



WASHINGTON COUNTY CORRECTIONAL FACILITY POLICY AND PROCEDURES



ZERO TOLERANCE		PREA-001	
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Warden Approved:			REVISED:
Reference:	Pennsylvania Code Title 37, Chapter 95	95.221.6	

POLICY:

It is the policy of the Washington County Correctional Facility to prohibit any form of sexual abuse and/or sexual harassment of an inmate. The facility has zero tolerance for sexual abuse or sexual harassment of any individual in the facility. Anyone who engages in, fails to report, or knowingly condones sexual abuse or sexual harassment of an inmate shall be subject to disciplinary action, up to and including termination and may be subject to criminal prosecution. An inmate, employee, contractor, or volunteer of the facility is subject to disciplinary action and/or sanctions, including possible dismissal and termination of contracts and/or services, if he/she is found to have engaged in sexual abuse or sexual harassment of an inmate. A claim of consent will not be accepted as an affirmative defense for engaging in sexual abuse or sexual harassment of an inmate.

PURPOSE:

The purpose of this policy is to define sexual abuse and sexual harassment in a zero tolerance facility.

REFERENCE: § 115.11 Prison Rape Elimination Act National Standards – Prison & Jails, Title 37 95.221.6

DEFINITIONS:

“Inmate” means any person incarcerated or detained in the jail; “Staff” means an agency employee; “Contractor” means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency; and “Volunteer” means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

“Consent” refers to cooperation in act or attitude pursuant to an exercise of free will and with full understanding of the nature of the act. Inmates cannot consent to sexual contact with staff members, volunteers, or contractors.

PROCEDURE:

A. Sexual Abuse

- 1.** “Sexual abuse” includes—
 - i.** Sexual abuse of an inmate by another inmate; and
 - ii.** Sexual abuse of an inmate by a staff member, contractor, or volunteer.
- 2.** Sexual abuse of an inmate by another inmate includes any of the following acts, if the victim does not consent, is coerced into such an act by overt or implied threats of violence, or is unable to consent or refuse:
 - i.** Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - ii.** Contact between the mouth and the penis, vulva, or anus;
 - iii.** Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - iv.** Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- 3.** Sexual abuse of an inmate by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate:
 - i.** Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - ii.** Contact between the mouth and the penis, vulva, or anus;
 - iii.** Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - iv.** Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - v.** Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - vi.** Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (i) through (v) of this section;
 - vii.** Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate; and
 - viii.** Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate’s naked body or of an inmate performing bodily functions.

B. Sexual Harassment

- 1.** “Sexual harassment” includes—

- i. Sexual harassment of an inmate by another inmate; and
 - ii. Sexual harassment of an inmate by a staff member, contractor, or volunteer.
 2. Sexual harassment of an inmate by another inmate includes: Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an inmate directed toward another.
 3. Sexual harassment of an inmate by a staff member, contractor, or volunteer includes: Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

C. PREA Coordinator

1. The facility shall employ or designate an upper-level, agency wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards.
2. If the agency operates more than one facility, each facility will designate a PREA compliance manager that has sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.