

# And PREA AUDIT: AUDITOR'S SUMMARY REPORT

## ADULT PRISONS & JAILS



**[Following information to be populated automatically from pre-audit questionnaire]**

<b>Name of facility:</b>	FCI-Schuylkill		
<b>FCI Schuylkill</b>			
<b>Physical address:</b>	Interstate 81 and Route 901 West, Minersville, PA 17954		
<b>Date report submitted:</b>	October 29, 2014		
<b>Auditor Information</b>			
<b>Address:</b>	26 Waterford Lane Auburn, New York 13021		
<b>Email:</b>	Tome8689@me.com		
<b>Telephone number:</b>	315-730-7980		
<b>Date of facility visit:</b>	March 3-7, 2014		
<b>Facility Information</b>			
<b>Facility mailing address: (if different from above)</b>	P.O. Box 700, Minersville, PA 17954		
<b>Telephone number:</b>	570-544-7100		
<b>The facility is:</b>	<input type="checkbox"/> Military	<input type="checkbox"/> County	<input checked="" type="checkbox"/> <b><i>Federal</i></b>
	<input type="checkbox"/> Private for profit	<input type="checkbox"/> Municipal	<input type="checkbox"/> State
	<input type="checkbox"/> Private not for profit		
<b>Facility Type:</b>	<input type="checkbox"/> Jail	<input checked="" type="checkbox"/> Prison	
<b>Name of PREA Compliance Manager:</b>	Patricia Rodman		<b>Title:</b> Associate Warden/PREA Compliance Manager
<b>Email address:</b>	SCH/PREAComplianceMGR@BOP.GOV		<b>Telephone number:</b> 570-544-7100
<b>Agency Information</b>			
<b>Name of agency:</b>	Federal Bureau of Prisons		
<b>Governing authority or parent agency: (if applicable)</b>	United States Department of Justice		
<b>Physical address:</b>	320 First Street, Washington, D.C.		
<b>Mailing address: (if different from above)</b>			

<b>Telephone number:</b>	202-307-3198		
<b>Agency Chief Executive Officer</b>			
<b>Name:</b>	Charles E. Samuels	<b>Title:</b>	Director
<b>Email address:</b>	BOP-CPD/PREA <a href="mailto:COORDINATOR@bop.gov">COORDINATOR@bop.gov</a>	<b>Telephone number:</b>	202-514-4919
<b>Agency-Wide PREA Coordinator</b>			
<b>Name:</b>	Alix McLearen	<b>Title:</b>	PREA Coordinator
<b>Email address:</b>	Amclearen@bop.gov	<b>Telephone number:</b>	(202) 514-4919

## AUDIT FINDINGS

### NARRATIVE:

The Schuylkill Federal Correctional Institution (FCI) in Minersville, Pennsylvania, is an all-male, medium security correctional facility with a minimum-security satellite Federal Prison Camp (FPC), committed to carrying out the judgment of the Federal courts. It provides a safe, secure, and humane environment for those individuals remanded to its custody. Like all Bureau of Prisons' institutions, FCI Schuylkill follows a balanced philosophy that recognizes that deterrence and incapacitation are both valid purposes of confinement. Inmate opportunities for positive change are provided through work, education, training, and counseling for inmates motivated toward self-improvement.

### DESCRIPTION OF FACILITY CHARACTERISTICS:

The main institution is comprised of four general population-housing units and a Special Housing Unit. FCI Schuylkill has 1168 medium custody beds. The very impressive Residential Drug Abuse Program (RDAP) makes up 112 beds, General Population makes up 1,092 beds and Special Housing makes up the remaining 92 beds. The FCI unit was activated in August 1991, and began receiving inmates in December 1991. FCI Schuylkill utilizes a number of correctional techniques to accomplish its medium security mission: controlled movements, enhanced staffing pattern, and multiple armed patrols.

