

CUMBERLAND COUNTY PRISON Policy & Procedures Manual	Reference Number 20.3	Pages 12*
	Related Title 37 Standards 95.246 References: Department of Justice 28 CFR Part 115	
Chapter: CUMBERLAND COUNTY UNIVERSAL DIRECTIVE/POLICY & PROCEDURES	Subject: Sexual Abuse Prison Rape Elimination Act	
Date Issued: 10/2013	Revised: 01/2020	

I. **PURPOSE:**

It is the policy of Cumberland County Prison to develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health staff, investigators, and facility leadership. Cumberland County Prison has a **zero-tolerance** policy toward all forms of sexual abuse and sexual harassment either by staff or other inmates.

II. **APPLICABILITY:**

To all staff, service providers, contractors, volunteers, official visitors and inmates.

III. **DEFINITIONS:**

- A. Gender Nonconforming - A person whose appearance or manner does not conform to traditional societal gender expectations.
- B. Intersex - A person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.
- C. Transgender - A person whose gender identity (internal sense of feeling male or female) is different from the person's assigned sex at birth.
- D. Sexual Abuse –
1. Sexual abuse of an inmate by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse.
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration however slight;
 - b. Contact between the mouth and penis, vulva or anus;
 - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; and

- d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person, excluding contact incidental to physical altercation.
2. Sexual Abuse of an inmate, detainee, or resident by a staff member, contractor or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:
- a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva or anus;
 - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person, with the intent to abuse, arouse or gratify sexual desire;
 - e. Any attempt, threat, or request by a staff member, contractor or volunteer, to engage in the activities described and prohibited by this directive;
 - f. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident; and
 - g. Voyeurism by a staff member, contractor or volunteer that involves an invasion of an inmate's privacy by staff for reasons unrelated to official duties such as:
 - (i) Peering at an inmate who is using a toilet in their cell to perform bodily functions.
 - (ii) Requiring an inmate to expose their buttocks, genitals or breast or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.
- E. Sexual Harassment –
- 1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures or actions of a derogatory or offensive sexual nature by one inmate toward another; and
 - 2. Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- F. PREA Coordinator - An upper-level, agency-wide person with sufficient time and authority to develop, implement and oversee agency efforts to comply with the PREA standards within the facility.
- G. Juvenile Inmates - Persons under the age of eighteen (18) in adult prisons, jails and lockups.

IV. POLICY:

A. General

1. Cumberland County Prison written policy mandates a zero tolerance toward all forms of sexual abuse and sexual harassment. The policy outlines the agency's approach to preventing, detecting, and responding to such conduct.
2. The PREA Coordinator will be employed with Cumberland County Prison and designated as a position with sufficient time and authority to oversee the prison efforts to comply with PREA standards.
3. Cumberland County Prison will make the best efforts to comply on a regular basis with a staffing plan that provides adequate levels of staffing to protect inmates against sexual abuse.
4. Supervisors will conduct unannounced supervisor rounds of the prison daily to identify and deter staff sexual abuse and sexual harassment. Staff is prohibited from alerting other staff members when the supervisor is conducting their supervisor rounds. Any violations will result in disciplinary actions.
5. Juvenile inmates will not be placed in any housing unit within sight, sound or physical contact with any adult inmate through the use of a shared dayroom or other common space, shower area or sleeping quarters. Inmate behavior management concepts will be utilized to minimize placing juvenile inmates in isolation. Juvenile will be allowed daily exercise and access to other programs and work opportunities to the extent possible absent of exigent circumstances.
6. Cumberland County Prison employees will not conduct cross-gender, pat searches, strip searches or cross-gender visual body cavity searches (anal or genital opening) except in exigent circumstances. All cross-gender strip searches, cross-gender visual body cavity searches will be documented via a report to the shift leader and forwarded to PREA Coordinator. If emergency warrants a cross gender search the ADANI body scanner should be the first choice of method. If Body Scanner is unavailable, search should be recorded if possible and documentation sent to the PREA coordinator.
7. Inmates will be allowed to shower, perform bodily functions and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is during required security rounds. Staff will announce "Male on the Floor" or "Female on the Floor" anytime the opposite gender enters an inmate housing unit.
8. Staff will *not* search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the genital status is unknown, it may be determined during conversations with the inmate, reviewing medical records, or as part of a broader medical examination conducted in private by medical personnel.
9. Cumberland County Prison will consider the prison's ability to protect inmates from sexual abuse during any planned expansions, modifications or video equipment updates to the prison. Cumberland County Prison will not hire or promote anyone or enlist the services of any contractor, who may have contact with inmates, that:
 - a. Have engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution.
 - b. Have been convicted of engaging or attempting to engage in sexual activity by overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse.
 - c. Have been civilly or administratively adjudicated to have engaged in sexual activity.

