

**Report to the Congress of the United States
on the Activities of the Department of Justice
in Relation to the
Prison Rape Elimination Act
(Public Law 108-79)**

July 2006

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Introduction

This is the second annual report to Congress mandated by the Prison Rape Elimination Act of 2003 (P.L. 108-79). This report fulfills Section 5(b) of the Prison Rape Elimination Act, which requires the National Institute of Corrections to submit an annual report to Congress and to the Secretary of Health and Human Services summarizing the activities of the Department of Justice regarding prison rape abatement for the preceding calendar year. This report is also being provided to the Director of the Bureau of Justice Statistics as required by the Act. The first report to Congress summarized the activities of the Department of Justice for fiscal year 2004 (October 2003 – September 2004). This was done because the law was new and it was important to report on the many significant accomplishments of the Department in the months after the Act became law, which occurred at the end of 2003 and carried over into calendar year 2004. This report covers the months of October – December 2004 in order to get annual reports on a cycle that matches the statutory mandate of reporting information by calendar year.

Background

On September 4, 2003, the Prison Rape Elimination Act of 2003 was signed into law. The Prison Rape Elimination Act (PREA) is legislation that establishes a standard of zero tolerance for rape and sexual assault in any prison, jail, police lockup, or juvenile facility.

The law gives several components within the Department of Justice (DOJ) specific tasks:

C Bureau of Justice Statistics (BJS) - BJS will collect, review, and analyze the incidence and effects of prison rape. The analysis will include “the common characteristics of both victims and perpetrators, and prisons and prison systems with high incidence rates.”

C Review Panel - The PREA mandates the DOJ to create a Review Panel that will conduct hearings on prison rape. This Review Panel will have subpoena power to call officials who run the three facilities with the highest incidence of prison rape and the two facilities with the lowest incidence of prison rape in each category of facilities (prisons, jails, and community corrections).

C National Institute of Corrections (NIC) - The PREA mandates NIC to offer training and technical assistance and to provide a national clearinghouse for information. NIC is also required to produce an annual report to Congress.

C Attorney General’s Office - The Attorney General is authorized to award grants to States to assist with the implementation of PREA requirements. The Bureau of Justice Assistance (BJA) and the National Institute of Justice (NIJ) are responsible for the development and administration of these grant programs. In addition, the Attorney General will publish national standards for the detection, prevention, reduction, and punishment of prison rape. These standards will be developed and

recommended by the National Prison Rape Elimination Commission established under Section 7 of the PREA.

Note: Because the National Prison Rape Reduction Commission is not part of the Department of Justice, the activities of that Commission are not included in this report.

Activities and Accomplishments

This report describes the activities of the Office of Justice Programs (the National Institute of Justice, the Bureau of Justice Statistics, and the Bureau of Justice Assistance) and the National Institute of Corrections.

Office of Justice Programs (OJP)

The Department of Justice's Office of Justice Programs (OJP) was created to provide leadership in developing a national capacity to prevent and control crime, administer justice, and provide assistance to victims of crime. OJP and its various components accomplish this through partnerships with other Federal, State, and local agencies, plus national and community organizations.

Congress included all FY 2004 funds for PREA in the OJP appropriation. OJP included funds for the tasks required under PREA in the budgets of the appropriate OJP components. OJP transferred funds to NIC for PREA activities through an Interagency Agreement between the two agencies.

The PREA activities of the following components of OJP are described in this report:

C National Institute of Justice

C Bureau of Justice Statistics

C Bureau of Justice Assistance

National Institute of Justice (NIJ)

Legislative Mandate

Although sexual assault in prisons has been studied, Congress noted in its findings that "insufficient research" has been conducted and "insufficient data reported." One of the purposes for passing the PREA was to "increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities."

Section 4 of the PREA mandates the development and implementation of a major research effort. While a significant portion of the work is to be carried out by BJS, the Attorney General is also authorized to provide grants to carry out research. NIJ was given the responsibility to process and award these research grants.

The following information describes the NIJ activities in accordance with this mandate during the fourth quarter of calendar year 2004, including important and related activities in late September 2004.

Research on Sexual Violence in Corrections and the Protection of Human Subjects

Research on prison sexual violence and on a number of other topics that involve the interviewing of inmates in correctional facilities is highly sensitive in nature. A great deal of attention has been given to protecting the privacy and the rights of human research subjects, including those who are incarcerated.

The NIJ has acknowledged the growing difficulties experienced by researchers conducting corrections-based research. Research conducted under the Prison Rape Elimination Act could very likely include the review of incident reports, medical records, psychological examinations, and other confidential documents. A violation of an inmate's privacy rights is possible if the research is not conducted with the highest level of security and sensitivity. It is important for researchers and institutional review boards (IRBs) to understand the nuances of human rights protection policies to conduct effective research without violating the rights of inmates or corrections staff.

