

Prison Rape Elimination Act (PREA) Annual Report

Pennsylvania Bureau of Juvenile Justice Services

2014

Introduction

The Prison Rape Elimination Act (PREA) aims at eliminating sexual abuse in confinement. All confinement facilities covered under the Prison Rape Elimination Act (PREA) standards must be audited. The PREA Standards were enacted on August 20, 2012.

The Bureau of Juvenile Justice Services (BJJS) is committed to fostering a therapeutic learning environment in which its residents can flourish. The BJJS began preparing for future PREA audits before the final standards were enacted because of its overriding concern for its residents' safety and security, which includes their sexual safety.

To ensure that the facilities were in alignment with the act, the BJJS:

- Reworded and strengthened the existing policies to reflect practices, specific language and documentation prescribed in the act and
- Created and conducted staff training for all of BJJS's Youth Development Centers and Youth Forestry Camps' (YDC/YFC) staff.

In order to demonstrate compliance with the PREA, agencies such as the BJJS which operate more than one facility must have at least one-third of its facilities audited during each year of a three-year audit cycle. The BJJS currently operates six facilities. The first year of the audit cycle began on August 20, 2013. Both Cresson Secure Treatment Unit (CSTU) and Youth Forestry Camp #2 (YFC #2) were audited by a U.S. Department of Justice-certified PREA auditor. These audits revealed that both CSTU and YFC #2 met all the standards to prevent, detect and respond to prison rape, and exceeded the standards in three areas: to staff-to-resident ratios, resident screening and resident education. The next PREA audits scheduled to occur at the Loysville Youth Development Center (July 7-9, 2015) and Youth Forestry Camp #3 (August 11-13, 2015). These audits will allow the BJJS to meet the requirement of having the second third of its facilities audited in the 2nd year of the three-year audit cycle.

The BJJS collects data on every allegation of sexual abuse and sexual harassment at its facilities. Each allegation is reported to either ChildLine or the Pennsylvania State Police, or both. Following the outcome of the investigation, the BJJS and facility leadership conduct a Sexual Abuse Incident Review (SAIR). The SAIR's purpose is to determine if any change is needed in policy or practice to better prevent, detect and/or respond to sexual abuse and sexual harassment.

Each year, the BJJS aggregates all the data collected and reports it to the United States Bureau of Justice Statistics (BJS). The reports made to BJS are available at: <http://www.dhs.state.pa.us/dhsorganization/officeofchildrencyouthandfamilies/bureauofjuvenilejusticeservices/prea/index.htm>.

Definitions

The PREA defines sexual victimization as:

Youth on youth non-consensual sexual acts - Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; sexual contact between the penis and the vulva or the penis and the anus including penetration, however slight; contact between the mouth and the penis, vulva, or anus; or penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

Youth on youth abusive sexual contact - Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. (This excludes any incidents in which the contact was incidental to a physical altercation).

Youth on youth sexual harassment - Repeated and unwelcome sexual advances and requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another.

Staff sexual misconduct - Any behavior or act of a sexual nature directed toward a youth by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friend or other visitors). Sexual relationships of a romantic nature between staff and youths are included in this definition. Consensual or non-consensual sexual acts include:

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire
- Completed, attempted, threatened, or requested sexual acts
- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification

Staff sexual harassment - Repeated verbal statements, comments or gestures of a sexual nature to a youth by an employee, volunteer, contractor, official visitor, or other agency representative (This excludes family, friends, or other visitors). This includes:

- Demeaning references to gender, or sexually suggestive or derogatory comments about body or clothing
- Repeated profane or obscene language or gestures

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.

Youth on Youth Sexual Victimization

In 2013, there were a total of 17 reports of youth-on-youth sexual victimization. This compares to five allegations in 2012. Seven of the 17 were substantiated, eight were unsubstantiated and two were unfounded. There were no substantiated allegations of nonconsensual sexual acts. Of the seven substantiated allegations of abusive sexual contact, six incidents involved youth who were housed in a specialized sex offender program, and one incident was a voluntary sexual contact between two youth.

Youth on Youth Nonconsensual Sexual Acts	2012	2013
Total Allegations	1	4
Substantiated	1	0
Unsubstantiated	0	4
Unfounded	0	0
Investigation Ongoing	0	0

Youth on Youth Abusive Sexual Contact	2012	2013
Total Allegations	4	13
Substantiated	3	7
Unsubstantiated	0	4
Unfounded	1	2
Investigation Ongoing	0	0

Staff Sexual Misconduct

In 2013, there were five allegations of staff sexual misconduct in comparison to three allegations in 2012. In 2013, none of the five reports were substantiated. One report was unsubstantiated, and four were unfounded.

Staff on Youth Sexual Misconduct	2012	2013
Total Allegations	3	5
Substantiated	1	0
Unsubstantiated	2	1
Unfounded	0	4
Investigation Ongoing	0	0

In 2013, there were no reports of staff sexual harassment. During 2012, there were three allegations of staff sexual harassment.

Staff on Youth Sexual Harassment	2012	2013
Total Allegations	3	0
Substantiated	1	0
Unsubstantiated	1	0
Unfounded	1	0
Investigation Ongoing	0	0

Allegations of Youth on Youth Nonconsensual Sexual Acts, Abusive Sexual Contact and Sexual Harassment by Institution and Investigation Outcome 2013

Facility	Total Allegations	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
Cresson Secure Treatment Unit	0	0	0	0	0
Loysville Youth Development Center	5	4	1	0	0
North Central Secure Treatment Unit	7	0	7	0	0
South Mountain Secure Treatment Unit	5	3	0	2	0
Youth Forestry Camp #2	0	0	0	0	0
Youth Forestry Camp #3	0	0	0	0	0

Allegations of Staff on Youth Sexual Misconduct by Institution and Investigation Outcome 2013

Facility	Total Allegations	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
Cresson Secure Treatment Unit	0	0	0	0	0
Loysville Youth Development Center	1	0	1	0	0
North Central Secure Treatment Unit	2	0	0	2	0
South Mountain Secure Treatment Unit	0	0	0	0	0
Youth Forestry Camp #2	2	0	0	2	0
Youth Forestry Camp #3	0	0	0	0	0

Conclusion

The BJS continually strives to ensure the sexual safety of all residents. In order to provide safer facilities, the BJS has thoroughly investigated the incidents. In 2014, all facilities, with the exception of Youth Forestry Camp #2 and Youth Forestry Camp #3, had cameras installed. Beginning in 2015, cameras will be installed in the forestry camps. Another improvement that is being piloted is motion detectors in the sleeping areas of the large dorm-style rooms at facilities. The motion detectors will alert staff members if a resident leaves his bed area, which will help detect and deter sexual incidents between residents.

Anyone who suspects a resident at a BJS facility is being sexually abused or sexually harassed is urged to contact ChildLine at 1-800-932-0313. At ChildLine, a confidential report can be made to authorities who will ensure an investigation occurs.

Any questions or concerns regarding the PREA at BJS facilities should be directed to the Bureau of Juvenile Justice Services PREA Coordinator: 717-787-9532.