

PREA AUDIT: AUDITOR'S SUMMARY REPORT ADULT PRISONS & JAILS

INTERIM FINAL



AUDITOR INFORMATION			
Certified Auditor:	Kurt Pfisterer		
Address:	98 Fox Hollow, Rensselaer, NY 12144		
Email:	kurtpfisterer@gmail.com		
Telephone:	(518) 860-5764		
Dates of on-site audit:	June 27-28, 2016		
FACILITY INFORMATION			
Name of Facility:	Berks County Jail System		
Physical Address:	1287 County Welfare Road, Leesport, PA 19533		
Facility Mailing Address:	Same		
Telephone number:	(610) 208-4800		
This Facility is:	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input checked="" type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for Profit
	<input type="checkbox"/> Private not for Profit		
Facility Type:	<input checked="" type="checkbox"/> Jail	<input type="checkbox"/> Prison	
Name of PREA Compliance Manager: Miguel Castro		Title: Lieutenant	
Email Address: mcastro@countyofberks.com		Telephone: (610) 208-4800	
AGENCY INFORMATION			
Name of Agency:	Berks County Jail System		
Governing Authority or Parent Agency:	Berks County Jail System		
Address:	1287 County Welfare Road, Leesport, PA 19533		
Telephone Number:	(610) 208-4800		
AGENCY CHIEF EXECUTIVE OFFICER			
Name:	Janine L. Quigley, CJM	Title: Warden	
Email Address:	jquigley@countyofberks.com	Telephone: (610) 208-4800	
AGENCY WIDE PREA COORDINATOR			
Name:	Miguel Castro	Title: Lieutenant	
Email Address:	mcastro@countyofberks.com	Telephone: (610) 208-4800	

NARRATIVE: The Berks County Jail System is a secure 763 bed (original design capacity) facility for male and female inmates (both pre-trial detainees and sentenced offenders). It is the only facility operated by the agency. The on-site portion of the PREA Audit took place June 27-28, 2016 and covered the audit period of June 27, 2015 to June 27, 2016. On the morning of June 27, 2016 this auditor and an assistant entered the facility for purposes of conducting an on-site tour of the facility and interviewing inmates, staff, volunteers and contractors. The facility provided a list of all staff by shift and employee job categories and a list of all inmates by housing unit. Prior to arrival this auditor reviewed pertinent agency policies, procedures, and related documentation used to demonstrate compliance with the Adult Prisons and Jails PREA Standards. The pre-audit review of documents contained in the Pre-Audit Questionnaire submitted by the facility prompted very few questions. Answers to those questions were submitted to this auditor by the facility staff and any additional remaining questions were resolved during the audit. The audit team interviewed 40 inmates (33 male and 7 female). There were four youthful inmates housed at the facility at the time of the audit and there have been 25 youthful inmates over the past 12 months. Youthful inmates are housed in a separate housing unit that has complete sight and sound separation from the general population. The inmates interviewed were a representative sample from each of the housing units. Length of stay for those interviewed ranged from two days to 26 months. There were no inmates who identified themselves as transgender or intersex and one inmate who needed translation services. Five of the inmates interviewed identified as being gay or bisexual. This auditor received no written correspondence from any inmate. There was one inmate currently in the facility that made an allegation of sexual abuse that occurred at the facility.

During the tour, additional questions were answered by executive and upper-level management staff. This auditor was given free access to all areas of the facility. The tour covered all housing units, recreation areas, food service, restrictive housing unit, general population, quarantine, segregation, medical, mental health and inmate services. Staff and inmate interviews followed and were conducted privately in rooms with video surveillance. There were no Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE) staff employed at the facility. These services are available at the Reading Hospital. Documentation of efforts to enter into a Memorandum of Understanding (MOU) with the Berks Women in Crisis of Berks County was provided to this auditor. This auditor interviewed members of the incident review team.

Administrative investigations are conducted by upper management staff who have had prior investigations training and have completed specialized training for conducting investigations of sexual abuse in confinement settings. The curriculum used for this training is the curriculum posted on the PREA Resource Center's website. Criminal investigations are conducted exclusively by the Pennsylvania State Police. Contract medical and mental health staff members were interviewed. The agency Executive Director (the Warden) was interviewed by this auditor. Emails were sent to Just Detention International, Berks Women in Crisis and the Pennsylvania Coalition Against Rape in an effort to determine if the organizations had any relevant information regarding the facility. Just Detention International advised that they had received no complaints regarding PREA compliance at the Berks County Jail System. Contact was successfully made with the Pennsylvania Coalition Against Rape Berks Women in Crisis and that information is reflected in this report.

DESCRIPTION OF FACILITY CHARACTERISTICS: The Berks County Jail System is a 763 bed (original design capacity) secure facility for male and female inmates at all levels of security operated under the authority of Berks County. The facility is comprised of two buildings. The main facility is a two-story, brick and mortar structure with a secure perimeter. The building was purpose-built as a prison in 1933 and was designed to hold 200 inmates in four cell blocks (A, B, C, and D). The facility was expanded in 1993. The expansion included cell blocks E – N/O, medical, gym, mental health, counseling, administration and kitchen. There are a total of 16 housing units in the main facility (ten male, one female, one medical/mental health and one for youthful inmates). The main facility is a combination of double and single occupancy cells. There is the capacity for single cells available on all housing units. The male housing units consist of intake, general population, maximum security, medical, restrictive housing (segregation) and mental health. The female housing unit contains cells for intake, general population, and segregation. Showers are single user stalls with privacy curtains that are situated within the cell block to facilitate appropriate supervision and maintain safety without sacrificing the inmate's privacy.

The Community Re-entry Center is located in a separate building outside the secure perimeter of the main facility. The center was constructed in the early 1990's and was originally designed to be a secure juvenile detention center. The center has two housing units with multiple occupancy rooms. Bathrooms are designed for multiple users and are appropriately partitioned for privacy. The population consists of sentenced inmates and low risk unsentenced inmates. The vast majority are pre-release and work-release inmates. All inmates at the Community Re-entry Center go through screening, intake and classification at the main prison prior to admission.

