

Prison Rape Elimination Act (PREA) Annual Report

Pennsylvania Bureau of Juvenile Justice Services

2015

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. When the PREA was enacted, the BJJS operated six facilities. The first year of the audit cycle began on August 20, 2013. Since September of 2014, four of the six facilities operated by the BJJS were audited for compliance. Cresson Secure Treatment Unit, (CSTU), and Youth Forestry Camp #2, (YFC #2), were audited in 2014, and Loysville Youth Development Center (LYDC) and Youth Forestry Camp #3 (YFC #3) were audited in 2015. All four facilities are in full compliance with the PREA. The final two facilities in the BJJS system will be audited in 2016. The results of these audits have been published for public review.

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.pa.gov/citizens/juvenilejstcsrvcs/prea/>

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 2014, there were a total of 13 reports of youth-on-youth sexual victimization. This compares to 17 allegations in 2013. Six of the 13 were substantiated, four were unsubstantiated and three were unfounded. The four substantiated incidents of nonconsensual sexual acts were voluntary sexual acts between youth. There were no incidents of forced sexual victimization. The two substantiated incidents of abusive sexual contact were voluntary sexual contact between youth housed in a specialized sex offender program.

Youth on Youth Nonconsensual Sexual Acts	2012	2013	2014
Total Allegations	1	4	8
Substantiated	1	0	4
Unsubstantiated	0	4	3
Unfounded	0	0	1
Investigation Ongoing	0	0	0

Youth on Youth Abusive Sexual Contact	2012	2013	2014
Total Allegations	4	13	5
Substantiated	3	7	2
Unsubstantiated	0	4	1
Unfounded	1	2	2
Investigation Ongoing	0	0	0

Youth on Youth Sexual Harassment

In 2014, there were zero reports of youth-on-youth sexual harassment. This was also the case in 2013 and 2012.

Youth on Youth Sexual Harassment	2012	2013	2014
Total Allegations	0	0	0
Substantiated	0	0	0
Unsubstantiated	0	0	0
Unfounded	0	0	0
Investigation Ongoing	0	0	0

Staff Sexual Misconduct

In 2014, there were 13 allegations of staff sexual misconduct. Of those reports, 1 allegation was substantiated. That incident involved a support staff at a facility writing a sexually inappropriate letter to a youth. The incident was referred to both the Pennsylvania State Police and ChildLine for investigation. The staff member was immediately suspended and terminated at the conclusion of the investigation. At the time of this report, there are two cases of staff sexual misconduct that are under investigation by the Pennsylvania State Police.

Staff on Youth Sexual Misconduct	2012	2013	2014
Total Allegations	3	5	13
Substantiated	1	0	1
Unsubstantiated	2	1	2
Unfounded	0	4	8
Investigation Ongoing	0	0	2

In 2014, there were no reports of staff sexual harassment. During 2013, there were no allegations of staff sexual harassment.

Staff on Youth Sexual Harassment	2012	2013	2014
Total Allegations	3	0	0
Substantiated	1	0	0
Unsubstantiated	1	0	0
Unfounded	1	0	0
Investigation Ongoing	0	0	0

Allegations of Youth on Youth Nonconsensual Sexual Acts, Abusive Sexual Contact and Sexual Harassment by Institution and Investigation Outcome 2014

Facility	Total Allegations	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
Cresson Secure Treatment Unit	0	0	0	0	0
Loysville Youth Development Center	6	4	2	0	0
North Central Secure Treatment Unit	3	0	2	1	0
South Mountain Secure Treatment Unit	4	2	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 2014

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

Conclusion

The BJS continually strives to ensure the sexual safety of all residents. In order to provide safer facilities, the BJS reports and thoroughly investigates any allegation of sexual victimization. All BJS facilities have cameras installed. Cameras are used as an investigatory tool at BJS facilities. Another change has been the installation of motion detectors. Motion detectors have been installed in the sleeping areas of the large dorm-style rooms at some facilities. The motion detectors 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.