Sanctions

1. **Sexual Misconduct is Prohibited and Will Be Sanctioned.** Sexual misconduct, either incarcerated person-on-incarcerated person or staff-on-incarcerated person, is prohibited regardless of whether either or both of the participants believed the act was consensual.
 - Violators are subject to administrative discipline, criminal sanctions, or both.
 - All allegations of staff sexual misconduct with incarcerated persons will be investigated and all substantiated cases shall be turned over to the Delaware County District Attorney’s Office for possible criminal prosecution.

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- G.W.H.C.F. prohibits all sexual activity between incarcerated persons and may discipline incarcerated person for such activity. However, sexual activity between incarcerated persons may not be deemed to constitute sexual abuse for the purposes of this policy and reporting of sustained PREA sexual abuse incidents if it is determined that the activity was not coerced.
- 2. Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. (PREANS 115.76a) Additionally, staff may be subject to criminal sanctions.
- 3. The facility shall not enter into any agreement that limits the ability to remove alleged staff sexual abusers from contact with any incarcerated person pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted (PREANS 115.66a).
 - Nothing in this standard shall restrict the entering into or renewal of agreements that govern the conduct of the disciplinary process or whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not sustained (PREANS 115.66b).
- 4. Disciplinary sanctions for violations of G.W.H.C.F. and the County of Delaware policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. (PREANS 115.76c)
- 5. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. (PREANS 115.76b) All terminations for violations of G.W.H.C.F. and the County of Delaware sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. (PREANS 115.76d)


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Corrective Action for Contractors and Volunteers

1. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with incarcerated person and shall be reported to law enforcement agencies and to relevant licensing bodies unless the activity was clearly not criminal (PREANS 115.77a).
2. G.W.H.C.F. shall take appropriate remedial measures and shall consider whether to prohibit further contact with incarcerated person in the case of any violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer (PREANS 115.77b).

Disciplinary Sanctions for Incarcerated Person

1. Incarcerated persons are subject to sanctions under the administrative Code of Conduct for the state/county/local agency or other applicable administrative discipline. Additionally, incarcerated person may be subject to criminal sanctions.
2. Incarcerated persons shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the incarcerated person engaged in incarcerated person-on-incarcerated person sexual abuse or following a criminal finding of guilt for incarcerated person-on-incarcerated person sexual abuse (PREANS 115.78a).
3. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the incarcerated person disciplinary history, and the sanctions imposed for comparable offenses by other incarcerated persons with similar histories (PREANS 115.78b).
4. The disciplinary process shall consider whether an incarcerated person's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed (PREANS 115.78c).
5. The facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse when required through the Medical Department, Prison Program Psychologist, and through prison programs geared toward victims and perpetrators. (PREANS 115.78d).

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6. The facility may discipline an incarcerated person for contact with staff only upon a finding that the staff member did not consent to such contact (PREANS 115.78e).
7. For the purpose of disciplinary action, 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 (PREANS 115.78f).

Confidentiality:

1. All staff sexual misconduct complaints shall be handled in a confidential manner.
2. All information and documentation pertinent to the complaint shall be made available to only those individuals on a need to know basis, to include the Warden, Chief Deputy Warden, Deputy Wardens, Director of Internal Affairs, Human Resources Manager, and the PREA Compliance Manager.
3. Any incarcerated person who reports an act of staff sexual misconduct may request and be treated as an anonymous informant. Pending resolution of the allegations, the incarcerated person shall only be provided sufficient information to explain any immediate administrative action that is taken or as necessary for investigative purposes.
4. Any staff member or incarcerated person contacted during the investigation of the allegation shall be advised that any intimidation, retaliation, or breach of confidentiality will result in a separate investigation being initiated.


Treatment for Victims/Access to Emergency Medical and Mental Health Services

1. Incarcerated victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by the medical and mental health practitioners according to their professional judgment (PREANS 115.82a).

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2. Where available, if no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, operations staff first responders shall take the preliminary steps to protect the victim and shall immediately notify the Health Services Administrator or designee and Warden (PREANS 115.82b).
3. Staff member victims will be immediately transported to a local medical facility for necessary medical care and the collection of evidence.
4. Incarcerated victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate (PREANS 115.82c).
5. 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 (PREANS 115.82d).
6. An incarcerated person who has been the victim of sexual abuse or sexual harassment shall be informed that psychological counseling by a mental health professional or outside advocacy group is available and shall be given access to that individual. This information is relayed to the incarcerated person through the use of department staff and the PREA Compliance Manager.
7. The facility shall offer medical and mental health evaluation and, as appropriate, treatments to all incarcerated persons who have been victimized by sexual abuse (PREANS 115.83a).
8. 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 (PREANS 115.83b).
9. The facility shall provide such victims with medical and mental health services consistent with the community level of care (PREANS 115.83c).

10. Incarcerated victims of sexually abusive vaginal penetration while incarcerated


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shall be offered pregnancy tests. If pregnancy results from sexual abuse, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services (PREANS 115.83de).

11. Incarcerated victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate (PREANS 115.83f).
12. 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 (PREANS 115.83g).
13. G.W.H.C.F. shall attempt to conduct a mental health evaluation on all incarcerated person-on-incarcerated person abusers within 60 days of learning of such abuse history and offer treatment deemed appropriate by Mental Health Practitioners. Note: “Known abusers” are those incarcerated person abusers in which a PREA investigation either determined administratively substantiated or substantiated by outside law enforcement.
14. All refusals for medical and mental health services shall be documented.

Data Collection (115.87):

1. G.W.H.C.F. shall collect and retain data related to Sexual Abuse. This data shall be aggregated annually and is required to include, at a minimum, the data necessary to answer all questions on the most recent version of the Survey of Sexual Violence conducted by the Bureau of Justice Statistics (BJS).
2. This information shall be submitted no later than June 30 of each calendar year.
3. The PREA Compliance Manager is responsible for compiling data collected on Sexual Activity, Sexual Harassment, and Sexual Abuse incidents.
4. PREA Compliance Managers will ensure that a PREA Investigative File is created, updated, and submitted for review and approval by the Warden for every allegation of Sexual Abuse, Sexual Harassment, and Sexual Activity as required.

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Storage, Publication, and Destruction (115.89):

1. Data collected pursuant to this procedure shall be securely retained for at least 10 years or longer if required by state statute. Before making aggregated Sexual Abuse data publicly available, all personal identifiers shall be removed.

5. ATTACHMENTS:

- PREA Annual Facility Assessment-Adult Prisons and Jails
- PREA Risk Assessment-Initial Screener Form
- PREA Vulnerability Reassessment Questionnaire-Incarcerated Persons
- Transgender Care Committee Summary
- Statement of Search/Shower/Pronoun Reference Form
- Sexual Abuse/Assault Available Alternatives Assessment
- PREA Basic Training Acknowledgement Form
- PREA Protection from Retaliation Form
- PREA Employee Protection from Retaliation Form
- PREA After Action Review Report
- G.W.H.C.F. PREA Pamphlet
- Notification of Outcome of Allegation English/Spanish

6. REVIEW:

This policy will be reviewed by the Warden on an annual basis.

Policy Approval		
<p align="center">Policy Approved</p>	<p align="center">Laura K. Williams Warden</p>	