

SEXUAL ASSAULT/ABUSE**SECTION:****POLICY NUMBER:****DATE OF ISSUE: 21JUN16****REVISION DATE: 10DEC21****REVIEW DATE:****VENANGO COUNTY PRISON MISSION STATEMENT**

The mission of the Venango County Prison is to ensure the safety of the County's residents and the Prison Staff. In addition, the Prison will provide a safe, secure, and humane environment for the inmates who require confinement while either awaiting adjudication of their charges or are serving a sentence at the prison.

POLICY

It is the policy of Venango County Prison to protect those in custody from any form of sexual assault, sexual harassment, or emotional distress while incarcerated. Therefore, Venango County Prison has a **ZERO TOLERANCE** for any sexual assault, sexual harassment, or deliberate infliction of emotional distress of either Correctional Staff, volunteer, contractor, vendor, visitor, person(s) toward an inmate or an inmate towards Correctional Staff, volunteer, contractors, vendors, visitors or person(s).

This policy establishes the standards and accountability measures to prevent inmate sexual assaults regardless of location. Procedures to immediately respond should a sexual assault or sexual harassment occur. These instructions focus on the safety, health, and welfare of inmate sexual assault or sexual harassment victims by directing a rapid response to their immediate medical and emotional needs while providing on-going protection, treatment, and support for their recovery. Procedures to report sexual assaults and sexual harassment and medical as well as mental assistance should an assault occur. All allegations of sexual assault or sexual harassment shall be investigated and evidence preserved. Actual and attempted acts of sexual assault or sexual harassment will result in disciplinary action and referral for criminal prosecution. Pending the results of any investigation involving a Correctional Officer of Venango County Prison, involvement in sexual abuse or sexual harassment may lead to disciplinary sanctions up to and including termination.

DEFINITIONS**SEXUAL ABUSE** includes:

- Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- Sexual abuse of an inmate, detainee, or resident by a staff member or contractor, or volunteer

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident 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:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
- Contact between the mouth and the penis, vulva, or anus.
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument.
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1) – (5) of this section.

- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident.
- Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer: an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual harassment includes:

- Repeated and unwelcomed sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another.
- Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- Sexual Harassment also includes any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

TRAINING

Venango County Prison shall conduct trainings for Correctional Officers, Vendors, Sub Contractors, Medical Staff, and Administrative Staff regarding the Prison's "Zero-Tolerance Policy" for sexual abuse and sexual harassment.

These trainings shall be conducted within one year and if possible within 60 days of an employee's hire and a refresher every two (2) years. Everyone who participates in the training will be issued a certificate stating they have participated in the training and the form will become part of their permanent record.

Trainings shall include:

- How to fulfill their responsibilities under the Prison's sexual abuse and sexual harassment prevention, reporting, and response policies and procedures;
- Inmates' rights to be free from sexual abuse and sexual harassment;
- The rights of inmates, staff, or any other person(s) to be free from retaliation for reporting sexual abuse or sexual harassment;
- The dynamics of sexual abuse or sexual harassment in confinement;
- Common reactions of sexual abuse and sexual harassment victims;
- How to detect and respond to signs of threatened and actual sexual abuse;
- How to avoid inappropriate relationships with inmates;
- How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

INMATE REPORTING RESPONSIBILITIES

An inmate who is sexually assaulted shall immediately notify staff that a sexual assault has occurred. An inmate may notify staff verbally, in writing, or by filing a grievance.

An inmate may file a report of sexual abuse, sexual harassment, retaliation by another inmate or staff for reporting sexual abuse or sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.

Inmates may also report sexual abuse or sexual 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 inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.

STAFF REPORTING RESPONSIBILITIES

Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports following Staff Reporting guidelines as outlined in this policy.

Inmates who observe, are involved in or have knowledge of a sexual assault shall immediately notify staff.

Sexual contact between inmates is strictly prohibited. There is no consensual sex between inmates at Venango County Prison.

INMATE DISCIPLINARY ACTIONS

Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or sexual harassment or following a criminal finding of guilt for inmate-on-inmate sexual abuse or sexual harassment.

Sanctions shall be commensurate with the nature and circumstances of the sexual abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

Disciplinary action for sexual contact with staff can only be taken upon finding that the staff member did not consent to such contact.

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.

Venango County Prison prohibits all sexual activity between inmates and will discipline inmates for such activity.

