

Pennsylvania

WOMEN IN PRISON: 1,618 (12/99)ⁱ

Custodial Sexual Misconduct

Custodial Sexual Misconduct – Statute

18 § 3124.2 – Institutional Sexual Assault ¹

Pennsylvania’s law is in the Sexual Offenses section of the Criminal Code. It expressly does not apply when there is a nonconsensual act.

Does the law impose a criminal penalty on the inmate?	No	The law does not penalize the inmate.
Does the statute cover all relevant forms of sexual abuse?	Yes	The law covers all forms of sexual abuse.
Does the law allow an officer to claim an inmate consented to the sexual act(s) to avoid prosecution?	No	The law specifically applies in cases where consent is not an issue. If there was no consent, Pennsylvania’s rape statutes apply.
Does the statute cover all custodians and staff in contact with inmates?	No	The law only applies to state and county employees and specified agents.
Does the statute cover all places where an inmate might be abused?	No	The law does not account for municipal and local institutions.
Is the penalty a felony?	Yes	Violation is a third degree felony.

Custodial Sexual Misconduct – Allegations and Incidents

Indictments/Convictions (answer to AI letter requesting information) ⁱⁱ	The Pennsylvania Attorney General’s Office does not maintain statistics on the statute. ⁱⁱⁱ
Incidents reported in select media since 10/98	<ul style="list-style-type: none"> - Quehanna Boot Camp: Former officer Tom Mattive was sentenced to eleven and one-half months in jail for sexually assaulting a female inmate. <i>Pittsburgh Post Gazette</i> 01/26/01 - State trooper, Michael K. Evans, faced charges of sexual misconduct against female minors, including aggravated indecent assault, indecent exposure, corruption of minors, open lewdness, and solicitation of prostitution. www.apbnews.com 02/16/00 - Beaver County Jail: One guard suspended and three others under investigation for sexual abuse against female inmates. Four women claimed they were assaulted and one claimed rape. <i>Pittsburgh Post Gazette</i> 03/23/99 - Northampton County Prison: Two and a half year probe into allegations of sex between guards and female inmates resulted in panel not finding enough evidence to prosecute any employees. <i>The Morning Call (Allentown)</i> 01/17/99 - Bedford County Prison: Officer Orville Keets fired for having sexual contact with female inmate. In 1995 judge ruled Keets was too violent to work in law enforcement, but was allowed to keep his job anyway. Had been fired amid allegations of sexual abuse and reinstated.; was also on probation for reckless endangerment. <i>Pennsylvania Law Weekly</i>, 01/11/99 - Correctional Institute Cambridge Springs: Former officer, Brenda Jones, charged with having sexual contact with female inmates.

¹ The text of Pennsylvania’s statute is reprinted at the end of this section.

Custodial Sexual Misconduct –Policies, Procedures and Practices of Guarding Specific to Women

The following data is based on surveys performed by the National Institute of Corrections in 1996 and 2000, except in cases when further details have been available to AI from alternative sources.

Is the current Department of Corrections policy on custodial sexual misconduct language explicit?	Yes	Policy includes direct and specific language about the sexual nature of the behaviors prohibited. ^{iv}
Allow cross-gender pat-down searches?	Yes	Practice is managed at institution level. At Muncy it is routinely done. At Cambridge searches are predominantly same-sex. ^v
Restrictions on the duties of male guards?		Not known.
Was there staff training on sexual misconduct in 1996?	Yes	All staff receive training. No further details available. ^{vi}
Has staff training been developed 1996-2000?	Yes	No details of training available. ^{vii}
Were there special procedures for investigating allegations of sexual misconduct in 1996?	No	Pennsylvania is not specifically mentioned in the National Institute of Corrections report. However, it is noted that most Departments of Corrections use standard investigatory procedures with no special considerations for the nature of the complaint. ^{viii}
Have new investigation procedures been introduced 1996-2000?	Yes	Pennsylvania DOC staff participate in continuing education and conferences on investigating staff sexual misconduct. ^{ix}
Were inmates informed of agency policies about sexual misconduct in 1996?	Yes	Policies are made available to inmates in library. ^x
Have procedures on informing inmates about sexual misconduct been revised 1996-2000?	No	No new initiatives have been developed. ^{xi}

Custodial Sexual Misconduct –Legislative Proposals 2000-01

None

Parenting and Pregnancy in Custody

Pregnancy - Relevant Statutes/Administrative Rules

Legislation banning shackling in the third trimester or during labor	No	Pennsylvania has no legislation limiting the use of shackling on pregnant inmates.
Administrative rules concerning pregnancy and delivery		Not known.