- d. The prison shall consider any incidents of sexual harassment in determining whether to hire or promote or enlist services.
10. A criminal background records check will be conducted and reviewed by our Records Manager, before hiring new employees or enlisting services from volunteers or contractors, who may have contact with inmates.
11. Criminal background records checks will be conducted on all current employees, volunteers, and contractors, who may have contact with inmates at least every five (5) years.
12. All applicants and employees, who may have contact with inmates, will be asked directly about previous misconduct in all written applications, interviews for hiring or promotion, or during written evaluations. Employees must disclose any such misconduct. Any material omission or false information regarding misconduct will be grounds for termination.
13. Cumberland County Prison will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work, unless prohibited by law.
14. Inmate interpreters, readers or other types of inmate assistants are prohibited except in exigent circumstances. These circumstances will be documented and forwarded to the shift leader and PREA Coordinator.

B. Training and Education

1. All Cumberland County Prison employees, who have contact with inmates will be trained on the following:
 - a. The prison's zero-tolerance policy for sexual abuse and sexual harassment.
 - b. The employee's responsibilities under the prisons' sexual abuse and sexual harassment policy.
 - c. Inmates' rights to be free from sexual abuse and sexual harassment.
 - d. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment. The investigator assigned the case will do the follow up. This will be monitored for a minimum of 90 days using the sexual abuse retaliation form located in the lieutenant's office.
 - e. The dynamics of sexual abuse and sexual harassment in a prison setting such as: creating substitute families, power domination through aggression, and a young inmate being at risk for violent assault.
 - f. The common reactions of sexual abuse and sexual harassment victims such as: hostility, withdrawn, denial, afraid of sexual transmitted diseases, and fear of staff.
 - g. How to detect and respond to signs of threatened and actual sexual abuse such as: ensure safety, stabilize the situation, securing the scene, separate the ones involved, ask questions, and report incident to a Supervisor.
 - h. How to avoid inappropriate relationships with inmates.
 - i. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex or other nonconforming inmates.
 - j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
 - k. How to perform clothed and unclothed searches of all inmates.

2. All current employees will be initially trained in the PREA standards and refresher training will be provided to employees annually thereafter. All training will be documented with the employee's signature verifying they have received and understand the training.
3. All volunteers and contractors, who have contact with inmates, will be trained on Cumberland County Prison's PREA policy. This training will be documented with the signature of the volunteer, or contractor verifying they understand the training. A copy of the training will be documented with the training lieutenant. A copy of the initial and refresher training will also be verified by a signature on the date of the training and placed in their file.
4. All inmates during intake will receive a Cumberland County Prison Inmate Handbook explaining the prison's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
5. All inmate education materials will be in formats accessible to all inmates in accordance with Title II of the Americans with Disabilities Act, 42 U.S.C. TTY machine will be used for deaf/difficulty hearing inmates. All vision impaired inmates will have the handbook read aloud to them by staff. Sign language and other services will be afforded by contacting the courthouse and scheduling a time for the professional provider. Information will be continuously and readily available through posters, inmate handbooks, or other written formats. A fact sheet will be included in the commitment package given to all inmates at the time of commitment; an acknowledgment form will be signed and placed in the inmate file.
6. All shift leaders who conduct sexual abuse investigations will be trained in the following techniques:
 - a. Interviewing sexual abuse victims and potential perpetrators.
 - b. Distinguishing between consensual and coercive sex.
 - c. Proper documentation of findings.
 - d. Sexual abuse evidence collection in confinement settings.
 - e. The criteria and evidence required to substantiate a case for administrative action or prosecution referral.The PREA coordinator will maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.
7. All full and part-time medical and mental health care practitioners that work regularly in the prison will be trained in the following:
 - a. How to detect and assess signs of sexual abuse and sexual harassment.
 - b. How to preserve physical evidence of sexual abuse.
 - c. How to respond effectively and professionally to victims of sexual abuse and sexual harassment.
 - d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
8. Medical staff employed by Cumberland County Prison will not conduct forensic examinations.

C. Reporting

1. All staff are required to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment, retaliation

against inmates or staff, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation that occurs in Cumberland County Prison or any other facility to their supervisor and/or any other supervisor up to and including: Corporals, Sergeants, Lieutenants, Managers, Deputy Wardens or the Warden.

