

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/ten-years-of-prea>

### Public Facing Advocacy Writing

Ten years ago today, President George W. Bush signed the Prison Rape Elimination Act (PREA) into law. For the victim advocates, attorneys, and survivors who had been striving for more than two decades to shed light on the issue of sexual abuse behind bars, the passage of PREA was a watershed moment. For the first time in U.S. history, Congress affirmed unanimously the duty of correctional agencies to protect incarcerated individuals from sexual abuse and established a zero tolerance standard for sexual abuse in America's correctional facilities. Led by Congressmen Frank Wolf (R-VA) and Bobby Scott (D-VA), along with Senators Edward M. Kennedy (D-MA) and Jeff Sessions (R-AL), the enactment of this bicameral, bipartisan legislation represented an opportunity to put an unprecedented federal spotlight on this pervasive yet unaddressed aspect of confinement conditions.

At this 10 year mark, it seems appropriate to reflect on the work that so many have come together to accomplish, and consider the work that still remains. PREA called for the creation of a national commission to study the causes and consequences of sexual abuse in confinement settings and to issue national standards for its prevention, detection, and response. In 2006, following Vera's Commission on Safety and Abuse in America's Prisons and the release of [Confronting Confinement](#), the National Prison Rape Elimination Commission requested Vera's assistance in its efforts to develop the national standards. With the commission's input and approval, we facilitated expert committee meetings focused on the topic areas outlined in PREA. These committees comprised of corrections practitioners, survivors, advocates, and other stakeholders met to discuss issues and make recommendations to the commission. Those recommendations were instrumental to developing the draft standards. Vera conducted site visits to correctional facilities to observe promising practices for preventing, detecting, and responding to sexual abuse and continued to work closely with the commission until June 2009 to finalize the standards and help draft the final report.

The meetings and site visits we conducted were often contentious. Corrections practitioners struggled with how to balance victim needs with institutional safety and security. Advocates and victim service providers were not always welcomed with open arms at facilities. Together, we worked hard to build consensus and to offer recommendations to the commission that both set a high standard of care for victims and a realistic standard of practice for corrections.

Between June 2009, when the commission submitted its standards to the Attorney General, and June 2012, when the Department of Justice (DOJ) issued the final PREA regulations (which closely resembled the commission's recommendations), organizations like Vera and numerous correctional systems continued their work to address sexual abuse in confinement.

At the same time, the original Congressional sponsors of the legislation were unwavering in their focus to see implementation of the commission's recommendations. Along with growing recognition and acknowledgement of this problem among corrections leaders, the fact that the work continued in the absence of final, binding regulations suggests that a subtle cultural shift was taking shape in corrections, at least at the federal and state levels. Awareness of PREA was on the rise, and when DOJ's Office on Violence Against Women in 2010 contracted with Vera to develop a [guide](#) for corrections on how to adapt DOJ's National Protocol for Sexual Assault Medical Examinations to improve responses in correctional facilities, much had changed.

Similar to our process with the commission, Vera convened focus groups comprised mostly of advocates, victim service providers, and corrections practitioners. My former Vera colleague Tara Graham and I marveled at how lively and cooperative the meetings were. The corrections practitioners were eager for ideas about how to provide coordinated, victim-centered care in their facilities, and the advocates were more than happy to think through how to build coalitions and adapt community best practices to confinement settings. Working with the lessons from that guide, Vera staff has been thrilled to help build one such coalition through a three-year demonstration project in Johnson County, Kansas, where we are working for the Office for Victims of Crime to help the Johnson County Department of Corrections develop a sexual assault response team to respond to incidents of sexual abuse occurring in its juvenile detention and residential community corrections facilities.

The PREA work reached a new level in 2012 after DOJ released the final regulations. By then, the Bureau of Justice Assistance had created and funded the National PREA Resource Center (PRC), a multi-year initiative to provide assistance to correctional agencies as they implement and come into compliance with DOJ's final PREA standards. The PRC has provided numerous trainings, targeted technical assistance, and distance learning opportunities to continue to raise awareness of PREA and help facilities of all types come into compliance. As a partner organization of the PRC, Vera oversees the development and delivery of the [PREA in Action](#) case study and webinar series, through which we have had the opportunity to see firsthand just how far agencies have come since we started this work in 2006. The PREA in Action series, published on the PRC's website, provides corrections practitioners and others with real world examples of PREA implementation. Each case study focuses on a different PREA-related topic, showcases systems that are doing productive work in that area, and features an accompanying webinar.

Despite all of the great work being done to combat sexual abuse in correctional settings, there is still work to do. In a report released in June of this year, [Sexual Victimization in Juvenile Facilities Reported by Youth, 2012](#), the Bureau of Justice Statistics (BJS) found that approximately 9.5 percent of adjudicated youth in state juvenile facilities reported having suffered sexual abuse within 12 months of arriving at their facility, with rates as high as 36 percent in specific facilities. Similarly, a [BJS study](#) released last year found that 9.6 percent of former state inmates reported experiencing at least one incident of sexual victimization during their most recent incarceration. These statistics underscore the difficulty of addressing the problem of sexual abuse in confinement settings.

Building on the progress that PREA has fostered, Vera is committed to continuing to work with correctional systems to keep those who live and work within them safe.

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