Berks County Jail System houses the following types of inmates:

- Pre-trial detainees
- County sentenced inmates
- State sentenced inmates – Technical Parole Violators
- Work release inmates

Berks County Jail System does not house Immigration and Customs Enforcement detainees.

Each housing unit has access to an outdoor recreation yard. The yard that would be utilized by youthful inmates has sight and sound separation from the general population. There is no central dining hall. All meals are served on the housing units. The inmate visiting areas are set up for non-contact visits. There are private rooms for attorney visits.

There are over 300 cameras in the main facility. There is one central control booth for viewing live images that also provides access control for the facility. The Warden and PREA Coordinator have access for viewing and downloading recorded images from the data center computer as well as live viewing. The system has a minimum of 30 days retention time for recorded images. There is camera view of all doors in the facility. The system provides camera coverage for approximately 99 % of the facility. Interior cameras are a combination of fixed and Pan/Tilt/Zoom units. The facility has not undergone any expansions. The last renovation (video surveillance system) was completed in early 2015. The Community Re-entry Center has a video surveillance system that dates back to when the building was constructed. This system needs to be serviced to be functional.

The facility maintains medical staff coverage 24 hours a day. There is a psychiatric nurse on duty to conduct mental assessments and psychiatry is available for ongoing mental health needs. Emergency mental health services are available at Reading Hospital. The facility is accredited by the National Commission on Correctional Health Care.

Berks County Jail System is certified by the Pennsylvania Department of Corrections every two years. Their last re-certification was August 2015. There were no findings of non-compliance with the DOC standards. The next re-certification will be in 2017.

There were a total of 1031 inmates at the facility on the first day of the audit. 47% of the population was white. 24% of the population was African-American, and 29% of the population was Hispanic. 84% of the population was male and 16% female.

The Berks County Jail System maintains 24 hour supervisory coverage (sergeant or higher) as well as an On-Call Administrator.

SUMMARY OF AUDIT FINDINGS: Auditor arrived at the facility the morning of June 27, 2016. An entrance meeting was held with the Warden, Chief Deputy Warden, Deputy Warden Treatment, Deputy Warden Operations, Lieutenant (PREA Coordinator), auditor's staff and this auditor. This auditor explained how inmate interviews needed to be supervised (staff able to see both the interviewer and the inmate, but out of hearing range and the inmates line of sight). The scope of the tour and how the tour needed to be conducted was explained. The facility was advised that this auditor needed to interview any inmates who made an allegation of sexual abuse, assault or harassment and were still at the facility, as well as any inmates who were identified as transgender, intersex or gender non-conforming in appearance. This auditor received no correspondence from any inmates.

A complete tour of the facility took approximately three and a half hours. All areas were well maintained. Sight lines were excellent in all housing areas except the original housing units (A – D). These housing units are antiquated linear design units which do not provide the officers on the cell blocks with any view inside the cells unless they walk right up to the cell door. It is strongly recommended that the agency discontinue using these housing units as sight and sound supervision is difficult without constant motion by the officers. Additionally, the need for officers to go directly to the cells and look into a view port puts them in danger of assault from bodily fluids and feces.

Information on reporting sexual violence (including contact information) was prominently posted on all housing units. The audit notice was posted on all housing units, the main entrance to the facility and the inmate visitors waiting area.

Inmates were observed at recreation, during movement, work details, meals, in medical, visiting and on the housing units. Observations of staff supervision practices were consistent with the agency's policies. All youthful inmate movement is escorted. Observed interactions between staff and inmates were professional, respectful and boundary appropriate.

The initial PREA screening for risk of sexual victimization and/or propensity to victimize others is conducted by trained corrections officers on the date of admission, and documented in the inmate management system. Secondary screening is conducted by medical staff within four hours of admission.

All inmates interviewed acknowledged being screened on the date of admission as well as being seen by medical staff on the date of admission. A full classification assessment is completed by counseling staff within 72 hours of admission. Both the screening and classification are performed using an objective, standardized instrument. These instruments include questions about sexual orientation, gender identity, history of sexual abuse and abusiveness, and the inmates own perception of their vulnerability. Any alerts noted during the screening process that would necessitate medical or mental health follow-up are automatically sent to the appropriate parties by the inmate management system. Interviews with medical and mental health staff confirmed this process and that follow-up occurs with the required time frame. Inmates who disclose prior sexual victimization during screening are seen by mental health staff within 24 hours. Interviews with medical and mental health staff confirmed this process and that follow-up occurs with the required time frame.

Berks County Jail System Policy and Procedure, "Prison Rape Elimination Act", pages 15-17 gives clear direction on the steps to be taken once an allegation is received. This same policy requires all staff, contractors, and volunteers to immediately report any knowledge of sexual harassment, sexual abuse or sexual assault to the shift commander. In the case of sexual harassment, the shift commander notifies the facility's PREA investigators, who will begin an administrative investigation. Interviews will be conducted of the alleged victim, suspected perpetrator and any witnesses. A review will be conducted (if applicable) of any prior complaints against the suspected perpetrator, as well as the victim. The credibility of the information received will be assessed on the bases of the case and not on the status of the victim or alleged perpetrator. If during the course of the administrative investigation it is determined that the harassment is criminal the Investigation will cease and the Pennsylvania State Police will be notified immediately and given all information that had been collected.

In cases of alleged sexual abuse and/or sexual assault, once the shift supervisor is made aware of the allegation the alleged victim & abuser must be separated immediately, in order to collect evidence. Appropriate steps will be taken to protect and preserve the crime scene. A request will be made to the alleged victim not to take any action that could destroy physical evidence, while ensuring the alleged victim is not permitted to do the same. The Shift Commander will notify Medical and transport the victim as soon as possible to the Medical Department. Any physical markings found or evidence present in the area where the assault occurred will be photographed immediately by medical staff.