2. Anyone who reports sexual abuse or harassment should provide as many of the following information:
 - a. Description of incidents
 - b. Names of all parties and witnesses
 - c. Dates and time and place of alleged incidents
3. Staff will not reveal any information related to a sexual abuse report to anyone except designated supervisors or officials, who are responsible for treatment, investigation, and other security and management decisions.
4. Medical and mental health staff are required to report sexual abuse and required to inform inmates of staff's duty to report, and the limitations of confidentiality.
5. The first security staff member to respond to an allegation sexual abuse will:
 - a. Separate the alleged victim and isolate, secure, and supervise the abuser to ensure evidence is not destroyed.
 - b. Preserve and protect any crime scene by securing the immediate area to insure nothing is disturbed until the collection of evidence by investigating authority.
 - c. Request that the alleged victim do nothing that would destroy physical evidence such as: washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating until told otherwise.
 - d. If the first staff responder is not a security staff member, the responder will request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.
6. Information reported by a third-party concerning an alleged sexual abuse or sexual harassment will be forwarded to the shift leader.
7. Cumberland County Prison's PREA policy and Criminal Jurisdiction policy will be posted on the prison's website.
8. Cumberland County Prison inmates can remain anonymous and privately report sexual abuse, sexual harassment, retaliation by other inmates or staff and staff neglect by using the following:
 - a. Request Forms - place in the grey lock boxes on the unit (emptied daily)
 - b. Grievance Forms - place in the grey lock boxes on the unit (emptied daily)
 - c. Verbal Reporting - tell staff member
 - d. Sexual Abuse Telephone Hotline - *9 on the inmate phone system
 - e. Third-party reporting via Pennsylvania Department of Corrections PREA hotline. 1(844) 429-5412
9. Cumberland County Prison staff can privately report sexual abuse and sexual harassment of inmates to their supervisor or any other facility supervisor. Any verbal reports will be immediately documented by the staff member receiving the information and forwarded to a supervisor.
10. If Cumberland County Prison receives an allegation, that an inmate was sexually abused, while confined at another facility, the superintendent or their designee will notify the facility head where the alleged abuse occurred within 72 hours. The notification will be documented.

11. Staff or inmates who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations will not be subject to retaliation by other staff or inmates. After a report of sexual abuse, the superintendent or their designee will monitor the conduct and treatment of inmates or staff who reported the sexual abuse and inmates who experienced the sexual abuse for at least 90 days for possible retaliation.
12. The prison will not impose a time limit on when an inmate can submit a grievance regarding an allegation of sexual abuse. The prison will not require the inmate to use any informal grievance process or attempt to resolve with staff, an alleged incident of sexual abuse. The prison will not refer a grievance to a staff member who is the subject of the complaint. The prison will issue a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. The prison may claim an extension of time to respond up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The prison will notify the inmate in writing of any extension and provide a date by which a decision will be made. All grievances alleging an inmate is subject to a risk of imminent sexual abuse will be forwarded immediately to the shift leader. All grievances initial responses will be within 48 hours and a final prison decision within 5 calendar days.
13. Fellow inmates, staff members and outside advocates will be permitted to assist inmates in filing requests for administrative remedies relating to sexual abuse allegations.

D. Screening for Risk

1. All inmates will be screened during intake using an objective screening instrument for their welfare and safety risks. An inmate's risk level will be reassessed due to a referral, request, and incident of sexual abuse or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.
2. The intake screening will consider at the minimum the following questions that will be asked at the time of commitment:
 - a. Whether the inmate has a mental, physical or developmental disability.
 - b. Age of the inmate.
 - c. Physical build of the inmate.
 - d. If the inmate has previously been incarcerated.
 - e. If the inmate's criminal history is exclusively nonviolent.
 - f. If the inmate has prior convictions for sex offenses against an adult or child.
 - g. If the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex or gender nonconforming.
 - h. If the inmate has previously experienced sexual victimization.
 - i. The inmate's own perception of vulnerability.
Inmates will not be disciplined for refusing to answer or for not disclosing complete information in response to the risk screening.
3. Classification staff will use the information from the risk screening in OMS to determine housing, bed, work, education, and program assignments to prevent inmates with the high risk of being sexually victimized from those at the risk of being sexually abusive. This information is limited to a need to know basis.
4. Transgender and intersex inmates will be assigned to male or female blocks on a case by case basis and based on the health and safety of the inmate and the security

needs of the prison. They will be given the opportunity to shower separately from other inmates.

