

PREA AUDIT REPORT Interim Final**ADULT PRISONS & JAILS****Date of report:** 08/30/17**Auditor Information****Auditor name:** Patrick J. Zirpoli**Address:** 149 Spruce Swamp Road Milanville, PA 18443**Email:** pjz6896@ptd.net**Telephone number:** 570-729-4131**Date of facility visit:** 07/31/17 & 08/01/17**Facility Information****Facility name:** Wayne County Correctional Facility**Facility physical address:** 44 Mid-Wayne Drive Honesdale, PA 18431**Facility mailing address:** (if different from above)**Facility telephone number:** 570-253-2621

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| The facility is: | <input type="checkbox"/> Federal | <input type="checkbox"/> State | <input checked="" type="checkbox"/> County |
| | <input type="checkbox"/> Military | <input type="checkbox"/> Municipal | <input type="checkbox"/> Private for profit |
| | <input type="checkbox"/> Private not for profit | | |

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| Facility type: | <input type="checkbox"/> Prison | <input checked="" type="checkbox"/> Jail |
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Name of facility's Chief Executive Officer: Warden Kevin Bishop**Number of staff assigned to the facility in the last 12 months:** 91**Designed facility capacity:** 208**Current population of facility:** 88**Facility security levels/inmate custody levels:** minimum through maximum**Age range of the population:** youthful inmates through adult**Name of PREA Compliance Manager:** Harold Derrick**Title:** Lieutenant**Email address:** hderrick@waynecountypa.gov**Telephone number:** 570-253-2621 Ext. 1517**Agency Information****Name of agency:****Governing authority or parent agency:** (if applicable)**Physical address:****Mailing address:** (if different from above)**Telephone number:****Agency Chief Executive Officer****Name:****Title:****Email address:****Telephone number:****Agency-Wide PREA Coordinator****Name:****Title:****Email address:****Telephone number:**

AUDIT FINDINGS

NARRATIVE

The Prison Rape Elimination Act (PREA) audit of the Wayne County Correctional facility took place on July 31 & August 1 2017. The purpose of the audit was to determine compliance with the Prison Rape Elimination Act standards which became effective August 20, 2012. Prior to the on-site portion of the audit I reviewed all policies and data pertaining to the PREA Standards. The facility was posted on May 7, 2017, allowing time for staff and inmates to respond to me in writing, no letters were received. I mailed a flash drive to the facility, this was returned to me on June 19, 2017, allowing ample time to review all policies and procedures prior to the onsite audit. All documentation requested by me was provided in a timely and efficient manner, any follow up requests were acted upon immediately.

I wish to extend my appreciation to Warden Kevin Bishop and all of the staff for their professionalism they demonstrated throughout the audit and their willingness to comply with all requests and recommendations made. I would also like to thank the Wayne County Prison Board for their commitment to the operations of the Wayne County Correctional Facility, and their dedication to the safety of the staff, as well as their dedication to the care, custody and control of the inmates incarcerated at the facility.

I need to recognize Lieutenant Harold Derrick. It is through his dedication and overall work ethic that the Wayne County Correctional Facility performed exceptionally well during the PREA Audit. He worked with me tirelessly through the audit process, and fulfilled any request I had.

This was the facilities second audit. The facility has done an excellent job not only implementing the PREA standards, but more importantly ensuring they are adhered to on a daily basis.

Upon my arrival on July 31, 2017 I met with Lt. Harold Derrick. We discussed the audit process and the schedule for the next two days.

After the entrance meeting I was given a tour of all areas of the facility. During this tour informal interviews were conducted with both staff and inmates in several different areas. I viewed the complete facility, all areas were accessible to me during the audit tour.

During the interview portion of the audit eighteen staff interviews were conducted, as well as in depth discussions with other staff available during the tour. Included in the interviews were the Warden, Deputy Warden, PREA Coordinator, Medical Staff, Shift Supervisors, Counselors, Kitchen Staff, Volunteers, and First Line Staff. The staff interviewed were randomly selected by obtaining a copy of all staff working during the audit, I then selected random staff from different areas within the facility, as well as all three shifts.

Also during the interview portion eleven inmates at the facility were interviewed. I selected the inmates by obtaining a population sheet, and randomly selected the inmates from all housing units. The selected inmates included those who have identified as gay or bisexual, inmates identified as high risk for sexual victimization, and one inmate who was housed as a juvenile.

All of the interviews were conducted in a very efficient manner; this was accomplished by the efforts of all staff of the Wayne County Correctional Facility, but more specifically Lt. Harold Derrick.

The facility was prepared for the onsite audit and performed extremely well. Looking at the overall performance of the facility I was impressed with not only the facilities operations but the overall agencies operations and response to incidents of sexual abuse or sexual harassment. The seriousness of incidents of this nature are not overlooked by both staff and inmates alike. The interactions with the staff were positive and all were extremely helpful in making the audit process run as seamless as possible.

I utilized an overall methodology to make my determination of compliance with the standards. This included a complete review of all policies and documentation provided to me prior to the onsite audit. The documentation was then corroborated through visual inspection of the facility, as well as interviews with staff and inmates. I was able to determine that the facility has the policies in place to address all standards, and has put these policies into daily practice. In the standard-by-standard discussion I have specifically identified the policies and documentation utilized during this process, these policies and documentation are listed verbatim in italic type. I have also listed any visual evidence, as well as interviews that aided in making my decision.

DESCRIPTION OF FACILITY CHARACTERISTICS

The Wayne County Correctional Facility is located at 44 Mid-Wayne Drive Honesdale, PA 18431. The facility is located in a rural area of Wayne County Pennsylvania.

The facility is located within a single story building.

The main entrance to the building is controlled by a secured door, which can only be accessed after being allowed entrance to the building.

Upon entering the secured front entrance all visitors arrive in the lobby area of the facility. This area has access to the administrative areas and the visiting area.