SUPERVISION

Venango County strives to maintain the highest level of supervision and monitoring to ensure the safety of both the inmates incarcerated, staff employed, as well as those who may visit or be contracted to work within the facility. Venango County Prison utilizes "The Guard System" * as well as video monitoring, and visual headcounts to track, and monitor those within the confines of the prison.

- Male and female inmates are housed in segregated housing units.
- Visual head counts are done four times per day at 2300, 0430, 1000, and 1500 hrs.
- Video cameras are monitored from the Central Control 24 hours a day.
- Lieutenants and Sergeants make rounds in each of the blocks at least once per shift.
- Perimeter checks are done once per shift and noted in the Daily Log.
- Visitors to the secured part of the facility are required to sign in and sign out and secure a visitors pass.

* An Electronic Monitoring System whereby the Corrections Officer Location is monitored by a wand device while doing rounds indicating he/she has check on a particular location. The wand is then down loaded into the computer for verification on a weekly basis.

STAFF DISCIPLINARY SANCTIONS

Any instance of sexual assault by staff or inmate shall be reported immediately and investigated as outlined in this policy. Due to the custodial responsibilities of Prison Staff, there is no consensual sex between staff and inmates.

- Staff shall be subject to disciplinary sanctions up to and including termination for violating the Venango County Prison Sexual Abuse or Sexual Harassment Policies.
- Terminations shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
- Disciplinary sanctions for violations of 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.
- The resignation or termination of a staff member during the course of an investigation does not conclude an on-going criminal investigation. Management and staff shall continue to cooperate with the Franklin Police Department and the District Attorney's Office until completion of the investigation is completed.
- In the event that an employee resigns during an administrative investigation, the Warden in consultation with the investigator shall review the circumstances of the investigation and determine if there are sufficient administrative concerns to continue the inquiry. The decision shall be documented in writing.

VISITOR/VENDOR/VOLUNTEER/GENERAL PUBLIC SANCTIONS

Any instance of sexual assault within the prison or on prison property involving a visitor/vendor/volunteer/general public that occurs shall be reported immediately and investigated as outlined in this policy (See Administrative Investigation section). Visitor/vendor/volunteer rights to this facility will be suspended pending investigation and subject to revocation as deemed necessary by the Warden. Due to the custodial responsibilities of Prison Staff, there is no consensual sex between staff and inmates.

STAFF AND AGENCY REPORTING DUTIES

Venango County Prison requires anyone with information, knowledge, or suspicion regarding an incident of sexual abuse or sexual harassment that occurred in this or any other facility, whether or not it is part of Venango County Prison to report this information to the highest ranking staff member on duty, the Warden, Chief Deputy Warden, or the Franklin Police Department. Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation shall also be reported to the prison staff. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in this policy, to make treatment, investigation, and other security and management decisions.

- Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (1) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
- If the victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's statute, the supervisor shall report the allegations to the Venango County Integrated Crisis Unit under applicable mandatory reporting laws.
- Venango County Prison shall report all allegations of sexual abuse and sexual harassment including third-party and anonymous reports, to the facility's designated investigators, Franklin Police Department.

STAFF FIRST RESPONDER DUTIES

Upon learning of an allegation that an inmate was sexually abused, the first officer(s) to respond to the report shall be required to:

1. Intervene, separate the alleged victim and abuser, and initiate the call for assistance.
2. Immediately notify the Shift Commander and the Warden.
3. Identify and secure the scene until the Franklin Police Department arrives and continues to preserve and protect the crime scene until appropriate steps can be taken to collect any evidence.
4. 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, smoking, drinking, or eating; and
5. 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, smoking, drinking, or eating.
6. The victim shall immediately be escorted for medical treatment.
7. Complete a report including as much detail as possible.

A staff member who receives sexual assault information from an inmate victim or from an inmate witness shall follow the procedures outlined in paragraphs 2, 3, 4, and 5 of this section.

Any instance of a sexual assault by an inmate shall require the shift commander to add a **"KEEP SEPARATE"** status for both Victim and Suspect. If subsequent investigation indicates clearly that the allegations of sexual assault were unfounded, then the **"KEEP SEPARATE"** status may be removed.

PROTECTIVE CUSTODY

Inmates at high risk for sexual victimization shall not be placed in involuntary segregation housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abuser. If an immediate assessment cannot be conducted an inmate may be held in segregated housing 24 hour while the assessment is completed.

Inmates placed in segregated housing for assessment shall have access to programs, privileges, education, and work opportunities to the extent possible. If these programs are restricted the reason(s) shall be documented as follows:

- The opportunities that have been limited;
- The duration of limitation; and
- The reason for such limitations.