5. A transgender and intersex inmate's own view with respect to their own safety will be given serious consideration. Transgender and Intersex inmates will have their housing and programming assignments reassessed twice a year to review any threats to their safety.
6. Lesbian, gay, bisexual, transgender, or intersex inmates will not be placed in dedicated blocks based solely on their identification or status unless in connection with a consent decree, legal settlement or legal judgment for the purpose of protecting such inmate. All newly committed inmates will be interviewed by a correctional counselor within 30 days of arrival to reassess their risk for victimization and/or abusiveness and sign an acknowledgment form.
7. Inmates at high risk for exploitation will be housed in an area best suited for their protection and institutional needs. If placed in segregated housing they will have access to programs, privileges, education, and work opportunities to the extent possible. Inmates in segregated housing will be reviewed at least every 30 days to determine whether there is a continuing need for separation from the general population.
8. Inmates' who report sexual abuse or sexual harassment shall not be subjected to discipline for making the report, even if the associated investigation does not substantiate the allegation. The only exception would be a circumstance in which it is clearly proven that the inmate reporting the allegation did so, knowing the allegation was objectively false.

E. Medical and Mental Care

1. If the intake screening indicates that a prison inmate has experienced prior sexual victimization in an institutional setting or in the community, the inmate will be offered a follow-up meeting with medical or mental health within 14 days.
2. All information related to sexual victimization and abusiveness that occurred in an institutional setting shall be strictly limited to medical, mental health, and any other staff on a need to know basis.
3. Medical and mental health personnel will obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.
4. All inmate victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The evaluation and treatment of such victims will include follow-up services; treatment plans; referrals for continued care following their transfer or release
5. All inmate victims of sexual abuse while in the prison will be offered information and access to emergency contraception and sexually transmitted infections prophylaxis in accordance with professionally accepted standards of care, where medically appropriate.
6. The investigating law enforcement authority will follow a uniform evidence protocol for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. The forensic examination will be performed by Sexual Assault Forensic Examiners (SAFE's) or Sexual Assault Nurse Examiners (SANE) at a local hospital without a financial cost to the victim.

7. The prison will attempt to make available to the victim an advocate from a rape crisis center to accompany and support the victim through the forensic medical examination process, investigatory interviews and for emotional support, crisis intervention information, and referrals.
8. Inmate victims of sexual abusive vaginal penetration while in the prison will be offered pregnancy tests and tests for sexually transmitted infections as medically appropriate.
9. Inmate victims who become pregnant while in the prison will receive comprehensive information about all lawful pregnancy-related medical services.
10. All treatment services for sexual abuse will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
11. Interested inmates can receive emotional support services from identified staff/volunteers with the Carlisle YWCA. Inmates can contact YWCA emotional support advocates through their counselor, or by communicating directly via the mail or an established free hotline from the inmate telephone system.
12. The prison will allow reasonable communication between inmates and an outside advocacy group in as confidential manner as possible.

F. Investigations

1. All investigations into allegations of sexual abuse and sexual harassment will be done promptly, thoroughly, objectively and in accordance with Policy and Procedures 20.2. Middlesex Township Police department will conduct the criminal investigation and the administrative investigation will be conducted by the trained designated jail staff.
2. Investigators with special training in sexual abuse investigations will be used when sexual abuse is alleged.
 - a. Investigators will be responsible to gather and preserve direct and circumstantial evidence, available physical and DNA evidence, and available electronic monitoring data.
 - b. Investigators will interview alleged victims, suspected perpetrators, and witnesses. They will review prior complaints and reports of sexual abuse involving the suspected perpetrator. At any point during the investigation if the investigator believes that a criminal act has been committed, the investigator will immediately halt what he/she is doing and notify Middlesex Township PD.
3. No compelled interviews will be conducted by the prison until consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
4. The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as an inmate or staff.
5. The prison will not require an inmate, who alleges sexual abuse, to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of alleged allegation.
6. Administrative/Criminal investigations will include an effort to determine whether staff actions or failures to act contributed to the abuse.
7. All administrative and criminal investigations will be documented in written reports that include:

- a. Description of the physical and testimonial evidence.
- b. The reasoning behind credibility assessments.
- c. Investigative facts and findings.
8. Any substantiated allegations of conduct that appears criminal will be referred for prosecution immediately.
9. All written reports of administrative and criminal investigations will be retained by the prison for as long as the alleged abuser is incarcerated or is employed by the agency, plus five years.
10. An investigation will not be terminated just because the alleged abuser or victim departs from employment or control of the prison.
11. Cumberland County Prison will cooperate with outside investigators and will remain informed about the progress of the investigation.
12. The prison will not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
13. Following an investigation into allegations of sexual abuse or sexual harassment, the inmate will be informed whether the allegation has been determined to be substantiated, unsubstantiated or unfounded.
14. Following an inmate's allegation that a staff member committed sexual abuse against the inmate, the prison will inform the inmate (unless the prison has determined the allegation is unfounded) whenever:
 - a. The staff member is no longer posted within the inmate's housing unit.
 - b. The staff member is no longer employed at the prison.
 - c. The prison learns that the staff member has been indicted on a charge related to sexual abuse within the prison.
 - d. The prison learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
15. Following an inmate's allegation that another inmate has sexually abused them, the prison will inform the alleged victim whenever:
 - a. The prison learns that the alleged abuser has been indicted on a charge related to sexual abuse within the prison.
 - b. The prison learns that the alleged abuser has been convicted on a charge related to sexual abuse within the prison.
16. All notifications and attempted notifications will be documented.
17. The prison's obligation to report shall terminate upon the inmate's release from the prison's custody.

G. Discipline

1. Cumberland County Prison staff will be subject to disciplinary sanctions up to and including termination for violating the sexual abuse and sexual harassment policies. Staff that has engaged in sexual abuse will be terminated from the Cumberland County Prison.
2. Other disciplinary sanctions for violating the sexual abuse or sexual harassment policy that does not include actually engaging in sexual abuse will be based on the following:
 - a. The nature and circumstances of the acts committed.
 - b. The staff member's disciplinary history.
 - c. The sanctions imposed for similar offenses by other staff with similar histories.

3. All terminations or resignations for violations of the prison's sexual abuse or sexual harassment policy will be reported to the appropriate law enforcement authority unless the activity was not criminal.
4. Any contractor or volunteer who engages in sexual abuse will be prohibited from contact with inmates and will be reported to the appropriate law enforcement authority unless the activity was not criminal. In case of any other violation of agency sexual abuse or sexual harassment policy by a contractor or volunteer, the prison will consider whether to prohibit further contact with inmates.
5. Inmates will be subject to disciplinary sanctions through a formal disciplinary process following:
 - a. An administrative finding that the inmate engaged in inmate-on-inmate sexual abuse.
 - b. Following a criminal finding of guilt for inmate-on-inmate sexual abuse.
6. Inmate disciplinary sanctions will take in consideration the following:
 - a. The nature and circumstances of the abuse committed.
 - b. The inmate's disciplinary history.
 - c. The sanctions imposed for similar offenses by other inmates with similar histories.
 - d. Inmates' mental disabilities or mental illness.
7. The prison will discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
8. Inmates' who report sexual abuse or sexual harassment shall not be subjected to discipline for making the report, even if the associated investigation does not substantiate the allegation. The only exception would be a circumstance in which it is clearly proven that the inmate reporting the allegation did so, knowing the allegation was objectively false.
9. Cumberland County Prison prohibits all sexual activity between inmates and will discipline inmates for any such activities. Cumberland County Prison will not deem the activity as sexual abuse if it was not coerced.

H. Data Collection and Review

1. Identified staff shall meet within 30-days following the conclusion of a substantiated or unsubstantiated allegation of sexual abuse, to review the associated circumstances. The review team will not assemble to consider the surrounding circumstances when the allegation was determined to be unfounded.
2. The pre-established review team will include representatives from upper management, lieutenants, investigators, mental health and/or medical staff.
3. The review team will consider the following:
 - a. Needs to change policy or practice to better prevent, detect, or respond to sexual abuse.
 - b. If the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender or intersex identification, status, perceived status, gang affiliation.
 - c. The area in the prison where the alleged incident occurred to assess whether physical barriers in the area may permit abuse.
 - d. The adequacy of staffing levels in that area during different shifts.
 - e. Whether monitoring technology should be deployed or augmented to supplement supervision by staff.

- f. The review team will prepare a report of the findings, determinations, and any recommendations for improvement and submit the report to the Warden and the PREA Coordinator. The warden will document his findings and give an explanation on his approval or denial of the board's recommendations.
- 4. The prison will annually collect and post on the Cumberland County Prison web site, (with all personal identifiers removed) accurate, uniform data for every allegation of sexual abuse necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. Upon request, the prison will provide all such data from the previous calendar year to the Department of Justice.
- 5. The prison will ensure all data collected is securely retained for at least 10 years after the date of the initial collection unless Federal, State or local law requires otherwise.