

## *Prison Rape Elimination Act information*

**Armstrong County Jail is committed to ensuring a safe and humane environment for all offenders. An important part of a safe and humane environment is freedom from sexual misconduct by staff and/or other offenders.**

**For the purpose of this guide, staff includes Armstrong County Jail's employees, contract employees, contract employers, and volunteers. This guide explains offenders' rights and the safeguards that are in place for protection from sexual misconduct.**

**"Sexual misconduct" is the term used in this guide to describe certain kinds of prohibited staff and offender behavior. Sexual misconduct includes sexual harassment, over-familiarity and retaliation. These terms are defined in the next section of the guide and there are also examples of each.**

**Armstrong County Jail cannot and will not tolerate any form of sexual misconduct. The jail recognizes the worth of each offender and strives to treat offenders humanely. State statute prohibits offender abuse, which includes sexual contact by a staff member or another offender and accordingly, Armstrong County Jail maintains a zero tolerance policy with regard to sexual misconduct.**

**Due to the offender's custody or supervision status, no prohibited act of sexual misconduct can have as an affirmative defense, a claim of consent.**

**Consensual sexual intercourse with an offender is by its nature an assault and defined by law as rape in the second degree, a felony.**

**Sexual misconduct includes any sexual behavior that is directed towards an offender.**

**To fully understand the scope of this crime, it is very important to note the definition of “Sexual Misconduct” which is: “any act or attempted act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act including the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument, or object done for the purpose of arousing or gratifying the sexual desire of any person.”**

**Armstrong County Jail, in an effort to continually promote the professionalism of our staff, will pursue prosecution of any staff member who is involved in this type of activity. In other words, any physical contact with an offender of a sexual nature could result in prosecution for a felony.**

**Any alleged abuse (including sexual contact) of an offender shall be immediately reported to the Armstrong County Jail Warden or local law enforcement and will be investigated.**

**Armstrong County Jail employees are prohibited from engaging in this kind of conduct and do not support staff members who do. They recognize that improper behavior tarnishes their reputation and jeopardizes the safety and security of the institution. It is important that everyone, staff and offenders, do their part to reduce the harm that results from sexual misconduct. The purpose of this guide is to ensure offenders are aware of the safeguards that exist.**

**What is sexual misconduct?**

**Sexual misconduct is:**

- Any sexual advance by staff members or other offender(s)**
- Requests for sexual favors by staff members or other offender(s)**
- Threats by staff or other offender(s) for refusing sexual advances**
- invasion of privacy beyond that reasonably necessary for safety**

and security.

**Examples of sexual misconduct may include but are not limited to:**

- **Any sexual act**
- **Intentional touching of genitals, anus, groin, breast or inner thigh area to gratify sexual desire**
  - **Indecent exposure by a staff member or other offender(s) in front of an offender or**
  - **Kissing.**

**Sexual acts or sexual contacts between any staff person and an offender, even if the offender consents, initiates or pursues, are always PROHIBITED and always ILLEGAL.**

**Sexual acts or sexual contacts between one offender and another offender during their incarceration, even if both offenders consent, are always PROHIBITED and always ILLEGAL.**

**What is sexual harassment?**

**Sexual harassment is staff or another offender engaging in sexual advances, requests for sexual favors or other offensive conduct of a sexual nature.**

**Examples of sexual harassment include but are not limited to:**

- **Demeaning references to an offender's gender**
- **Derogatory comments about an offender's gender**
- **Jokes about sex or gender specific traits**
- **Abusive, threatening, profane or degrading sexual comments**
- **Touching, attention, or conduct of a sexual nature**
- **Verbal or physical conduct of a sexual nature toward an offender**

## **What is over-familiarity?**

**Over-familiarity is staff engaging in or attempting to engage in conduct likely to result in intimacy or a close personal relationship with an offender.**

**Examples of behavior by staff and offenders that is prohibited include, but is not limited to:**

- **Flirting with each other**
- **Exchanging personal letters or gifts**
- **Requests or granting of special favors and**
- **Discussing personal matters unless it is an expectation of the staff member's job responsibilities**

## **What is retaliation?**

**Retaliation is intimidation to prevent an offender from filing a complaint or participating in an investigation of sexual misconduct. Armstrong County Jail prohibits any individual from interfering with an investigation, including intimidation or retaliation against witnesses. If an offender believes that she/he is being denied privileges, or is being unfairly transferred or punished in some way because she/he filed a complaint or assisted in the investigation of a complaint, she/he should report this to the Warden, Deputy Warden, or a Shift Supervisor.**