The Warden and PREA Coordinator will be notified by the shift commander. The alleged victim will be transported to the hospital for forensic examination and evidence collection. The Hospital will be notified by medical that a sexual abuse/assault victim is en route.

Initial administrative investigations regarding allegations of sexual harassment and sexual abuse are conducted by supervisors who have received prior investigations training and specialized training for investigators of sexual abuse in correctional settings. This training utilized the curriculum posted on the PREA Resource Center's website. There were 20 allegations of sexual harassment and/or abuse made during this reporting period. The most recent administrative investigation and supporting video were reviewed for compliance. Criminal investigations of sexual abuse and assault are conducted by

investigators from the Pennsylvania State Police. The facility referred three allegations of sexual abuse to the Pennsylvania State Police to determine if the behavior rose to the level of criminal conduct. The Pennsylvania State Police was contacted. They confirmed that there were three allegations of sexual abuse or sexual assault referred to them for investigation during this audit period. Documentation of efforts to have an MOU in place with the Berks Women in Crisis for crisis counseling and victims' services was provided to this auditor. Forensic examinations and evidence collection would be performed at the Reading Hospital by Sexual Assault Nurse Examiners.

This auditor interviewed the following staff, contractor and volunteer titles (number in parentheses indicates more than one person in that title was interviewed):

- Warden
- Deputy Warden (3)
- Psychologist
- Treatment Supervisor
- Kitchen Supervisor
- Health Services Administrator
- Agency PREA Coordinator
- Captain
- Lieutenant
- Sergeant/PREA Investigator
- Sergeant
- Corrections Officer (10)
- Religious Volunteer
- Re-entry Specialist

Corrections Officers were selected for interviews to include staff, both male and female, from all housing units. Experience levels ranged from two and a half to over 20 years. All presented as very knowledgeable about their jobs and highly dedicated to keeping inmates and the community safe. All staff acknowledged receiving PREA training within the past year and over the course of their careers a significant amount of training related to cultural sensitivity, professional ethics and reporting responsibilities.

All staff members knew their responsibilities as related to mandatory reporting of allegations of sexual abuse, assault and harassment. All staff acknowledged having received PREA specific training as first responders and all knew what to do if they were a first responder. All Corrections Officers and supervisors interviewed were readily able to articulate their first responder duties. All felt supported by facility management, and had no fear regarding retaliation for reporting abuse. All felt empowered to proactively address issues related to sexual violence and were able to describe actions they would take to prevent and/or deter potential and/or imminent threats of sexual violence.

A total of 40 (33 male and 7 female) randomly selected inmates at the facility were interviewed and included inmates from all housing units. Random selection involved taking every tenth inmate on the facility roster until there were 40 inmates available for interview with at least two inmates from every housing unit. There were no inmates currently at the facility that identified as transgender or intersex.

There was one inmate interviewed at the facility that required the services of an interpreter. This inmate was interviewed via a staff interpreter without any delay. There were no inmates who had been identified as gender non-conforming in appearance during the on-site audit. All inmates acknowledged being asked about sexual orientation upon admission. All inmates interviewed had knowledge of the right to be free from sexual abuse, assault or harassment. All inmates were aware of at least two methods for reporting abuse. All inmates acknowledged being screened upon admission (initial screening actually occurs on date of admission, which exceeds the standard). The vast majority of inmates interviewed acknowledged receiving information upon admission on their right to be free from sexual abuse, assault and/or harassment. All inmates receive an inmate handbook upon admission and receive PREA information during orientation. They signed an acknowledgement for the orientation.

There was one inmate currently at the facility who made an allegation of sexual abuse that was alleged to have occurred at the facility. This inmate was interviewed. The inmate's description of the reporting and response process fully complied with the requirements of the standards. The inmate reported the alleged abuse one week after the incident occurred via the grievance process. Due to the 168 hour time lapse between alleged incident and reporting, a forensic examination was not conducted. The inmate acknowledged that the incident was investigated by the facility and the Pennsylvania State Police. Both investigations deemed the incident to be unfounded.

Of the 40 total inmates interviewed, five were self-identified as gay or bisexual. These inmates were distributed among five different housing units. A review of all housing assignments and classification decisions regarding the gay and bisexual inmates clearly indicated that there was no designated unit for housing such inmates.

The quality and organization of the documentation provided to this auditor was excellent. This auditor received all policies and supporting documentation electronically. The pre-audit questionnaire completed by the agency's PREA Coordinator was reviewed with the Warden and PREA Coordinator on the first day of the audit to clarify how policies and protocols were being referenced. The referenced documents in the questionnaire were provided electronically and properly labeled for easy access.

The organized manner in which the interviews were facilitated by the PREA Compliance Manager made the process go very smoothly with no wasted time in between interviews.

STANDARDS DETERMINATION TOTALS:

Exceeds Standard – 1 (One) Standards or approximately 2% of total standards.

Meets Standard – 42* (Forty two) Standards or approximately 98% of total standards.

Does Not Meet Standard – 0 (Zero) Standards or 0% of total standards

***Note: While the compliance report format only shows 42 standards agencies must also comply with §115.93 – Audit standards.**

Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Berks County Jail System Policy and Procedure 12.01, Sexual Abuse and Sexual Harassment of Inmates, page 1 clearly articulates the agency’s zero tolerance policy. The Berks County Jail System Policy and Procedure 12.01, Sexual Abuse and Sexual Harassment of Inmates, page 4, establishes the role of PREA Coordinator who reports to the Warden. Agency organization chart and chain of command chart clearly depict the role of the Facility PREA Coordinator. Interview with the PREA Coordinator confirmed his knowledge of the PREA standards and commitment to the implementation of the PREA standards. The Berks County Jail System is the only facility operated by the agency and as such there is no facility compliance manager. Notice of the PREA compliance audit was posted on all housing units and other prominent locations throughout the facility.

Standard 115.12 Contracting with other entities for the confinement of inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Per this auditor’s interview with the warden, Berks County Jail System does not contract with any other entity for the confinement of its inmates. In the event that the facility did end up contracting with another entity for the confinement of its inmates PA Title 37, Chapter 95 regulations require compliance with this standard.

