

Prison Rape Elimination Act (PREA) Annual Report

Pennsylvania Bureau of Juvenile Justice Services

2018

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. 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, 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 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, BJJS operated six facilities. The first year of the audit cycle began on August 20, 2013. During the 1st three-year audit cycle, which ended on August 19, 2016, all the facilities operated by 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. North Central Secure Treatment Unit (NCSTU) and South Mountain Secure Treatment Unit (SMSTU) were audited in 2016. During the 2nd three-year audit cycle, which began on August 20, 2016, LYDC and YFC #2 were audited in 2017, and YFC #3 and SMSTU were audited in 2018. All four of those facilities were found in full compliance of the PREA standards. BJJS has scheduled an audit for NCSTU to occur prior to the end of the 3rd year of the 2nd audit cycle. This will keep BJJS in compliance with the PREA's auditing compliance standard.

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, 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, BJS 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 2017, there were a total of 4 reports of youth-on-youth sexual victimization. This compares to 13 allegations in 2016. Two of the four allegations were substantiated, one incident was unsubstantiated, and one was unfounded. There were no incidents of nonconsensual sexual acts. There were no incidents of forced sexual victimization. The two substantiated incidents involved youth inappropriately touching other youth over their clothing.

Youth on Youth Nonconsensual Sexual Acts	2015	2016	2017
Total Allegations	0	1	0
Substantiated	0	0	0
Unsubstantiated	0	1	0
Unfounded	0	0	0
Investigation Ongoing	0	0	0

Youth on Youth Abusive Sexual Contact	2015	2016	2017
Total Allegations	8	12	4
Substantiated	6	5	2
Unsubstantiated	1	2	1
Unfounded	1	5	1
Investigation Ongoing	0	0	0

Youth on Youth Sexual Harassment

In 2017, there were seven reports of youth-on-youth sexual harassment. This compares to seven allegations in 2016. There were two substantiated incidents in 2017. Both incidents involved youth exposing themselves to other youth. All seven incidents were immediately investigated and safety plans were put in place to deter future incidents of sexual harassment.

Youth on Youth Sexual Harassment	2015	2016	2017
Total Allegations	3	7	7
Substantiated	2	2	2
Unsubstantiated	1	1	2
Unfounded	0	4	3
Investigation Ongoing	0	0	0

Staff Sexual Misconduct

In 2017, there were 10 allegations of staff sexual misconduct. All of those reports were determined through investigation to be Unfounded.

Staff on Youth Sexual Misconduct	2015	2016	2017
Total Allegations	5	8	10
Substantiated	0	0	0
Unsubstantiated	0	0	0
Unfounded	5	8	10
Investigation Ongoing	0	0	0

In 2017, there was one report of staff sexual harassment. That allegation was determined to be unfounded. There were no allegations in 2016 and one allegation in 2015, which was also determined to be unfounded.

Staff on Youth Sexual Harassment	2015	2016	2017
Total Allegations	1	0	1
Substantiated	0	0	0
Unsubstantiated	0	0	0
Unfounded	1	0	1
Investigation Ongoing	0	0	0

Allegations of Youth on Youth Nonconsensual Sexual Acts, Abusive Sexual Contact and Sexual Harassment by Institution and Investigation Outcome 2017

Facility	Total Allegations	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
Loysville Youth Development Center	1	1	0	0	0
North Central Secure Treatment Unit	4	1	1	2	0
South Mountain Secure Treatment Unit	6	2	2	2	0
Youth Forestry Camp #2	0	0	0	0	0
Youth Forestry Camp #3	0	0	0	0	0
Total	11	4	3	4	0

Allegations of Staff on Youth Sexual Misconduct and Sexual Harassment by Institution and Investigation Outcome 2017

Facility	Total Allegations	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
Loysville Youth Development Center	2	0	0	2	0
North Central Secure Treatment Unit	6	0	0	6	0
South Mountain Secure Treatment Unit	2	0	0	2	0
Youth Forestry Camp #2	0	0	0	0	0
Youth Forestry Camp #3	1	0	0	1	0
Total	11	0	0	11	0

Conclusion

BJJS continually strives to ensure the sexual safety of all residents. In order to provide safer facilities, BJJS reports and thoroughly investigates any allegation of sexual victimization. All BJJS facilities have cameras installed. Camera systems are continually monitored for placement and effectiveness. Cameras are used as an investigatory tool at BJJS 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 or her bed area, which will help detect and deter sexual incidents between residents.

Anyone who suspects a resident at a BJJS 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 BJJS facilities should be directed to the Bureau of Juvenile Justice Services PREA Coordinator: 717-787-9532.