The facility offers a variety of correctional programs and support functions similar to those of other BOP medium security institutions. Each housing unit contains two wings. The FCI typically utilizes cells/rooms with solid doors and a small glass window for observation. Each of the non RDAP

housing units also contains eight dormitory style rooms with double bunks. The FCP sleeping areas are all dormitory style. With the exception of the RDAP Unit that has 56 cells, each of the other living units has 124 cells. Typical cells consist of 2 beds, 2 mattresses, 2 personal storage lockers, 1 desk and 2 chairs. The cells are organized around a central day room space. All showers at the FCI and FPC have doors/curtains to enhance privacy.

Also included inside the secure perimeter, are a kitchen and dining area, education and vocational training areas, medical and dental area, mental health offices, commissary and adequate indoor and outdoors recreational areas. UNICOR, the Bureau's Prison Industry Program, operates a specialty factory that provides cubicles and chairs for any Federal Agency.

### **SUMMARY OF AUDIT FINDINGS:**

During the visit the auditor conducted 13 random inmate interviews, 2 random inmate interviews from a list that included potential "victims" based on criteria from appendix A and the Intake Screening Tool, 12 random staff, and all specialized staff as outlined in the Bureau of Justice Assistance documents. Inmates and staff were well aware of PREA. Inmates interviewed were knowledgeable about how and where to report sexual abuse and sexual harassment. They all indicated they had received written and video information either in the Receiving and Discharge area on their arrival or on the housing units for those that have been at the facility for a considerable amount of time. All staff at FCI Schuylkill is trained to be first responders. Each staff person was well versed on their responsibilities in reporting sexual assaults and suspected sexual abuse. When questioned about evidence preservation and medical considerations staff responses reflected agency policy and standard requirements. Informational posters were viewed throughout the facility, in Spanish and English. The facility has had no allegations of staff sexual abuse or sexual harassment. Schuylkill did investigate three allegations of inmate against inmate. All three cases resulted in being unfounded.

The first case involved the facility being called from another facility indicating an inmate received at their facility alleged he had been sexually assaulted while he was an inmate at Schuylkill. The SIS Lieutenant did a thorough investigation interviewing staff/inmates at his facility. Using that information and interviews conducted with the alleged victim, staff was able to determine the allegation was unfounded. The second case involved an allegation of sexual assault on one inmate by another. This case involved a

forensic examination at the local hospital. Once the SIS Lieutenant conducted his investigation and consulted with the medical staff over the findings of the forensic exam it was determined that this allegation was unfounded. The third case involved an alleged sexual assault. An inmate reported to staff that he had been sexually assaulted weeks after the incident. The SIS Lieutenant conducted the investigation and at the conclusion of his investigation it was determined the allegation was unfounded. None of the inmates were at the facility during the visit and were not interviewed.

Number of standards exceeded: 1  
Number of standards met: 39  
Number of standards not met: 2  
Non-applicable: 1

**§115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator**

FCI Schuylkill Meets Standard. Agency Policy PS5324.11 (Sexually Abusive Behavior Prevention and Intervention Program) dated January 6, 2014 makes an affirmative statement on Agency zero tolerance toward sexual abuse and sexual harassment. Agency and Facility has PREA Coordinator/ Manager with ample time to time devoted toward overseeing efforts to comply with PREA standards.

**§115.12 - Contracting with other entities for the confinement of inmates**

FCI Schuylkill Meets Standard. BOP does contract with private agencies to confine inmates. Interview with Contract Monitor and review of contracts require facility to comply with PREA standards and subject facility monitoring for compliance.

**§115.13 – Supervision and Monitoring**

FCI Schuylkill Meets Standard. Interviews with Agency staff and facility staff and review of the facility staffing plan indicate Schuylkill looked at the requirements of section a) and deviations from the plan are documented. Each year the facility manager reviews staffing levels and any incidents and makes requirements for additional staff up to the PREA coordinator,

## §115.14 – Youthful Inmates

FCI Schuylkill has no youthful offender inmates. Standard is not applicable

## §115.15 – Limits to Cross-Gender Viewing and Searches

X Does Not Meet Standard

115.15 (d)

The facility shall implement policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering an inmate-housing unit.