## **Reporting Sexual Misconduct**

**Sexual misconduct is prohibited, but it must be reported before action can be taken. Do not rely on anyone else to report misconduct –when it is experienced or seen, report it immediately.**

**To make sure that sexual misconduct is reported, Armstrong County Jail has several ways for offenders to report confidentially. Offenders may use the reporting method with which they are most comfortable.**

### **Reporting from Armstrong County Jail:**

- **Tell any staff member at the facility. It is part of their job to report any allegation, ensure the offender's safety, and maintain confidentiality.**
- **Send a letter to the Warden.**
- **Telephone 1-800-472-8477**
- **Friends/Family may make reports at [www.tipsubmit.com](http://www.tipsubmit.com)**

### **What happens to reports of sexual misconduct?**

**Armstrong County Jail will investigate all allegations of sexual misconduct.**

**Armstrong County Jail may utilize other agencies or departments who have special training to investigate allegations of:**

- **Sexual harassment**
- **Sexual misconduct**
- **Over-familiarity and**
- **Retaliation**

**During an investigation of sexual misconduct, a number of actions may occur if it is determined to be in the best interest of the offender, the staff, or the institution.**

**Staff accused of sexual misconduct may be placed on restricted duty, barred from entering the institution, or suspended.**

**Incarcerated offenders could be relocated within the Institution for their safety. Offenders will never be punished for reporting sexual misconduct. In fact, every effort will be made to assure offenders' protection.**

**Keep in mind a thorough investigation takes time. The investigation must clearly support or refute any allegation with evidence, information gathered from witnesses, and documentation.**

#### **Possible Outcomes of an Investigation**

**After the investigation is finished, one of the following decisions will be reached:**

- There is sufficient evidence to conclude the allegation is true. Results of the investigation will be sent to the District Attorney's Office, who will determine the filing of charges.**
- There is insufficient evidence to conclude the allegation is or is not true. If the investigation proves the offender made a false allegation, she/he could receive a conduct violation while incarcerated and/or, the court or Probation or Parole Officer may be notified.**
- There is not enough evidence to prove that the allegation is true, but there is evidence to prove that another law, policy or rule was violated.**

**Any staff member who sexually abuses or assaults an offender will be disciplined up to and including discharge. Discipline and criminal prosecution are more likely to be successful if the abuse is reported immediately.**

**Just as important**

**Offender on Offender Sexual Assault and Abuse:**

**Definition: One or more offenders engaging in, or attempting to engage in a sexual act with another offender or the use of threats, intimidation, inappropriate touching, or other actions and/or communications by one or more offenders aimed at coercing and/or pressuring another offender to engage in a sexual act.**

**While incarcerated, no one has the right to pressure offenders to engage in sexual acts. Offenders do not have to tolerate sexual assault or pressure to engage in unwanted sexual behavior.**

**To avoid sexual assault by offenders:**

- **Choose associates carefully. Look for people who are involved in positive activities.**
- **Avoid being alone.**
- **Do not accept gifts or favors from others. Most gifts come with a string attached.**
- **Do not accept an offer from another offender to be a protector.**
- **Avoid borrowing and becoming indebted to someone.**
- **Be confident and do not permit emotions to be obvious to others.**
- **Find a staff person with whom you feel comfortable discussing fears and concerns.**

**Help Is Available**

**If an offender is a victim of sexual harassment or sexual assault**

**she/he has a right to the services described in this guide. (The medical service fee will be waived in cases of sexual misconduct.)**

**If incarcerated, mental health staff is willing and able to help. To take advantage of these services offenders may:**

- Complete a Request for Medical Services form to see Mental Health or Medical Staff, or**
- Ask any staff person for help with a referral.**

**NOTE: If a sexual assault has occurred, seek medical attention as soon as possible. Do not shower, brush teeth or wash clothes or underclothing. This could wash away hair or bodily fluids which are critical evidence. Also, save anything that touched the perpetrator (e.g., a condom, tissue or a towel) or anything that she/he left behind. Immediately report the incident to a staff person in the institution.**

**Remember**

**Sex between offenders and staff is never okay.**

**Sex between offenders and offender while incarcerated is prohibited and illegal.**

**If you are a victim, report it immediately.**

**All reported incidents will be investigated.**

**False allegations can hurt the victim and the accused.**

**Help is available.**