As a result of this potential problem, from September 27-28, 2004, the NIJ hosted the first in a series of meetings to address this issue. Experts on corrections research, human subjects policies, and prison sexual violence met to develop a set of protocols designed to inform researchers and members of IRBs about issues related to conducting human subjects research in a corrections setting.

Research Awards and Requests for Proposals

The NIJ made four awards in September 2004 as a result of a request for proposals that was released the previous year. Two awards focused on program identification and two awards focused on developing risk classification instruments.

Regarding the program identification projects, NIJ awarded a grant to the Colorado Division of Criminal Justice to identify sexual victimization prevention programs already in place in men's and women's prisons. The other grant was awarded to researchers at the Urban Institute to identify programs used in jails and juvenile facilities. Researchers in each project will identify proven programs by using objective performance measures and evidence-based practices to determine the success of these programs. Case studies will describe the best programs to guide corrections administrators and staff in developing similar programs in their jurisdictions.

The two awards that will focus on developing risk assessment instruments are designed to guide corrections practitioners in identifying potential sexual predators and victims of sexual assault or sexual misconduct. One grant was awarded to the University of Virginia where researchers will use pre-existing official reports of sexual violence over the past 3 years from a State that rigorously investigates all allegations of prison rape in their correctional system. Using these reports, the researcher expects to identify the characteristics of inmates most likely to victimize or be victimized. The other grant under this category was awarded to the James F. Austin Institute in Washington, D.C. This project will develop a risk assessment instrument and will analyze the characteristics of inmates who were victims or predators, as well as the prison environment in which these assaults occurred. The final product of both projects will be publicly-available risk instruments that correctional staff can use during admission and/or classification to better evaluate inmates.

In early 2004, the NIJ released two solicitations for research. The first requested research proposals to examine the process in which allegations of prison sexual assault are investigated and prosecuted. The second solicitation called for proposals that examined the medical and psychological impact that prison rape had on victims, either while incarcerated or upon re-entering the community. The deadline for concept papers for each solicitation was December 12, 2004.

Bureau of Justice Statistics (BJS)

Legislative Mandate

In keeping with the Congressional finding of “insufficient research” and “insufficient data reported,” Section 4 of the PREA tasks BJS with conducting a “comprehensive statistical review and analysis of the incidence and effects of prison rape.” BJS is charged with several complex tasks including:

- Defining rape for purposes of the study
- Determining how data will be collected
- Determining how facilities will be categorized
- Determining how the data will be adjusted to account for differences in the facilities from which the data is collected

The following information describes the BJS activities in accordance with this mandate during the fourth quarter of calendar year 2004.

Administrative Survey Collections

In December 2003 and February 2004, the Bureau of Justice Statistics held meetings in which they called upon practitioners, researchers, and other stakeholders and professionals to offer input to help guide the agency’s research plan. Combining their own in-house expertise with the input from these groups, the BJS developed a three-pronged approach.

The first prong of this approach was the collection of administrative data from a sample of juvenile and adult correctional facilities during calendar year 2004. To complete this data collection, BJS developed different survey forms for the Federal Bureau of Prisons, State prison systems, local jails, State juvenile systems, and local and private juvenile facilities. BJS developed another form for use by private correctional facilities, jails in Indian country, and facilities operated by the U.S. military or Immigration and Customs Enforcement. BJS circulated the forms to a variety of reviewers for comment. After incorporating the feedback, BJS submitted the forms to the Office of Management and Budget for review and approval. BJS conducted a pretest with approximately 30 respondents from various correctional facilities, modified the forms based on the results of the pretest, and then distributed the forms to the targeted respondents.

The second prong of BJS's approach was a continuation of work on the design and implementation of the adult victim self-report survey. BJS continued development of the questionnaire for adult inmates in State and Federal prisons and local jails. BJS will be adapt the questionnaire for youths confined in juvenile facilities.

The third prong of the BJS implementation strategy is to develop victim self-report methodologies to collect data from soon-to-be-released jail inmates and offenders on parole supervision. During the fourth quarter of 2004, BJS negotiated with data collection agents to develop a strategy to implement this part of their overall research plan.

Bureau of Justice Assistance (BJA)

Legislative Mandate

Three key reasons for the enactment of PREA were overcoming the harmful effects on the victims of prison rape, the disruption to institution operations, and the demand placed on the communities to which these victims return. To help ensure that budgetary constraints and reduced spending on corrections at State and local government levels do not compromise efforts to "protect inmates and safeguard communities," Section 6 of the PREA authorizes the Attorney General to award grants to the States, the District of Columbia, and all United States territories and possessions for personnel, training, technical assistance, data collection, and equipment.