Standard 115.13 Supervision and monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
 Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
 Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure, 2.09a, "Minimum Staffing Numbers" requires Berks County Jail System to have a staffing plan in compliance with the PREA standards and that the plan is reviewed annually. The facility staffing plan was provided to this auditor. The plan is a multi-page document that addresses the following standard requirements:

- Any judicial findings of inadequacy;
- Any findings of inadequacy from Federal investigative agencies;
- Any findings of inadequacy from internal or external oversight bodies;
- Components of the physical plant including blind spots and areas where staff or inmates may be isolated);
- composition of the inmate population;
- Additional posts required based on programs occurring on a particular shift;
- PA DOC regulations;
- Any substantiated and unsubstantiated incidents of sexual abuse; and
- Available video surveillance.

Documentation of annual review of the plan was also provided. Berks County Jail System Policy and Procedure, Sexual Abuse and Sexual Harassment of Inmates, page 5 requires unannounced rounds. These rounds are documented in housing unit logs. This auditor was provided documentation of these rounds and interviews with supervisory staff and corrections officers confirmed that they occur. Observed staffing during the on-site audit demonstrated compliance with the staffing plan during program hours. Over-night staffing in compliance with the staffing plan was documented on staffing schedules, housing unit logs as well as interviews with staff. The facility reports that there were no instances of deviations from the staffing plan due to training, vacations, Family Medical Leave and other types of leave. Overtime is paid to maintain minimum staffing. There was no indication from any of the staff interviews that the staffing plan is not followed. The five female inmates interviewed stated that there had been no instance in the past year of them being confined to their cells due to a lack of female staff on duty to conduct searches.

Additionally, PA Title 37, chapter 95 for the operation of county correctional institutions requires compliance with this standard.

Standard 115.14 Youthful inmates

- Exceeds Standard (substantially exceeds requirement of standard)
 Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
 Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System houses youthful inmates. There were six youthful inmates at the time of the on-site audit. These six inmates were housed on a separate housing unit that has complete sight and sound separation from the rest of the population. Berks County Jail System Policy and Procedure, Sexual Abuse and Sexual Harassment of Inmates, page requires compliance with this standard. The facility has provisions to house youthful inmates that afford sight and sound separation from the general population. There is a separate housing unit that is sight and sound separated from the general population. Recreation (large muscle activity) is provided daily in a recreation yard that is sight and sound separated from the general population. There is no central dining hall. All meals are served on the housing units. Youthful inmates attend educational programming in a classroom that is sight and sound separated from the general population. All youthful inmate movement off the housing unit requires an officer escort. Interviews with two youthful inmates confirmed the above information.

Standard 115.15 Limits to cross-gender viewing and searches

- Exceeds Standard (substantially exceeds requirement of standard)
 Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
 Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedures, Sexual Abuse and Sexual Harassment of Inmates, page 7 prohibits cross gender strip searches and pat searches except in exigent circumstances and cross gender viewing of inmates showering, changing clothes and performing bodily functions. There are no camera views of toilets, showers or the interior of cells that would violate this standard. There are designated areas for changing clothes on the dormitory unit that are not in view of a camera. The female inmates interviewed reported that they have never been searched by a male staff while at the Berks County Jail System. All random staff interviewed confirmed that cross-gender searches of female inmates do not occur. All inmates interviewed denied ever having been strip searched by an opposite gender staff. Berks County Jail System policy and procedure, Sexual Abuse and Sexual Harassment of Inmates, page 7 prohibits searching inmates for the purpose of determining if the inmate is transgender or intersex. All of the inmates interviewed denied ever being searched for this purpose. The corrections officers interviewed were aware that this type of search is prohibited. There are no cameras with a view inside bathrooms or showers. This was confirmed by observation at the central control center. All inmates shower separately. This was confirmed via inmate interviews. All inmates interviewed acknowledged that they have reasonable privacy when showering, toileting and changing clothes. All staff interviewed stated that their presence is announced when they enter a housing unit of opposite gender inmates. The majority of inmates interviewed acknowledged that opposite gender staff announces their presence when entering housing units. This practice was also observed throughout the on-site audit.

Standard 115.16 Inmates with disabilities and residents who are limited English proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure, Sexual Abuse and Sexual Harassment of Inmates page 8 requires compliance with this standard. The facility has trained staff to assist disabled inmates in understanding their rights under PREA. The policy states on the same page that the use of inmate interpreters is prohibited. This auditor received copies of intake materials in Spanish. The facility has Spanish speaking staff. A language interpretation service is available for all languages should the need arise. There is also American Sign Language interpretation available. There was one inmate interviewed who required the services of an interpreter. This inmate was interviewed via a staff interpreter without any delay. There were no inmates currently at the facility that had disabilities that would require them to receive special services to understand their rights under PREA. All of the above was confirmed via interviews with staff and inmates.

Standard 115.17 Hiring and promotion decisions

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 2.09, Employment Selection, Retention and Separation, page 2 and Policy and Procedure 2.10, Promotional Process, page 2 requires compliance with this standard. Employment application specifically asks the reason for leaving prior employment. Material omissions or the provision of materially false information are grounds for termination. The facility has hired 26 staff who may have contact with inmates during this audit period. Documentation of previous background checks was provided to this auditor. Contract medical and mental health personnel undergo background checks. Documentation of these checks is provided to the Warden by Prime Care. Documentation of all background checks and clearances for this audit period were provided and reviewed by this auditor. Background checks are repeated every five years for contracted staff while the agency receives up-to-date notification of new criminal charges via an automated system (Pennsylvania Justice Network or JNET).

Standard 115.18 Upgrades to facilities and technologies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

There have been no physical plant renovations during this audit period. The facility installed a video surveillance system in early 2015. This installation included over 300 cameras and a state-of-the-art central monitoring station. The system provides video surveillance coverage for 99% of the main facility. Current retention time on the system for recorded images is on average 90 days. There is no functional video surveillance system in the Community Re-entry Center. There were no reported instances of substantiated or unsubstantiated allegations of sexual abuse or assault and therefore there were no incident reviews that would have had corrective action plans that included the recommendation for more cameras.