The facility has 4 multiple occupancy cell housing units, and two dormitory style housing units. The 4 celled housing units are constructed in the same manner, all toilets and sinks are located within the cells, and all showers are located in a separate area of the housing unit. Each housing unit has its own recreation yard attached to the unit. The dormitory style housing units have separate bathrooms, these bathrooms have doors on the toilet stalls and curtains on the showers.

The inmates only leave the housing unit if they work, for special programming, or for medical attention. Most of the counseling and outside interaction with the inmates takes place on the units. The meals are prepared by the kitchen workers and the inmates eat all meals on their housing units.

The overall cell construction limits any view of an inmate when they are changing or toileting. The inmates are allowed to close their cell doors to utilize the toilets, this eliminates any issues of cross gender viewing while toileting.

The showers have curtains on them, the showers are deep enough for the inmates to shower and get dressed before exiting the shower.

During the last 12 months 992 inmates have been admitted to the facility, with 477 staying for 72 hours or more and 177 staying for 30 days or more.

The facility employs 91 staff that have contact with inmates.

SUMMARY OF AUDIT FINDINGS

The Wayne County Correctional Facility has exceeded in 5 standards, met 37 standards, and one standard is not applicable to the facility.

This determination was made after reviewing all materials provided during the pre-audit, the interviews and facility tour conducted during the audit, and the final review of all findings.

Number of standards exceeded: 5

Number of standards met: 37

Number of standards not met: 0

Number of standards not applicable: 1

Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

PURPOSE: To establish a standard for how the Wayne County Correctional Facility Staff will implement the Facility's zero tolerance approach to preventing, detecting, and responding to sexual abuse and sexual harassment.

POLICY: It is the policy of the Wayne County Correctional Facility to prohibit any form of sexual contact or harassment with an offender. An offender, staff member, visitor, volunteer, or contracted service provider found to be in violation of this policy is subject to disciplinary action, termination of services or contracts, sanctions, and may be subject to criminal prosecution. A claim of consent is not an acceptable defense for participating in sexual contact or harassment with an offender.

Any staff member, volunteer, visitor, or contracted service provider must report any incident witnessed to the Lieutenant on duty or most senior officer on duty. Failure to report an incident may also result in disciplinary action or termination of services. Retaliatory action against any person reporting a sexual assault or harassment incident is prohibited.

It is also the policy of the Wayne County Correctional Facility to appoint a PREA Coordinator to oversee the all aspects of this policy.

The aforementioned policy dictates the agency's mandated zero tolerance toward all forms of sexual abuse and sexual harassment and outlines the agency's approach to preventing, detecting, and responding to such conduct. This policy furthermore defines all sexual abuse and sexual harassment.

I reviewed the policy in its entirety, as well as questioned staff members on its content and applicable sections to their specific duties within the facility. The staff understood the policy and its practical application to the daily operation of the facility.

The agency has designated Lt. Harold Derrick as the PREA Coordinator. During the interview he related that he has sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards.

Standard 115.12 Contracting with other entities for the confinement of inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The agency does not contract for the confinement of inmates, the staff understood the obligation of the policy if any contract is considered in the future.

Standard 115.13 Supervision and monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

- 1. PREA Coordinator:**
 - A. The PREA Coordinator will evaluate and report regularly to the Warden on the facility's supervision and monitoring.**
 - B. The PREA Coordinator shall document observations and provide recommendations to the Warden on the status of staff planning. The staff planning shall provide for adequate levels of staffing and where applicable, video monitoring to protect offenders against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, the following shall be considered:**
 - a. All components of the facility's physical plant such as, "blind spots" or areas where staff or offenders may be isolated.**
 - b. The composition of the inmate population.**
 - c. The number and placement of supervisory staff.**
 - d. Facility programs occurring on a particular shift.**
 - C. Whenever necessary, but no less than once a year, in consultation with the PREA coordinator, the Warden shall assess, determine, and document whether adjustments need to be made to:**
 - a. The staffing plan,**
 - b. The facility's deployment of video monitoring systems and other monitoring technologies, and**
 - c. Documentation of intermediate-level and higher-level supervisor's unannounced rounds to identify and deter sexual abuse and sexual harassment on each shift. It is prohibited for staff to alert other**

staff that the unannounced rounds are occurring unless it is related to operational functions of the facility.

The agency has developed, and documented a staffing plan for the facility. This staffing plan provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse.

The staffing plan has not been deviated from within the last 12 months.

The staffing of the facility is constantly reviewed, this review includes input from the PREA Coordinator. This was confirmed during the interviews with the Warden, Deputy Warden and PREA coordinator. They related that any incident of misconduct is taken into consideration with staffing, these include the facility layout, composition of the inmate population, any incidents of sexual abuse or sexual harassment, and any other relevant factors were utilized.

The administration constantly monitors the issues in the facility and will make immediate decisions on staffing issues.

The agency has implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. This policy is implemented during all shifts. The policy further prohibits staff from alerting other staff members that these supervisory rounds are occurring.

During the onsite audit I reviewed the log books confirming the documentation of the unannounced rounds.

During the staff and inmate interviews I further confirmed that the rounds are taking place.

Standard 115.14 Youthful inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

YOUTHFUL OFFENDERS

1. *A youthful inmate shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate.*
2. *Supervision will be provided for youthful offenders on a one on one basis with a staff member of the same gender.*
3. *Absent exigent circumstances, daily recreation shall not be restricted.*

The WCCF further has a Juvenile policy which further dictates the incarceration standards for the juveniles.

The facility dictates in the above policy housing of youthful inmates. This policy ensures that a youthful inmate is not placed in an adult housing unit, and further states they will not share common areas, bathrooms, dayrooms, or sleeping areas with adult inmates. The policy further states that when a youthful inmate is outside of the housing unit they are under direct supervision.

