



FRANKLIN COUNTY JAIL

Chambersburg, PA

Standard Operating Procedure

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Approved By:	<i>William Bechtold</i> William Bechtold, Warden		Effective Date:	8/31/16		
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POLICY

It is the policy of the Franklin County Jail (FCJ) to prohibit any form of sexual abuse and/or sexual harassment of an inmate. The Franklin County Jail has **zero tolerance** for all forms of sexual abuse or sexual harassment of any individual under the supervision of the FCJ. Anyone who engages in, fails to report, or knowingly condones sexual harassment or sexual abuse of an inmate shall be subject to disciplinary action and may be subject to criminal prosecution. An inmate, employee, contract service provider, visitor, volunteer, intern and/or any individual who has business with or uses the resources of FCJ is subject to disciplinary action and/or sanctions, including possible dismissal and of contracts and/or services, if he/she is found after an investigation 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 abuse of an inmate.

FCJ shall prohibit retaliation against an inmate who reports sexual harassment or sexual contact, or a staff member who reports sexual harassment or sexual contact with an inmate.

FCJ shall designate a facility-wide PREA Coordinator to develop, implement, and oversee the jails efforts to comply with the National PREA Standards. The PREA Coordinator shall report directly to the Warden the Franklin County Jail.

Definitions:

Substantiated Allegation – an allegation that was investigated and determined to have occurred.

Unfounded Allegation – an allegation that was investigated and determined not to have occurred.

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.

Contractor – a person who provides supplies or services on a recurring basis pursuant to a contractual agreement with the Department.

Direct Staff Supervision – supervision that requires security staff to be in the same room with, and within reasonable hearing distance of the inmates.

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 a facility.

Gender Nonconforming – a person whose appearance or manner does not conform to traditional societal gender expectations.

Grooming for Sexual Activity - process that involves inmates approaching other inmates with offers of help, and perhaps protection from real or imagined sexual threats from others, with the ultimate aim of creating an obligation for sexual activity. The grooming might also include offers of commissary and /or other benefits. This deliberate process unfolds over time, with little overt pressure and no violence.

Inmate - Any person incarcerated or detained at the Franklin County Jail.

Interference with Official Process – Any failure to report or to cover-up an incident of sexual harassment/sexual abuse, making an allegation or statement that the party or witness knew could not have been true, or any other form of failure to cooperate with an investigation or inquiry.

Intern – an individual approved by FCJ to use experience with FCJ to further his or her academic or educational pursuits, programs or credentials. The term does not include employees or contractors.

Intersex – a person whose sexual or 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 sex development.

Medical Practitioner – a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his/her professional practice. A “qualified medical professional” refers to such a professional who has also successfully completed specialized training for treating sexual abuse. A medical Practitioner is required to inform inmates at the initiation of services of their duty to report sexual abuse and the limitations of confidentiality, unless otherwise precluded by Federal, State, or local law.

Mental Health Practitioner – a 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 he/her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims. A Mental Health Practitioner is required to inform inmates at the initiation of services of their duty to report sexual abuse and the limitations of confidentiality, unless otherwise precluded by Federal, State, or local law.

Pat Search- A running of the hands over the clothed body of an inmate by an employee to determine whether the individual possesses contraband.

Retaliation – An act of vengeance, covert or overt action, or threat of action, taken against an inmate in response to the inmate’s complaint of sexual harassment/sexual abuse or for an inmate’s cooperation in the reporting or investigation of sexual misconduct, regardless of the merits or the disposition of the complaint. Examples of acts of retaliation include, but are not limited to, unnecessary discipline, intimidation, unnecessary changes in work or program assignments, unjustified transfers or placements, or unjustified denials of privileges or services.

Sexual Abuse – As defined by the National Standards to Prevent, Detect, and Respond to Prison Rape

Sexual abuse includes –

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- 1) Sexual abuse of an inmate by another inmate; and
 - 2) Sexual abuse of an inmate by a staff member, contractor, volunteer, intern, or individual who has business with or uses the resources of FCJ.
 - 3) 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:
 - 4) contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - 5) contact between the mouth and the penis, vulva, or anus;
 - 6) penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; and
 - 7) 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.
- a. Sexual abuse of an inmate by a staff member, contractor, volunteer, intern, or individual who has business with or uses the resources of FCJ includes any of the following acts, with or without the consent of the inmate:
- 1) contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - 2) contact between the mouth and the penis, vulva, or anus;
 - 3) contact between the mouth and any body part where the actor has the intent to
 - 4) abuse, arouse, or gratify sexual desire;
 - 5) 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 actor has the intent to abuse, arouse, or gratify sexual desire;
 - 6) 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 actor has the intent to abuse, arouse, or gratify sexual desire;
 - 7) any attempt, threat, or request by an actor to engage in the activities described in paragraphs (1 – 5) of this section;
 - 8) any display by an actor of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate; and
 - 9) voyeurism by an actor.

For purposes of this definition the term “actor” a staff member, contractor, volunteer, intern, or individual who has business with or uses the resources of the Department

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b. A properly conducted pat search will not be considered sexual abuse.

Sexual Coercion – occurs when an inmate is forced to submit to sexual activity by threat of violence, for protection or some other factor imposed by the perpetrator.

Sexual Harassment

- a. repeated and unwelcome sexual advances, requests for sexual favors or verbal comments, gestures, or actions of a derogatory or offensive sexual nature, by one inmate directed toward another; and
- b. repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, volunteer, intern, or individual who has business with or uses the resources of FCJ including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Staff - An employee of the Franklin County Jail.

Strip Search - a search that requires a person to remove or arrange some of all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

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.

Volunteer - An individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

Voyeurism by a staff member, contractor, volunteer, intern, or individual who has business with or uses the resources of FCJ - an invasion of privacy of an inmate for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his/her cell to perform bodily functions; requiring an inmate to expose his/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.

Youthful Inmate - Any person under the age of 18 who is under adult court supervision and incarcerated in a prison.



Section 1 – Sexual Abuse/Sexual Harassment Prevention and Training

1. Prevention – FCJ will take appropriate actions to promote the safety of inmates against sexual abuse within the facility. The FCJ will implement federal PREA Standards to ensure that all aspects of operations promote a safe environment.
2. PREA Coordinator and PREA Compliance Managers Duties
 - 2.1 There is one facility PREA Coordinator responsible for PREA compliance within FCJ. The PREA Coordinator's sole responsibility is to develop implement and oversee agency efforts to comply with the federal PREA Standards in all of the FCJ. The Coordinator will have the authority to make necessary decisions to ensure compliance and report directly to the Warden and/or the Deputy Warden shall be responsible for the following duties:
 - 2.1.1 Developing and revising policy that meets, at a minimum, the published federal PREA Standards, as well as incorporating best practices for the trauma informed care of victims of sexual abuse and harassment in a confinement setting.
 - 2.1.2 Working with the PREA Compliance Manager to ensure that the PREA policies and procedures are adhered to.
 - 2.1.3 Developing and revising PREA related curriculum and related materials for training of staff, volunteers, contracted service providers, interns and inmates.
 - 2.1.4 Work with each of the Department Heads on an annual basis to assess determine and document whether adjustments are needed to: the staffing plan, deployment of the video monitoring systems and other monitoring technologies and the resources the facility has available to commit to ensure adherence to the staffing plan. The PREA Coordinator will also review any documentation for non-compliance with a staffing plan.
 - 2.1.5 Coordinate with the Pennsylvania Coalition Against Rape (PCAR), to ensure that he jail is providing all related parties with the most current information on sexual abuse and harassment.
 - 2.1.6 Coordinate with the Pennsylvania State Police regarding investigation and referral of sexual abuse cases that occurred while the inmate is under the supervision of FCJ.
 - 2.1.7 Coordinate with the County District Attorneys regarding the prosecution of sexual abuse cases related to FCJ.
 - 2.1.8 Work with PREA Compliance Manager to schedule all required PREA audits and oversee the completion of all audit responses.
 - 2.1.9 Remain up-to-date with PREA information as it becomes available through the PREA Resource Center, Department of Justice or other credible source relating to PREA.