It is strongly recommended that the video surveillance system in the Community Re-entry Center be repaired. Employees working in the program services area of the building are highly vulnerable to accusations of misconduct due to the limited sight lines, blind spots and inability of staff to be observed by other staff in the area when conducting confidential interviews.

Standard 115.21 Evidence protocol and forensic medical examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System only conducts administrative investigations of sexual harassment and sexual abuse. Criminal investigations are conducted by the Pennsylvania State Police. Per policy the facility refers all allegations of sexual abuse and/or assault to the Pennsylvania State Police who then determine if the behavior rose to the level of criminal activity. The facility reports no allegations of sexual abuse or assault during this audit period. The investigating State Trooper confirmed that he did conduct three investigations of sexual abuse or assault during this audit period. The facility reports there were no allegations which necessitated a forensic exam. The facility reports that, per agency medical protocols, all victims of sexual assault would receive a forensic examination (free of charge) from a Sexual Assault Nurse Examiner or other qualified medical professional at the local healthcare facility. Forensic examinations are not conducted by facility staff. All staff are trained to preserve incident scenes and measures to prevent evidence from being destroyed. Physical evidence collection of criminal acts may be performed by staff in a manner consistent with municipal law enforcements practices. This was confirmed via interviews with staff. Rape crisis and victim advocacy services are provided by the Berks Women in Crisis. Services are provided at no charge to the inmate. The Berks Women in Crisis advised this auditor that they had not been called upon to provide service to the facility during this audit period.

Standard 115.22 Policies to ensure referrals of allegations for investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates" pages 12-14 were reviewed by this auditor. The policy meets all the requirements of this standard. It requires staff, contractors and volunteers to accept any and all reports and promptly report the allegation through the chain of command. It requires that all allegations of sexual harassment and sexual abuse be investigated. It requires that allegations that may be criminal in nature be referred to law enforcement and provides clear guidance for when Berks County Jail System may conduct an administrative investigation once a referral to law enforcement has been made. The policy is posted on the agency website. All Berks County Jail System staff are mandated reporters of sexual abuse and/or harassment and all staff interviewed were aware of their obligations to report sexual abuse and/or harassment under agency policy. The facility reported 20 allegations of sexual abuse and/or sexual harassment during this audit period. There were three allegations referred to the law enforcement for investigation. This was confirmed by the Pennsylvania State Police trooper who conducted the investigations.

Standard 115.31 Employee training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 3.13, "Training Development", pages 3-4 requires all staff with contact with inmates to be trained as required in this standard. The training curriculum is a combination of on-line PREA specific trainings and policy review of the agency’s PREA policy. Combined these trainings meet all aspects of this standard. This is the same curriculum used for refresher training. All staff interviewed acknowledged that they had received the initial training and refresher training. There is testing component at the end of the training to document staff understanding of the material. Documentation was provided to this auditor confirming staff’s understanding of the material presented. All staff interviewed were aware of their obligations related to the agency’s PREA policy, their obligations as mandated reporters of sexual abuse and/or harassment, their duties as a first responder and agency protocols related to evidence collection.

The training curriculum utilized by the facility meets all aspects of this standard as follows:

<input checked="" type="checkbox"/> (1) Agency’s zero tolerance policy for sexual abuse and sexual harassment.	Policy Review – Agency PREA Policy
<input checked="" type="checkbox"/> (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.	On-line Curriculum "Staff Roles and Responsibilities Under PREA" and Policy Review – Agency PREA Policy
<input checked="" type="checkbox"/> (3) Inmates’ right to be free from sexual abuse and sexual harassment.	Policy Review – Agency PREA Policy
<input checked="" type="checkbox"/> (4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment.	On-line Curriculum "Staff Roles and Responsibilities Under PREA" and Policy Review – Agency PREA Policy
<input checked="" type="checkbox"/> (5) The dynamics of sexual abuse and sexual harassment in confinement.	On-line Curriculum "The Dynamics, Detection and Reporting of Sexual Abuse"
<input checked="" type="checkbox"/> (6) The common reactions of sexual abuse and sexual harassment victims.	On-line Curriculum "The Dynamics, Detection and Reporting of Sexual Abuse"
<input checked="" type="checkbox"/> (7) How to detect and respond to signs of threatened and actual sexual abuse.	On-line Curriculum "The Dynamics, Detection and Reporting of Sexual Abuse"
<input checked="" type="checkbox"/> (8) How to avoid inappropriate relationships with inmates.	Ethical Behavior in Corrections – Best Practices curriculum Cross Gender Supervision curriculum
<input checked="" type="checkbox"/> (9) How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates.	Cultural Awareness in Corrections curriculum Supervising Inmate-Verbal Communications Skills curriculum
<input checked="" type="checkbox"/> (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.	On-line Curriculum "Staff Roles and Responsibilities Under PREA" and Policy Review – Agency PREA Policy

Standard 115.32 Volunteer and contractor training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System policy and procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates" page 8 requires compliance with this standard. All contractors that have contact with inmates receive the same PREA training as employees. The training meets all the aspects of this standard. Volunteers receive a formal orientation and volunteer handbook, and must sign an acknowledgement that they have received and understood the training. One contract mental health staff and one of the contract medical staff were interviewed at the time of the on-site audit and all acknowledged receiving PREA training. Documentation of signed acknowledgements was provided to this auditor. One religious volunteer was interviewed as a part of the audit. The volunteer was aware of the facility's PREA policy and acknowledged receiving the volunteer orientation program. Volunteers are never alone with inmates. All contacts are supervised/observed by a staff member.