The facility does not place youthful inmates in isolation to comply with this standard.

The facility has housed youthful inmates within the last 12 months. The inmates were kept on a separate housing unit, and had no contact with the adult inmates. I reviewed the log for the inmates and ensured that the inmates were not in contact with adult offenders.

All staff interviewed understood their obligations under this policy when housing a youthful inmate.

I interviewed an inmate who was eighteen years old but had been housed at the facility as a juvenile. He confirmed that he was kept separate from the adult inmates, and when he was in close proximity to an adult inmate he was always under direct supervision.

Standard 115.15 Limits to cross-gender viewing and searches

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

LIMITS TO CROSS GENDER VIEWING AND SEARCHES

1. *Staff of the opposite gender shall announce their presence every time when entering an inmate housing unit in accordance with the following:*
 - A. *In a male housing unit, "Female on unit" or in a female housing unit, "Male on unit"*
2. *Staff shall not conduct cross gender strip searches or cross gender visual body cavity searches, except in exigent circumstances or when provided by medical practitioners and shall document all cross-gender pat-down searches of female inmates. In exigent circumstances, if a cross gender strip search is conducted, documentation will be forwarded to the supervisor.*
3. *Inmates shall be able to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breast, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. This limitation not only applies to in-person viewing but also remote viewing as well.*

4. *A transgender or intersex shall not be searched or physically examined by facility staff for the sole purpose of determining gender. If gender is unknown, it may be determined by conversation with the offender, by reviewing medical documentation or if necessary an exam conducted in private by a medical practitioner.*

The facility does not conduct cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by medical practitioners. The facility dictates in the above policy procedures for conducting such searches. During the staff and inmate interviews I confirmed that only same gender searches are being conducted.

Female inmates have not been restricted from access to regularly available programming or other out-of-cell opportunities, due to the unavailability of a female staff. This was confirmed during the female inmate interviews as well as the staff interviews.

The facility has not conducted any cross-gender strip searches, cross-gender visual body cavity searches, or cross-gender pat-down searches of female inmates. During the staff interviews they all understood the obligation to document such searches if they occurred under exigent circumstances.

The facility has implemented the above policies that enable inmates 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. These policies further require staff of the opposite gender to announce their presence when entering an inmate housing unit. The procedures are in place, this was confirmed during the staff and inmate interviews, and during my facility tour where I observed staff of the opposite gender making such announcements.

The facility does not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. All staff interviewed understood that gender should be determined through 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. Medical staff are on duty twenty four hours a day and would be able to make a determination of gender. This was confirmed with the medical staff during interviews.

Staff has received training on how to conduct a pat down search of transgender inmates, this was confirmed during the staff interviews and review of the training records.

The facility has cameras throughout the facility in all common areas. I reviewed the surveillance system monitors and confirmed that the views of the cameras do not allow for any cross gender viewing of an inmate.

During the inmate interviews I discussed the level of comfort during the times of toileting, changing and showering. All of the interviewees replied that they are allowed privacy during these times, no one thought there was any issues of cross gender viewing.

Standard 115.16 Inmates with disabilities and inmates who are limited English proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The facility has procedures in place to deal with inmates with disabilities and who are limited English speaking. They have never had an incident where they would utilize another inmate for interpretation, they would utilize staff or a language line. During the classification of the inmates they identify any issues concerning disabilities and take the appropriate actions needed to protect the inmate. The facility is equipped to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

Compliance in this area was determined by reviewing policies and procedures of the facility. During the random staff interviews I determined that they all understood the availability of interpreters, and further understood the importance of not utilizing inmates for interpretation during any incident.

At the time of the audit no disabled or non-English speaking inmates were being housed.

The facility provides all printed material in both English and Spanish, all posters throughout the facility are in both languages also. I was able to view the posters during the facility tour.

During my interviews with the facility investigator I confirmed that they would utilize outside sources for interpretation if needed.

Standard 115.17 Hiring and promotion decisions

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

HIRING AND PROMOTION DECISIONS

- 2. The Warden shall not hire or promote anyone who may have contact with offenders and shall not enlist the services of any contractor who may have contact with offenders, who:*

- A. *Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;*
- B. *Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent, or*
- 3. *Before hiring new employees who may have contact with inmates, the agency shall:*
 - A. *Perform a criminal background records check; and*
 - B. *Contact prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.*
- 4. *Criminal background records checks will be performed before enlisting the services of any contractor who may have contact with inmates.*
- 5. *Criminal background record checks will be performed at least every five years of current employees and contractors who may have contact with inmates.*

During my interview with the staff I verified that the above hiring and promotion policies are being adhered to.

I was able to confirm that all staff are being checked thought CLEAN/NCIC every 5 years.

Standard 115.18 Upgrades to facilities and technologies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The facility is not planning any substantial expansion or modification. The staff understood the obligation under this standard to consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse. They further understood the obligation to consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.

Standard 115.21 Evidence protocol and forensic medical examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

