

No. 13-26-OR

AN ORDINANCE

An ordinance of the Council of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing Division 2 of the Allegheny County Code of Ordinances, Chapter 205, entitled “Allegheny County Jail,” through the creation of a new Article III, entitled “Jail Rape Elimination,” in order to codify existing provisions of Federal law at the County level.

WHEREAS, the United States Congress enacted and then-President George W. Bush signed the Prison Rape Elimination Act of 2003 (PREA) on September 4th of that year; and

WHEREAS, the provisions of PREA were designed to prioritize the elimination of sexual assaults among incarcerated individuals throughout the country’s prison system; and

WHEREAS, with this end in mind, PREA’s provisions were written specifically to aid in detection, prevention, and punishment for sexual abuse in prisons, jails, and juvenile facilities, with final standards becoming effective on August 20, 2012.; and

WHEREAS, among numerous stated reasonings for enacting for PREA, Congress specifically noted that (1) “experts have conservatively estimated that at least 13 percent of the inmates in the United States have been sexually assaulted in prison. Many inmates have suffered repeated assaults. Under this estimate, nearly 200,000 inmates now incarcerated have been or will be the victims of prison rape. The total number of inmates who have been sexually assaulted in the past 20 years likely exceeds 1,000,000,” (2) “[i]nmates with mental illness are at increased risk of sexual victimization. America’s jails and prisons house more mentally ill individuals than all of the Nation’s psychiatric hospitals combined,” (3) “[y]oung first-time offenders are at increased risk of sexual victimization. Juveniles are 5 times more likely to be sexually assaulted in adult rather than juvenile facilities—often within the first 48 hours of incarceration,” (4) “[m]ost prison staff are not adequately trained or prepared to prevent, report, or treat inmate sexual assaults,” and (5) “[p]rison rape often goes unreported, and inmate victims often receive inadequate treatment for the severe physical and psychological effects of sexual assault—if they receive treatment at all.”; and

WHEREAS, in enacting PREA, Congress also specifically noted that (1) the prevention of sexually transmitted disease within prison settings is of paramount importance, (2) “[v]ictims of prison rape suffer severe physical and psychological effects that hinder their ability to integrate into the community and maintain stable employment upon their release from prison. They are thus more likely to become homeless and/or require government assistance,” and (3) “[t]he high

incidence of sexual assault within prisons involves actual and potential violations of the United States Constitution. In *Farmer v. Brennan*, 511 U.S. 825 (1994), the Supreme Court ruled that deliberate indifference to the substantial risk of sexual assault violates prisoners' rights under the Cruel and Unusual Punishments Clause of the Eighth Amendment.”; and

WHEREAS, former President Obama added additional protections for the LGBTQIA+ community to PREA’s mandate in 2012, via standards applicable to virtually all federal, state and local prisons and jails;

WHEREAS, despite the clearly worded purposes and intent behind PREA and its enforcement by previous administrations, on December 2, 2025 Tammie M. Gregg, a Deputy Director at the Department of Justice’s Bureau of Justice Assistance, forwarded a memorandum to all DOJ-certified PREA auditors instructing all PREA auditors to ignore PREA’s provisions in their audits to the extent that they conflict with President Trump’s anti-trans executive order, issued on the first day of his second term; and

WHEREAS, the Gregg memorandum specifically states that facilities “shall not be held to subsections of the PREA Standards that may conflict with” President Trump’s anti-trans executive order until final updates to those standards are published; and

WHEREAS, the executive order and Gregg memorandum constitute a radical departure from decades of prior practice, and circumvent the effective enforcement of provisions of PREA; and

WHEREAS, it is the judgment of Council that the stated rationale, goals and objectives of the United States Congress in enacting PREA are persuasive, well-reasoned, and designed to protect both public health and safety, as well as the Eighth Amendment and other rights of incarcerated individuals; and

WHEREAS, it is also the judgment of Council that members of the LGBTQIA+ community are no less entitled to these protections than anyone else, regardless of the facially discriminatory content of an executive order issued by one individual; and

WHEREAS, it is therefore the judgment of Council that codifying the provisions of PREA at the County level is now both advisable and necessary, in the wake of the Trump administration’s attempts to render it selectively enforceable for some incarcerated persons and not others;

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of the Preamble.