Standard 115.33 Inmate education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System's inmate education program is provided to inmates by the facility staff during inmate orientation. Inmates also receive the inmate handbook upon admission which contains the same information. Inmates receive materials about PREA and their rights to be free from abuse upon admission. There is a translation service available if the need arises. American Sign Language translation is also available. Counseling, medical and mental health staff has received specialized training to assist inmates with disabilities in understanding their rights under PREA. All inmates interviewed were aware of their right to be free from sexual abuse and harassment, and knew multiple means of reporting allegations of abuse. All inmates acknowledged receiving the inmate education and written materials. All inmates interviewed acknowledged receiving PREA education during orientation and written materials upon admission. The facility maintains documentation that all inmates received the education. Copies of this documentation were provided to this auditor.

Standard 115.34 Specialized training: Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Per Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates" page 8 requires the facility to have properly trained investigators for administrative investigations. The training the investigators received utilized the curriculum on the PREA Resource Center’s website. Documentation of training for Berks County Jail System investigators was provided to this auditor. The agency reported that there were 20 allegations of sexual abuse or harassment made during this audit period. A review of completed investigations demonstrated the investigators’ understanding of the training. Berks County Jail System does not conduct criminal investigations of sexual abuse and assault. Such investigations are conducted by Pennsylvania State Police. This was confirmed via contact with the Pennsylvania State Police.

Standard 115.35 Specialized training: Medical and mental health care

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", page 8 mandates specialized training for medical and mental health staff as per the PREA standards. The contract medical and mental health staff receive their specialized training from their employer. The contract employer’s training curriculum has been reviewed by this audit during previous audits. This training provides extensive instruction on recognizing signs and symptoms of sexual abuse, as well as effective and professional communication skills when dealing with victims of sexual abuse. Documentation of training for contract providers was provided to this auditor. Interviews with the staff, both medical and mental health, of the contracted medical services provider confirmed staff training. Contract medical staff does not conduct forensic examinations. The agency’s protocol is to preserve/avoid destruction of evidence and then transport to the designated medical facility.

Standard 115.41 Screening for risk of victimization and abusiveness

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", pages 9-10 address the standards related to screening inmates for risk of victimization and abusiveness. Initial screening for risk of sexual victimization and/or propensity to victimize others is conducted by medical staff on the date of admission, and documented in the inmate management system. All inmates interviewed acknowledged being screened on the date of admission as well as being seen by medical staff on the date of admission. The PREA screening for risk of sexual victimization and/or propensity to victimize others and a full classification assessment is completed by counseling staff within 72 hours of admission. All new commitments to the jail are housed on the quarantine unit for the first 72 hours. Both the screening and classification are performed using an objective, standardized instrument. Access to screening information is limited to counseling staff, medical staff, mental health clinicians and a limited number of upper level administrators. The screening instrument includes documentation of:

- Height and weight
- Age
- Mental health concerns
- Developmental disabilities
- Physical disabilities
- History of prior incarceration
- Criminal history and current offense
- Appearance
- Sexual orientation, gender identity and gender non-conforming
- The inmates own perception of vulnerability
- Inmate's request for protective custody
- History of abuse and/or abusiveness including prior sexual abuse or abusiveness

Page 10 of the policy requires reassessment of an inmate's risk of victimization or abusiveness every 30 days after the initial screening. Reassessments are also conducted as needed based on relevant institutional behaviors. The policy prohibits inmates from being disciplined for failing to answer questions related to this standard.

Standard 115.42 Use of screening information

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", pages 10-11 address how the information obtained during screening is utilized to inform programming and housing decisions. Sexual orientation is not a factor taken into consideration by the policy. A review of documentation of classification decisions and housing assignments clearly showed that the decisions are case-by-case, and that there is no designated unit for transgender or intersex inmates. Interviews with all staff and inmates confirmed compliance with this standard. Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", page 11, requires that housing assignment decisions for transgender and intersex inmates be done on a case by case basis, based on the safety needs of the inmate and the security of facility. There were no transgender or intersex inmates at the facility at the time of the on-site audit and only one in the past 12 months;; therefore there were no cases to be reviewed by this auditor.

Standard 115.43 Protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 4.08, "Administrative Segregation", page 2 addresses the use of involuntary protective custody. The provisions of the policy comply with this standard. The use of involuntary protective custody would be based on incidents occurring at the facility and not based on initial risk assessments. The facility reported one instance of involuntary protective custody during this audit period which was unrelated to this standard. The one inmate in involuntary protective custody at Berks County Jail System at the time of the on-site audit was interviewed. Per the inmate this was due to threats of harm by other inmates regarding his instant offense (murder). Involuntary protective custody as defined by this standard was not used during this audit period. A review of documentation of classification decisions and housing assignments clearly showed that the decisions are case-by-case. Interviews with all inmates confirmed compliance with this standard.

Standard 115.51 Inmate reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", pages 12-14 appropriately addresses this standard. All staff, contractors and volunteers are mandated to report sexual abuse, assault and harassment. They are also mandated to accept any report from an inmate or third party. All inmates interviewed knew at least two means to report sexual abuse or harassment (report to staff and Hotline via inmate telephone system were the most common responses). All knew where to find the Hotline number to report abuse outside the agency. The Hotline is a service to all county correctional facilities provided by the Pennsylvania Department of Corrections. Allegations of acts that have already occurred are sent via email to the warden and PREA Coordinator. Allegations involving the imminent threat of sexual violence are immediately called into the facility for prompt response. The calls can be made anonymously. This auditor tested the system to confirm this information. None of the inmates interviewed had ever reported sexual abuse, sexual assault or sexual harassment while at Berks County Jail System. Inmates receive a handbook at intake with information regarding how to report abuse and there are signs throughout the facility and on all housing units with the information. All staff are mandated reporters of abuse per Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", page 13, and the laws of the Commonwealth of Pennsylvania. All staff interviewed were aware of their obligations as mandated reporters. The facility does not house inmates detained solely for civil immigration purposes.

Standard 115.52 Exhaustion of administrative remedies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Berks County Jail System inmate grievance process is not intended as a means to report allegations of sexual abuse, assault or harassment. Any grievance received that alleged a PREA violation would automatically trigger the facility's PREA incident response plan. It would not be processed as a grievance; it would be treated as a written report of sexual abuse or sexual harassment. Therefore, under section (a) of this standard the agency is deemed exempt.