Involuntary segregated housing shall be assigned until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.

If involuntary segregated housing assignment is made documentation in the inmate's file for the reason for segregation will be made as follows:

- The basis for concern for the inmate's safety; and
- The reason why no alternative means of separation can be arranged.

Every 30 days, the facility shall afford each inmate a review to determine whether there is a continuing need for separation from the general population.

ADMINISTRATIVE INVESTIGATION

Venango County Prison shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Administrative Investigations shall include:

- An effort to determine whether staff actions or failure to act contributed to the sexual abuse; and
- Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative findings
- Investigations: shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible and shall be turned over to the Franklin Police Department.
- Substantiated allegations of conduct that appears to be criminal shall be referred to the Franklin Police Department and the District Attorney's Office for prosecution
- The agency shall retain all written reports referenced in this section for as long as the alleged abuser is incarcerated or employed, plus five (5) years.
- The departure of the alleged abuser or victim from the employment or control of Venango County Prison shall not provide a basis for terminating an investigation.
- When outside agencies investigate sexual abuse, the Venango County Prison shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.
- 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 inmate or staff. No agency shall require an inmate 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.
- The PREA Manager shall make documentation and report sexual assault or allegation of a sexual assault to the Franklin Police Dept. and the United States Dept. of Justice.

REPORTING TO INMATES

Following an alleged report of Sexual Abuse or Sexual Harassment, Venango County Prison shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. If a report was referred for criminal investigation, a request shall be made to the investigating agency in order to inform the inmate. If the allegation was against a staff member, Venango County shall inform the inmate (unless the allegation is unfounded) whenever:

- The staff member is no longer posted within the inmate's unit
- The staff member is no longer employed
- Venango County Prison learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
- Venango County Prison learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- All such notifications or attempted notifications shall be documented. The prisons obligation to report under this standard shall terminate if the inmate is released from custody.

Following an inmate's allegation that he or she has been sexually abused by another inmate, Venango County Prison shall subsequently inform the alleged victim whenever:

- Venango County Prison learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
- Venango County Prison learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- All such notifications or attempted notifications shall be documented. The prisons obligation to report under this standard shall terminate if the inmate is released from custody.

ADMINISTRATIVE RESPONSIBILITIES

Venango County Prison shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse or sexual harassment. Applicable time limits may apply to any portion of a grievance **not** related to sexual abuse or sexual harassment.

Nothing in this section shall restrict the agency's liability to defend against an inmate lawsuit on the ground that the applicable statute of limitations has expired.

Venango County Prison shall ensure that:

- An inmate who alleges sexual abuse or sexual harassment may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
- Such grievance shall not be referred to a staff member who is the subject of the complaint.
- A final decision on the merits of any portion of a grievance alleging sexual abuse or sexual harassment within 90 days of the initial filing of the grievance, whether founded, unfounded, or unsubstantiated.
- Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal.
- An extension of time to respond, of up to 70 days claimed by Venango County Prison shall not exceed an additional 90 days. If the normal time period for response is insufficient to make an appropriate decision. Venango County Prison shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.
- At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.
- Third parties, including fellow inmates, staff members, family members, attorneys, and

outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.

- If a third party files such a request on behalf of an inmate, Venango County Prison shall require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
- If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision.
- If inmate may file an Emergency Grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse, follow the policy outlined in the Employee Policy Manual [Policy: Inmate Grievance Procedure, IGP2011:IO03]
- After receiving an Emergency Grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, or sexual harassment, Venango County Prison shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse or sexual harassment) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final decision within 5 calendar days. The initial response and final agency decision shall document the Prison's determination whether the inmate is in substantial risk of imminent sexual abuse or sexual harassment and the action taken in response to the grievance.
- Venango County Prison may discipline an inmate for filing a grievance related to alleged sexual abuse or sexual harassment where the agency demonstrates that the inmate filed the grievance in bad faith.

RETALIATION

Venango County Prison shall protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual harassment investigations from retaliation by other inmates or staff, and shall designate which staff members or departments are charged with monitoring retaliation. Venango County Prison prohibits any form of retaliation against any person by reason of such person's involvement in any capacity with sexual abuse or sexual harassment complaints or the investigation of such complaints, including but not limited to unjustified discipline, changing of work assignments, providing inaccurate or incomplete work assignments with the intent to mislead, or refusing to cooperate or discuss work related matters. Retaliation of any type will not be tolerated and may result in disciplinary actions, for the Correctional Officer this could lead to additional disciplinary actions up to and including termination.