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- 2.1.10 Unless Prohibited by law FCJ shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.
- 2.2 The Deputy Warden of Inmate Services has been designated as the PREA Compliance Manager within FCJ, and will be given sufficient time and authority to coordinate that facility's compliance with facility policy and federal PREA Standards. The duties of the PREA Compliance Manager will be:
- 2.2.1 Make monthly reports to the PREA Coordinator regarding incidents of sexual abuse and harassment or retaliation in the facility and identify what needs inmates, facility staff, volunteers, contracted service providers or interns may have related to sexual abuse and/or harassment.
 - 2.2.2 Review the initial reported allegation and related investigative packet, medical assessment(s), psychological assessment and any other relevant factors.
 - 2.2.3 Ensure inmates who have reported sexual abuse allegations are monitored to protect the inmates from retaliation for at least 90 days. Specifically, the PREA Compliance Manager will ensure that such inmates are provided with the opportunity to meet biweekly with a CTS, who will then report to the PREA Compliance Manager. If the PREA Compliance Manager determines that the initial monitoring indicates a continuing need, the periodic status checks will be extended beyond 90 days.
 - 2.2.4 Chair the PREA Sexual Abuse Incident Review Committee and convene the committee to review each sexual abuse investigation for those cases that are found to be substantiated and unsubstantiated. Those cases that are determined to be unfounded will not require committee review. Reviews will be conducted within 15 working days of the conclusion of the investigation. The PREA Compliance Manager will be responsible for giving the PREA Coordinator advance notice of the sexual abuse incident review meeting.
 - 2.2.5 Keep an updated list of all multi-lingual staff at the facility that would be able to provide translation for any PREA related issues.
 - 2.2.6 Work with the administration and the facility PREA Coordinator, on an annual basis to assess, determine and document whether adjustments are needed to: the staffing plan, deployment of the video monitoring systems and other monitoring technologies and the resources the facility has available to commit to ensure adherence to the staffing plan. In situations where the staffing plan is not complied with, the PREA Compliance Manager shall document the justification for the deviations from the plan and forward written documentation to the PREA Coordinator for review.
 - 2.2.7 Ensure that when staff learns that an inmate is subject to a substantial risk of imminent sexual abuse, appropriate, immediate action will be taken to protect that inmate.
 - 2.2.8 Coordinate the required PREA audit in conjunction with respective staff and the statewide PREA Coordinator. Ensure that all required responses to the audit report are completed and submitted within applicable timeframes.

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2.2.9 Remain up-to-date with PREA information as it becomes available through the PREA Coordinator, PREA Resource Center, Department of Justice or other credible source relating to PREA.

3. Contracting with Other Entities for Housing Inmates

3.1 The Franklin County Jail shall include in any new contract or contract renewal for the housing of an inmate (on or after the effective date of this procedure) with a private entity or other entity, including other government agencies, the entity's obligation to adopt and comply with the PREA Standards and FCJ's policies related to PREA compliance.

3.2 The contracted entity will undergo regular, mandated audits on a three year basis, as required by the National PREA Standards.

3.3 FCJ shall provide for contract monitoring to ensure that the contractor is complying with the PREA Standards with any new contract or contract renewal.

4. Supervision and Monitoring

4.1 FCJ shall ensure that it operates develops, documents and makes its best efforts comply on a regular basis, but no less than once a year, with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. The following items, at a minimum, must be reviewed during the annual staffing plan review.

- Generally accepted detention and correctional practices
- Any judicial finding of inadequacy
- Any findings of inadequacy from federal investigative agencies
- Any findings of inadequacy from internal or external oversight bodies
- All components of the facility's physical plant (including blind spots or areas where staff or inmates may be isolated)
- The composition of the inmate population
- The number and placement of supervisory staff
- Institution programs occurring on a particular shift
- Any applicable State or local laws, regulations or standards
- The prevalence of substantiated and unsubstantiated incidents of sexual abuse
- Any other relevant factors

4.2 In circumstances where the staffing plan is not complied with, the Compliance Manager/designee shall document, in writing, and justify all deviations from the plan. This documentation will be forwarded to the Warden and the agency wide PREA Coordinator.

4.3 Whenever necessary, but no less frequently than once a year, FCJ will determine and document whether adjustments are needed to:

4.3.1 The staffing plan established pursuant to paragraph (a) of this section.

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- 4.3.2 The facility's deployment of video monitoring systems and other monitoring technologies and;
 - 4.3.3 The resources the facility has available to commit to ensure adherence to the staffing plan.
 - 4.4 The annual reviews will be conducted in consultation with the PREA Compliance Managers; with final approval from the PREA Coordinator.
 - 4.5 Intermediate level or higher level staff is required to conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment.
 - 4.5.1 These rounds will occur no less than once a month. They may be conducted more often if there is an identified need. These tours must occur on all shifts and will cover all areas of the facility.
 - 4.5.2 Staff members will NOT inform anyone that these rounds are occurring. Any staff member found to be alerting other staff to these unannounced rounds will be subject to disciplinary action.
 - 4.5.3 These tours may be the same as the Administrative Tours conducted in compliance with Title 37 Chapter 95 of Pennsylvania Code.
 - 4.5.4 PREA rounds will be documented in the Unit Log Books. Documentation will state concerns or no concerns. PREA concerns shall be documented on PREA Administrative Tour Documentation Form and forwarded to the PREA Coordinator.
5. Access to Information for Special Populations
- 5.1 FCJ shall ensure that inmates with disabilities (such as deaf, hard of hearing, blind, low vision, or intellectual, psychiatric or speech disabilities) have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.
 - 5.2 FCJ will utilize the following accommodations when necessary to ensure effective communication with inmates with disabilities. The FCJ is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or an undue financial and administrative burden as those terms are used in regulations promulgated under title II of the Americans with Disabilities Act, 28 CFR 35.164
 - 5.2.1 Inmates who are deaf, deaf-mute, or hard of hearing will have access to written materials, TTY/TDD phones and telephone amplifiers. When necessary, FCJ will access interpreters who can interpret effectively, accurately and impartially, both receptively and expressively, using any necessary special vocabulary.
 - 5.2.2 Inmates who are blind or low vision will have access to large print materials or will have the materials read to them.
 - 5.2.3 Inmates with intellectual disabilities, psychiatric disabilities, or limited reading skills will have access to staff to assist in their understanding of PREA materials.

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- 5.3 The FCJ will take reasonable steps to ensure meaningful access to all the aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, Jail staff will use Language Line to provide interpretation services. When necessary, FCJ will access interpreters who can interpret effectively, accurately and impartially, both receptively and expressively using any necessary specialized vocabulary.
 - 5.4 The PREA Compliance Manager will ensure that only staff members or qualified contractors provide translation for inmates. If a multi-lingual staff member is not available, then an equivalent service must be utilized.
 - 5.5 FCJ shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under Section 115.64 or the investigation of the inmate's allegations.
6. Protective Custody
- 6.1 Inmates at a high risk for sexual victimization shall not be placed involuntarily in Protective Custody as a means of protection unless an assessment of all available alternatives has been made by mental health and security staff in conjunction with the PREA Compliance Manager, and a determination has been made that there is no available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the inmate in involuntary Protective Custody for less than 24 hours while completing the assessment.
 - 6.2 If an involuntary Protective Custody housing assignment is made under the description in 6.1, the facility shall complete the Involuntary Administrative Segregation Housing Assignment Form within 24 hours. The form will include the following information:
 - 6.2.1 The basis for the facility's concern for the inmate's safety, and the reason why no alternative means of separation can be arranged.
 - 6.3 If the facility assigns an inmate to involuntary Protective Custody for the purpose of protection from sexual victimization, access to programs, privileges, education, work opportunities shall be afforded to that inmate to the extent possible.
 - 6.4 The facility may assign inmates to involuntary Protective Custody only until an alternative means of separation from likely abusers can be arranged and such assignment shall not ordinarily exceed 30 days.
 - 6.5 At least every 30 days, the facility shall ensure each such inmate is reviewed to determine whether there is a continuing need for separation from the general population.
7. Upgrades to Facilities and Technologies
- 7.1 When designing or acquiring any new additions and in planning any substantial expansion or modification of existing facility, FCJ shall consider the effect of the design, acquisition, expansion or modification upon FCJ's ability to protect inmates from sexual abuse.