Standard 115.53 Inmate access to outside confidential support services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

A Memorandum of Understanding with the Berks Women in Crisis for the provision of these services has not been finalized. However, contact with Berks Women in Crisis and the Pennsylvania Coalition Against Rape confirmed that Berks Women in Crisis would be the service provider for the facility. Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", page 19 addresses access to these services. The information is also in the inmate handbook. Interviews with medical and mental health staff confirmed that inmates would be advised about confidentiality prior to accessing the services. The Berks Women in Crisis advised that they did not provide services any to inmates during this audit period. Information is provided to all inmates during the inmate education program. All alleged victims of sexual abuse/assault are provided the telephone number and mailing address. This was confirmed during inmate interviews. Inmates who report prior abuse during intake are advised of the availability of services and provided information on how to request services (an automatic referral to a mental health clinician is triggered by a "yes" answer during the screening process). The facility does not house inmates detained solely for civil immigration purposes.

Standard 115.54 Third-party reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System’s public website lists multiple means of reporting if sexual abuse or harassment is suspected. All inmates interviewed acknowledged that they knew they could report abuse via a third party. All inmates interviewed acknowledged ready access to contact with their families (visiting and telephone calls). All staff interviewed acknowledged that they would accept a third party report of abuse and respond in the same manner as if they had witnessed the abuse themselves. The Hotline number is also posted in the visitors waiting area and visiting rooms.

Standard 115.61 Staff and agency reporting duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", pages 12-15 addresses the requirements of this standard. All staff, contractors, and volunteers are mandated by policy to report any knowledge of sexual abuse or harassment and any suspected retaliation. The policy further prohibits staff from revealing information regarding a sexual abuse report except on a need to know basis. All staff, contractors, and volunteers receive training as to how to fulfill their obligations as mandated reporters (what to report and how to report it). All staff and contractors interviewed were aware of the obligations as mandated reporters. Documentation of the facility’s response to reported allegations fully supports compliance with this standard.

Standard 115.62 Agency protection duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", page 5 requires an immediate response when an inmate is deemed to be in imminent danger of sexual abuse or assault. The facility states there were no reported instances of an inmate being determined to be in substantial risk of imminent sexual abuse therefore there was no documentation of the agency’s timely response to be reviewed by this auditor. Documentation of timely response for other types of imminent danger of harm was reviewed by this auditor. None of the inmates interviewed reported ever being at imminent risk of sexual violence. All staff interviewed were able to articulate means that they would use to protect inmates should this occur. These included immediately calling for a supervisor to respond to the location; keeping the inmate under arms-length supervision until the supervisor arrives; and, if necessary based on the imminent nature of the threat, securing the inmate alone in a cell, office or other room.

Standard 115.63 Reporting to other confinement facilities

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", page 15 complies with this standard. Berks County Jail System reports that it received no reports of inmate being sexually abused at another confinement facility during this audit period. Berks County Jail System reports that it received three allegations of sexual abuse from another facility. Two of these allegations were in excess of 15 years old and were unable to investigate them. The third allegation was investigated and deemed to be unfounded. A copy of the investigation was provided to this auditor.

Standard 115.64 Staff first responder duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

All staff receive training regarding first responder duties. Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", page 16 complies with this standard. There were 13 reported instances of alleged sexual abuse during this audit period. Documentation of staff separating victims from abusers and/or collection of evidence was provided to this auditor. All staff interviewed (corrections officers, supervisors, contractors and medical/mental health) were able to articulate their first responder duties.

Standard 115.65 Coordinated response

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 12.01, “Sexual Abuse and Sexual Harassment of Inmates” pages 16-19 is the facility’s coordinated response plan. The plan meets the requirements of the standard. The plan provides clear and concise direction for response to any alleged PREA violation. Documentation of the plan being utilized was reviewed by this auditor. All staff interviewed were aware of the facility’s coordinated response plan and where to locate the document.

Standard 115.66 Preservation of ability to protect inmates from contact with abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Corrections officers at the Berks County Jail System are represented by a union. The current collective bargaining agreement was entered into before the promulgation of the PREA standards. There is nothing in the collective bargaining agreement that might violate this standard. Under Berks County Jail System Policy and Procedure, Sexual Abuse and Sexual Harassment of Inmates page 1, sexual misconduct is subject to disciplinary action up to and including termination. Any sexual act with an inmate is a felony under Pennsylvania criminal code (3124.2) The facility reports that no staff were disciplined for sexual abuse or sexual harassment during this audit period. Nothing gleaned from inmate interviews would contradict this statement.

Standard 115.67 Agency protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", page 12 names the PREA Coordinator as the person responsible for monitoring for retaliation against staff and the housing unit supervisors as the persons responsible for monitoring inmates. Monitoring for retaliation is documented in the monthly reports completed by the PREA Compliance Manager. The facility reports that there were no reports or complaints of retaliation during this audit period. Per interviews with the Warden and the facility’s PREA Compliance Manager, retaliation should be reported by corrections officers and inmates to any available supervisor and/or the PREA Coordinator. Appropriate measures would be taken to stop retaliation.

Standard 115.68 Post-allegation protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 4.08 "Administrative Segregation" addresses the use involuntary protective custody. The facility reports zero instances of post-allegation involuntary protective custody. None of the inmates or staff interviewed were aware of an inmate being placed in post-allegation involuntary protective custody. There was only one inmate in involuntary protective custody. This inmate was interviewed and confirmed that the reason for his involuntary protective custody was unrelated to PREA.

Standard 115.71 Criminal and administrative agency investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Perks County Jail System does not conduct criminal investigations of sexual abuse and/or sexual assault. Those are conducted by Pennsylvania State Police. Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", pages 15-16 complies with this standard relative to administrative investigations. The agency has trained investigators as required by the PREA standards. The agency maintains a database for tracking incidents from date of allegation to the conclusion of the investigation. There were three reported criminal investigations of PREA violations conducted during this audit period. This was confirmed by the Pennsylvania State Police.