MEDICAL

1. *The offender will be escorted to the Medical Department in any situation where there is an allegation of sexual abuse of an inmate.*
2. *The offender will be examined by the medical staff immediately, to ensure the absence of any injury requiring urgent treatment. It will not be necessary for staff to examine the offender's genitalia unless urgent medical treatment is necessary because the offender will be sent to an outside facility for an examination. Additionally, photographs of the offender will not be taken at the facility, if they are sent to an outside facility, as the photographs will be taken there.*
3. *If sexual misconduct 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 the past 96 hours, then he/she will be transported to a 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 evidence. The offender will be transported to a medical facility that employs a SANE (Sexual Assault Nurse Examiner) If the offender refuses to undergo this examination, he/she must sign a refusal of treatment.*
4. *The offender will receive testing for sexually transmitted diseases while at the medical facility. At minimum the testing will include the following:*
 - Gonorrhea*
 - Human Immunodeficiency Virus*
 - Hepatitis C*
 - Hepatitis B*
 - Chlamydia Trachomatis*
 - Syphilis*
 - Pregnancy test for Females only*
 - Other tests as determined by the physician*
5. *The victim may receive post-exposure prophylaxis treatment in the form of antibiotics. The offender may refuse treatment and this will be documented.*
6. *The Facility physician will consult with the outside provider to determine a need for antivirals. This decision will be based on the type and risk of HIV exposure.*
7. *If pregnancy results for the abuse, the offender will receive information about lawful pregnancy related services.*
8. *If the offender was exposed to Hepatitis B, the inmate will receive Hepatitis B immune globulin within seven days from exposure and if the offender is not vaccinated, will receive the vaccine series.*
9. *Treatment services for the victim will be provided at no cost to the offender. This includes co-pays. The alleged victim's care will be consistent with the level of care provided in the community.*
10. *The offender/victim will be referred to the Facility Mental Health Provider for assessment within forty eight hours.*

Ongoing medical and mental health treatment shall be available for inmates who have been victimized by sexual assault.

All incidents are immediately responded to by the trained facility investigators, they are further trained in evidence

identification and collection.

The agency conducts administrative investigations, all criminal investigations are conducted by the Pennsylvania State Police. The agency follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for both administrative proceedings and criminal prosecutions. The protocol is developmentally appropriate for youthful inmates. The Pennsylvania State Police Forensic Services Unit have received training that exceeds the standard.

These protocols are outlined in the above policy, all staff interviewed understood these protocols.

The facility transports all victims to Wayne Memorial Hospital for forensic examinations, this hospital is equipped with Sexual Assault Nurse Examiners. These examinations are provided at no cost to the victim.

The facility utilizes Wayne County VIP for victim advocacy. If requested by the victim, the victim advocate, will accompany and support the victim through the forensic medical examination process and investigatory interviews, providing emotional support, crisis intervention, information, and referrals.

These above procedures were confirmed during the interviews with the facility investigators, and further confirmed during the review of the investigations, all offers of examinations and victim advocacy are documented.

Standard 115.22 Policies to ensure referrals of allegations for investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

- 1. An allegation of harassment shall be investigated thoroughly and objectively.*

The policy also states:

- 1. A Report of Extraordinary Occurrence must be completed in every case where sexual contact of any kind is reported.*
- 2. Every allegation of sexual contact will be investigated thoroughly and promptly. The preliminary investigation will be conducted by the Lieutenant on duty. The Pennsylvania State Police will be contacted to conduct a criminal investigation.*

During the interviews with the staff they all understood their obligation to report any incident or suspected incident of sexual assault or sexual harassment. They also understood their civil liability as well as the specific Pennsylvania Crimes Codes Sections that apply to these incidents.

I reviewed all of the investigations conducted at the facility, all of these were reported to the proper authority for investigation, and were reported immediately by the staff members.

All of the investigations are being investigated by the proper authorities.

Standard 115.31 Employee training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

TRAINING:

1. Employee Training

- B. The agency shall train all employees who may have contact with inmates on:*
 - a. It's zero tolerance policy for sexual abuse and sexual harassment;*
 - b. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;*
 - c. Inmates' right to be free from sexual abuse and sexual harassment;*
 - d. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;*
 - e. The dynamics of sexual abuse and sexual harassment in confinement;*
 - f. The common reactions of sexual abuse and sexual harassment victims;*
 - g. How to detect and respond to signs of threatened and actual sexual abuse;*
 - h. How to avoid inappropriate relationships with inmates;*
 - i. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and*
 - j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.*
- C. All current employees who have not received such training shall be trained within one year of the effective date of the PREA Standards, the agency shall provide each employee with refresher training every year during annual refresher training to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures.*
- D. The agency shall document, through employee signature that employees understand the policy they have received.*
- E. The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.*

I reviewed the training materials used to train the staff, the training materials cover all aspects of the standard.

All staff interviewed related that they have received the initial training as well as yearly update training on PREA.

All of the staff related that the training was extremely informative.

I reviewed all of the training logs and verified that all of the staff at the facility have been trained.

Standard 115.32 Volunteer and contractor training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

2. Volunteer and Contractor Training

- A. The agency shall ensure that all volunteers and contractors who 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.*
- B. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates, but all volunteers and contractors who have contact with inmates will be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.*
- C. The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received.*

I reviewed the materials given to the contractors and volunteers, this material addresses all training items enumerated under this standard. I also reviewed all training sign off sheets and found them to be complete.

During the audit I interviewed a volunteer from an outside agency. They informed me that they received the information and were well informed on their obligations under PREA. They further informed me that they do not know of any issues within the facility.

Standard 115.33 Inmate education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

3. Inmate Education

- A. *During the intake process, inmates shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.*
- B. *Within 30 days of intake, the agency shall provide comprehensive education to inmates either in person or through video 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.*
- C. *Current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards.*
- D. *The agency shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.*
- E. *The agency shall maintain documentation of inmate participation in these education sessions.*
- F. *In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.*

All of the inmates receive initial information on PREA in the form of a pamphlet, upon initial intake. I reviewed these pamphlets and found them to be informative.

Inmates/offenders are required to sign off on receiving this information and watching the training video.

The information and training received by the inmates was confirmed during the inmate interviews as well as reviewing the sign off sheets for the inmates.

I also confirmed the inmate education with the staff during the interviews.

Standard 115.34 Specialized training: Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

Specialized Training: Investigations

- A. *In addition to the general training provided to all employees, the agency shall ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.*

- B. *Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case or administrative action or prosecution referral.*
- C. *The agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.*
- D. *Any state entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations.*

The investigators from the WCCF attended the investigators training provided by the Pennsylvania Department of Corrections. I certified that all investigators have attended the course provided by the Pennsylvania Department of Corrections. This portion of the training was developed by me when I was employed by the Pennsylvania State Police, this training exceeds the expectations of the standard.

