



## ADAMS COUNTY ADULT CORRECTIONAL COMPLEX POLICY AND PROCEDURE MANUAL

POLICY NUMBER: 100-26

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### REFERENCE:

Title 37; Chapter 95; Section 95.246 (2)

### POLICY:

It is the policy of the Adams County Adult Correctional Complex (ACACC) to prohibit any form of sexual harassment or sexual contact among inmates and between staff (including contract employees and volunteers) and inmates. Anyone who engages in, fails to report, or knowingly condones sexual harassment or sexual contact with an inmate shall be subject to disciplinary action and may be subject to criminal prosecution. An inmate, employee, contract service provider, visitor, volunteer and any individual who has business with or uses the resources of ACACC is subject to disciplinary action and/or sanctions, including possible dismissal and termination of contracts and/or services, if found to have engaged in sexual harassment or sexual contact with an inmate. A claim of consent will not be accepted as an affirmative defense for engaging in sexual harassment or sexual contact with an inmate.

### PURPOSE:

To provide a safe, humane and secure environment, free from the threat of sexual abuse and sexual harassment for all inmates by maintaining a program of prevention, detection, response, investigation and tracking.

## I. DEFINITIONS

### A. General Definitions:

1. ACACC: The Adams County Adult Correctional Complex
2. Contractor: Person who provides services to ACACC on a recurring basis pursuant to a contractual agreement.
3. Employee: A person who works directly for ACACC or the Adams County Community Re-Entry Facility
4. Exigent Circumstances: 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.
5. Facility: The Adams County Adult Correctional Complex and/or The Adams County Re-Entry Facility and/or the Adams County Central Booking Center.
6. Gender Nonconforming: A person whose appearance or manner does not conform to traditional societal gender expectations.
7. Inmate: Any person detained in ACACC or the Adams County Re-Entry Facility.
8. Intersex: A person whose sexual, reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sexual development.
9. Medical Practitioner: Health professional who by virtue of education, credentials and experience is permitted to evaluate and care for patients within a scope of his or her professional practice. A “qualified medical practitioner” refers to a professional who has also successfully completed specialized training for treating sexual abuse victims.
10. Mental Health Practitioner: Mental Health professional who by virtue of education, credentials and experience is permitted by law to evaluate and care for patients within the scope of their professional

practice. A “qualified mental health practitioner” refers to a professional who has successfully completed specialized training for treating sexual abuse victims.

11. Pat-down search: Running of the hands over the clothed body of an inmate by an employee to determine whether the individual possesses contraband.
12. Unclothed search/strip search: A search that requires an inmate to remove or arrange some or all clothing to permit a visual inspection of the inmate’s breasts, buttocks or genitalia.
13. Staff: Employees
14. Transgender: A person whose gender identity (i.e. internal sense of feeling male or female) is different from his/her assigned sex at birth.
15. Substantiated allegation: An allegation that was investigated and determined to have occurred.
16. Unfounded allegation: An allegation that was investigated and determined not to have occurred.
17. Unsubstantiated allegation: An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
18. Volunteer: An individual who donates time and effort on a recurring basis to enhance activities and programs of the facility.
19. Voyeurism: The invasion of privacy of an inmate by a staff member, contractor, volunteer, official visitor, or other agency representative for reasons unrelated to official duties such as peering at an inmate who is using the 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.

20. Youthful inmate: Any person under the age of 18 who is under adult court supervision and incarcerated or detained in the facility.

B. Sexual Abuse: Sexual abuse includes sexual abuse of an inmate by another inmate, and sexual abuse of an inmate by a staff member, contractor, volunteer, official visitor, or other agency representative.

1. Sexual abuse of an inmate by another inmate 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 so slight, by hand, finger, object or other instruments.
- d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, excluding contact incidental to a physical altercation when intent is to harm or debilitate rather than sexually exploit.

2. Sexual abuse of an inmate by a staff member, contractor, volunteer, official visitor, or other agency representative includes any of the following acts, with or without the consent of the inmate:

- 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 staff member, contractor, volunteer, official visitor, or other agency representative 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 staff member, contractor, volunteer, official visitor, or other agency representative 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, (except in the context of proper searches and medical examinations), groin, breast, inner thigh, or the buttocks that is unrelated to official duties or where the staff member,

contractor, volunteer, official visitor, or other agency representative has the intent to abuse, arouse, or gratify sexual desire.

- f. Any attempt, threat or request by a staff member, contractor, volunteer, official visitor, or other agency representative to engage in the activities described in A-E of this section.
- g. Any display by a staff member, contractor, volunteer, official visitor, or other agency representative of his or her uncovered genitalia, buttocks, or breast in the presence of any inmate/detainee.
- h. Voyeurism by a staff member, contractor, volunteer, official visitor, or other agency representative.

#### C. Sexual Harassment:

1. Repeated and unwelcomed, unsolicited statements or comments, gestures, or actions of a derogatory or offensive sexual nature directed to any individual to include:
  - a. Sexual advances.
  - b. Request for sexual favors.
  - c. Demeaning references to gender
  - d. Sexually suggestive or derogatory comments about body or clothing
  - e. Obscene language or gestures of a sexual nature.
  - f. Threats of sexual misconduct

#### D. Institutional Sexual Assault:

1. Institutional Sexual Assault is a criminal offense as stipulated in the Pennsylvania Consolidated Statutes under Crimes and Offenses, Title 18, chapter 31, subchapter 3124.2 which states the following:
  - a. A person who is an employee or agent of the Department of Corrections or a County Corrections authority, State or County Correctional authority, youth development center, youth forestry camp, State or County juvenile detention facility, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution commits a felony of the third degree when that person engaged in sexual intercourse, deviate sexual intercourse, or indecent contact with an inmate/detainee, patient or resident.
  - b. **THE PENALTY FOR A FELONY OF THE THIRD DEGREE SHALL BE IMPRISONMENT FOR A TERM UP TO SEVEN (7) YEARS.**

## II. PROCEDURES

### A. General Information

1. The Adams County Adult Correctional Complex shall maintain a policy of zero tolerance towards all forms of sexual abuse and sexual harassment.
2. The Warden shall designate a senior administrative staff member as the facility's PREA Coordinator who shall have the authority to develop, implement and oversee the facility's efforts to comply with PREA standards.
3. Sexual abuse and sexual harassment among inmates and by staff member, contractor, volunteer, official visitor, or other agency representative strictly prohibited. All allegations of sexual abuse and sexual harassment shall be administratively and/or criminally investigated.
4. Sexual abuse or allegations shall be immediately referred by the Warden or designee to the Pennsylvania State Police for investigation.
5. Sexual abuse or allegations shall be reported to the Pennsylvania Department of Corrections on the monthly Extraordinary Report Form.
6. All inmate victims of alleged sexual abuse shall be transported to the hospital emergency room for medical treatment if the alleged abuse occurred within 72 hours of the report.
7. All inmate victims of sexual abuse shall have access to forensic medical examination at the local hospital without incurring financial costs where evidentiary and medically appropriate.
8. A Victim Advocate shall be made available to the inmate victim from a local rape crisis center, if desired.
9. If requested by the inmate victim, a Victim Advocate, qualified agency staff member or qualified community based organization staff member shall accompany and support the inmate victim through forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information and referrals.
10. The ACACC administration shall review the staffing plan annually in order to adequately supervise and monitor the inmate population. Staffing levels shall be reviewed during this process. In calculating staffing levels and determining the need for video monitoring, the following shall be considered:
  - a. Generally accepted correctional practices
  - b. Any judicial, federal investigative and internal/external oversight agency findings of inadequacy
  - c. All components of the facility's physical plant including blind-spots or areas where staff or inmates may be isolated
  - d. The composition of the inmate population
  - e. The number and placement of supervisory staff
  - f. Facility programs occurring on a particular shift

- g. The prevalence of substantiated and unsubstantiated incidents of sexual abuse and sexual harassment
    - h. Applicable State or local laws, regulations, or standards
    - i. Any other relevant factors
5. Any deviation from the plan shall be documented. Likewise, review of and the planning of substantial expansion or modification of the existing facility or upgraded video monitoring equipment shall determine whether adjustments are necessary to aid in the prevention of sexual abuse and sexual harassment.
6. The ACACC requires any entities holding inmates under contract for Adams County shall comply with the PREA standards.
7. The shift commanders/supervisors are required to conduct and document unannounced rounds on all shifts to identify and deter sexual abuse and sexual harassment.
  - a. Staff is prohibited from alerting other staff members that the unannounced rounds are occurring unless such announcement is related to the legitimate operational functions of the facility.
8. Staff of the opposite gender of a housing unit shall be announced when entering an inmate housing unit.
  - a. When a staff member announces that a staff member of the opposite gender is entering the housing unit, the inmates are responsible to be properly clothed once the announcement has been made.
  - b. All changing of clothes by the inmate shall be in the inmates' cell/quad or in the curtained shower area.
  - c. For clarification, the opposite gender staff member is not requesting for permission to enter unit, they are simply notifying the unit officer and the inmates of the entrance to the unit.

## B. Hiring / Promotions

1. The facility shall not hire, promote or contract with any individual or enlist the services of a volunteer that shall have direct contact with inmates who:
  - a. Has engaged in, been convicted of, or been civilly or administratively adjudicated for engaging in sexual abuse in a confinement setting such as prison, jail, lockup, community confinement facility, juvenile facility or other institutions as defined by 42 U.S.C. 1997.

- b. Has been convicted of engaging in or attempting to engage in sexual activity in the community facilitated by force, or coercion, or if the victim did not consent or was unable to consent or refuse.
2. Prior to hiring new employees, promoting existing employees, contracting with any individual, or enlisting the services of any volunteers who shall have direct contact with inmates:
  - a. The facility shall perform a criminal background check.
  - b. Consistent with Local, State and Federal law the facility shall make its best effort 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.
3. The facility shall perform a criminal background records check at least every five (5) years of current employees, contractors and volunteers.
4. Employees are required to maintain a continuing affirmative duty to disclose any such misconduct of sexual abuse or sexual harassment.
  - a. Material omissions of such misconduct, or the provision of materially false information, shall be grounds for termination.
  - b. Unless prohibited by law, the facility shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon request from an institutional employer for whom such employee has applied for employment.

### C. Employee Training

1. All new ACACC employees who may have direct contact with inmates shall receive PREA training and instruction related to the prevention, detection, response and investigation of sexual abuse and sexual harassment and also ACACC's zero-tolerance policy for sexual abuse and sexual harassment.
2. All staff shall receive PREA training on the facility's sexual abuse/sexual harassment policy, responsibilities and procedures to prevent, detect, report and respond to sexual abuse and sexual harassment biennially.
3. All staff must have received PREA training that was conducted at this facility.
4. All trainings shall be documented through employee signature or electronic verification that employees understand the training they have received.
5. This training shall include, but not be limited to the following:



- a. ACACC policies that address the facility's zero-tolerance for sexual abuse and sexual harassment.
- b. The employee's responsibilities regarding sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures.
- c. Inmates' right to be free from sexual abuse and sexual harassment.
- d. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment.
- e. The dynamics of sexual abuse and sexual harassment in correctional confinement environment.
- f. The common reactions of sexual abuse and sexual harassment victims.
- g. Effective and professional communication with inmates including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates.
- h. How to detect and respond to signs of threatened and actual sexual abuse and sexual harassment.
- i. How to avoid inappropriate relationships with inmates.
- j. How to comply with relevant laws related to mandatory reporting of sexual abuse and sexual harassment to outside authorities.

D. Specialized Training: Investigations 95.246 (2)

1. In addition to the general training provided to all employees, the facility shall ensure that, to the extent that facility conducts its own sexual abuse investigations, the PREA Coordinators and PREA Investigators have received training, at the minimum for:
  - a. Conducting investigations in confinement settings.
  - b. Techniques for interviewing sexual abuse victims.
  - c. Proper use of Miranda and Garrity warnings.
  - d. Sexual abuse evidence collection in confinement settings.
  - e. Criteria and evidence required to substantiate a case for administrative action or prosecution referral.
2. The facility shall maintain documentation that the PREA Coordinator(s) and PREA Investigator(s) have completed the required specialized training in conducting sexual abuse investigations.

E. Specialized Training: Medical and Mental Health

1. The facility and/or the health care provider shall ensure that all full time and part time medical and mental health care practitioners receive specialized training to include, but not limited to:
  - a. The facility's zero-tolerance policy regarding sexual abuse and sexual harassment.
  - b. How to detect and assess signs of sexual abuse and sexual harassment.
  - c. How to preserve physical evidence of sexual abuse.
  - d. How to respond effectively and professionally to victims of sexual abuse and sexual harassment.
  - e. Mandatory reporting.
  - f. How to and whom to report allegations or suspicions of sexual abuse and sexual harassment.
  - g. Any contracted medical staff must have appropriate training prior to conducting any forensic examinations.
    - i. Forensic examinations shall only be conducted onsite if agreed upon by the medical provider and the Warden.
  - f. Medical and Mental Health staff shall also receive the training mandated in the section entitled "Volunteer and Contractor Training" of this policy.
  - g. The facility and health care provider shall maintain documentation that the medical and mental health staff have completed the required specialized trainings and understand the training they have received.

#### F. Volunteer and Contractor Training

1. All service providers, contractors and volunteers who have direct contact with inmates shall receive annual PREA training that will include their responsibilities under the PREA Policy.
2. All service providers, contractors and volunteers who have direct contact with inmates shall be notified of the facility's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
3. The facility shall maintain documentation confirming that the service providers, contractors and volunteers understand the training they have received.

#### G. Inmate Education

1. During the intake process, Inmates shall receive information explaining the facility's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse and sexual harassment.
2. Within thirty (30) days of intake, all inmates shall be shown a PREA educational video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents.
  - a. This education shall be provided to all inmates in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, disabled, or have limited reading skills.
3. The facility shall maintain documentation of inmate participation in these education sessions.
4. In addition to providing such education, the facility shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks or other written formats.
5. The facility shall post informational posters throughout the facility to help educate the inmates in regards to the facility's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse and sexual harassment.
  - a. The informational posters shall include a toll-free sexual abuse reporting hotline that will allow the ACACC administration to receive inmate reports of sexual abuse and sexual harassment and allow the inmate to remain anonymous upon request.
  - b. Informational posters shall be posted in housing units, common areas and other area inmates regularly access.
  - c. The information on the posters shall also be contained in the inmate handbook and all inmates shall receive an inmate handbook during the commitment process.
  - d. The informational posters and inmate handbook shall also list ways an inmate can report sexual abuse or sexual harassment.

#### H. Inmate Risk Screening

1. All inmates shall be assessed during an intake screening for their risk of being sexually abused by other inmates and their likelihood to be sexually abusive towards other inmates.

2. This evaluation shall ordinarily take place within 72 hours of arrival at the facility.
3. The intake screening shall consider, at minimum, the following criteria to assess inmates' risk of sexual victimization:
  - a. Whether the inmate has a mental, physical or developmental disability.
  - b. The age of the inmate.
  - c. The physical build of the inmate.
  - d. Whether the inmate has previously been incarcerated.
  - e. Whether the inmate's criminal history is exclusively nonviolent.
  - f. Prior acts of sexual abuse, prior convictions for violent offenses and history of prior institutional violence or sexual abuse.
  - g. Whether the inmate has prior convictions for sex offenses against an adult or child.
  - h. Whether the inmate is or perceived to be gay, lesbian, bisexual, transgender, intersex or gender nonconforming.
  - i. Whether the inmate has previously experienced sexual victimization.
  - j. The inmate's own perception of vulnerability.
  - k. Whether the inmate is detained solely for civil immigration purposes.
4. The initial screening should consider prior acts of sexual abuse, prior convictions for violent offenses and history of prior institutional violence or sexual abuse, as known to the facility in assessing inmates for risk of being sexually abusive.
5. Within 30 days of commitment, classification shall reassess the inmate's risk of victimization or abusiveness based on any additional, relevant information received by the facility since the intake screening.
6. An inmate's risk level shall be reassessed 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.
7. Inmates may not be disciplined for refusing to answer or for not disclosing complete information in response to questions asked about:
  - a. Whether the inmate has a mental, physical or developmental disability.
  - b. Whether the inmate is or perceived to be gay, lesbian, bisexual, transgender, intersex or gender nonconforming.
  - c. Whether the inmate has previously experienced sexual victimization.
  - d. The inmate's own perception of vulnerability.

8. Information collected in regard to this section shall not:
  - a. Be used to antagonize, embarrass or harass the inmate.
  - b. Be shared with other inmates.
  - c. Be shared with other staff when not relevant to their job duties.
9. All information collected during this process shall be used to:
  - a. Determine housing, bed, work, education and programming assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk for being sexually abusive.
  - b. Make individualized determinations about how to ensure the safety of each inmate.
10. If the screening indicates that an inmate has experienced prior sexual victimization or has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure the inmate is offered a follow up meeting with a medical or mental health practitioner within 14 days of the intake screening.
11. Any information related to sexual victimization or sexual 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 laws.
12. Medical and mental health practitioners 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.
13. Inmates shall not be restricted, discriminated or prohibited from placement into housing or assignment based solely on identification or status.

#### I. Use of Screening Information

1. The facility shall use the information from the risk screening to determine housing, bed, work, education and programming assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk for being sexually abusive.
2. The facility shall make individualized determinations about how to ensure the safety of each inmate.
3. In deciding whether to assign a transgender or intersex inmate to a housing unit for male or female offenders and in making other housing and programming assignments, the facility shall consider on a case by case

basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

- a. A written copy of this placement shall be given to the inmate along with instructions on how to appeal that decision.
  - b. The inmate may appeal that decision at any time during their incarceration.
4. Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year with respect to the inmate's own safety experienced.
5. A transgender or intersex inmate's own views with respect to their own safety shall be given serious consideration.
6. Transgender and intersex inmates shall be given the opportunity to be housed separately from other inmates.
7. The facility shall not place lesbian, gay, bisexual, transgender or intersex inmates in dedicated housing units solely on the basis of such identification or status unless such placement is in a dedicated housing unit established in connection with a consent decree, legal settlement or legal judgement for the purpose of protecting such inmates.

#### J. Protective Custody

1. Inmates at high risk for sexual victimization shall not be routinely housed in protective custody.
  - a. All available options must be explored and protective custody shall only be used if no other alternative of separation from likely abusers is possible.
  - b. The facility shall assign such inmates to involuntary protective custody only until an alternative means of separation can be arranged.
2. Inmates placed on involuntary protective custody shall have access to programs, privileges and work opportunities as much as possible. If restricted, the facility must document:
  - a. The opportunities that have been limited.
  - b. The duration of the limitation.
  - c. Reason for the limitations.
  - d. The basis for the facility's concern for the inmate's safety.
  - e. Reasons why no alternative means of separation was possible.

3. 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.

## J. Special Population

### 1. Youthful Inmates:

- a. The facility shall make the best effort to house youthful inmates in such a manner that they do not have sight, sound or physical contact with adult inmates through the use of a shared dayroom or other common space, shower or sleeping quarters.
- b. The staff shall maintain direct supervision of youthful inmates in circumstances where separation is not achievable.
- c. In making these efforts, youthful inmates shall be housed in isolation only as a final recourse in maintaining separation.
- d. ACACC administration shall actively seek housing alternatives in other facilities as an option to appropriately house youthful offenders.

### 2. Disabilities:

- a. The facility shall ensure that inmates with disabilities including but not limited to inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric or speech disabilities have an equal opportunity to participate in or benefit from all aspects of the facility's effort to prevent, detect and respond to sexual abuse or sexual harassment.
  - i. This shall include the use of interpretive services and written materials that are formatted to effectively communicate with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills or who are blind or have low vision.

### 3. Language Barrier:

- a. Inmates that are non-English speaking shall have an equal opportunity to benefit from all aspects of the facility's effort to prevent, detect and respond to sexual abuse or sexual harassment.

- i. Interpretation services shall be provided for those non-English speaking inmates.
- ii. Inmate interpreters shall not be used unless exigent circumstances exist and delaying the interpretation could compromise the inmate's safety, the performance of first response duties or the investigation.

#### K. Inmate Searches

1. ACACC staff shall not conduct cross-gender unclothed searches or cross-gender body cavity searches except in exigent circumstances or when performed by medical practitioners.
2. The ACACC staff shall not conduct cross-gender pat-down searches of female inmates except in exigent circumstances. Female inmates' access to regularly available programming shall not be restricted in order to comply with this provision.
  - a. In cases of exigent circumstance, all instances of cross-gender unclothed or body cavity searches and cross-gender pat-down searches of females shall be documented with an incident report.
3. ACACC staff shall not search 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 part of a broader medical examination conducted in private by a medical practitioner.
4. Inmates shall be able to shower, perform bodily functions and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell and housing unit checks.
  - a. Staff of the opposite gender are required to announce their presence upon entering a housing unit.
5. ACACC staff shall be trained in conducting cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner and in the least intrusive manner possible consistent with security needs.

#### L. Reports of Sexual Abuse and Sexual Harassment



1. Inmate Reporting:

- a. The facility provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment and staff neglect or violation of responsibilities that may have contributed to such incidents. These methods include but are not limited to:
  - i. Direct conversation with staff
  - ii. Inmate request slips
  - iii. Emergency grievances
  - iv. Calling the PREA toll-free hotline
- b. Third party reports shall also be accepted, either in writing or verbally. The reporting person does not need to identify themselves for the report to be accepted.
- c. Inmates detained solely for civil immigration purposes shall be provided information on how to contact consular officials and relevant officials at the Department of Homeland Security.
- d. Staff shall promptly document any verbal reports

2. Employee, Contractor, Volunteer, Official Visitor, or other Agency Representative Reporting:

- a. All ACACC staff members, contractor, medical provider, mental health practitioners, volunteer, official visitor, or other agency representatives shall immediately report any knowledge, suspicion, and/or information regarding an incident of sexual abuse and/or sexual harassment occurring in the facility.
  - i. This is to include inmate to inmate incidents and contractor, volunteer, official visitor, or other agency representative to inmate incidents.
  - ii. Reports of sexual abuse or sexual harassment can be written or verbal and the person reporting does not have to identify themselves for the report to be accepted.
  - iii. The staff member receiving the report shall complete an incident report (ACP 109) prior to the end of their work day or, if necessary, complete it after their shift and before leaving the facility.

- b. All ACACC staff members, contractor, medical provider, mental health practitioners, volunteer, official visitor, or other agency representatives shall immediately report any knowledge, suspicion, and/or information regarding the retaliation against inmates or staff who reported an incident or who cooperated with investigators during an investigation.
  - i. Retaliation is strictly prohibited and may result in corrective action up to and including termination and possible criminal charges.
- c. ACACC staff members, contractor, medical provider, mental health practitioners, volunteer, official visitor, or other agency representatives that purposely ignored or avoided situations so as not to get involved with sexual abuse /harassment/retaliation and/or where negligent in their job duties and responsibilities shall be subject to corrective action up to and including termination and criminal charges.
- d. All ACACC staff members, contractor, medical provider, mental health practitioners, volunteer, official visitor, or other agency representatives are subject to corrective action up to and including termination for violating the facility's Sexual Abuse and Sexual Harassment policy.
  - i. Termination shall be the presumptive action for staff who engages in sexual abuse and/or sexual harassment with an inmate.
  - ii. Terminations or resignations as a result of sexual abuse and/or sexual harassment violation shall be reported to law enforcement agencies and to any relevant licensing bodies.
- e. Employees, contractors, volunteers, official visitors, or other agency representatives reporting sexual abuse or sexual harassment are to report directly to:
  - i. The Shift Commander
  - ii. The Deputy Warden of Security and Operations (if Shift Commander is not available)
  - iii. The Warden (if Shift Commander and Deputy Warden are not available)
- f. Employees, contractors, volunteers, official visitors, or other agency representatives are not to discuss the reported sexual abuse / sexual harassment incident or reveal any information to anyone except those listed above or as directed by a supervisor, to assist in the investigation, make treatment

recommendations or during the decision making process for security management concerns.

- g. Unless otherwise precluded by federal, state or local law, outside service providers/volunteers and medical and mental health practitioners shall be required to report sexual abuse pursuant to this paragraph (a) of section and to inform inmates of the practitioners' duty to report and limitations of confidentiality at the initiation of services.
- h. If the alleged victim is under the age of 18 or qualifies as a vulnerable adult under Pennsylvania 25 P.S. § 10225.103 (2001); 63 P.S. § 672 (2001), the appropriate agency shall be identified and the incident shall be reported to them (Adult Services, Children Youth and Family Services, Office of Aging).

### 3. Other Facility Reporting

- a. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Warden or his/her designee shall notify the head of the facility or appropriate office of the agency where the abuse occurred.
  - i. This notification shall be completed as soon as possible but no later than 72 hours after receiving the allegation.
  - ii. The facility shall document that it has provided such notification
  - iii. When information is received from another facility that an incident of sexual abuse had occurred at ACACC, the Warden shall ensure that the allegation is investigated in accordance with this policy.

### M. Security Staff First Responder Duties

- 1. Upon learning of an allegation that an inmate was sexually abused, the following actions will be taken:
  - a. Separate the alleged inmate victim and alleged abuser.
  - b. Ensure the inmate victim receives appropriate medical care.
  - c. Secure the scene of the incident.
  - d. Ensure the inmate victim and alleged abuser do not shower, eat, drink, urinate, defecate, brush their teeth or damage other evidence.

- e. Transport the inmate victim to the hospital for evaluation if the alleged sexual abuse occurred within 72 hours of the report.
  - f. Notify the Shift Commander.
    - i. Discuss the incident with supervisors only
  - g. Shift Commander shall notify ACACC administration.
    - i. If the allegation occurs after normal business hours, the Shift Commander shall notify duty officer
2. Once a report has been received of an alleged sexual abuse incident involving an inmate, ACACC staff, contractors, volunteers, official visitors, or other agency representatives; an administrative and criminal investigation shall be initiated. All incidents shall be reported to the Pennsylvania State Police for the criminal investigation.
- a. Separate the alleged inmate victim and alleged abuser.
  - b. Preserve and protect any crime scene so evidence can be collected.
    - i. Collect evidence if the alleged abuse occurred within a time period that still allows for the collection of physical evidence.
    - ii. Photographs shall be taken of the scene.
    - iii. Photographs shall be taken of the alleged victim and abuser, if appropriate. Photographs of genitalia, buttocks and female breasts shall not be taken.
    - iv. Evidence shall be placed in paper bags, labeled with content and date.
  - c. If the alleged abuse occurred within a time period that still allows for the collection of physical evidence, advise the alleged inmate victim to avoid any action that could destroy physical evidence. The alleged victim should not:
    - i. Wash
    - ii. Brush teeth
    - iii. Change clothes
      - a. If clothing change is necessary, have the alleged inmate victim change over a drop cloth and preserve the drop cloth as evidence.
    - iv. Urinate or defecate
    - v. Drink or eat

- d. If the alleged abuse occurred within a time period that still allows for the collection of physical evidence, ensure the alleged abuser does not take any action that could destroy physical evidence. The alleged abuser shall not:
  - i. Wash
  - ii. Brush teeth
  - iii. Change clothes
    - b. If clothing change is necessary, have the alleged inmate victim change over a drop cloth and preserve the drop cloth as evidence.
  - iv. Urinate or defecate
  - v. Drink or eat

#### N. Non-Security First Responder Duties

1. If the first responder is not a security staff member, the responder shall:
  - a. Request that the alleged inmate victim not take any action that could destroy physical evidence if the alleged abuse occurred within a time period that still allows for the collections of physical evidence. The alleged inmate victim should not:
    - i. Wash
    - ii. Brush teeth
    - iii. Change clothes
      - c. If clothing change is necessary, have the alleged inmate victim change over a drop cloth and preserve the drop cloth as evidence.
    - iv. Urinate or defecate
    - v. Drink or eat
  - b. Immediately notify security staff

#### O. Shift Commander Responsibilities

1. Ensure separation of the victim and alleged abuser.

2. Ensure inmate victim receives appropriate, timely medical care and access to crisis intervention services.
3. Ensure inmate victim and alleged abuser do not take any action(s) that could destroy physical evidence as described in Section M of this policy.
4. Arrange for a transport team to transport the inmate victim to the hospital if the alleged sexual abuse occurred within 72 hours of the report.
5. Make sure the scene is secured.
  - a. The area of the crime scene shall not be disturbed until the investigating agency evaluates the scene.
  - b. The area should be locked, if possible, and staff and inmates should not be in that area. If the area cannot be locked, other precautions should be taken to prevent contamination or damaging evidence.
6. Take proper action to ensure all potential physical evidence is preserved.
  - a. Photograph/videotape area.
  - b. Any physical evidence must be stored in a paper bag and labeled.
7. Notify the administration
  - a. If after regular business hours, contact the duty officer.
  - b. Contact Law Enforcement when directed by Warden or duty officer.
8. Interview and obtain statements as appropriate or directed.
9. Secure any relevant documentation such as CCTV video or housing unit logs.
10. Collect and forward all reports.

P. Access to Emergency Medical and Mental Health Services

1. Inmate 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 medical and mental health practitioners according to their professional judgement
  - a. When deemed medically or evidentiary appropriate, the inmate victim shall be transported to the local hospital for a forensic medical examination. The forensic examination shall be performed by a SAFE (Sexual Assault Forensic Examiner) or SANE (Sexual Assault Nurse Examiner).

2. Inmate victims of sexual abuse while incarcerated shall be offered timely information and timely access to emergency contraception and sexually transmitted infection prophylaxis in accordance with professionally accepted standards of care, where medically appropriate. This shall be coordinated with the medical provider.
3. Treatment services shall be provided to the victim without financial costs and regardless of whether the inmate victim names the abuser or cooperates with any investigation arising out of the incident.

Q. Ongoing Medical and Mental Health Care

1. The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup or juvenile facility.
  - a. The evaluation and treatment of such inmate 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 release from custody.
2. The facility shall provide such inmate victims with medical and mental health services consistent with the community level of care.
3. Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered a pregnancy test.
4.
  - a. If pregnancy results from sexually abusive vaginal penetration, the inmate victim shall receive timely and comprehensive information about, and timely access to, lawful pregnancy related medical services.
5. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
6. Treatment services shall be provided to the victim without financial costs and regardless of whether the inmate victim names the abuser or cooperates with any investigation arising out of the incident.
7. The facility shall attempt to conduct a mental evaluation of all known inmate on inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

R. Inmate Access to Outside Confidential Support Services

1. The facility shall provide inmates with access to outside advocates for emotional support services related to sexual abuse by providing inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state and national victim advocacy or rape crisis organizations, and solely for immigration purposes, immigration services agencies.
2. The facility shall enable reasonable communication between inmates and these organizations and agencies in as confidential a manner as possible.
3. The facility shall inform inmates, prior to giving them access, of the extent of which such communications shall be monitored and the extent to which reports of sexual abuse shall be forwarded to authorities in accordance with mandatory reporting laws.
4. The facility shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates 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.

S. Investigation Referrals 95.245(2)

1. An administrative investigation shall be completed by PREA Investigators at the direction of the Warden for all allegations of sexual abuse or sexual harassment.
2. Allegations of sexual abuse or sexual harassment shall be referred to the Pennsylvania State Police unless the allegation does not involve potentially criminal behavior.
  - a. The facility shall make this policy public upon request.
  - b. All referrals to the Pennsylvania State Police shall be documented.
3. Public notification of this policy shall include the duties of the facility and of the Pennsylvania State Police.
4. Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in ACACC shall have in place a policy governing the conduct of such investigations.
5. Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment at ACACC shall have in place a policy governing the conduct of such investigations.

T. Criminal and Agency Investigations 95.246(2)



1. Investigations of sexual abuse or sexual harassment shall be conducted promptly, objectively and thoroughly for all allegations including third party and anonymous reports.
2. When sexual abuse is alleged, the Warden or designee shall contact the Pennsylvania State Police which shall conduct a criminal investigation in accordance with its own investigatory policies and procedures.
3. The facility shall preserve and furnish to the Pennsylvania State Police any direct or circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interviews conducted with alleged inmate victims, suspected abusers and witnesses; and prior complaints and reports of sexual abuse involving the suspected abuser.
4. 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.
5. The credibility of an alleged inmate victim, suspect or witness shall be assessed on an individual basis and shall not be determined by the person's status as an inmate or staff. An inmate alleging sexual abuse may not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation of such an allegation.
6. Administrative investigations:
  - a. Shall include an effort to determine whether staff actions or failures to act contributed to the abuse.
  - b. 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.
7. Criminal investigations shall be the purview of the Pennsylvania State Police and all documentation shall be in accordance with their own policies and procedures.
8. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
9. The facility shall maintain all written reports referenced in paragraph (6) and any reports furnished by the Pennsylvania State Police under paragraph (7) of this section for as long as the alleged abuser is incarcerated or employed by the facility, plus five years.
10. The departure of an alleged abuser or victim from employment or the control of the facility shall not provide the basis for terminating an investigation.
11. Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
12. 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.

U. Evidentiary Standards for Administrative Investigations **95.246(2)**

1. The outcome of all administrative sexual abuse or sexual harassment investigations shall be determined by a standard no higher than the preponderance of evidence.

V. Post Investigation Report to Inmate Victim

1. Following an investigation into an inmate's allegation, the inmate shall be informed as to whether the allegation has been substantiated, unsubstantiated or unfounded. This shall be done in writing, given directly to the inmate and a copy shall remain part of the investigation file.
2. If the facility has not conducted the investigation, the facility shall request the relevant information from the investigative agency, usually the Pennsylvania State Police in order to inform the inmate.
3. Unless the allegation against a staff member has been determined to be unfounded, the inmate victim shall be informed:
  - a. When the staff member is no longer posted within the inmate's unit.
  - b. When the staff member is no longer employed at the facility.
  - c. When the facility learns that the staff member has been indicted on a charge related to sexual abuse at the facility.
  - d. When the facility learns that the staff member has been convicted on a charge related to sexual abuse at the facility.
3. Unless the allegation against an inmate has been determined to unfounded, the inmate victim shall be informed:
  - a. When the inmate has been indicted on a charge related to sexual abuse at the facility.
  - b. When the facility learns that the inmate has been convicted on a charge related to sexual abuse at the facility.
  - c. If the inmate victim that reported the incident is released from custody, the inmate victim shall not be contacted with additional information.
  - d. All such notifications shall be documented and remain part of the investigative file.

#### W. Preservation of Ability to Protect Inmates from Contact with Staff Abusers

1. The County shall not enter into or renew any collective bargaining on the facility's behalf, shall not enter into, or renew, any collective bargaining agreement or other agreement that limits the facility's ability to remove alleged staff sexual abusers from contact with inmates pending the outcome of an investigation or determination of whether and to what extent corrective action/discipline is warranted.
2. This policy shall not restrict the entering into or renewal of agreements that govern:
  - a. The conduct of the corrective action/discipline process related to sexual abuse and sexual harassment, as long as such agreements are consistent with the provisions of this policy
  - b. Whether a no-contact assignment that was 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 substantiated.

#### X. Protection Against Retaliation

1. Staff and inmates who report incidents of sexual abuse or sexual harassment or who cooperate with investigations of sexual abuse or sexual harassment shall be protected from retaliatory actions.
2. The facility shall employ multiple protection measures such as:
  - a. Housing unit changes.
  - b. Transfer of inmate victims or abusers.
  - c. Removal of alleged staff and/or inmates suspected of sexual abuse or sexual harassment to avoid contact with alleged victims.
  - d. Emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
  - e. For at least 90 days following a report of sexual abuse, the facility shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff and shall act promptly to remedy any such retaliation.
    - i. Items the facility shall monitor include any inmate disciplinary reports, housing or program changes or negative performance reviews of staff.

- ii. The facility shall continue the monitoring beyond 90 days if the initial monitoring indicates a continuing need.
- iii. In cases of inmates, the monitoring shall include periodic checks.
- iv. For staff, the immediate supervisors shall be responsible for periodically checking on the well-being of the staff member.
- v. If any individual who cooperates with an investigation expresses a fear of retaliation, the facility shall take appropriate measures to protect that individual from retaliation.

#### Y. Corrective Action/Disciplinary Sanction for Staff

1. Staff shall be subject to disciplinary sanctions up to and including termination for violating facility sexual abuse and sexual harassment policy
2. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
3. Disciplinary sanctions for violations of policies relating to sexual abuse and 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 corrective action/disciplinary history and the sanctions imposed for comparable offenses by other staff members with similar histories.
4. All terminations for violations of sexual abuse or sexual harassment policies or resignations by staff who would have been terminated if not for their resignation shall be reported to the Pennsylvania State Police unless the activity was clearly not criminal and to any relevant licensing bodies.

#### Z. Corrective Actions for Contractors and Volunteers

1. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to any relevant licensing bodies and the Pennsylvania State Police unless the activity was clearly not criminal.
2. Any potential volunteer with a criminal conviction of sexual abuse or sexual harassment shall not be approved to be a volunteer and shall not be permitted unescorted access to enter the facility.
3. Any volunteer that is currently under investigation for sexual abuse or sexual harassment shall have their privileges suspended until the investigation is completed.
4. If charges are filed, the suspension shall remain in effect until the outcome of the court case.

5. If convicted, privileges are terminated.
6. If not convicted, the situation shall be evaluated by the facility administration to determine whether or not to reinstate privileges.

#### AA. Disciplinary Sanctions for Inmates

1. Inmates shall be subject to disciplinary sanctions following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.
  - a. Staff shall take into consideration whether the inmate's mental disability or mental illness contributed to their behavior when determining the sanction, if any, that is imposed.
2. An inmate can only be disciplined for sexual contact with a staff member if the staff member did not consent to such contact.
3. An inmate shall not be disciplined if a report of sexual abuse was made in good faith based on reasonable belief, even if an investigation does not find sufficient evidence to substantiate the allegation.
4. All sexual contact between inmates is prohibited and is subject to discipline.
5. Sexual activity between inmates is prohibited and disciplinary action can be taken even if the activity was consensual.
6. Unless sexual activity between inmates was coerced it shall not fall under sexual abuse.

#### BB. Grievance - Exhausting of Administrative Remedies

1. The facility shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.
2. The facility shall not require an inmate to use any informal grievance process or to otherwise attempt to resolve with staff an alleged incident of sexual abuse.
3. An inmate who alleges sexual abuse may submit a grievance without submitting it to the staff member who is the subject of the complaint.
  - a. Such grievance is not referred to a staff member who is the subject of the complaint.