The preamble to this ordinance is hereby incorporated by reference.

SECTION 2. Enactment of New Article III.

Division 2 of the Allegheny County Code of Ordinances, Chapter 205, entitled “Allegheny County Jail,” is hereby amended and supplemented through the creation of a new Article III, entitled “Jail Rape Elimination,” and comprised as follows:

Chapter 205 Allegheny County Jail ARTICLE III Jail Rape Elimination

§205-30. Purpose.

The purposes of this Article are to:

- A. Establish a zero-tolerance standard for the incidence of rape in the Allegheny County Jail and any juvenile detention center owned by Allegheny County;
- B. Make the prevention of rape a top priority in in the County Jail and juvenile detention center;
- C. Adopt standards for the detection, prevention, reduction, and punishment of rape in the County’s Jail and juvenile detention center;
- D. Increase the available data and information on the incidence of rape, consequently improving the management and administration of the County’s correctional facilities;
- E. Standardize the definitions used for collecting data on the incidence of rape in the County Jail and County-owned juvenile detention centers;
- F. Increase the accountability of administrative and other County officials who fail to detect, prevent, reduce, and punish rape of incarcerated individuals;
- G. Protect the Eighth Amendment rights of County prisoners;
- H. Increase the efficiency and effectiveness of County expenditures relating to health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; correctional facility construction, maintenance, and operation; race relations; poverty; unemployment; and homelessness; and

- J. Reduce the costs that rape of incarcerated individuals impose upon the County.

§205-31. Definitions.

For the purposes of this Article, the following words shall have the meanings established herein:

- A. “Rape” shall include any offense defined in Subchapter B of Title 18, Chapter 31 of the Pennsylvania Code of Statutes, including §3121 (relating to rape), §3122.1 (relating to statutory sexual assault), §3123, (relating to involuntary deviate sexual intercourse), §3124.1 (relating to sexual assault), §3124.2 (relating to institutional sexual assault), §3124.3 (relating to sexual assault by sports official, volunteer or employee of nonprofit association), §3125 (relating to aggravated indecent assault), §3126 (relating to indecent assault), §3127 (relating to indecent exposure), §3131 (relating to unlawful dissemination of intimate images), §3132 (relating to sexual mutilation), and §3133 (relating to sexual extortion) committed against an Incarcerated Individual, regardless of whether the person committing the offense was an Incarcerated Individual or not.
- B. “Correctional Facility” shall mean the Allegheny County Jail and any juvenile detention facility owned by Allegheny County, regardless of the entity responsible for day to day administrative or other activities within such facility.
- C. “Incarcerated Individual” shall mean any person held in the custody of a Facility, throughout the duration for which such person is held within such Facility.

§205-33. Facility rape prevention.

- A. Training and education. Each Correctional Facility (as defined under the terms of this Article) shall:
1. Specifically designate individuals and other authorities responsible for the prevention, investigation, and punishment of instances of Rape within such Correctional Facility;
 2. Specifically adopt and implement the standards contained within the Commonwealth of Pennsylvania’s Department of Corrections DC-ADM 008, Prison Rape Elimination Act (PREA) Procedures Manual, 2023 edition, including dissemination of attachment 11-D to such Procedures Manual to all individuals passing through their respective intake processes; and
 3. Conduct periodic training and education programs – including continuing training and education - for all employees and authorities designated as responsible for the

prevention, investigation, and punishment of instances of Rape within such Correctional Facility.