The PREA specified that applicants meet three requirements: (1) grant awards were to be made for a period of not more than 2 years; (2) awards must include a 50 percent match by the applicant; and (3) awards must not exceed \$1,000,000. The PREA stipulated that the application is to include: (1) a certification that the State has adopted, or depending on the date of the application, will consider adopting all national prison rape standards promulgated under the Act; and (2) a description of the preventive, prosecutorial, or administrative activities to be undertaken using the grant funds. In addition, the PREA prescribed requirements for reports at the end of the grant period.

The Bureau of Justice Assistance (BJA) provides a range of services to the criminal justice field with the goal of making communities safer. To accomplish this goal, BJA provides training, technical assistance, information, and funding to State and local justice programs. BJA was given the task of administering the PREA grants, and in fiscal year 2004, Congress appropriated \$20 million for the grant program. The BJA designed the program and requested proposals for the “Protecting Inmates and Safeguarding Communities Discretionary Grant Program.”

The following information describes the BJA activities in accordance with this mandate during the fourth quarter of calendar year 2004.

Awarding of Protecting Inmates and Safeguarding Communities Grants

The purpose of the Protecting Inmates and Safeguarding Communities Grant Program is to provide funding to correctional agencies to develop new initiatives and/or supplement existing programs. In keeping with PREA, the overall goal is the reduction of prison rape in correctional facilities. BJA awarded grants to 16 recipients during the fourth quarter of calendar year 2004.

The following is a list of the 16 recipients and the amount of each award:

1. California Department of Corrections	\$ 500,000
2. Colorado Department of Corrections	\$ 254,455
3. Idaho Department of Corrections	\$ 370,784
4. Iowa Department of Corrections	\$1,000,000
5. Louisiana Department of Public Safety and Corrections	\$ 998,646
6. Michigan Department of Corrections	\$1,000,000
7. Missouri Department of Corrections	\$ 688,330
8. Nebraska Department of Correctional Services	\$ 197,207
9. New Jersey Department of Corrections	\$ 602,207
10. New York State Department of Correctional Services	\$1,000,000
11. Ohio Department of Rehabilitation and Correction	\$ 542,080
12. Pennsylvania Department of Corrections	\$ 580,312
13. Rhode Island Department of Corrections	\$ 599,090
14. Texas Department of Criminal Justice	\$1,000,000
15. Vermont Department of Corrections	\$ 361,967
16. Washington State Department of Corrections	\$1,000,000
TOTAL	\$10,695,078

The goals and objectives of each grant vary from agency to agency. However, there are several key themes that are shared among the recipients. The following section outlines a number of these themes and some of the tasks within each theme.

Provide Additional and Specialized Training to all Correctional Staff:

- To educate all staff within the correctional facilities, as well as community law enforcement personnel, investigators, medical and mental health service providers, counselors, chaplains, contract employees, and volunteers;

- To hire additional staff, especially specialized trainers and investigators;
- To increase counseling and victim services;
- To hire a victim services coordinator;
- To provide pre-service training to new community sites; and
- To implement ongoing training seminars that will address issues such as victim and predator identification, review of policies and procedures for sexual assault cases, and the handling of materials and evidence relating to a sexual assault incident.

Form Partnerships with Stakeholders:

- To increase communication and collaboration with outside interests, including the District Attorney's Office, various coalitions against sexual assault, law enforcement agencies, medical service providers, and victim counseling services;
- To obtain technical assistance in developing or enhancing electronic equipment and databases; and
- To create or expand existing website databases to share data, training information, and policies and procedures with various stakeholders and correctional facilities across the country.

Install Surveillance Cameras and Multi-Media Equipment:

- To develop an electronic monitoring and tracking system to identify potential victims and predators;
- To monitor offender movement;
- To better measure the length of time between when the incident occurred and when it was reported;
- To install a digital video camera with digital still frame capability to identify predators and victims and to record visual evidence of a sexual assault;
- To install translation software into computer databases to ensure that every agency has access to policies, procedures, and incident data in the necessary foreign languages; and
- To establish a telephone hotline for victims to report incidents.

Develop Committees and Advisory Boards:

- To be composed of representatives from all appropriate agencies;
- To review and update policies and procedures;
- To communicate with outside stakeholders on new techniques or improvements to previous methods;
- To review and supervise onsite victim services and protective services programs;
- To develop and make improvements to classification protocols and then communicate findings in training seminars; and
- To continually evaluate and assess the zero tolerance policy.