I reviewed all investigations conducted during the past 12 months I found them to be complete and conducted in a timely manner.

In furtherance I spoke with the investigators as to their response to an incident, they understood the responsibility of the investigator as well as the limitations when the investigation turns into a criminal investigation.

Standard 115.35 Specialized training: Medical and mental health care

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

4. Specialized Training: Medical and Mental Health

- A. *All full and part time medical and mental health care practitioners who work in the facility will be trained in*
 - a. *How to detect and assess signs of sexual assault and sexual harassment;*
 - b. *How to preserve physical evidence of sexual abuse;*
 - c. *How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and*
 - d. *How and to whom to report allegations or suspicions of sexual abuse or sexual harassment.*
 - e. *The Training Lieutenant shall maintain documentation that the medical and mental health practitioners have received the mandatory training.*

f. Medical and mental health practitioners shall also receive the training mandated under Sections 1 and 2 as applicable.

I confirmed during medical interviews and review of the training certificates that all have received this training.

Standard 115.41 Screening for risk of victimization and abusiveness

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

SCREENING FOR RISK OF VICTIMIZATION AND ABUSIVENESS AND USE OF SCREENING INFORMATION

1. *All inmates will be assessed during the intake process. Intake screening shall ordinarily take place within 72 hours of arrival at the facility, and such assessments shall be conducted using an objective screening instrument. The following criteria is used to assess inmates for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.*
 - A. *Mental, physical, or developmental disability*
 - B. *Age*
 - C. *Physical build*
 - D. *Previous incarcerations*
 - E. *Whether the inmate's criminal history is exclusively nonviolent;*
 - F. *Prior sex offenses against a child or adult*
 - G. *Is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming*
 - H. *Previous experienced sexual victimization*
 - I. *Offender's own perception of vulnerability*
 - J. *Whether the inmate is detained solely for civil immigration purposes.*
2. *All concerns noted by the medical or psychology staff regarding an offender's sexual victimization history or predatory behavior will be communicated to the Records Department for appropriate housing assignments.*
3. *Within a set time period, not to exceed 30 days from the inmate's arrival at the 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.*
4. *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.*

5. *Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to the assessment.*
6. *The facility shall use information from the risk screening to inform housing, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.*
7. *The Facility will make individualized determinations about how to ensure the safety of each inmate.*
8. *Placement and programming assignments for each transgender or intersex inmates shall be reassessed at least twice a year to review any threats to safety experienced by the inmate.*
9. *Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.*

I reviewed the screening tool utilized for the screening of the inmates. This screening tool covers all questions enumerated in the standard. The screening is conducted within 72 hours of arrival of the inmate.

The 30 day reassessment is being conducted by the treatment staff. Both screening tools are only accessible to those staff who make housing and programming decisions. This was verified during the staff interviews.

These processes were further confirmed during the inmate interviews and during my visual inspection of the screening tools.

Standard 115.42 Use of screening information

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

HOUSING ASSIGNMENTS

1. *Inmates at a high risk for sexual victimization or inmates that have alleged sexual abuse may not be placed in Administrative Custody until all other means of separation have been exhausted.*
2. *Inmates placed in segregated housing for this purpose shall have accesses to programs, privileges, education, and work opportunities to the extent possible. If restrictions to programs, privileges, education, and/or work opportunities occur, the PREA coordinator shall document:*
 - A. *The opportunities that have been limited;*
 - B. *The duration of the limitation; and*
 - C. *The reason for such limitations*
3. *If an inmate is placed in protective custody, the PREA Coordinator will document:*
 - A. *The basis for concern for the inmate's safety; and*
 - B. *The reason why no alternative means of separation could be arranged.*
4. *Every 30 days, the facility shall review protective custody status for continued need for separation from the general population.*

I verified with the PREA Coordinator that the screening tool is being utilized for housing, work, education and programming decisions. They further confirmed that the determinations are made on an individual basis.

I further confirmed during staff interviews that that when deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, they 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.

I also confirmed during interviews that placement and programming assignments for each transgender or intersex inmate would be reassessed at least twice each year to review any threats to safety experienced by the inmate. They would give serious consideration to the inmates own views with respect to his or her own safety.

The facility would allow transgender and intersex inmates the opportunity to shower separately from other inmates.

The facility does not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated housing units. This was confirmed during the inmate interviews and review of the housing unit assignments.

Standard 115.43 Protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

During the interview with the PREA Coordinator I verified that no inmates identified as vulnerable are being placed in involuntary protective custody. The facility has enough housing units that give them the opportunity to place inmates in other housing units to protect them without having to utilize a segregated housing unit.

I verified this procedure during the inmate interviews, several had identified as vulnerable during the initial screening. They related that they were not placed in segregated housing.

Standard 115.51 Inmate reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

1. *The agency shall provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.*
2. *Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.*
3. *Offenders may use any telephone in each housing unit to report any acts of sexual contact or misconduct. Refer to PS 6420.*
4. *Retaliatory action against an inmate for reporting sexual abuse or sexual harassment or for providing information during an investigation is prohibited. Any individual who seeks to deter an offender from reporting sexual activity or intimidates any person who reports the alleged act is subject to discipline.*
5. *All reports of sexual contact with an offender will be kept confidential.*

The facility has posters throughout the facility providing a tip line, these posters are printed in Spanish also.

This hotline is for the Pennsylvania Department of Corrections reporting center in Camp Hill. The facility has also implemented a kiosk system where the inmates can report directly through the kiosk using a request.

During the interviews with both staff and inmates they all related that they understood the avenues of reporting, all of the inmates related that they would feel comfortable reporting to a staff member at the facility.

I checked the telephone and found the hotline number to be functioning properly.