The BOP policy states:

Inmates will be notified of the presence of opposite-gender staff members in several ways:

- Inmates are advised of the requirement to remain clothed, and the presence of cross-gender staff generally, during the Intake Screening process and the Admission and Orientation process.
  
- The following notice must be posted on inmate bulletin boards and signs within housing units, including segregated housing areas: “NOTICE TO INMATES: Male and female staff routinely work and visit inmate housing areas.”
  
- For housing unit officers, a general announcement is made at the beginning of primary shifts, or other appropriate time to be determined locally (e.g., 10:00 count instead of morning watch). The verbal announcement to each housing unit, including segregated housing areas, will be “Male and female staff routinely work and visit inmate housing areas.” This announcement is made using the general public address system (e.g., from Control or Lieutenants’ Office). If the public address system does not cover these areas, an individual announcement in each housing area, including segregated housing areas, is made.
  
- For staff members with offices in the housing units, e.g., the Unit Team, the most recent schedule is posted in the unit so inmates are aware of

when opposite-gender staff are present. (**Note:** this provision does not affect local scheduling procedures – quarterly, annually, 18 months, etc.)

As the agency has provided at least four ways to notify inmates that opposite-gender staff are present in the housing units, the only time an announcement is made is if a public address system is not working, or an opposite-gender staff member comes into a unit area who is not the assigned housing unit officer, or unit team member working there, and must go into individual cells, showers, or bathroom areas.

Any other announcement mechanism at the local level will be determined through collective bargaining in the local institution supplement.

The auditor feels the policy is in conflict with the notification intent of the standard requiring he/she announce each time they enter the living area unless there is a staff member of the same gender currently assigned to the area.

#### **§115.16 – Inmates with Disabilities and Inmates who are Limited English Proficient**

FCI Schuylkill Meets Standard. Interviewed an inmate who was limited English proficient about his ability to participate and benefit in all aspects of PREA. He indicated he felt he was afforded the same opportunity as every other inmate. Schuylkill has a contract with LanguageLine Solutions for interpretation for all languages.

#### **§115.17 – Hiring and Promotion Decisions**

FCI Schuylkill Meets Standard. All hiring (employees, contractors and volunteers) receive background checks and preclude from entering the facility anyone found guilty of sexual abuse. The facility takes into consideration of anyone with an incident of sexual harassment in hiring or promotions

#### **§115.18 – Upgrades to Facilities and Technology**

FCI Schuylkill Meets Standard. Interview with Agency Deputy Director indicated that new construction and modifications consider technologies in protecting inmates and staff. Interview with PREA Manager indicated she has input when considering placement of electronic surveillance equipment.

### **§115.21 – Evidence Protocol and Forensic Medical Examinations**

FCI Schuylkill Meets Standard. FCI Schuylkill conducts the initial investigation on sexual abuse. The SIS Lieutenant has received sufficient training as required. Forensic exams are conducted at Schuylkill Medical Center, Pottsville, PA and they utilize Sexual Assault Resources and Counseling Center. There is literature about services available to inmates.

### **§115.22 – Policies to Ensure Referrals of Allegations for Investigations**

FCI Schuylkill Meets Standard. All administrative and criminal investigations are completed for all allegations of sexual abuse. Policy is posted on Agency web site.

### **§115.31 – Employee Training**

FCI Schuylkill Meets Standard. A review of training records indicated mandatory PREA training was taken by all staff. Interviews indicated staff was aware of their responsibilities. Everyone signed that they had received and understood the training.

### **§115.32– Volunteer and Contractor Training**

FCI Schuylkill Meets Standard. A review of training records indicated mandatory PREA training was taken by all volunteers/contractors. Interviews indicated staff was aware of their responsibilities. Everyone signed that they had received and understood the training.

### **§115.33 – Inmate Education**

FCI Schuylkill Meets Standard. Inmate coming through R&D receive written and video information about PREA. There are posters throughout the facility letting inmates know about the Agency policy and how and to whom they can report allegations of sexual abuse.