Provide Reimbursement of Agency's Funds for Medical Services

- To ensure victims and predators receive the necessary evaluations and medical care; and
- To reimburse institutions for the costs of rape kits, HIV and other communicable disease testing, and forensic testing.

Supply Additional Housing and Separation of Victims from Predators

- To evaluate placement options for victims and predators in various living units.

Supplement Inmate Orientation Programs with a Sexual Assault Awareness Component:

- To educate and inform inmates during orientation of the risks and penalties associated with sexual assault;
- To develop a video and/or brochure with information and statistics on sexual abuse;
- To communicate and reinforce the zero tolerance policy; and
- To provide inmates with a questionnaire at the end of the session to evaluate the effectiveness and benefits of the information that was provided.

See Appendix A for summaries of the individual grants.

National Institute of Corrections (NIC)

Legislative Mandate

The PREA gives NIC three primary tasks:

- **Training and Education** - NIC will provide periodic training and education programs for Federal, State, and local authorities responsible for the prevention, investigation, and punishment of prison rape.
- **National Clearinghouse** - NIC will provide information and assistance to Federal, State, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.
- **Reports** - By the end of September of each year, NIC will submit a report to Congress and the Director of Health and Human Services summarizing the activities of the Department of Justice regarding prison rape abatement. This report shall be available to the Director of the Bureau of Justice Statistics.

The following information describes the NIC activities in accordance with this mandate with an emphasis on the fourth quarter of calendar year 2004.

Training and Education

Soon after passage of the law, NIC began to meet its PREA mandate of providing education and training through the award of two cooperative agreements to The Moss Group, Inc. These awards provided for the development of an initial plan for NIC's approach to the PREA and initiation of several activities under this plan. The second award funded numerous activities through calendar year 2004, including several during the fourth quarter.

Regional Workshops for Executive Leadership

One of the NIC's assistance strategies was the provision of four executive-level workshops at different locations around the country. These workshops were publicized to various components

in adult corrections (prisons, jails, and community correctional agencies) and targeted executive-level administrators and policy makers. Each of the Federal partners that have tasks mandated under PREA and the National Prison Rape Elimination Commission were also invited.

The workshops were designed to (1) disseminate the most current information concerning PREA; (2) encourage peer interaction and information sharing, especially with regard to ongoing implementation strategies, practices, and program initiatives; and (3) generate ideas for implementation strategies and areas where NIC and the other Federal partners may be of assistance. Personnel from NIC provided participants with an overview of the purposes and requirements of PREA, the specific roles of each of the Federal partners, and the role and responsibilities of the National Prison Rape Elimination Commission.

These workshops also provided an opportunity for NIC to receive input from participants on implementation issues, potential barriers and obstacles, and current practices. The workshops provided administrators an opportunity to express their concerns and to discuss many issues and exchange information.

The workshops were held in Portland, Oregon, from December 1-2, 2004; New Orleans, Louisiana, from December 8-9, 2004; Baltimore, Maryland, from December 13-14, 2004; and Chicago, Illinois, from December 15-16, 2004. A total of 134 senior correctional administrators participated in the four workshops. The workshops were designed to accommodate schedules and maximize participant involvement through the use of small group interactive sessions and large group discussion sessions. Didactic presentations were kept to a minimum.

At each of the four sessions, panels comprised of four to five participants discussed their response to the mandates of PREA. The sharing of ideas, strategies, plans, and programs helped to disseminate information about the current state of PREA-related activities throughout the country. During these panels participants shared information about the goals and the status of their projects funded by grants from the Bureau of Justice Assistance.

Participants also provided valuable information through participation in roundtable discussions. The information focused on the top three to five issues currently being faced for the successful implementation of PREA, obstacles to implementation and how these obstacles might be overcome, and the kind of support that would be helpful from NIC and the other Federal partners. The proceedings of these workshops were documented in National Institute of Corrections, Moss Group, Inc. Summary Report, Regional Workshops, which NIC will provide to correctional agencies and other interested stakeholders and will use shape future technical assistance strategies.

Sample responses from the workshops are provided below. A full listing of responses is included in Appendix B.

Critical Issues

- Most jurisdictions are still dealing with significant budget shortfalls. The issue is gaining access to sufficient funding resources to effectively implement the mandates of PREA.

- As awareness of PREA mandates is raised and more incidents are reported, there may be negative consequences for correctional administrators, even those trying to do the “right thing.”
- Developing procedures and facilities to deal with both victims and perpetrators is a serious issue. As more education and orientation is conducted with offenders and staff and more victims choose to report incidents of sexual assault, it will be important that victims are effectively protected from further assault and retaliation without being “punished” by having their freedom restricted.