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- 7.2 When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Department shall consider how such technology may enhance the Department's ability to protect inmates from sexual abuse.
- 7.3 The PREA Coordinator shall have input into how such plans shall affect the facility's ability to protect inmates from sexual abuse and that input shall be documented via meeting minutes or other appropriate means.

8. Housing of Youthful Inmates

- 8.1 A youthful adult inmate (under the age of 18) shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through the use of a shared dayroom or other common space, shower area, or sleeping quarters.

- 8.2 In areas outside of housing units, the facility shall either:

- 8.2.1 maintain sight and sound separation between youthful inmates and adult inmates; or
- 8.2.2 provide direct security staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.

- 8.3 The facility shall not place the youthful inmate in isolation in order to comply with this policy.

- 8.3.1 Youthful inmates will have a separate housing unit (M-Unit), with sight and sound separation from adult inmates, where they are able to have a separate shower area, separate day room and separate sleeping quarters from adult inmates.
- 8.3.2 Any time that the Youthful Inmates leaves the separate housing unit, they must be accompanied and supervised directly by a security staff member.
- 8.3.3 The security staff member is to ensure that there is no inappropriate contact, physical, mental, or verbal, between the Youthful Inmate(s) and an adult inmate.

- 8.4 FCJ shall make every effort to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, FCJ shall not deny youthful inmates daily physical exercise and any legally required special education services to comply with this provision. Youthful inmates shall have access to other programs and work opportunities to the greatest extent possible.

9. Limits to Cross-Gender Viewing and Searches

- 9.1 Staff shall not conduct cross gender strip searches or cross-gender visual body cavity searches, except in exigent circumstances or when performed by medical practitioners.

- 9.1.1 All cross gender strip searches shall be documented on the Cross Gender Strip search Validation Form.
- 9.1.2 A copy of the Cross Gender Strip Search Validation Form shall be forwarded to the PREA Compliance Manager for review.

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- 9.2 This facility shall not permit cross-gender pat down searches of female inmates, absent exigent circumstances. Facilities shall not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.
 - 9.2.1 Areas of consideration should include search teams, work supervisors, staff that monitor 24 hour cameras and transportation staff.
 - 9.2.2 All cross gender pat searches of female inmates shall be documented on the Cross Gender Pat Search Validation Form.
 - 9.2.3 A Copy of the Cross Gender Pat Search Validation Form shall be forwarded to the PREA Compliance Manager for review.
- 9.3 Inmates shall be able 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.
- 9.4 Staff of the opposite gender shall announce their presence when entering an inmate housing unit in accordance with the following policy:
 - 9.4.1 Central Control will announce at the beginning of each shift that jail staff of the opposite gender may be stationed or visiting in the housing unit throughout the entire shift. The announcement should indicate that there will be the opposite gender on the units during the entire shift.
 - 9.4.2 Any staff member entering a housing unit for members of the opposite sex shall announce their presence upon entering the unit. In addition, any staff member entering a toilet or shower area of the opposite sex shall announce their presence each time that area is entered.
- 9.5 A transgender or intersex inmate shall not be searched or physically examined 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.
- 9.6 Staff shall be trained in how to conduct cross-gender pat searches, and in searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

10. Screening for Risk of Victimization and Abusiveness

- 10.1 All inmates shall be assessed upon admission to the facility, or upon receipt from another facility, for risk of being sexually abused by other inmates or sexually abusiveness toward other inmates. The initial assessment (within 72 hours of reception) shall consider prior acts of abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to FCJ, in order to assess inmates for the risk of being sexually abusive. If initial assessment is not conducted within 72 hours, the reason shall be documented.
- 10.2 This assessment shall be conducted by jail staff using the Franklin County Jail PREA Risk Assessment Tool. The screening will be an objective instrument that shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

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- Whether the inmate has a mental, physical, or developmental disability;
- The age of the inmate;
- The physical build of the inmate;
- Whether the inmate has previously been incarcerated;
- Whether the inmate's criminal history is exclusively nonviolent;
- Whether the inmate has prior convictions for sex offenses against a child or an adult;
- Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- Whether the inmate has previously experienced sexual victimization;
- The inmate's own perception of vulnerability; and
- Whether the inmate is detained solely for civil immigration purposes

10.3 A copy of this assessment shall be kept in the treatment file.

10.4 A reassessment will be conducted within 30 days of the inmate's arrival in the system or receipt into another facility. The facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening. Correctional Treatment Specialists will facilitate the completion of the Franklin County PREA Risk Assessment Tool in conjunction with the PREA educational session as outlined in §14.3 of this policy. For assessments not completed in this time frame documentation shall be provided explaining why it did not occur.

10.5 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. Any PREA-related information beyond the 72-hour and 30-day risk assessments will be referred to the Captain of Investigations, who will conduct a review of the matter and when necessary, contact a Correctional Treatment Specialist to have the inmate reassessed.

10.6. Inmates shall not be disciplined for refusing to answer, or for not disclosing, complete information in response to the questions regarding prior victimization, disabilities, their perception of vulnerability or their sexual orientation. Inmates will be notified of this prior to the completion of the assessment.

10.7 If an inmate refuses to answer the Receiving Screening questions, the staff member administering the tool will document that the inmate refused to answer the questions. The staff member will also discuss with the inmate about the importance of answering the questions on the risk assessment honestly.

10.8 The information received through the administration of the Receiving Screening shall be used to inform housing, work, education, and program assignments with the goal of keeping separate those inmates at high risk for being sexually victimized from those at high risk of being sexually abusive. Any information regarding an inmate's risk for being sexually victimized or being sexually abusive will be forwarded to the Deputy Warden of Inmate Services and Director of Inmate Management to determine appropriate classification and separation from abusers or potential victims.

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- 10.9 Information gained from the risk assessments completed by medical staff will be maintained in accordance with HIPAA regulations. Information gained from the risk assessments completed by jail staff will be maintained in the inmates' treatment files. Sensitive information pursuant to this standard will not be released to anyone without the need to know, to avoid exploitation of sensitive information by staff or other inmates. All staff are informed through PREA education training that any sensitive information is not be used to exploit inmates to their detriment.
- 10.10 In deciding whether to assign a transgender or intersex inmate to a work detail for male or female inmates, and in making other housing and programming assignments, FCJ 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.
- 10.10.1 Once a transgender or intersex inmate has been identified at intake, jail staff shall notify the shift supervisor. The shift supervisor shall review the assessment and make the determination for the inmate's immediate classification and housing assignment. This decision will be reviewed by the PREA Compliance Manager within 72 hours.
 - 10.10.2 Placement and programming assignments for each transgender or intersex inmate shall be reassessed, by the PREA Compliance Manager, in consultation with facility staff that regularly interacts with the inmate, at least twice each year to review any threats to safety experienced by the inmate. This is to be documented.
 - 10.10.3 A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.
 - 10.10.4 Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.
- 10.11 FCJ shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated units solely on the basis of such identification or status, unless placement is in a dedicated unit established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.
11. Medical and Mental Health Screenings
- 11.1 All inmates shall be assessed upon admission to the facility, or upon receipt from another facility, for risk of being sexually abused by other inmates or sexually abusiveness toward other inmates. The initial assessment (within 72 hours of reception) shall consider prior acts of abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to FCJ, in order to assess inmates for the risk of being sexually abusive. If initial assessment is not conducted within 72 hours, the reason shall be documented.
 - 11.2 This assessment shall be conducted by medical staff using the Receiving Screening.
 - 11.3 All inmates who have disclosed any prior sexual victimization or perpetration of sexual abuse are offered up a follow up meeting within 14 days of the intake screening.
 - 11.4 If an inmate reports any verbal and/or non-verbal threats, or fails to convincingly deny that he/she was the victim of a sexual assault (or sexual assault was attempted or threatened), the LPM shall conduct a second interview, within 14 days, to determine whether further mental health services should be provided.

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- 11.5 Medical and Mental health practitioners shall obtain informed consent from an inmate before reporting information about any prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.
- 11.6 Any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State or local law.
- 11.7 The FCJ makes determinations on how to ensure the safety of each inmate.

12. Basic Staff Training

12.1 FCJ shall train all employees who may have contact with inmates on:

- 12.1.1 Its zero tolerance policy for sexual abuse and sexual harassment within the Franklin County Jail;
- 12.1.2 How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures;
- 12.1.3 Inmates' right to be free from sexual abuse and sexual harassment;
- 12.1.4 The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- 12.1.5 The dynamics of sexual abuse and sexual harassment in confinement;
- 12.1.6 The common reactions of sexual abuse and sexual harassment victims;
- 12.1.7 How to detect and respond to signs of threatened and actual sexual abuse;
- 12.1.8 How to avoid inappropriate relationships with inmates;
- 12.1.9 How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming inmates, and;
- 12.1.10 How to comply with relevant laws of Pennsylvania related to mandatory reporting of sexual abuse to outside authorities.
- 12.1.11 Other than reporting to designated supervisors or officials and designated state or local service agencies, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation and other security and management decisions.

12.2 All staff will be trained in dealing with both all genders.

12.3 Once the initial basic staff training has been completed, all staff members will receive annual training PREA requirements.

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12.4 Staff will be required to sign to verify that they have received the information and understand the included items on the PREA Staff Training and Understanding Verification Form. This information will be kept in the staff member's official personnel file.

13. Specialized Staff Training

13.1 Investigations – In addition to the Basic PREA Training provided to all staff, any staff member authorized in performing investigations of sexual abuse allegations shall receive additional training on conducting sexual abuse investigations.

13.1.1 This specialized training will include, but is not limited to: interviewing sexual abuse victims, proper use of Miranda warnings, the Garrity rule, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecutorial referral.

13.1.2 Documentation shall be maintained that Special Investigators have completed the required training.

13.2 Medical - In addition to the Basic PREA Training provided to all staff, any staff member, contractor, volunteer or intern in the medical department shall receive additional training on working with victims of sexual abuse and sexual harassment.

13.2.1 This specialized training will include, but is not limited to: how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence of sexual abuse, how to respond effectively and professionally to victims of sexual abuse and sexual harassment and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

13.2.2 Medical staff shall view this training within the first three months of employment with FCJ.

13.2.3 Staff will be required to sign off that they have received the information and understand the included items on the PREA Staff Training and Understanding Verification Form. This information will be kept in the staff member's official personnel file.

13.3 Volunteers, Interns and Contractors - FCJ shall ensure that all volunteers and contractors that will have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

13.3.1 The level and type of training provided to volunteers, interns and contractors shall be based on the level of contact they have with inmates, At minimum, they shall be notified of the agency's zero tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

13.3.1.1 Contract Service Providers and interns that have a high level of contact (contact on a daily basis) with inmates will be given the same training as the training regular staff members receive both pre-service and on an annual basis. Contract Service Providers include, but are not limited to, medical, mental health, maintenance and food services.

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- 13.3.1.2 Volunteers that have a moderate level of contact (at least once a week) will receive a scaled version of the basic staff training. This training is conducted by the Volunteer Coordinator.
- 13.3.1.3 Individuals who have a sporadic level of contact (anything less than once per week) with inmates shall receive information on the FCJ's zero tolerance policy, how to make a report and whom to make a report to.
- 13.3.1.4 All CSP's, volunteers, interns and individuals who have business with or use the resources of FCJ will be required to sign off on the PREA Contractor, Volunteer and Intern Training and Understanding Verification Form that they have received the information and understand the included items. This information will be kept in a training file. The PREA Coordinator will be responsible for documenting the PREA training that each has received.

14. Inmate Education

- 14.1 Every inmate will receive information regarding FCJ's Zero Tolerance Policy toward sexual abuse and sexual harassment in jail, how to report an incident or suspicion of sexual abuse or sexual harassment, and what to do if he/she is the victim of sexual abuse or sexual harassment. The inmate will receive a copy of the PREA brochure at time of intake.
- 14.2 Inmate PREA education is available in accessible formats for all inmates including those who are limited English proficient, deaf, visually impaired, otherwise disabled, or have limited reading skills.
- 14.3 The FCJ will comprehensively educate inmates within 30 days of intake on their rights to be free from sexual abuse/harassment, from retaliation for reporting such incidents, and on agency policies and procedures for responding to such incidents. Additional information will be offered during orientation. All inmates will be shown a video that describes prison sexual abuse, how to report, and intervention. Correctional Treatment Specialists will be responsible for utilizing reports and training calendars to ensure and document that all inmates receive the necessary training within 30 days of their commitment dates.
 - 14.3.1 A staff member should remain in the room during the playing of the video to observe inmates, looking for reactions from inmates, to answer questions.
 - 14.3.2 Staff should offer to meet privately with any of the inmates if they request, to discuss issues related to the video.
- 14.4 FCJ requires that an inmate transferred from another facility will be educated regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents to the extent that the policies and procedures of the new facility differ from, those of the previous facility.
- 14.5 Documentation that sexual abuse and sexual harassment training has occurred shall be noted in each inmate's Treatment file.

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- 14.6 FCJ shall maintain two copies of this video, one in English and one in Spanish. If the institution does not have this video, the PREA Compliance Manager may contact the PREA Coordinator to obtain a new copy.
- 14.7 FCJ will ensure that key information about the agency's PREA policies is continuously and readily available or visible through posters, inmate handbooks, or other written formats.



Section 2 – Reporting Sexual Abuse and Sexual Harassment

15. An allegation of sexual abuse, sexual harassment or 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 can be reported by several means: verbal, written, anonymous, or by a third party.
16. Anyone who reports sexual abuse or sexual harassment should provide as many of the following details as possible regarding the incident(s), including the following information:
 - Description of incident(s)
 - Names of all parties involved
 - Date(s)
 - Time(s)
 - Place(s) of alleged incidents, and
 - Witness(es), if any
17. Methods of reporting for Inmates
 - 17.1 An Inmate who is the victim of sexual abuse, sexual harassment, retaliation by other inmates, or staff for reporting sexual abuse or harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents, should report the abuse to a staff member as soon as possible.
 - 17.2 Inmates may report verbally, in writing via Request Slip or Inmate Grievance, anonymously or through third party. Inmates may also report to an outside agency via the Pennsylvania Department of Corrections PREA hotline 1-866-823-6703.
 - 17.3 Staff must document verbal reports immediately.
 - 17.4 Inmates will be given mailing addresses and telephone numbers including toll-free number where available) of consular officials, and relevant officials of homeland security, for persons detained solely for civil immigration purposes.
18. Exhaustion of Administrative Remedies
 - 18.1 Inmates may use grievance system to report an allegation of sexual abuse any time, regardless of when the incident was alleged to have occurred. Inmates are not required to use an informal grievance process or otherwise to attempt to resolve with staff an alleged incident of sexual abuse. Inmates may submit a grievance alleging sexual abuse without submitting it to the staff member who is the subject of the complaint.
 - 18.2 Inmate Grievances alleging sexual abuse will not be referred to the staff member who is the subject of the complaint
 - 18.3 Decisions on the merits of any grievances or portions of grievances alleging sexual abuse are to be made within 90 days of the filing of the grievance.

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- 18.4 Inmates will be notified in writing when decisions will not be made within the time frame.
- 18.5 Inmates filing grievances relating to allegations of sexual abuse may be assisted by other inmates, staff members, family members, attorneys and outside advocates. These parties may also file on behalf of inmates in the case of allegations of sexual abuse.
- 18.6 If an inmate declines to have third-party assistance in filing a grievance alleging sexual abuse FCJ will document the inmate's decision to decline.
- 18.7 FCJ will accept emergency grievances alleging that an inmate is substantial risk of imminent sexual abuse. Initial responses will be provided within 48 hours and final decisions will be issued within 5 days.
- 18.8 Inmates filing a grievance alleging sexual abuse may only be disciplined for filing such grievance when FCJ can demonstrate the inmate filed the grievance in bad faith.

19. Inmate Access to Outside Support Services

- 19.1 Inmates are provided with access to outside victim advocates for emotional supportive services related to sexual abuse which has occurred in a confinement setting. Supportive services may be provided via a variety of methods including in person, over the phone and/or in writing. The preferred service delivery method is in person. Franklin County Jail will utilize Women in Need to provide these services.
- 19.2 Inmates will be provided mailing addresses and telephone numbers (including toll-free hotline numbers when available) of Women In Need, and if needed, of local, state or national victim advocacy or rape crisis organizations.
- 19.3 Inmates will be given mailing addresses and telephone numbers including toll-free numbers where available) of immigrant service agencies for persons detained solely for civil immigration purposes.
- 19.4 FCJ will attempt to accommodate confidential communication between inmates and these organizations. FCJ shall inform inmates via the Inmate Handbook prior to giving them access to outside support services, the extent to which such communications will be monitored.
- 19.5 FCJ will inform inmates via the Inmate Handbook prior to giving them access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant federal, state, or local law.
- 19.6 FCJ will maintain or attempt to enter in to a memorandum of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. Copies of agreements or documentation showing attempts to enter into such agreements shall be maintained.

20. Methods of Reporting for Staff, Contractors and Volunteers

- 20.1 FCJ requires all staff members, contract service providers, volunteers, interns or individuals who have business with or uses the resources of the facility, must report to his/her supervisor if he/she has knowledge, suspicion or information they receive regarding an incident of sexual

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abuse or sexual harassment of an inmate that occurred in a facility whether or not it is part of the agency. They are also required to report immediately, and according to policy, retaliation against inmates or staff who reported such an incident. They are also required to report immediately and according to policy any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

20.2 Staff shall report verbally or via Incident Report to his/her supervisor. Staff may also privately report via PREA Reporting Box in the Roll Call Room or via the Pennsylvania Department of Corrections PREA hotline 1-866-823-6703

21. All allegations of sexual abuse and sexual harassment, including third-party and anonymous reports will be forwarded to the designated investigator(s).

22. In addition, if the victim is under the age of 18 or considered a vulnerable adult under State or local law, Correctional Treatment Specialists will file a report by contacting ChildLine via phone **1-800-932-0313** or via the Childline website at <https://www.compass.state.pa.us/cwis/public/home> as required by the Child Protective Services Law.

23. Retaliation

23.1 Retaliatory action against an inmate, staff member, contract service provider, volunteer, intern or an individual who has business with or uses the resources of the facility, for reporting sexual abuse or sexual harassment or for providing information during an investigation is prohibited; an individual, who seeks to deter an inmate or any other individual from reporting sexual activity, or who, in any manner, harasses or intimidates any person who reports the alleged contact is subject to discipline.

23.2 The Captain of Investigations will be responsible for monitoring the conduct or treatment of inmates or staff who reported sexual abuse and of inmates who have reported to have suffered sexual abuse to see if there are any changes that may suggest possible retaliation by inmates or staff, for a period of 90 days. Such monitoring will be continued beyond 90 days if the initial monitoring indicates a continuing need.

23.3 The Captain of Investigations will act promptly to prevent or remedy any act of retaliation including housing changes, transfers for inmate victims or abusers, removal of alleged staff or of inmate abusers from contact with victims, and emotional support services for inmate or staff to fear retaliation.

23.4 Immediately following any reported incident of sexual abuse or harassment, monitoring for retaliation shall be conducted in the following manner:

- 23.4.1 The alleged victim and reporter of offender sexual abuse or harassment shall be monitored for a minimum of 90 days to assess any potential risk or act of retaliation.
- 23.4.2 For offender victims and offender reporters, monitoring shall include face-to-face status checks by the Captain of Investigations a minimum of every 30 days.
- 23.4.3 If any other individual who cooperates with an investigation expresses a fear of retaliation, the appropriate measures will be made to protect that individual.

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23.4.4 If an allegation is determined to be unfounded, the obligation to monitor shall terminate.

24. Preservation of ability to protect inmates from Abusers - FCJ shall not enter in to or renew any collective bargaining agreement or other agreement that limits FCJ's ability to remove allege staff sexual abusers from any contact with any inmates, pending the outcome of an investigation. Or of a determination of whether and to what extent discipline is warranted

25. Methods of Reporting for Friends, Family and General Public
The Pennsylvania Department of Corrections PREA hotline 1-866-823-6703 can be used for the general public to report an allegation of sexual abuse or sexual harassment. Information on how to report will be made available on the Jail website and in the Jail Lobby.

26. Reporting to Other Confinement Facilities

26.1 Upon receiving an allegation that an inmate was sexually abused or sexually harassed while confined at another facility, the Warden, or designee, shall notify the head of the other facility, where the alleged abuse or harassment occurred.

26.2 This notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.

26.3 The notifying facility shall document that the notification was provided within 72 hours.

26.4 The Warden, or designee, shall also send notification and supporting documentation to the PREA Coordinator. All allegations received from other facilities are investigated according to PREA standards.

27. Reports Received from Other Confinement Facilities

27.1 Upon receiving an allegation from another facility that an inmate was sexually abused or harassed while confined at this facility, the Warden, or designee, shall ensure the allegation is investigated. Receipt of the allegation will be documented.

27.2 The Warden, or designee, shall immediately notify the PREA Coordinator to start a PREA investigation as outlined in Section 3.



Section 3 – Investigating Allegations of Sexual Harassment of Inmates

Every complaint or allegation of sexual harassment shall be investigated thoroughly, objectively and promptly including third-party and anonymous reports. All allegations of a criminal nature will be reported to PSP.

28. Responsibilities

28.1 When an allegation of sexual harassment is received by the facility, it shall be immediately referred to the facility PREA Coordinator.

28.2 When an allegation of sexual harassment is received:

28.2.1 The facility PREA Coordinator shall report the allegation of sexual harassment to the Warden, PREA Compliance Manager, Major and Captain. The PREA Coordinator shall utilize the Sexual Abuse Coversheet.

28.2.2 The Captain shall respond with the tracking number within five business days. The Captain shall also track:

- Start date of the investigation
- End date of the investigation
- Alleged victim
- Alleged harasser
- Outcome of the investigation.

29. All allegations of sexual harassment, including shall be investigated thoroughly and objectively and will include the following when appropriate:

29.1 Interview the inmate complainant or complainants and obtain an Inmate Written Statement following the interview. If the complainant refuses to be interviewed or provide a written statement, said refusal, including date, time and persons present, shall be documented and included in the investigative report;

29.2 Interview all inmate witnesses and obtain an Inmate Written Statement of Sexual Abuse and Harassment, from the inmate(s) following the interview;

29.3 Interview all staff member witnesses and/or potential staff member witnesses and obtain a Staff Written Statement of Sexual Abuse;

29.4 When appropriate, interview all subject staff members and obtain a Staff Written Statement of Sexual Abuse;

29.5 Review all available video footage and save the video footage to a media storage device to submit with the investigative report; and

29.6 When appropriate, review and copy all housing unit log books, medical documentation, work related reports, misconduct reports, inmate grievances and all other pertinent documentation, specific to the allegation of sexual abuse, and include the documentation in the investigative report.

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30. Interviews will be conducted in a thorough, professional, non-abusive and non-threatening manner.
31. 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 an inmate or staff.
32. FCJ shall **NOT** require an inmate who alleges sexual harassment to submit to a polygraph examination or other truth telling device as a condition of proceeding with the investigation of such an allegation.
33. For administrative investigations, the facility shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual harassment are substantiated and to determine whether staff actions or failure to act contributed to the abuse.
34. At the conclusion of the investigation, the investigator will prepare an investigative summary. The investigative summary will indicate whether the evidence supports a finding that sexual harassment has occurred (substantiated), the allegation is false (unfounded), or the evidence is inconclusive (unsubstantiated). This report shall include a description of the physical and testimonial evidence, and the reasoning behind the credibility assessments, and the investigative facts and findings.
35. All allegations of a criminal nature will be reported to PSP.
36. The departure of the alleged abuser or victim from the employment or control of the facility shall not provide a basis for terminating the investigation.
37. The Captain will serve as the law enforcement liaison for FCJ and will cooperate with outside investigators and shall endeavor to remain informed about the progress of ongoing investigations.



Section 4 – Responding to Reports of Sexual Abuse

38. First Responder Duties

- 38.1 Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond shall:
- 38.2 Immediately separate the alleged victim and alleged abuser. Determine the least traumatizing placement for the alleged victim, which may be the same or different general population unit
- 38.3 If the abuse occurred within a timeframe that still allows for the collection of physical evidence, ensure that both the alleged victim and the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- 38.4 Notify Shift Commander / Lieutenant
- 38.5 If the first staff responder is not a security staff member, that staff member shall:
- 38.6 Immediately separate the alleged victim and alleged abuser. Determine the least traumatizing placement for the alleged victim, which may be the same or different general population unit
- 38.7 If the abuse occurred within a timeframe that still allows for the collection of physical evidence, ensure that both the alleged victim and the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating
- 38.8 Notify Shift Commander / Lieutenant
- 38.9 The shift commander will ensure the following:
 - 38.9.1 Notification of administrative staff and Captain
 - 38.9.2 Victim is immediately taken to the medical department;
 - 38.9.3 Preserve and protect any crime scene until appropriate steps can be taken to collect evidence;
 - 38.9.4 If the abuse occurred within a timeframe that still allows for the collection of physical evidence, ensure that both the alleged abuser and 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.

39. Medical

The Medical Department shall follow the appropriate procedures as contained in PrimeCare Policy and the procedures listed below:

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- 39.1 The inmate/victim shall be escorted to the Medical Department in any situation where there is an allegation of sexual abuse of an inmate.
- 39.2 The inmate/victim shall be examined by facility medical personnel immediately, to ensure the absence of any injury requiring urgent treatment. However it is not necessary for staff to examine the inmate's genitalia (or any other area unless emergency treatment is needed) when a forensic exam will be completed at an outside medical facility. Similarly, photographs are not to be taken at the facility if the alleged victim is taken to an outside medical facility for a forensic examination.
- 39.3 If sexual contact is suspected and the inmate/victim reports an allegation of vaginal, oral, and/or anal penetration by a body part or inanimate object, and the most recent act occurred within a time frame where the physical collection of evidence is possible, then he/she will be immediately transported to an outside medical facility to be examined by a medical professional who is skilled and experienced in the use of a rape kit for the collection of forensic evidence. The facility will utilize the list of local hospitals that employ a SANE (Sexual Assault Nurse Examiner) and the medical facility that the facility has entered into a Memorandum of Understanding (MOU) with, to determine the appropriate medical facility to transport to.
- 39.4 Photographs of Injuries - FCJ staff shall not photograph any injuries of the alleged victim. All photographs of the alleged victim will be taken by the sexual assault forensic examiner (SAFE) at the outside medical facility.
- 39.5. Regardless of when an allegation of vaginal/oral/anal penetration occurred, the facility physician shall ensure that testing for sexually transmitted diseases is completed. At a minimum, this testing will include the following:
- Human Immunodeficiency Virus (HIV);
 - Gonorrhea;
 - Hepatitis C (lower risk);
 - Hepatitis B;
 - Chlamydia trachomatis;
 - Syphilis;
 - Pregnancy test (females only)
 - other diseases as per the physician order.
- 39.6. The alleged victim will receive post-exposure prophylaxis treatment in the form of antibiotics to cover at a minimum:
- Chlamydia;
 - Gonorrhea;
 - Trichomonas; and
 - BV – bacterial diagnosis (females only).
- 39.7 The facility physician will consult with the outside provider and determine the need for antivirals. This decision will be based on the type and risk of HIV exposure, if either inmate is known to be positive or negative and has been taking antivirals in the past in accordance with facility policy.
- 39.8. If either inmate is Hepatitis B surface antigen (HBsAg) positive and the other is non-immune, the other inmate will receive Hepatitis B immune globulin within seven days from the exposure, if he/she is unvaccinated, and begin the Hepatitis B vaccine series.

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- 39.9. If pregnancy results from the sexual abuse, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy related services.
- 39.10 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.
- 39.11 FCJ shall provide alleged victims with medical services consistent with the community level of care.
- 39.12 The inmate/victim will be referred to the facility Mental Health Clinician (MHC) for assessment, counseling and/or treatment, as appropriate.
- 39.13 If requested by the victim, a victim advocate, or qualified agency staff member, or qualified community-based organization staff member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information and referrals.

40. Mental Health Department

- 40.1 Mental Health staff is responsible for interviewing all reported victims of sexual abuse.
- 40.2 If no mental health staff are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate on-call mental health practitioners.
- 40.3 Prior to conducting the interview, Mental Health will explain that, if indicated for the inmate's protection, information disclosed will be shared only on a need-to-know basis with indicated staff (i.e., PREA Coordinator/Compliance Manager, Sexual Abuse Review Team, PSP, etc.). All Inmates will have signed an Informed Consent for Patients at commitment.



Section 5 – Investigating Allegations of Sexual Abuse and Harassment

Every complaint or allegation of sexual abuse or harassment shall be investigated thoroughly, objectively and promptly for all allegations including third-party and anonymous reports. The Pennsylvania State Police (PSP) will conduct the criminal investigation and the administrative investigation will be conducted by the designated jail staff. Referrals to PSP will be made for any sexual abuse allegation or any incidents that may result in criminal charges.

41. General Responsibilities

- 41.1 To the extent FCJ is responsible for investigating allegations of sexual abuse, FCJ shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. This protocol shall be developmentally appropriate for youth where applicable.
- 41.2 Interviews will be conducted in a thorough, professional, non-abusive and non-threatening manner consistent with acceptable practices for potentially traumatized victims of sex crimes.
- 41.3 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 an inmate or staff.
- 41.4 The facility shall NOT require an inmate who alleges unwanted or forced sexual abuse or harassment to submit to a polygraph examination or other truth telling device as a condition of proceeding with the investigation of such an allegation.
- 41.5. For administrative investigations, the facility shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or harassment are substantiated.
- 41.6 A complaint will be logged with the PREA Coordinator. The Coordinator will refer the allegation to the Captain who has been specially trained in sexual abuse investigations. Administrative investigations will determine internal discipline.
- 41.7 At the conclusion of the investigation, the investigator will prepare an investigative summary. The investigative summary will indicate whether the evidence supports a finding that sexual contact or harassment has occurred (substantiated), the allegation is false (unfounded), or the evidence is inconclusive (unsubstantiated).
- 41.8. If the case has not already been referred for criminal prosecution, the Coordinator will ensure all allegations of sexual abuse are referred to the appropriate authorities for the proper disposition.

42. Preliminary Procedures for Receipt of a Sexual Abuse Allegation

42.1 Facility Responsibilities

- 42.1.1 When an allegation of sexual abuse and harassment is received by the facility, a brief interview of the alleged victim shall be conducted by a trained investigator to obtain basic information regarding the allegation.

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42.1.2 Contact the Pennsylvania State Police to relay initial information regarding the allegation. Department staff will fully cooperate in the investigation conducted by the Pennsylvania State Police or other applicable outside law enforcement agency.

42.1.3 Initiate the "Response to Allegation of Sexual Abuse" Checklists and ensure that staff on duty follows the required protocol.

42.1.3.1 This step must be conducted by a Shift Commander.

42.1.3.2 During normal business hours the Special Investigation Office shall perform this step.

42.2 The PREA Coordinator Responsibilities:

42.2.1 If Coordinator receives the allegation, they will immediately refer the allegation to the Captain who will contact the appropriate Pennsylvania State Police barracks.

42.2.2 Notify the Warden and Human Recourses to complete the steps in number 1 above.

42.3 An accused staff member, contract service provider, volunteer, intern or an individual who has business with or uses the resources of the facility, may be suspended pending investigation of the allegation. This decision will be made by the Warden on a case-by-case basis (based on the evidence at hand) in consultation with the PREA Coordinator and Deputy Warden of Inmate Services.

43. Administrative Investigation

43.1 When an allegation of sexual abuse is received:

43.1.1 The facility Lieutenant shall:

43.1.1.1 Report the allegation of sexual abuse to the Warden and PREA Coordinator and Captain immediately. The facility lieutenant shall utilize the Sexual Abuse Coversheet when reporting the allegation of sexual abuse.

43.1.1.2 When reporting the allegation of sexual abuse, the facility lieutenant shall indicate as specified on the Inmate Sexual Abuse Coversheet whether the inmate and/or staff member received injuries and provide a description of the injuries received.

43.1.2 Captain shall assign a tracking number to be used in cross referencing the PSP investigation number within 3 business days.

43.2 An allegation of sexual abuse shall be investigated and an investigative report shall be compiled.

43.2.1 The investigator shall follow the inmate sexual abuse Response checklists

43.2.1.1 Interview the inmate complainant or complainants and obtain an Inmate Written Statement following the interview. If the complainant refuses to be interviewed or provide a written statement, said refusal, including date,

time and persons present, shall be documented and included in the investigative report;

43.2.1.2 Interview all inmate witnesses and obtain an Inmate Written Statement of Sexual Abuse from the inmate(s) following the interview;

43.2.1.3 Interview all staff member witnesses and/or potential staff member witnesses and obtain a Staff Written Statement of Sexual Abuse

43.2.1.4 When appropriate, interview all subject staff members and obtain a Staff Written Statement of Sexual Abuse;

43.2.1.5 Review all available video footage and save the video footage to a media storage device to submit with the investigative report; and 46.2.1.6 review and copy all housing unit log books, medical documentation, work related reports, misconduct reports, inmate grievances and all other pertinent documentation, specific to the allegation of sexual abuse, and include the documentation in the investigative report.

43.2.2 The investigative report shall be prepared in the inmate sexual abuse report format and should include the following information:

- the inmate's or the third party's written statements or grievance;
- all incident reports related to the alleged incident;
- all reports for staff, witnesses and/or inmates;
- a copy of the complainant's, witness' and staff written statements;
- all relevant medical reports, to include psychiatric reports, if applicable;
- any videos or photographs related to the alleged incident;
- any misconduct reports related to the alleged incident;
- any other relevant reports or documents;
- an investigative summary
- an investigative report, containing the inmate abuse investigative report coversheet, predication page, all memorandum of interviews and investigative inserts.
- a copy of the Response to Allegations of Sexual Abuse checklists.

43.2.3 When completing the investigative summary, the investigator must indicate in the conclusion section whether sexual abuse was substantiated, unsubstantiated or unfounded. The investigative report will indicate whether the evidence supports a finding that sexual abuse has occurred (substantiated), the allegation is false (unfounded), or the evidence is inconclusive (unsubstantiated).

43.2.4 When a complaint is referred to the Captain for investigation by the PREA Coordinator the below listed procedures shall apply.

43.2.4.1 The Captain shall investigate the allegation and a completed investigative report shall be forwarded to the Coordinator within 15 days of receipt of the tracking number.

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- 43.2.4.2 The Coordinator shall complete the review of the report within 15 days of receipt and determine whether the facility investigation was completed in a satisfactory or unsatisfactory manner.
- 43.2.4.3 In the event that the Coordinator raises concerns regarding the thoroughness or integrity of the investigation and refers back to the Captain, the Coordinator shall inform the Warden of the findings and remand the matter with instructions to review the issues as raised by the Coordinator. The Warden shall, within 15 days of receipt of notification, review the matter consistent with the concerns raised by the Coordinator and a follow-up investigative report will be completed addressing the areas of concern noted by the Coordinator.
- 43.2.4.4 Following the approval of an investigation by Warden, the matter shall be referred to the Coordinator for appropriate administrative action.
- 43.2.4.5 Upon notification from the Warden of a satisfactory investigation, the PREA Compliance Manager will inform the subject(s) and complainant as to whether the investigation is found to be substantiated, unsubstantiated or unfounded. All notifications will be made and documented in accordance with Section 9 of this procedure manual.

44. When a complaint is investigated by the Coordinator, the following procedures shall apply:

- 44.1. an investigation assigned to the Coordinator shall be completed within 15 days of designation of the tracking number, unless an extension is authorized by the Warden;
- 44.2 an executive summary will be completed and provided to Human Resources for review;
- 44.3 an executive summary will be completed and provided to the Warden for approval, and;
- 44.4 The PREA Compliance Manager will inform the subject(s) and complainant as to whether the investigation is found to be substantiated, unsubstantiated or unfounded. All notifications will be made and documented in accordance with Section 9 of this procedure manual.



Section 6: Sexual Abuse Incident Review

45. FCJ shall conduct a Sexual Abuse Incident Review at the conclusion of every sexual abuse investigation where the allegation was substantiated or unsubstantiated. No review will be conducted if the allegation has been determined to be unfounded. The review shall occur within 30 days of the conclusion of the investigation.
46. The purpose of the incident review is to look retrospectively at the incident to ensure that the incident was managed in compliance with this procedures manual; to gather data relevant to enhancing understanding of prison rape; and to sensitize staff members to possible “red flags” associated with such incidents so that they may become better at detecting preventable incidents.
47. The PREA Compliance Coordinator and Manager will chair the Sexual Abuse Incident Review committee. The PREA Compliance Manager, in collaboration with the Warden, will determine the exact composition of the team based on the nature of the incident. At a minimum, the Sexual Abuse Incident Review Team will consist of the following:
- Warden
 - Deputy Warden of Operations (PREA Coordinator);
 - Deputy Warden of Inmate Services (PREA Manager);
 - Mental Health Practitioner
 - Health Services Administrator (HSA);
 - Line Supervisor Representative (Major);
 - Investigator (Captain)
48. The Sexual Abuse Incident Review Committee shall:
- 48.1 consider whether the incident or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
- 48.2 consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
- 48.3 examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse:
- 48.4 pass the adequacy of staffing levels in that area during different shifts;
- 48.5 assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
- 48.6 Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to this section and any recommendations for improvement and submit such report to the facility head and PREA compliance manager
49. The facility shall implement the recommendations for improvement, or shall document reasons for not doing so.



