

2023 Prison Rape Elimination Act (PREA) Annual Report

Wayne County Correctional Facility

Introduction

The Prison Rape Elimination Act (PREA) was enacted in 2003 to eliminate sexual abuse and harassment in confinement settings. PREA's implementing regulations, the "Final National Standards to Prevent, Detect and Respond to Prison Rape," were published by the Department of Justice and became effective on June 20, 2012.

The County of Wayne owns and operates the Wayne County Correctional Facility. The Warden of the Facility is appointed by the Wayne County Board of Commissioners. The Facility provides detention and correctional services for males and females for all ages, from juvenile to adult. The Facility has a 201 bed capacity, with an average daily population of 67 offenders. The County of Wayne has zero tolerance toward all forms of sexual abuse and sexual harassment of all offender at the Wayne County Correctional Facility. Offenders of the facility cannot give consent to engage in any sexual activity, regardless of age. Accordingly, it is the WCCF's policy to ensure that any form of sexual activity between offenders or between offenders and staff, volunteers, or contract employees, regardless of consent, is strictly prohibited. Such conduct is subject to administrative disciplinary sanctions and may result in criminal prosecution.

In order to demonstrate compliance with PREA, facilities such as the Wayne County Correctional Facility must be audited every three years. The WCCF was last audited by a U.S. Department of Justice certified PREA auditor on August 20, 2020. This audit revealed that the WCCF met all the standards to prevent, detect and respond to prison rape. The next PREA audit scheduled to occur at the WCCF will take place in 2024.

In accordance with PREA Standard § 115.88 (Data review for corrective action)

(a) The WCCF reviews data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:

- (1) Identifying problem areas;
- (2) Taking corrective action on an ongoing basis; and
- (3) Preparing an annual report of its findings and corrective actions for the facility.

Procedures Implemented, Progress/Improvements, Corrective Actions:

In August, the Wayne County entered in a contractual agreement with Berks County to house Juvenile Offenders for them in the WCCF. This posed a specific challenge of needing to provide direct supervision of these juvenile offenders while maintaining sight and sound separation from any other adult offenders in the WCCF. After a meeting of Administration and the PREA Coordinator, it was determined to house these juvenile offenders on housing unit G to meet all of these requirements and the plan has been working well since its inception and upon periodic reviews of the arrangement.

The Wayne County Correctional Facility strives to ensure the sexual safety of all Offenders and continues to thoroughly investigate all allegations or incidents of sexual abuse or harassment. The WCCF also ensures that all employees and contracted service staff are frequently trained in the standards to prevent, detect and respond to prison rape.

The WCCF collects data on every allegation of attempted and/or completed sexual abuse and sexual harassment at the facility, regardless of the ultimate outcome of the investigation. Upon completion of the investigation by the Certified Investigators at the WCCF or Detectives at the Wayne County District Attorney's Office, the entire incident is reviewed by the WCCF's administration. The purpose of the review is to determine if any changes to policy or practice at the WCCF are needed to prevent future incidents. At the conclusion of the review, the review team prepares a report with its findings and recommendations.

Definitions

- **SEXUAL ABUSE** – 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: • Sexual contact • Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and • Any other intentional touching • Any attempt, threat, or request to engage in sexual activities • Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and • Voyeurism by a staff member, contractor, or volunteer
- **SEXUAL HARASSMENT** – 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. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- **SEXUAL VICTIMIZATION** – All types of nonconsensual sexual activity with other inmates (that involves contact with the penis and the vagina or anus; contact between the mouth and the penis, vagina, or anus; penetration of the anal or vaginal opening of another person by a hand, finger, or other object; and rubbing of another person's penis or vagina by a hand), abusive sexual contacts with other inmates, and both willing and unwilling sexual activity with staff.

Allegation Conclusions:

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

Unsubstantiated allegation – An allegation that was investigated and produced insufficient evidence to make a final determination as to whether or not the event occurred.

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

Facility Statistics

Number of Offenders Held in Facility on December 31, 2023	2023	2022
Total	77	51
Males	66	39
Females	11	12

Ages of persons Held in Facility on December 31, 2023	2023	2022
Age 17 or younger	6	0
Age 18 to 24	23	15
Age 25 or older	48	36

Number of Persons Admitted to or Discharged from Facility between January 1, 2023 and December 31, 2023	2023	2022
Total Number Admitted	446	421
Total Number Discharged	423	426

Offender on Offender Sexual Abuse	2023	2022
Total Allegations	0	2
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	0	2
Investigation Ongoing	0	0

Offender on Offender Sexual Harassment	2023	2022
Total Allegations	3	2
Substantiated	1	0
Unsubstantiated	0	0
Unfounded	2	2
Investigation Ongoing	0	0

Staff Sexual Misconduct

Staff on Offender Sexual Abuse	2023	2022
Total Allegations	0	1
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	0	1
Investigation Ongoing	0	0

Staff on Offender Sexual Harassment	2023	2022
Total Allegations	0	1
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	0	1
Investigation Ongoing	0	0

Conclusion

The Wayne County Correctional Facility strives to ensure the sexual safety of all residents and continues to thoroughly investigate all allegations or incidents of sexual abuse or harassment. After reviewing 2023's statistics, the conclusion was made that our policies, protocols and enforcement of our zero-tolerance policy, no changes are necessary to our PREA policy or facility protocols at this time.

Any questions or concerns regarding the implementation of the Prison Rape Elimination Act (PREA) at the Wayne County Correctional Facility should be directed to the Wayne County PREA Coordinator at

570-253-5970 ext.1552

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