- B. Reports. Not later than December 31 of each year, each Correctional Facility shall submit a report to the Chief Executive, County Council, the Jail Oversight Board, and the County Manager. Such report shall summarize the activities of the Correctional Facility regarding prison rape abatement for the preceding calendar year, and shall be patterned after the 2024 Pennsylvania Department of Corrections annual report.

§205-34. Use of appropriations.

- A. From amounts made available to each Correctional Facility through the County's annual operating, capital, and/or grants and special accounts budgets, each Correctional Facility shall, to the greatest extent practicable, ensure that their activities do not compromise efforts to protect Incarcerated individuals (particularly from prison rape) and to safeguard the communities to which inmates return. Correctional Facility duties under the terms of this Article shall include employment of personnel, providing training, obtaining technical assistance, data collection, and providing equipment to prevent and prosecute Rape.
- B. For the purposes of this Article:
1. Protecting Incarcerated Individuals shall be deemed to include:
 - a. Undertaking efforts to more effectively prevent Rape;
 - b. Investigating incidents of Rape; or
 - c. Prosecuting incidents of Rape.
 2. Safeguarding communities shall be deemed to include:
 - a. Obtaining training and technical assistance in successful methods for moderating the growth of prison populations without compromising public safety, including successful methods used by other jurisdictions;
 - b. Developing and utilizing analyses of prison populations and risk assessment instruments that will improve understanding of risks to the community regarding release of Incarcerated Individuals;
 - c. Preparing informational materials relating to released Incarcerated Individuals for dissemination to local governments within Allegheny county designed to facilitate the efficient and effective:

- i. Deployment of law enforcement resources (including probation resources); and
 - ii. Delivery of services (such as job training and substance abuse treatment) to those released Incarcerated Individuals;
- d. Developing policies and programs that reduce spending by Correctional Facilities by effectively reducing rates of probation revocation without compromising public safety.

§205-35. Notice; the Allegheny County Jail Oversight Board and Juvenile Detention Board of Advisors.

In addition to reporting obligations imposed under the terms of §5-205-33, all Correctional Facilities shall provide written notice of any incident of Rape within 48 hours of becoming aware of its occurrence to the Allegheny County Jail Oversight Board ~~and~~ or Juvenile Detention Board of Advisors. At least weekly after such notice is provided and until final resolution of the incident, the Correctional Facility shall provide written updates regarding the incident(s) and Correctional Facility's subsequent actions relating to the incident to the Jail Oversight Board or Juvenile Detention Board of Advisors.

§205-36. Nondiscrimination.

Under no circumstances shall any Incarcerated Individual be subject to any exclusion, denial, intimidation, coercion, difference or segregation in treatment under the terms of this Article or any policy, procedure, or recommendation promulgated under such terms because of protected class based upon race, color, religion, national origin or ancestry, sex, gender identity or expression, sexual orientation, disability, marital status, familial status, age or use of a guide or support animal because of blindness, deafness or physical disability of any individual or independent contractor or because of the disability of an individual with whom the person is known to have an association.

SECTION 3. - Effective Date.

The terms of this Ordinance shall become effective immediately upon the date of final approval.

SECTION 4. - Severability.

If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 5. - Repealer.

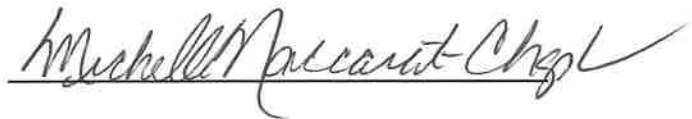
Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

PRIMARY SPONSOR(S): COUNCIL MEMBER HALLAM

CO-SPONSOR(S): COUNCIL MEMBERS ROSE and MADONNA-EMMERLING and PRESIDENT CATENA

Enacted in Council, this 26th of May, 2026.

Council Agenda No. 13810-26.



President of Council

Attest: 
Jared E. Barker, Chief Clerk
Allegheny County Council

Chief Executive Office June 16, 2026.

Approved: 
Sara Innamorato
Chief Executive

Attest: 