Section 7 – Discipline Issues Related to Sexual Abuse and Harassment

50. Staff Discipline

- 50.1 Any employee, contract service provider, volunteer, intern or any individual who has business with or uses the resources of FCJ who engages in, fails to report or knowingly condones sexual abuse or sexual harassment of an inmate shall be subject to appropriate disciplinary or administrative action. Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse.
- 50.2 Retaliatory action against an inmate or any employee, contract service provider, reporting sexual abuse or sexual harassment or for providing information during an investigation is strictly prohibited.
- 50.3 Disciplinary sanctions for violations of FCJ policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, and the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- 50.4 All contractors, volunteers, interns or any individuals who have business with or use the resources of FCJ who engage in sexual abuse shall be reported to law enforcement and relevant licensing bodies, unless the activity was clearly not criminal.
- 50.5 All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, or relevant to any licensing bodies
- 50.6 FCJ shall take remedial measures and prohibit further contact with inmates in the case of any other violation of FCJ sexual abuse or sexual harassment policies by all staff members, contractors, volunteers, intern or any individual who has business with or uses the resources of FCJ.

51. Disciplinary Sanctions for Inmates

- 51.1 Inmates shall be subject to disciplinary sanction pursuant to the formal disciplinary process, following an administrative finding that the inmate engaged in sexual abuse or sexual harassment or following a criminal finding of guilt for sexual abuse or sexual harassment.
- 51.2 Sanctions shall be commensurate with the nature and circumstances of the abuse or harassment committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.
- 51.3. 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.
- 51.4 FCJ Mental Health Department will follow up with the offending inmate to determine risk and offer services designed to address and correct underlying reasons for the abuse. FCJ shall consider

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whether to require the offending inmate to participate in such interventions as a condition of programming or other benefits.

- 51.5 The facility may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- 51.6 For the purpose of disciplinary action, a report of sexual abuse or sexual harassment 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.
- 51.7 The facility prohibits all sexual activity between inmates and disciplines inmates for such activity. The facility will not deem such activity to constitute sexual abuse if the facility determines that the activity is not coerced.



Section 8 – Notification of Inmates

52. Notification of Inmates

- 52.1 Following the investigation into an inmate's allegation that he or she suffered sexual abuse or sexual harassment within the facility, the PREA Compliance Coordinator/Manager at the facility shall inform the inmate, in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded.
- 52.2 If another agency conducted the investigation, the PREA Compliance coordinator/Manager shall request the relevant information from the investigative agency in order to inform the inmate.
- 52.3 Following an inmate's allegation that a staff member has committed sexual abuse or sexual harassment against the inmate, the PREA Compliance Coordinator/Manager shall subsequently inform the inmate when any of the following occur:
- The staff member is no longer posted within the inmate's unit.
 - The staff member is no longer employed at the facility.
 - The agency learns that the staff member has been criminally charged related to sexual abuse or sexual harassment within the facility; or
 - The agency learns that the staff member has been convicted on a charge related to sexual abuse or sexual harassment within the facility.
- 52.4 Following an inmate's allegation that he or she has been sexually abused or sexually harassed by another inmate, the PREA Compliance Coordinator/Manager shall subsequently inform the alleged victim whenever:
- The agency learns that the alleged abuser has been criminally charged related to sexual abuse or sexual harassment within the facility; or
 - The agency learns that the abuser has been convicted on a charge related to sexual abuse or sexual harassment within the facility.
- 52.5 The PREA Compliance Manager shall document all notifications or attempted notifications as an on the notification form. This will be placed in the Treatment File. All notifications must occur even in instances where an inmate has been transferred to another facility.
- 52.6 The facility's obligation to report the results of the investigation under this policy shall terminate if the inmate is released from the facility's custody.



Section 9 Hiring and Staff Retention

53. FCJ Policy prohibits hiring or promoting anyone who may have contact with inmates and prohibits enlisting of services of any contractor who may have contact with inmates who:
- Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institutions.
 - Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, coercion, or if the victim did not consent or was unable to consent or refuse
 - Has been civilly or administratively adjudicated to have engaged in the activity described in A-2 of this section.
- 53.1 FCJ policy is required to consider any incident of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contacts with inmates.
- 53.2 Before hiring new employees who may have contact with inmates, a criminal background records check will be conducted. Consistent with Federal, State and local law, the Franklin County Human Resources Department will make best efforts to contact all prior institutional employers on information on sustained allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. The Franklin County Human Resources Department will use the Human Resources Previous Employer Contact Form.
- 53.3 The Franklin County Jail shall perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.
- 53.4 The Franklin County Jail shall conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates.
- 53.5 FCJ shall ask all applicants and employees who may have contact with inmates directly, about previous misconduct described in paragraph 1 of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. At the time of interview, applicants shall be required to complete a written form inquiring about previous misconduct. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
- 53.6 Material omissions regarding such misconduct or the provision of materially false information shall be grounds for termination.
- 53.7 Any staff member with a sustained allegation of sexual abuse shall be subject to termination.
- 53.8 Any sustained incident of sexual harassment may be subject to termination and shall be considered during hiring and promotion decisions.
54. FCJ shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work. All such requests are forwarded to the Franklin County Human Resources Department, who coordinates the response.



Section 10- Data Collection and Reporting

54.1 The Franklin County Jail shall collect uniform data for every allegation of sexual abuse at facilities using a standardized instrument and set of definitions. The Franklin County Jail shall maintain, review, and collect data as needed from all available incident based documents, including reports, investigation files, and sexual abuse incident reviews.

54.2. The Captain shall be responsible of tracking all information in regards to PREA allegations and shall submit an annual report to the Warden, or his designee, for approval, utilizing information necessary to respond to the Survey of Sexual Violence conducted by the Department of Justice.

54.3 The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

Upon request, the Franklin County Jail shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

54.4. An annual review of the data collected will be reviewed by the Warden, Deputy Wardens, Accreditation Compliance Manager, Major and Captain.

54.5 A report will be generated for the purpose of:

- identifying problem areas
- corrective actions taken
- preparing an annual report of the agency's finding and corrective actions for the facility as a whole

54.6 Each year's annual report shall include a comparison of previous years.

54.7 FCJ's annual redacted report shall be available on the FCJ website. The Captain will ensure that the redacted report has all personal identifiers removed prior to posting. The Captain must ensure that all incident-based and aggregated sexual misconduct data is obtained from private facilities, if contracted with, and is readily available to the public on FCJ's website with all personal identifiers being removed from publicly available data.

54.8 The Captain of Investigations will maintain all PREA case records for a minimum of 10 years after the date of initial investigation. PREA investigations must be maintained for 5 years past the release date of the inmate or end of employment of the employee

54.9 FCJ will only contract with facilities that are PREA certified and make their reports available on their websites. Links to the facilities' websites will be provided on the FCJ website.

ATTACHMENTS

- FCJ Form 100.30-1 Admin Tour Documentation Form
- FCJ Form 100.30-2 Applicant Notice of PREA
- FCJ Form 100.30-3 Contractor Volunteer Intern Understanding
- FCJ Form 100.30-4 Cover Sheet Sexual Abuse and Harassment
- FCJ Form 100.30-5 Cover Sheet Shift Commander

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FCJ Form 100.30-6 Cross Gender Pat Search Validation
FCJ Form 100.30-7 Cross Gender Strip Search Validation
FCJ Form 100.30-8 Human Resources Previous Employer Contact
FCJ Form 100.30-9 Initial Response Alleged Victim
FCJ Form 100.30-10 Initial Response Abuser
FCJ Form 100.30-11 Inmate Education Verification
FCJ Form 100.30-12 Inmate Notification
FCJ Form 100.30-13 Inmate Written Statement
FCJ Form 100.30-14 Involuntary Administrative Segregation Housing Assignment
FCJ Form 100.30-15 Risk Assessment Tool 30 day
FCJ Form 100.30-16 Risk Assessment Tool 72 hour
FCJ Form 100.30-17 Risk Assessment Tool Spanish 30 day
FCJ Form 100.30-18 Risk Assessment Tool Spanish 72 hour
FCJ Form 100.30-19 Staff Training and Understanding
FCJ Form 100.30-20 Staff Written Statement of Sexual Abuse
FCJ Form 100.30-21 Retaliation Monitoring