Pregnancy and Parenting - Policies, Procedures and Practices

DOC policies concerning pregnancy and delivery	Yes	The Pennsylvania DOC has a procedures manual for the care and management of pregnant inmates. Policy not provided. ^{xii}
Use of restraints in third trimester		Not known.
Restraints during transport	Yes	According to Pennsylvania DOC policy, restraints are applied based on security class. ^{xiii} According to the DOC, policy provides that all inmates are transported in both hand- and leg-restraints when they are escorted to outside medical providers. At least one accompanying

		officer must be same gender. Once the inmate is in active labor, she is restrained using a wrist restraint. Policy allows for exceptions to restraint procedures for medical reasons upon the recommendation of a physician and approval by facility manager. ^{xiv}
Restraints during labor	No	According to the DOC, pregnant inmates who are in active labor are not restrained once they arrive at the hospital. Once the newborn is delivered, the mother is restrained by an ankle restraint. ^{xv}
Officer in delivery room	Yes	A female correctional officer is present in the delivery room. ^{xvi}
Parenting programs specific for women	Yes	Pennsylvania DOC provides postpartum care, counseling and parenting classes for women who have given birth while in custody. It is not known whether other parenting programs exist. ^{xvii}
Special visitation rights for women	No	Pennsylvania DOC has no special visitation rights for women with children. ^{xviii}
State Mother and Child Residency Program	No	Pennsylvania DOC has no residential program for Inmate mothers and their infants/children. ^{xix}

Contact information

PENNSYLVANIA DEPARTMENT OF CORRECTIONS

Martin F. Horn, Secretary 2520 Lisburn Road P.O. Box 598 Camp Hill, PA 17001-0598 Phone: (717) 975-4918; Fax: (717) 787-0132	Home page: http://www.cor.state.pa.us/ Contact page: http://www.cor.state.pa.us/keystaff.htm
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PENNSYLVANIA DEPARTMENT OF CORRECTIONS FACILITIES FOR WOMEN

SCI Muncy <i>Female inmates: 865^{xx}</i> Capacity: 649 Superintendent: Donald L. Kelchner P.O. Box 180 Muncy, PA 17756 Phone: (570) 546-3171 Female-only institution Houses all security classes	SCI Cambridge Springs <i>Female inmates: 637^{xxi}</i> Superintendent: William J. Wolfe 451 Fullerton Avenue Cambridge Springs, PA 16403-1238 Phone: (814) 398-5400 Female only institution	Community Corrections Centers Female inmates: 21 ^{xxii} Group Homes Female inmates: 27 ^{xxiii}
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PENNSYLVANIA EXECUTIVE

Governor Tom Ridge [R] 225 Main Capitol Harrisburg, Pennsylvania 17120 Phone: (717) 787-2500	Home page: http://www.state.pa.us/PA_Exec/Governor/overview.htm Contact page: http://www.state.pa.us/PA_Exec/Governor/organization.html Elected: January 1999
Attorney General Mike Fisher [R] Pennsylvania Office of Attorney General 16th Floor, Strawberry Square Harrisburg, PA 17120 Phone: (717) 787-3391	Home page: http://www.attorneygeneral.gov/ Email: info@attorneygeneral.gov . or pei@attorneygeneral.gov

PENNSYLVANIA LEGISLATIVE INFORMATION

<p>Legislative Session: The General Assembly convenes the first Tuesday of January each year. The session of one year must adjourn by noon of the first Tuesday of the following year. Two regular sessions cannot meet at the same time.</p> <p>The General Assembly must also adjourn by November 30, in even-numbered years, due to the expiration of the terms of office of all House members and half the Senate. The governor can call special sessions.</p> <p>Senate: 50 members, 4-year terms House: 203 members, 2-year terms</p>	<p>Legislature home page: http://www.legis.state.pa.us/</p> <p>Legislative information: http://www.legis.state.pa.us/WU01/sessinfo.htm</p> <p>Bill search: http://www.legis.state.pa.us/WU01/LI/BI/billroom.htm</p> <p>Bill information phone number: : House: (717) 787-2372 Senate: (717) 787-5920</p>
<p>Senate Capitol Building Senate Box 203030 Harrisburg 17120-3030</p>	<p>Senate home page: http://www.pasen.gov/</p>
<p>House of Representatives Capitol Building Senate Box 203030 Harrisburg 17120-3030</p>	<p>Home page: http://www.house.state.pa.us/</p>

WOMEN IN PRISON - NGO RESOURCES

The organizations listed are not endorsed by or affiliated with Amnesty International.