CONFIDENTIAL SUPPORT SERVICES

Venango County Prison shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by providing mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigrations purposes, immigrant services agencies. The prison shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.

Inmates will be informed prior to giving them access of the extent to which face-to-face communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

THIRD PARTY REPORTING

Venango County Prison has established a means by which an inmate can call the Administrative Offices directly via the inmate phone systems to report alleged sexual abuse or sexual harassment. This system will allow the inmate to report without reporting to the Correctional Staff directly. Upon receiving such a report, the Administrative Staff will follow all protocol standards as outlined in the policy.

DATA COLLECTION

Venango County Prison shall collect accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions. This information shall be aggregated at least annually and shall include the data necessary to answer all questions from the most recent version of the "Survey of Sexual Violence" conducted by the Department of Justice.

The information shall be collected, maintained and reviewed as needed from all available incident based documents including reports, investigation files, and sexual abuse incident reviews. Information shall also be obtained from incident based and aggregated data from every facility for the confinement of its inmates.

Upon request the agency shall provide all such data from the previous year to the Department of Justice no later than June 30th.

DATA REVIEW

Venango County Prison shall conduct a Sexual Abuse Incident Review at the conclusion of every sexual abuse investigation to include where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. This review shall occur within 30 days of the conclusion of the investigation.

The review team shall include the Warden, Chief Deputy Warden, Investigator(s), OIC's, and the medical staff, Franklin Police Department, and District Attorney if a criminal investigation was issued.

The review team shall:

- Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
- Consider whether the incident or allegation was motivated by race, ethnicity; gender, identity; lesbian; gay; bisexual; transgender; or intersexes 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(s) 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 pursuant to any of the above, recommendations for improvement, and submit such report to the Board of Inspections and the PREA Compliance Manager.
- The Venango County Prison will implement the recommendations for improvement, or shall document its reasons for not doing so.

CORRECTIVE ACTION

Data collected shall be reviewed and aggregated to assess and improve the effectiveness of sexual abuse prevention, detection, and response policies, practices, and training including:

- Identifying problem areas
- Taking corrective action on an ongoing basis
- Preparing an annual report of its findings and corrective actions.
- The report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse
- This report shall be approved by the Warden and made available to the public through its website or through other means
- Venango County Prison may redact specific material from the report when publication would present a clear and specific threat to the safety and security of the facility, but must indicate the nature of the material redacted.

STORAGE

All data collected shall be securely retained and made available through its website or other means annually. Before making the report available to the public all personal identifiers shall be removed from the report.

Venango County Prison shall maintain all Sexual Abuse Data collected for at least 10 years after the date of initial collection unless Federal, State, or local laws require otherwise.

RELEASE OF INFORMATION RELATING TO SEXUAL ASSAULTS

- Venango County Prison encourages victims of sexual assault to report the assault and the Prison encourages cooperation in its investigation and prosecution. The identity and dignity of the victim will be protected to the fullest extent possible. The identity of the victim shall not be disseminated to the public.
- Except as required for investigations, criminal prosecution, any information relating to data collection as required by PREA, inmate and staff reports, verbal or written, including all records and information associated with claims of sexual assault, Investigative Reports, Incident reports, inmate information, case disposition and medical and counseling evaluation findings shall be treated as confidential.
- Any staff member who violates confidentiality is subject to disciplinary action up to and including termination as outlined in Venango County Prison policy and procedure manual.

CROSS-GENDER VIEWING AND SEARCHES

Searches are conducted as per the "Pre-Trial Detainee Strip Search Policy".

Venango County Prison staff shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by a medical practitioner.

Venango County Prison shall document all cross-gender strip searches and cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female inmates.

Transgender inmates shall be permitted to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.

Venango County Prison does not conduct searches or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, 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.

INMATE EDUCATION

Venango County Prison will take every possible step available to ensure each inmate is fully aware of the "Zero-Tolerance Policy" regarding sexual abuse or sexual harassment, and how to safely report such activity.

Upon intake via the Inmate Handbook and PREA Pamphlet inmates will be given information about the "Zero-Tolerance Policy", their right to freedom from sexual assault and sexual harassment as well as freedom from retaliation for reporting such incidents. This information will also outline the prison's policies and procedures for reporting such incidents.

EVIDENCE PROTOCOL AND FORENSIC MEDICAL EXAMINATION

DEFINITIONS:

Qualified Staff member or 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.