Standard 115.72 Evidentiary standard for administrative investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Per Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates" page 15, a preponderance of evidence is the standard. A review of administrative investigation reports of alleged sexual harassment confirmed that the evidentiary standard is being followed.

Standard 115.73 Reporting to inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", page 22 meets the requirements of this standard. Documentation of reporting to inmates was provided to this auditor. Interview with the one inmate who made an allegation of sexual abuse confirmed that the inmate was advised of the outcome of the administrative and criminal investigations.

Standard 115.76 Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", page 23 addresses the requirements of this standard. There were no reported founded allegations of sexual abuse, assault or harassment by a staff member during this audit period. There were no reported employee terminations or disciplinary action taken against a staff during this audit period for staff misconduct.

The Pennsylvania State Police report they conducted one criminal investigation at the facility involving an alleged staff perpetrator. The incident was deemed unfounded.

Standard 115.77 Corrective action for contractors and volunteers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure, Sexual Abuse and Sexual Harassment of Inmates, page 23 addresses the requirements of this standard. The facility reported that there were no instances of sexual abuse, assault or harassment by contractors or volunteers occurring during this audit period, and therefore there was no documentation to review for compliance.

Standard 115.78 Disciplinary sanctions for inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 12.01, “Sexual Abuse and Sexual Harassment of Inmates”, page 23 and the Berks County Jail System Inmate Handbook, disciplinary procedure section address all required elements of this standard. The facility reports zero allegations of inmate-on-inmate sexual abuse determined to be founded during this audit period. The facility reported zero instances of disciplinary action being taken against inmates after administrative investigations were completed. The facility rules prohibit all sexual activity between inmates.

Standard 115.81 Medical and mental health screenings; history of sexual abuse

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", page 10 addresses the requirements of this standard related to access to medical and mental health care. Inmates admitted to Berks County Jail System are seen by medical staff on the date of admission. Medical staff performing the inmate’s intake utilize a standardized, computer-based screening tool to determine if an inmate has any immediate and/or emergency medical or mental health needs. This information is recorded in the inmate management system and automatic electronic notifications are sent to the appropriate parties for follow up. This instrument includes asking the inmate about prior sexual abuse. All inmates interviewed confirmed that they were seen by medical staff shortly after arrival at the facility and that they were asked about prior sexual abuse. Interview with medical staff confirmed that screening includes history of sexual abuse. Per medical staff interviewed, inmates have access to all the same medical services available in the community. When a disclosure of prior abuse occurs, and services are offered by Medical and Mental Health staff, this is documented in the inmate’s medical record.

Standard 115.82 Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System coordinated response plan addresses the requirements of this standard. Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", page 17 requires that the inmate’s medical and mental health needs are met. The policy further states on the same page that services will be provided free of charge to the inmate. The Berks County Jail System Inmate Handbook page 55 clearly states that services will be provided to the inmate free of charge. Contact was made with the Berks Women in Crisis to confirm whether or not they have provided or attempted to provide services to inmates during this audit period. They advised that they had not.

Standard 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure, Sexual Abuse and Sexual Harassment of Inmates, page 24 address the requirements of this standard for victims. The policy clearly states that services will be provided to the inmate free of charge. As previously noted disclosures at the time of admission are recorded in the inmate management system. Notifications are then made to the appropriate parties for necessary follow-up evaluations and assessments. Follow up mental health evaluations occur within 24 hours. Interviews with the Medical Administrator and Mental Health Clinician confirmed this practice. All ongoing medical care beyond the scope of facility medical staff would be provided by community providers. The inmate would have the option of facility clinical staff or community providers for ongoing mental health services. Sexual offenders are given appropriate counseling services as well. The facility reported no instances of sexual abuse during this audit period and reported no instances of pregnancy or vaginal penetration which would necessitate pregnancy testing.

The Memorandum Of Understanding with the Berks Women in Crisis is in the process of being finalized.

Standard 115.86 Sexual abuse incident reviews

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System Policy and Procedure, Sexual Abuse and Sexual Harassment of Inmates, pages 25-26 requires that sexual abuse incident reviews occur within 30 days of the conclusion of the investigation. Reviews will address policy, procedures, staffing, gender identity (or perceived gender identity), group dynamics and physical plant considerations relevant to the incident. The incident review team will include warden, medical, mental health, PREA Coordinator, and line supervisors. There were three reported instances of unsubstantiated sexual abuse that occurred during this audit period. Documentation of incident reviews was provided to this auditor.

Standard 115.87 Data collection

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Berks County Jail System also maintains electronic records for inmates and collects data on all allegations of sexual abuse using a standardized format. The form contains standardized definitions which are taken word for word from the PREA standards. The PREA Coordinator submits monthly reports to the warden regarding all PREA matters (training, incidents, investigations, inmate education, etc.). Combined these systems and practices allow Berks County Jail System to access data sufficient to complete the annual survey of sexual violence.

Standard 115.88 Data review for corrective action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The agency's public website was reviewed by this auditor. The most recent, available annual PREA report is available via the website. The annual report is a combination of the survey of sexual violence and a narrative discussing statistical information related to PREA incidents, including any corrective actions taken. The annual report addresses all elements of this standard. Berks County Jail System Policy and Procedure 12.01, "Sexual Abuse and Sexual Harassment of Inmates", page 26 addresses the retention requirements of this standard.

Standard 115.89 Data storage, publication, and destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Berks County Jail System maintains inmate medical records indefinitely. A review of the data available on the inmate management system shows records go back to the year the system was put in place. A review of the data available on the Berks County Jail System website supports full compliance for this standard. There is no individual identifying information contained in the aggregate data or the reports related to the data posted.

AUDITOR CERTIFICATION

This auditor certifies that no conflict of interest exists with respect to his ability to conduct an audit of the Berks County Jail System.

Kurt Pfisterer/s/ _____

Kurt Pfisterer, Dual Certified PREA Auditor

August 4, 2016

Date