### **§115.34 – Specialized Training: Investigations**

FCI-Schuylkill Meets the Standard. Investigator (SIS Lieutenant) training record indicates he received the required PREA training for this standard. It was also confirmed during the interview conducted on him.

### **§115.35 – Specialized training: Medical and mental health care**

FCI Schuylkill Meets Standard. In addition to the mandated PREA training for all staff, the Medical and Mental Health staff received

specialized training as required by the standard. This was also confirmed during the interview process.

### **§115.41 – Screening for Risk of Victimization and Abusiveness**

X Does Not Meet Standard

The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

Whether the inmate has a mental, physical, or developmental disability; (2) The age of the inmate; (3) The physical build of the inmate; (4) Whether the inmate has previously been incarcerated.(5) Whether the inmate’s criminal history is exclusively nonviolent; (6) Whether the inmate has prior convictions for sex offenses against an adult or child;(7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; (8) Whether the inmate has previously experienced sexual victimization; (9) The inmate’s own perception of vulnerability; and (10) whether the inmate is detained solely for civil immigration purposes. Inmates may not be disciplined for refusing to answer.

The objective determination requirement in standard 115.41, necessitates the trained intake screener ask the inmate to self identify as lesbian, gay, transgender, bisexual, and/or intersex. While the screener is required to ask the inmate if he or she chooses to identify as gay, lesbian, bisexual, transgender, and/or intersex, the inmate is not compelled to answer and cannot be disciplined for refusing. The screener must also make a subjective determination as to whether the inmate appears gender nonconforming. The new guidelines issued on September 11, 2014 (Intake Screening Guidance- Prison Rape Elimination Act) do not satisfy the standard requirements. Asking more than one question at time, like this guideline suggests, can be confusing and discouraging for both the inmate and the staff. Furthermore, lumping together sexual orientation, gender identity, disabilities or other vulnerabilities can conflate the meaning and understanding of each of these categories individually. The recommended approach on asking questions about sexual orientation, gender identity and gender expression is to ask the question providing options from which the inmate can choose (lesbian, gay heterosexual etc.). Asking an inmate “do you wish.....” can be both confusing and discouraging. Therefore this new direction does not meet the standard.

### **§115.42 – Use of Screening Information**

FCI Schuylkill Meets Standard The auditor verified how the form is used to determine work/ housing and education assignments. Placement of transgendered and/or intersex inmates is done by Central Office Committee prior to placement in any facility.

### **§115.43 – Protective Custody**

FCI Schuylkill Meets Standard. During the interview with the Warden, he indicated that segregation would not be used for inmates at risk of victimization except in an extreme situation and no longer than 24 hours while assessment is being done.

### **§115.51 – Inmate Reporting**

FCI Schuylkill Meets Standard. Inmates receive written information about ways to report sexual abuse and sexual harassment including to a public entity through a link on their email server.

### **§115.52 – Exhaustion of Administrative Remedies**

FCI Schuylkill Meets Standard. The Agency policy, PS5324.11 dated January 7, 2014, does not set any time limit on when an allegation may be filed. The policy also complies with response times and extensions as required by the standard.

### **§115.53 – Inmate Access to Outside Confidential Support Services**

FCI Schuylkill Meets Standard. Facility has a MOU with the Sexual Assault Resource and Counseling Center. It makes available to every inmate of alleged sexual abuse access to outside confidential support services.

### **§115.54 – Third-Party Reporting**

FCI Schuylkill Meets Standard. Facility offers third party reporting through the Agency web page. The auditor did verify the ability to report an allegation through their web page but it could be easier to navigate.

### **§115.61 – Staff and Agency Reporting Duties**

FCI Schuylkill Meets Standard. Agency Policy PS5324.11 dated January 6, 2014 mandates staff to immediately report knowledge, suspicion or

information regarding incidents of sexual abuse. Staff interviews confirmed their knowledge of duties to report.