Standard 115.52 Exhaustion of administrative remedies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The facility does not accept grievances related to sexual assault or sexual harassment. If any grievance was received that indicated an incident of sexual abuse or sexual harassment, the incident would be immediately investigated. This was confirmed with the PREA Coordinator.

The facility is exempt from this standard.

Standard 115.53 Inmate access to outside confidential support services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

1. *Outside victim advocates for emotional support services related to sexual abuse will be available to all victims of sexual abuse. Addresses, telephone numbers, and other information shall be posted in each housing unit so reasonable communication between inmates and organizations may be kept as confidential as possible.*
2. *Offenders shall be informed, prior to receiving access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.*
3. *All agreements with outside agencies shall be documented.*

The facility utilizes Wayne County VIP victim advocacy. If requested by the victim, the victim advocate, will accompany and support the victim through the forensic medical examination process and investigatory interviews, providing emotional support, crisis intervention, information, and referrals.

During the review of the investigations I found that these services were offered to all inmates.

This information is also posted within the facility.

Standard 115.54 Third-party reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The agency has established the hotline with PA DOC to receive third-party reports of sexual abuse and sexual harassment and has distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate. This was confirmed during the staff interviews and viewing the reporting avenue.

The county also has the following listed on the website as a source for reporting any criminal activity:

The Wayne County Correctional Facility has zero tolerance for institutional sexual abuse. We have developed policy and procedure in accordance with the Federal Prison Rape Elimination Act (PREA) Standards. The Wayne County

Correctional Facility's Zero Tolerance for Sexual Assault and Sexual Harassment can be found here: Zero Tolerance Sexual Assault and Sexual Abuse Policy

Employees and inmates' families may submit reports online here:

prea@waynecountypa.gov or,

PREA Coordinator
44 Mid-Wayne Drive
Honesdale PA 18431

Standard 115.61 Staff and agency reporting duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

Any staff member, volunteer, visitor, or contracted service provider must report any incident witnessed to the Lieutenant on duty or most senior officer on duty. Failure to report an incident may also result in disciplinary action or termination of services. Retaliatory action against any person reporting a sexual assault or harassment incident is prohibited.

All staff interviewed understood the above policy requiring them to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. They also understood their obligation not to reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.

I also reviewed all of the investigations and found that they had been reported properly and acted upon immediately.

Standard 115.62 Agency protection duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

All of the staff interviewed understood their duties to protect an inmate, they all responded in the same manner, they would act immediately.

The staff also recognized the importance of separating the alleged offender from further interaction with any other inmate, they all related that they would have the alleged offender under constant supervision.

I reviewed all of the investigations conducted and found that the initial response showed that the staff took the safety of the alleged victim seriously and acted appropriately to the situation.

Standard 115.63 Reporting to other confinement facilities

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The PREA Coordinator understood his responsibilities under this standard.

The PREA Coordinator has not had to notify another confinement facility relative to a PREA allegation.

Standard 115.64 Staff first responder duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

3. The following steps shall be taken immediately after a report of sexual assault or abuse:

- A. *Immediately separate the alleged victim and alleged abuser*
- B. *The victim will be taken to the Medical Department*
- C. *the alleged victim/ offender will be advised that he/she should not shower or clean him/herself, not drink or brush his/her teeth, or take any action that may damage evidence and then will be escorted to the hospital for evaluation.*
- D. *The location of the incident will be closed off. Evidence will be gathered and pictures may be taken.*
- E. *If the perpetrating inmate is wearing clothing that may have been worn during the incident, it will be removed and collected as evidence in a paper bag.*
- F. *The perpetrating inmate will be placed in administrative custody pending the outcome of the investigation.*

During the staff interviews I found that the staff understand their duties as to responding to an incident. They all advised me that they would act immediately and make the protection of the inmate their first priority.

I reviewed the investigations that were conducted, I found that all first responders acted appropriately.

Standard 115.65 Coordinated response

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The overall policies outline the coordinated response to incidents. All of the staff interviewed understood their responsibilities in responding and the importance of all entities working together.

I reviewed all of the investigations and found that all were conducted in this manner, and were all initially coordinated by the Shift Supervisor.

Standard 115.66 Preservation of ability to protect inmates from contact with abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The facility has not entered into any contract nor collective bargaining agreement that would restrict them from protecting an inmate from contact with an alleged abuser. The correctional officers are represented by the American Federation of State County and Municipal Employees Local. The agreement is effective through December 31, 2017.

I reviewed their contract and found that nothing in the contract limits the facility from protecting an inmate from

contact with an alleged abuser

This was further confirmed during my interview with the PREA Coordinator and union representatives.

Standard 115.67 Agency protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

PROTECTION AGAINST RETALIATION

1. *Any inmate or staff member that reports sexual abuse or harassment or cooperates with an investigation shall be protected from retaliation from staff or other inmates.*
2. *The PREA coordinator shall be designated to monitor potential retaliation.*
3. *The PREA coordinator shall employ multiple protection measures, such as housing changes, removal of staff abusers from contact with victims, and emotional support for inmates or staff who fear retaliation.*
4. *For ninety days following a report of sexual abuse, the PREA coordinator shall monitor the conduct and treatment of inmates or staff involved to observe any changes that may occur to suggest retaliation and act promptly to remedy any such retaliation.*
5. *The Facility's obligation to monitor the situation shall terminate if the PREA coordinator deems the allegation unfounded.*

The PREA Coordinator would be assigned to monitor retaliation. During his interview he related he understood his responsibilities under this policy.

I reviewed the investigations and found that they did not relate to any retaliation or alleged retaliation, all monitoring was documented.

Standard 115.68 Post-allegation protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

During the interview with the PREA Coordinator I found that he understands the restrictions of utilizing protective

custody post-allegation. He related that the facility has the ability to move inmates to a separate housing unit without having to utilize segregation.