<p>Pennsylvania-CURE P.O. Box 125 Millersberg, PA 17061-0125 Phone: (717) 692-2180; Fax: (717) 692-5603 Email: dlhdh@pa.net</p>
<p>Pennsylvania Prison Society 2000 Spring Garden Street Philadelphia PA 19130-3805 Phone: (215) 564-6005 x7915; Fax: (215) 564-7926 Email: drush@voicenet.com / wd@ix.netcom.com Web page: www.prisonersociety.org <i>Provides advocacy, support, information and referral services to prisoners and their families. Meets prisoners to discuss complaints and attempts to mediate solutions.</i></p>
<p>National Clearinghouse in Defense of Battered Women 125 South 9th Street, #302 Philadelphia, PA 19107 Phone: (215) 351-0010; Fax: (215) 351-0779 <i>Provides legal and technical assistance to battered women charged with crimes.</i></p>
<p>The Program for Women and Families 1031 Linden Street Allentown, PA 18102 Phone: (610) 433-6556</p>
<p>ACLU of Pennsylvania P.O. Box 1161 Philadelphia, PA 19105 Phone: (215) 923-4357 Web site: www.aclupa.org</p>

^{vi} US Department of Justice National Institute of Corrections Information Center, “Sexual Misconduct in Prisons: Law, Agency Response, and Prevention,” National Institute of Corrections, Colorado, November 1996

^{vii} US Department of Justice National Institute of Corrections Information Center, “Sexual Misconduct in Prisons: Law, Remedies, and Incidence,” National Institute of Corrections, Colorado, May 2000

^{viii} US Department of Justice National Institute of Corrections Information Center, “Sexual Misconduct in Prisons: Law, Agency Response, and Prevention,” National Institute of Corrections, Colorado, November 1996

^{ix} US Department of Justice National Institute of Corrections Information Center, “Sexual Misconduct in Prisons: Law, Remedies, and Incidence,” National Institute of Corrections, Colorado, May 2000

^x US Department of Justice National Institute of Corrections Information Center, “Sexual Misconduct in Prisons: Law, Agency Response, and Prevention,” National Institute of Corrections, Colorado, November 1996

^{xi} US Department of Justice National Institute of Corrections Information Center, “Sexual Misconduct in Prisons: Law, Remedies, and Incidence,” National Institute of Corrections, Colorado, May 2000

^{xii} Pennsylvania Department of Correction, Policy Number 13.2.7 Inmate Health Care Plan. Described in letter from the Pennsylvania DOC, John S. Shaffer, Deputy Secretary for Administration, 02/13/2001

^{xiii} Pennsylvania Department of Corrections, “Use of Force” (DC-ADM 201) Policy received from the Pennsylvania DOC, 8/17/00

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- ^{xiv} Pennsylvania Department of Correction, Policy Number 13.2.7 Inmate Health Care Plan. Described in letter from the Pennsylvania DOC, John S. Shaffer, Deputy Secretary for Administration, 02/13/2001
- ^{xv} Pennsylvania Department of Correction, Policy Number 13.2.7 Inmate Health Care Plan. Described in letter from the Pennsylvania DOC, John S. Shaffer, Deputy Secretary for Administration, 02/13/2001
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- ^{xvii} Pennsylvania Department of Correction, Policy Number 13.2.7 Inmate Health Care Plan. Described in letter from the Pennsylvania DOC, John S. Shaffer, Deputy Secretary for Administration, 02/13/2001
- ^{xviii} US Department of Justice National Institute of Corrections Information Center, "Current Issues in the Operation of Women's Prisons," National Institute of Corrections, Colorado, September 1998
- ^{xix} General Accounting Office, "Managing Female Inmate Populations," GAO/GGD-00-22, 2000
- ^{xx} Monthly Population Report, June 2000, Department of Corrections, Statistics
- ^{xxi} Monthly Population Report, June 2000, Department of Corrections, Statistics
- ^{xxii} Source: Inmate Population by Facility, Race, Gender, and Age on December 31, 1997, Department of Corrections, Statistics
- ^{xxiii} Source: Inmate Population by Facility, Race, Gender, and Age on December 31, 1997, Department of Corrections, Statistics