#### **§115.62 – Agency Protection Duties**

FCI Schuylkill Meets Standard. Interview with the Warden and other staff indicated that inmates at substantial risk are immediately interviewed by staff and accessed for victimization.

#### **§115.63 – Reporting to Other Confinement Facilities**

FCI Schuylkill Meets Standard. Agency Policy PS5324.11 dated January 6, 2014 states: In cases where there is an allegation that sexually abusive behavior occurred at another Bureau facility, the Warden (or his/her designee) of the victim's current facility reports the allegation to the Warden of the identified institution. In cases alleging sexual abuse by staff at another institution, the Warden of the inmate's current facility refers the matter directly to the Office of Internal Affairs.

#### **§115.64 – Staff First Responder Duties**

FCI Schuylkill Exceeds Standard. All employees are trained to be first responders to sexual abuse. The Agency training and Policy insure victim and abuser are separated, crime scene protected and evidence is preserved. The policy and duties were confirmed during the interview process.

#### **§115.65 – Coordinated Response**

FCI Schuylkill Meets Standard. Agency Policy PS5324.11 dated January 7, 2014 describes the coordinated actions of staff in the handling of an allegation of sexual assault. Interviews with the specialized staff and line staff confirmed their understanding of the policy purpose.

#### **§115.66 – Preservation of ability to protect inmates from contact with abusers**

FCI Schuylkill Meets Standard. The Master Agreement between the FBOP and Council of Prison Locals – American Federation of Government Employees was signed on July 21, 2014. IAW Article 30 – Discipline and Adverse Actions, Section g, “The employer may elect to reassign the employee to another job within the institution or remove the employee from the institution pending investigation and resolution of the matter, in accordance with applicable laws, rules and regulations.

### **§115.67 – Agency protection against retaliation**

FCI Schuylkill Meets Standard. Agency Policy PS5324.11 (Sexually Abusive Behavior Prevention and Intervention Program) dated January 6, 2014 describes monitoring for retaliation against inmates and staff involved with sexual abuse incidents. During interviews with the SIS Lieutenant and PREA compliance Managers, the auditor learned that both monitor for retaliation for a minimum of 90 days.

### **§115.68 – Post-Allegation Protective Custody**

FCI Schuylkill Meets Standard. FCI Schuylkill Meets Standard. During the interview with the Warden, he indicated that segregation would not be used for inmates at risk of victimization except in an extreme situation and no longer than 24 hours while assessment is being done.

### **§115.71 – Criminal and Administrative Agency Investigations**

FCI Schuylkill Meets Standard. The SIS Lieutenant initiates an investigation, at FCI Schuylkill, immediately on being notified of any allegation. His training record and interview demonstrated he received special training from NIC to conduct sexual assault investigations. According to his interview the credibility of an alleged victim, suspect, or witness is assessed on an individual basis and not determined by the person's status as inmate or staff. Once his investigation appears to be criminal, the case is referred to the Office of the Inspector General and/or FBI. The Lieutenant does not proceed with any further part of the investigation unless directed by either of these Agencies.

### **§115.72 – Evidentiary Standard for Administrative Investigations**

FCI Schuylkill Meets the Standard. Agency Policy indicates that only a preponderance of evidence as the standard requires, when determining allegations are substantiated. This was also confirmed in the interview with the Special Investigative Lieutenant.

### **§115.73 – Reporting to Inmate**

FCI Schuylkill meets the standard. During the interview process the Special Investigative Lieutenant indicated he provides all notifications to inmates required under this section.

### **§115.76 – Disciplinary sanctions for staff**

FCI Schuylkill meets the standard. Facility. Policy 3420.11 states staff will be terminated for any sexual abuse. There have been no cases of termination at Schuylkill for violation of this policy

#### **§115.77 – Corrective action for contractors and volunteers**

FCI Schuylkill Meets Standard. PS 5324.11 describes the penalty for any staff member involved in sexual abuse. Termination shall be the presumptive disciplinary sanction in every case. In the past 12 months there have been no staff that have violated agency sexual abuse or sexual harassment policies.