I reviewed the investigations and found that the facility did not utilize any post allegation protective custody in any of the incidents reported.

Standard 115.71 Criminal and administrative agency investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

INVESTIGATING ALLEGATIONS OF SEXUAL HARASSMENT OF INMATES

2. *An allegation of harassment shall be investigated thoroughly and objectively.*
3. *The PREA coordinator will interview the offender complainant or complainant and obtain a written statement following the interview. If the offender refuses to be interviewed or provide a written statement, document the refusal and keep it in the investigation file.*
4. *The PREA coordinator will interview any inmate or staff witnesses and collect reports if necessary.*
5. *Video footage will be reviewed and saved to a media storage device to submit with the investigation.*
6. *When appropriate, review all housing unit log books, medical documentation, misconduct reports, inmate grievances, and other pertinent documentation specific to the allegation of sexual abuse and include the documentation in the investigation report.*
7. *All interviews will be conducted in a professional, non-abusive, and non-threatening manner.*
8. *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.*

RESPONDING TO REPORTS OF SEXUAL ABUSE

4. *A Report of Extraordinary Occurrence must be completed in every case where sexual contact of any kind is reported.*
5. *Every allegation of sexual contact will be investigated thoroughly and promptly. The preliminary investigation will be conducted by the Lieutenant on duty. The Pennsylvania State Police will be contacted to conduct a criminal investigation.*
6. *A copy of the investigation report will be forwarded to the Pennsylvania State Police in all cases of sexual contact with an offender.*

7. The following steps shall be taken immediately after a report of sexual assault or abuse:

- G. Immediately separate the alleged victim and alleged abuser
- H. The victim will be taken to the Medical Department
- I. the alleged victim/ offender will be advised that he/she should not shower or clean him/herself, not drink or brush his/her teeth, or take any action that may damage evidence and then will be escorted to the hospital for evaluation.
- J. The location of the incident will be closed off. Evidence will be gathered and pictures may be taken.
- K. If the perpetrating inmate is wearing clothing that may have been worn during the incident, it will be removed and collected as evidence in a paper bag.
- L. The perpetrating inmate will be placed in administrative custody pending the outcome of the investigation.

The facility investigators conduct administrative investigations, and the Pennsylvania State Police investigate any criminal act within the facility.

I found the PREA investigators to be well versed in their duties as to the administrative investigation, and more importantly the understanding of when the investigation takes on a possible criminal element they immediately contact the Pennsylvania State Police.

I reviewed all of the investigations and found that they were conducted immediately and by the proper authorities.

Standard 115.72 Evidentiary standard for administrative investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

I reviewed all of the investigations and found that the facility is not imposing a standard higher than preponderance of the evidence.

Standard 115.73 Reporting to inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

REPORTING TO INMATES

1. *Following an investigation into an inmate's allegation that he or she suffered sexual abuse in the facility, the PREA coordinator shall inform the inmate.*
2. *Following an inmate's allegation that a staff member has committed sexual abuse, the PREA coordinator will notify the inmate:*
 - A. *If the staff member is no longer posted within the inmate's unit;*
 - B. *The staff member is no longer employed at the facility*
 - C. *The PREA Coordinator learns of the staff member has been indicted on a charge related to sexual abuse within the facility; or*
 - D. *The PREA Coordinator learns that the staff member has been convicted on a charge related to sexual abuse*
3. *Following an inmate's allegation that he or she has been abused by another inmate, the PREA Coordinator will notify the inmate:*
 - A. *If the PREA Coordinator learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or*
 - B. *The PREA coordinator learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.*

The PREA Coordinator understands his obligation on reporting to inmates after an investigation has been conducted.

I reviewed the investigations conducted and found that the inmates had been notified in writing as to the outcome of the investigation.

Standard 115.76 Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

STAFF DISCIPLINE

1. *Any employee, contract service provider, volunteer, inter, or any individual that conducts business with the Wayne County Correctional Facility who engages in, fails to report, or knowingly condones sexual abuse or harassment of any offender will be subject to appropriate disciplinary action.*
2. *Any accused staff member, volunteer, visitor, contracted service provider may be suspended pending investigation of any allegations. The Warden will make this decision on a case by case basis, based on evidence and severity of the alleged offense.*

The facility has policies in place for disciplinary sanctions for staff.

I reviewed the investigations and found that these policies are being adhered to.

Standard 115.77 Corrective action for contractors and volunteers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

STAFF DISCIPLINE

3. *Any employee, contract service provider, volunteer, inter, or any individual that conducts business with the Wayne County Correctional Facility who engages in, fails to report, or knowingly condones sexual abuse or harassment of any offender will be subject to appropriate disciplinary action.*
4. *Any accused staff member, volunteer, visitor, contracted service provider may be suspended pending investigation of any allegations. The Warden will make this decision on a case by case basis, based on evidence and severity of the alleged offense.*

The facility has policies in place for corrective action for contractors and volunteers.

I reviewed the investigations and found that these policies are being adhered to.

Standard 115.78 Disciplinary sanctions for inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

INMATE DISCIPLINE

1. *Offenders will be subject to disciplinary action pursuant to the formal disciplinary process. Criminal charges may also be filed.*

2. *A reporting inmate may be subject to disciplinary action if the report is determined to be unfounded at the conclusion of the investigation.*
3. *All sexual activity between inmates is prohibited and will be subject to discipline.*
4. *An offender may be disciplined for sexual contact with staff only upon finding that the staff member did not consent to the contact.*

The facility has policies in place for disciplinary sanctions for inmates.

I reviewed the investigations and found that these policies are being adhered to.

Standard 115.81 Medical and mental health screenings; history of sexual abuse

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

When the aforementioned screening indicates an inmate has experienced prior sexual victimization, or has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff ensures that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

All 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. These decisions include housing, bed, work, education, and program assignments.

