

Sexual Harassment Claim Upheld By Judge

On March 28, 2003, Maria Rosado, a former inmate at SCI-Muncy, filed a Federal Court Complaint against Correctional Officer Kissinger and SCI-Muncy Superintendent Dragovich alleging that, on February 17, 2002, while Rosado was incarcerated in SCI-Muncy, Kissinger forced her to engage in sexual acts with another female inmate. The Defendants filed motions to have the action dismissed, arguing that Rosado had not exhausted her internal administrative remedies under the Department of Corrections General Grievance Policy (DC-ADM 804) before initiating her lawsuit.

On October 21, 2003, the Honorable John E. Jones, III, United States District Judge for the Middle District of Pennsylvania, issued an Order denying the motions and rejecting the Defendants' contention that DC-ADM 8-4 was the only appropriate method by which inmates could initiate complaints within the prison. The court noted that Rosado had complied with sexual harassment and abuse reporting requirements contained within the Inmate Handbook and two other Department of Corrections policies which specifically concerned sexual harassment and abuse, DC-ADM 808 and DC-ADM 001.