#### **§115.78 – Disciplinary sanctions for inmates**

FCI Schuylkill Meets Standard. Bureau of Prison policy PS5324.11 stipulates that inmate-on-inmate sexual activity (not forced) will result in an incident report be written for violation of Code 205. This report results in a disciplinary hearing being held on the inmate within the facility. Inmate on staff sexual activity will be subject to disciplinary action and/or criminal prosecution, as appropriate.

#### **§115.81 – Medical and mental health screenings; history of sexual abuse**

FCI Schuylkill meets the standard. During the intake screening, inmates indicating previous victimization or who may be a potential victim are seen by medical and mental health that day during intake and again within 14 days. This was confirmed with medical and mental health interviews and watching the intake process.

#### **§115.82 – Access to emergency medical and mental health services**

FCI Schuylkill Meets Standard. Bureau of Prison Policy PS5324.11 mandates that all inmate victims of sexual abuse receive immediate access to medical and mental health services. Inmates receive information and timely access to contraception and to sexually transmitted infection prophylaxis. There is no cost for forensic exams or treatment to the inmate. There was one case at Schuylkill requiring these services during the last 12 months.

#### **§115.83 – Ongoing medical and mental health care for sexual abuse victims and abusers**

FCI Schuylkill Meets the Standard. Agency Policy offers medical and mental health evaluations to all sexually abused victims including follow up services. This was confirmed by interviews with Medical and Menatal Health staff.

#### **§115.86 – Sexual abuse incident reviews**

FCI Schuylkill Meets Standard. Agency policy PS5324.11 requires post incident reviews be done within 30 days of the conclusion of every investigation except were the allegation was unfounded. This was confirmed in interviews with the SIS Lieutenant, the PREA Compliance Manager and the Warden. The auditor did verify reviews done on the completed cases. The Institution PREA Compliance Manager is responsible for preparing this report, including recommendations for improvements, and forwards it to the Warden.

#### **§115.87 – Data Collection**

FCI Schuylkill Meets Standard. The agency provided documents demonstrating data was being collected, aggregated and maintained. Data is collected from a number of sources, but main source is TRUINTEL system. This collects data on inmate on inmate sexual assault and harassment cases. Office of Internal Affairs (OIA) has a separate system on staff on inmate sexual cases, and the privatization office has a system for collecting data on these incidents. PREA Coordinator has access to info in TRUINTEL and gets other information upon requests from OIA and privatization staff. The information is aggregated for all to be placed in DOJ BJS Report. The report was completed and provided to DOJ November 2013. During a visit to the Central Office, the auditor observed the data systems, and had investigator staff walk through TRUINTEL system and privatization office through their system. Both systems collect a lot of good data to include info from the reports. The private facilities provide same data, just different system. David Haasenritter, PREA auditor, verified this.

#### **§115.88 – Data Review □ for Corrective Action**

FCI Schuylkill Meets Standard. The Annual report only covered the period from August 2012 to December 2012. IT staff stated they had the info for the whole year, but decision by the PREA Coordinator was to just do the initial time period the standards came into effect. They did not do a comparison because "this was the first year". FBOP Director signed the

report. It is posted on the FBOP website. David Haasenritter, PREA auditor, verified this.

**§§115.89 – Data Storage, □ Publication, and Destruction □**

FCI Schuylkill Meets Standard. Data is strictly controlled throughout the system. Only SIS staff has access and full rights as applicable. Additionally, at the FBOP Central Office only the research office, PREA Coordinator, and other limited staff have view rights; at the FBOP regional offices the Deputy Director, correctional services, and PREA compliance manager has view rights; and at facility Warden, Associate Warden, Security Captain, Psychology, and PREA Compliance Manger has view rights. Access to the office system is limited to members in their office. Data provided in annual report and posted for public to see. Data is retained for at least 10 years. David Haasenritter, PREA auditor, verified this.

**AUDITOR CERTIFICATION:**

The auditor certifies that the contents of the report are accurate to the best of his/her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.

Thomas Eisenschmidt

October 29,2014