SAFE: Sexual Assault Forensic Examiner

SANE: Sexual Assault Nurse Examiner

Rape Crisis Center: PPC Violence Free Network refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g (b)(2)(c) to victims of sexual assault of all ages. 1-800-243-4944

Venango County Prison shall offer all victims of sexual abuse access to forensic medical examinations, at UPMC Northwest, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by a Sexual Assault Forensic Examiner (SAFE) or a Sexual Assault Nurse Examiner (SANE) where possible. All attempts to provide SAFE or SANE will be documented in the inmate's medical file.

Venango County Prison shall attempt to make available to the victim a victim advocate from a rape crisis center. All efforts to secure services from a rape crisis center shall be documented in the inmate's medical file.

As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigation interviews and shall provide emotional support, crisis intervention, information, and referrals.

REFERRALS OF ALLEGATIONS

Venango County Prison shall ensure that an administrative and/or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

Allegations of sexual abuse or sexual harassment will be referred to the Franklin Police Department to conduct a criminal investigation. All referrals shall be documented.

When a referral is made for a criminal investigation the Administrative investigation shall be coordinated with the Franklin Police Department. An administrative investigation shall ensue where staff is found to be negligent in his/her duties regarding the incident. Where a staff member is found to be negligent they may be disciplined for such neglect up to and including dismissal.

All findings from any investigations for sexual abuse or sexual misconduct shall be documented and kept confidential.

RISK SCREENING

All persons committed to Venango County Prison shall be assessed during the intake process and upon transfer from another facility for their risk of being sexually abused by another inmate or sexually abusive toward other inmates.

Intake Screening shall take place within 72 hours upon arrival. Assessments shall be conducted using the PREA Screening "Risk of Victimization or Abusiveness Questionnaire".

Inmates determined to be at risk or abusive will be reevaluated within 30 days or sooner based upon any additional, relevant information received by Venango County Prison since the intake screening.

Any inmates risk level may be reevaluated at any time when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

An inmate may **not** be disciplined for refusing to answer, or not disclosing complete information in response to questions asked during "Risk Screening".

All information disclosed by the inmate during the "Risk Screening" process is **CONFIDENTIAL** and kept as such in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.

USE OF PREA SCREENING "RISK OF VICTIMIZATION OR ABUSIVENESS" INFORMATION

All information from the PREA Screening "Risk of Victimization or Abusiveness Questionnaire" is used to determine the following:

- Housing
- Keep separates
- Educational needs
- Medical needs
- Safety requirements (case-by-case basis)
- Housing assignments for each transgender or intersex inmate shall be reassessed at biannually and as needed to review any threats to safety experienced by the inmate.
- Transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.

Lesbian, gay, bisexual, transgender, or intersex inmates will not be placed in solitary solely based on such identification or status, unless established in connection with a consent decree, legal settlement, or legal judgment for the protection of such inmates.

After the PREA Screening "Risk of Victimization or Abusiveness Questionnaire" has been completed and it has been determined an inmate is either a "Known Victim/Abuser" or "Potential Victim/Abuser" the form must be forwarded to the OIC for housing assignment.

MEDICAL AND MENTAL CARE

Access to Emergency Medical and Mental Health Services

Treatment services are provided by UPMC Northwest 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.

Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services.

The Correctional Officer taking the report shall take preliminary steps to protect the victim pursuant to the guidelines of this policy, and shall notify the appropriate medical practitioners and sexual assault counselors, and the Franklin Police Department.

Inmates who are victims of sexual abuse while incarcerated shall be offered timely information and access to emergency contraception and information about sexually transmitted infections where medically appropriate.

PREA SCREENING "RISK OF VICTIMIZATION OR ABUSIVENESS"

Abuse Victims and Abusers

If the "PREA Screening "Risk of Victimization or Abusiveness" indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a sexual assault counselor within 14 days of the intake screening.

If the "PREA Screening "Risk of Victimization or Abusiveness" indicates that an inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with an experienced sexual offender counselor within 14 days of the intake screening.

Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical practitioners, sexual assault counselors and sexual offender 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.

Medical practitioners and sexual assault counselors shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

On Going Medical/Mental Health Care for Sexual Abuse Victims/Abusers

Victims shall be provided medical, health, sexual assault counseling services consistent with the community level of care.

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.

Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from the conduct described, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy -related medical services.

Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate. 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.

A sex offender counselor shall perform an evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate.