



POLICIES AND PROCEDURES

Lycoming County Prison
277 West Third Street
Williamsport, PA 17701

Policy Title:

Sexual Abuse - Zero Tolerance

Policy Number:

41

Effective Date:

April 2014

Approved by:

Brad A. Shoemaker, Warden

Revised:

06/2018

Distribute to:

All Manuals

Reference to Standards:

Title 28, Part 115; Prison Rape Elimination Act National Standards

POLICY:

It is the policy of the Lycoming County Prison to develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff responders, medical and mental health staff, investigators and the facility leadership. The Lycoming County Prison has a **Zero Tolerance** policy toward all forms of sexual abuse and sexual harassment either by staff or other offenders.

ADMINISTRATIVE DIRECTIVES:

The Lycoming County Prison will have **Zero Tolerance** for sexual abuse and harassment based on National PREA Standards. Every inmate has the right to report privately, safely and through multiple channels any acts of sexual abuse or harassment. Every inmate has the right to receive help from trained medical and mental health professionals. Sexual activity between staff member and inmates can never be consensual; **it is always against the law**. Every inmate has the right to be protected from sexual abuse and harassment. The Lycoming County Prison will ensure that all staff members are appropriately trained in sexual abuse prevention and response.

DEFINITIONS:

Sexual abuse of an inmate or detainee by a staff member, contractor or volunteer includes any of the following acts with or without consent of the resident:

1. Any intentional contact, either directly or through the clothing, or with the genitalia, anus, groin, breast, inner thigh, or the buttocks that is unrelated to official duties where the staff member, contractor or volunteer has the intent to abuse or gratify sexual desire.

2. Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described in this section.
3. Any display by a staff member, contractor or volunteer that involves an invasion of the inmate’s privacy by staff for reasons unrelated to official duties.

Gender non-conforming: A person whose appearance or manner does not conform to traditional societal gender expectations.

Intersex: A person who’s sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.

Transgender: A person whose gender identity (i.e. internal sense of feeling male or female) is different from the person’s assigned sex at birth.

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

Youthful Offenders: A person who is under the age of eighteen who is under adult court supervision and incarcerated or detained in Prison or the Pre-Release Center.

PREA Coordinator: An upper level agency wide person with sufficient time and authority to develop, implement and oversee agency efforts to comply with the PREA standards within the facility.

Sexual Abuse: Abuse by another inmate or staff member, contractor, or volunteer when the victim does not consent and is coerced into such by overt or implied threats of violence, or is unable to consent or refuse.

SANE: Sexual Assault Nurse Examiner qualified to perform forensic examinations.

Sexual Harassment: Repeated and unwelcomed sexual advances, requests for favors or verbal comments or gestures of a sexual nature to an inmate 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.

PROCEDURES:

General Requirements

1. The Lycoming County Prison mandates **Zero Tolerance** toward all forms of sexual abuse and sexual harassment.
2. The Warden or designee will appoint a Department PREA Coordinator responsible for the following:
 - a. Coordinate and develop procedures to identify, monitor and track sexual misconduct, harassment and nonconsensual sexual acts and contact.
 - b. Conduct audits to ensure compliance with the Lycoming County Prison applicable state or federal laws and PREA standards.
3. The Lycoming County Prison will develop a staffing plan that provides adequate levels of staffing to protect inmates against sexual abuse and make best efforts on a regular basis to comply. The plan will be reviewed annually and any deviations from the plan will be documented.
4. Staff will not conduct cross gender unclothed searches except in exigent circumstances or when performed by a medical practitioner. All cross-gender unclothed searches will be documented. See Search Procedures Policy 9.10.
5. Staff will not conduct cross gender pat-down searches of female inmates except in exigent circumstances. All cross gender pat-down searches of female inmates will be documented.
6. Staff shall ensure that inmates are able to shower, perform bodily functions, and change without non-medical staff of the opposite gender viewing their breasts, genitalia or buttocks, except in the exigent circumstances. Male staff shall announce their presence when entering the female unit.