4. The facility shall issue a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
  - a. Computation of this 90 day time period shall not include time consumed by inmates in preparing any administrative appeals.
5. The facility may claim an extension of time to respond up to 70 days if the normal time period for response is insufficient to make an appropriate decision.
  - a. The facility shall notify the inmate in writing of any such extension and provide a date by which a decision shall be made.
6. At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for a reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.
7. 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.
  - a. If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on their behalf and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
  - b. If the inmate declines to have the request processed on their behalf, the facility shall document the inmate's decision.
8. If an inmate alleges that he or she is subject to substantial risk of imminent sexual abuse, he or she may file an Emergency Grievance.
  - a. After receiving an Emergency Grievance, the facility shall immediately forward the grievance or any portion thereof that alleges the substantial risk of imminent sexual abuse to a level of review at which immediate corrective action may be taken
  - b. Shall provide an internal response within 48 hours.
  - c. Shall issue a final decision within 5 calendar days.
  - d. The initial response and final decision shall document the facility's determination whether the inmate is in substantial

risk of imminent sexual abuse and the action taken in response to the Emergency Grievance.

9. An inmate may be disciplined for filing a grievance related to sexual abuse only where the facility can demonstrate the inmate filed the grievance in bad faith.

#### CC. Data Collection and Review

1. The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
  - a. Such review shall occur within 30 days of the conclusion of the investigation.
2. The review team shall include upper-level management officials with input from line supervisors, investigators and medical and mental health practitioners.
3. The review team shall:
  - a. Consider whether the allegation of investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
  - b. Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender or intersex identification, status or perceived status, gang affiliation or was motivated or otherwise caused by other group dynamics at the facility.
  - c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
  - d. Assess the adequacy of staffing levels in that area during different shifts.
  - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
  - f. Prepare a report of its findings including but not necessarily limited to, determinations made pursuant to paragraphs (a) through (e) of this section and any recommendations for improvement and submit such report to the Warden and the PREA Coordinator.

4. The facility shall implement the recommendations for improvement or shall document the reasons for not doing so.

DD. Data Collection and Documentation 95.246(2)

1. The facility shall collect accurate, uniform data for every allegation of sexual abuse using definitions provided in this policy.
2. The facility shall aggregate incidents based on sexual abuse data at least annually.
3. The incident-based data collected shall include, at a minimum, the data necessary to complete all questions from the most recent version of the Department of Justice Survey of Sexual Violence.
4. The facility shall maintain, review and collect data from all available incident-based documents, including reports, investigation files and sexual abuse incident reviews.
5. The facility shall also obtain incident based and aggregated data from every private facility with which it contracts for confinement of its inmates.
6. Upon request, the facility shall provide data from the previous year to the Department of Justice by June 30.

EE. Data Review for Corrective Action

1. The facility shall review data collected and aggregated pursuant to the above paragraph in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies, practices and training by:
  - a. Identifying problem areas.
  - b. Taking corrective action on an ongoing basis.
  - c. Preparing an annual report of its findings and corrective actions.
  - d. Such 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 facility's progress in addressing sexual abuse.
  - e. The facility's report shall be approved by the Warden.

FF. Reporting 95.246(2)

1. Upon completion of a coordinated investigation effort related to this section, the Warden or designee shall complete and submit a final report to the Adams County Prison Board of Inspectors as well as the United States Department of Justice.



## GG. Audits

1. The facility shall be audited for PREA compliance once every three years.
2. The Department of Justice may send a recommendation for an expedited audit if the Department has reason to believe that the facility may be experiencing problems related to sexual abuse and may include referrals to resources that may assist the agency with PREA-related issues.
3. The Department of Justice shall develop and issue an audit instrument that shall provide guidance on the conduct of and contents of an audit.
4. The facility shall bear the burden of demonstrating compliance with the standards.
5. The auditor shall review all relevant agency-wide policies procedures, reports, internal and external audits, and accreditations for each facility type.
6. The audits shall review at least a sampling of relevant documents and other records and information for the most recent one-year period.
7. The auditor shall be given access to, and observe, all areas of the facility.
8. The auditor shall be given access to and receive copies of any relevant documents, including electronically stored information.
9. The auditor shall retain and preserve all documentation (including video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request.
10. The auditor shall be permitted to privately interview a representative sample of inmates, residents, and detainees, and staff, supervisors, and administrators.
11. Inmates, residents, and detainees shall be permitted to send confidential information or correspondence to the auditor and the communication shall be considered legal.
12. An audit shall be conducted by:
  - a. A member of a correctional monitoring body that is not part of, or under the authority of, The Adams County Adult Correctional Complex.
  - b. A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the agency; or
  - c. Other outside individuals with relevant experience.
13. All auditors shall be certified by the Department of Justice.
14. An audit cannot be conducted by someone who has received financial compensation from the County of Adams within the three years prior to the County's retention of the auditor (unless he/she was compensated for conducting prior PREA audits).

15. The facility shall not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the County's retention of the auditor (except for contracting for subsequent PREA audits).
16. Any standards that are found to be "Does Not Meet Standard" shall trigger a 180 day corrective action period.
  - a. The facility shall work with the auditor to achieve compliance.
  - b. The Auditor shall be permitted to verify implementation of the corrective action plan by reviewing policies and procedure or re-inspecting the facility.
17. The Warden shall have 90 days to appeal an audit to the Department of Justice regarding specific findings.
  - a. A re-audit may be commissioned by the Department of Justice (at the facility's cost).
  - b. Findings of a re-audit are considered final.