During the staff and inmate interviews I confirmed that these procedures are in place. The staff further understood their obligation to obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

Standard 115.82 Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

MEDICAL

1. The offender will be escorted to the Medical Department in any situation where there is an allegation of sexual abuse of an inmate.
2. The offender will be examined by the medical staff immediately, to ensure the absence of any injury requiring urgent treatment. It will not be necessary for staff to examine the offender's genitalia unless urgent medical treatment is necessary because the offender will be sent to an outside facility for an examination. Additionally, photographs of the offender will not be taken at the facility, if they are sent to an outside facility, as the photographs will be taken there.
3. If sexual misconduct 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 the past 96 hours, then he/she will be transported to a 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 evidence. The offender will be transported to a medical facility that employs a SANE (Sexual Assault Nurse Examiner) If the offender refuses to undergo this examination, he/she must sign a refusal of treatment.
4. The offender will receive testing for sexually transmitted diseases while at the medical facility. At minimum the testing will include the following:
 - Gonorrhea
 - Human Immunodeficiency Virus
 - Hepatitis C
 - Hepatitis B
 - Chlamydia Trachomatis
 - Syphilis
 - Pregnancy test for Females only
 - Other tests as determined by the physician
5. The victim may receive post-exposure prophylaxis treatment in the form of antibiotics. The offender may refuse treatment and this will be documented.
6. The Facility physician will consult with the outside provider to determine a need for antivirals. This decision will be based on the type and risk of HIV exposure.
7. If pregnancy results for the abuse, the offender will receive information about lawful pregnancy related services.
8. If the offender was exposed to Hepatitis B, the inmate will receive Hepatitis B immune globulin within seven days from exposure and if the offender is not vaccinated, will receive the vaccine series.
9. Treatment services for the victim will be provided at no cost to the offender. This includes co-pays. The alleged victim's care will be consistent with the level of care provided in the community.
10. The offender/victim will be referred to the Facility Mental Health Provider for assessment within forty eight hours.
11. Ongoing medical and mental health treatment shall be available for inmates who have been victimized by sexual assault.

The facility has the policies in place for emergency medical and mental health services. These services are offered to any inmate who reports sexual abuse or sexual harassment. I confirmed that these services are offered with both the PREA Coordinator and medical supervisor.

When reviewing the investigations I found that all of the alleged victims were offered these services, although none of them accepted.

Standard 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WCCF has established the Zero Tolerance-Prison Rape elimination Act Policy, this policy states the following:

MEDICAL

1. The offender will be escorted to the Medical Department in any situation where there is an allegation of sexual abuse of an inmate.
2. The offender will be examined by the medical staff immediately, to ensure the absence of any injury requiring urgent treatment. It will not be necessary for staff to examine the offender's genitalia unless urgent medical treatment is necessary because the offender will be sent to an outside facility for an examination. Additionally, photographs of the offender will not be taken at the facility, if they are sent to an outside facility, as the photographs will be taken there.
3. If sexual misconduct 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 the past 96 hours, then he/she will be transported to a 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 evidence. The offender will be transported to a medical facility that employs a SANE (Sexual Assault Nurse Examiner) If the offender refuses to undergo this examination, he/she must sign a refusal of treatment.
4. The offender will receive testing for sexually transmitted diseases while at the medical facility. At minimum the testing will include the following:
 - Gonorrhea
 - Human Immunodeficiency Virus
 - Hepatitis C
 - Hepatitis B
 - Chlamydia Trachomatis
 - Syphilis
 - Pregnancy test for Females only
 - Other tests as determined by the physician

5. The victim may receive post-exposure prophylaxis treatment in the form of antibiotics. The offender may refuse treatment and this will be documented.
6. The Facility physician will consult with the outside provider to determine a need for antivirals. This decision will be based on the type and risk of HIV exposure.
7. If pregnancy results for the abuse, the offender will receive information about lawful pregnancy related services.
8. If the offender was exposed to Hepatitis B, the inmate will receive Hepatitis B immune globulin within seven days from exposure and if the offender is not vaccinated, will receive the vaccine series.
9. Treatment services for the victim will be provided at no cost to the offender. This includes copays. The alleged victim's care will be consistent with the level of care provided in the community.
10. The offender/victim will be referred to the Facility Mental Health Provider for assessment within forty eight hours.
11. Ongoing medical and mental health treatment shall be available for inmates who have been victimized by sexual assault.

The facility has the policies and procedures in place for ongoing medical and mental health care. The PREA Coordinator informed me that the services would be coordinated by facility medical personnel. I further confirmed this with the medical staff.

I reviewed the investigations conducted, these services were offered to all involved in an allegation.

Standard 115.86 Sexual abuse incident reviews

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

During the interviews with the staff they informed me that the incidents are reviewed. I found that the administration meet regularly to discuss any issues with in the facility and take appropriate action. The reviews are documented within the incident file.

Standard 115.87 Data collection

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The PREA Coordinator related that the data is collected from all of the PREA related investigations. The data is placed into a report for review.

Standard 115.88 Data review for corrective action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The data being collected is reviewed by the administration at the facility. I was informed by both the Warden and PREA Coordinator that if a trend was noticed, they would put into place an immediate corrective action plan.

While reviewing the investigations I did not identify any trends or issues that would call for immediate action. The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

I reviewed the 2016 report and found no trends in the facility. All personal identifiers have been removed.

Standard 115.89 Data storage, publication, and destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

All of the information from the investigations is secured in the office of the PREA Coordinator.

During his interview he understood his obligations under this policy.

AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Digital signature
Digitally signed by Patrick J Zirpoli
DN: cn=Patrick J Zirpoli, o=Patrick J Zirpoli LLC, ou=PRE Auditor,
email=pjz6896@prod.net, c=US
Date: 2017.08.30 08:43:34 -04:00

Date

08/30/17

Auditor Signature