Reporting

Any staff member with direct knowledge or receives information written or verbal regarding fear, coercion or actual sexual crimes/sexual harassment, or sexual misconduct will immediately notify an immediate supervisor. Supervisors will forward such reports through their chain of command and ultimately to the Warden and PREA Coordinator. Reporting is mandatory and failure to report may result in disciplinary action.

Lycoming County Prison inmates and Pre-Release Residents may make reports of sexual abuse verbally or in writing to any staff. They may also call the PREA Reporting Line at 1-844-429-5412. This line is free of charge to the inmate or resident. The Department of Corrections will not accept collect calls.

The Department of Corrections will send notification via email to the Prison PREA Coordinator when a call comes in from the Prison or Pre-Release Center. Any calls which are deemed to be an eminent danger situation will go to the Prison Central Control. These will be followed up by standard email and emergency number will be monitored 24 hours a day. See (MOU) – Intergovernmental Agreement.

Investigations

The Warden or his designee shall immediately direct an investigation of all alleged sexual assaults or misconduct within the Prison, on Prison property, or while an inmate was in custody of Prison staff. Investigations are confidential. If evidence of an actual sexual assault is discovered, the County Detective/District Attorney's office will be notified and become involved pending criminal investigations.

Security staff who are first to respond to the report of sexual assault shall take the necessary steps to separate the alleged assault victim and alleged abuser, preserve any crime scene and collect any physical evidence. The victim should not shower or wash. All clothing/linen should be collected.

The victim shall be transported to the Emergency Room as soon as possible. Upon any report of a sexual assault, the Emergency Room will contact the SANE nurse, as well as, a representative from YWCA Wise Options program. Law enforcement staff accompanying the victim shall ensure that a standard medical "sexual assault kit" is requested. Inmates who allege sexual abuse while in the custody of the Prison should have access to outside agencies for victim advocacy and rape counseling. The Lycoming County Prison has entered into a letter of agreement with the YWCA Wise Options program for counseling and support services.

Inmate Assessment:

All inmates will be initially assessed during intake to determine if they are at risk of being sexually abusive or sexually abused. A full screening will be done by the Lycoming County Prison counselor within 72 hours of commitment. The Prison or Pre-Release Center (if inmate is transferred) will do periodic inmate re-screening. Inmates cannot be disciplined for refusing to answer or not providing complete information in response to certain screening questions. Any inmate identified as a past sexual abuse victim (pursuant to screening) in an institutional setting is offered a follow-up meeting with a medical or a mental health practitioner within fourteen days of the screening. Medical or mental health practitioners are required to obtain inmate consent before sharing information pertaining to sexual victimization that did not occur in an institutional setting with necessary staff (unless the inmate is under the age of 18). Follow-up meetings are intended to identify immediate mental health needs and security risks. If the medical or mental health practitioner determines through follow-up meetings that further treatment is not warranted, the facility is not required to provide such services.

Orientation:

The inmate/resident orientation process will ensure that inmates/residents are aware of the Lycoming County Prison and Pre-Release “Zero Tolerance” policy with regards to illegal sexual crimes, inclusive of sexual misconduct and sexual harassment and that they are encouraged to immediately report any concern or fear of possible sexual crimes to any staff member.

This orientation will provide the inmate/resident with information on the following:

- Prevention/Intervention
- Self-Protection
- Reporting Sexual Crimes
- Treatment and Counseling

Prevention/Training:

All employees, volunteers, contractors, professional visitors and service providers will be thoroughly trained and informed regarding the Prison and Pre-Release Center “Zero Tolerance” policy with regards to illegal sexual crimes, inclusive of sexual misconduct to stress the importance of prevention and the reporting of any allegations as outlined throughout this procedure. Literature including pamphlets and posters will be clearly displayed in both English and Spanish.

Case Records:

All case records associated with claims of sexual crimes, sexual harassment, sexual misconduct including incident reports, investigative reports, perpetrator and victim information, case disposition, medical and mental health findings, recommendations for the post release treatment and/or counseling will be retained in the office of the PREA Coordinator, for a period of ten (10) years after the date the investigation is concluded.