Barriers/Obstacles

The following issues were identified as barriers or obstacles to the successful implementation of PREA mandates. Many were reflected in the discussion on critical issues.

- Lack of interest/concern by the general public and many jail staff over the issue of inmate-on-inmate sexual assault.
- Lack of support and interest among politicians and legislators.
- Continuing perceptions by both inmates and staff that sexual assault is just a normal artifact of the prison culture.

Suggested Support

NIC and the other Federal partners can be helpful to correctional administrators and staff by:

- Providing interpretations of the law and clarification of definitions relative to the nature of sexual assault.
- Clarifying data collection requirements of the law.
- Continuing to educate State legislatures and Governors to increase support for PREA and inform congressional leaders to maintain and increase Federal funding for PREA.

Informational Video

In December 2004, NIC released its second informational video titled *Responding to Prisoner Rape*. The video provides strategies for agencies to use to design systemic responses to prisoner rape and the mandates of PREA. NIC developed a *Facilitator’s Guide* to accompany the video. The guide includes an overview of the video, guidelines for discussion, examples of best practices, points to review, discussion questions, suggested exercises to reinforce the content, and a resource list. The video will be made available as part of a package of material that will be released in 2005. The package will include *Responding to Prisoner Rape* and *Assessing Your Agency’s Response to Prison Sexual Assault* (a 6-hour NIC video conference planned for January 2005) in DVD format. A resource CD containing the *Responding to Prisoner Rape* video, the *Facilitator’s Guide*, a slide presentation about PREA, a copy of PREA, a bibliography, and a link to the NIC PREA web-page will also be included.

NIC Videoconference

From October 13-14, 2004, NIC held a planning session in Washington DC to design NIC's second PREA video conference. The planning team consisted of corrections practitioners, technical resource providers, and NIC staff. The team established the following goals for the 8-hour interactive videoconference: to allow practitioners to express perspectives; to offer guidance on the development of a systemic approach to addressing institutional sexual assault; to learn about and apply "lessons learned" by others in the field; and to discuss "next steps" toward implementation of PREA.

Continued Distribution of Video Tool Kit 1: Facing Prisoner Rape

During the fourth quarter of calendar year 2004, NIC continued distribution of the first PREA Tool Kit. A total of 624 kits were distributed: 474 were sent as a result of requests to the NIC Information Center and 150 were distributed at various training events.

The kit contains a copy of the video *Facing Prison Rape* and the accompanying *Facilitator's Guide*, a copy of the 3-hour videoconference titled *How PREA Affects You*, a copy of the Prison Rape Elimination Act, a slide presentation containing an overview and introduction to PREA, and a list of reference materials.

The kit is a comprehensive introduction to PREA and contains an overview of the efforts of the Federal agencies involved and information regarding assistance that is available to correctional administrators in understanding and beginning to meet their responsibilities under the PREA.

Agency/Staff Focus Groups

Soon after the enactment of PREA, NIC determined that an important part of its efforts would be collecting information from corrections practitioners about their perspectives and responses in relation to PREA through focus groups held at several prisons and jails around the country. During the fourth quarter of calendar year 2004, NIC developed a protocol to collect information from focus groups of practitioners at various organizational levels, trained research teams in the use of the protocol, identified 10 agencies around the country to be representative of corrections, conducted 7 focus groups, and finalized arrangements with the remaining 3 agencies.

The protocol for collecting this information required that the focus groups be conducted in a similar manner at each agency. For comparison purposes, roughly the same types of groups were invited to participate, and participants answered the same questions. The data can be reported in a number of ways, with the results used primarily in the development of future training, technical assistance, and written materials for the field.

Technical Assistance

NIC's technical assistance responses included informational presentations, written and visual materials, training events, and targeted assistance tailored to a requestor's specific needs. During the quarter covered by this report, NIC provided technical assistance to 8 agencies and professional organizations directly assisting over 500 individuals.

National Clearinghouse

The NIC Information Center has provided library and clearinghouse services to corrections practitioners and others interested in correctional issues for over 3 decades. It was determined that the most cost-effective response to the PREA requirement for a national clearinghouse service was to use and expand the resources available at the NIC Information Center.

During the fourth quarter of calendar year 2004, the Information Center responded to 136 requests for information regarding PREA. These responses included articles, bibliographies, policies addressing sexual contacts in correctional settings, and training materials. The 474 copies of the *Facing Prison Rape* video tool kit were distributed from the NIC Information Center.

The Information Center manages the NIC website, which includes information devoted to PREA. The website provides information related to NIC's video productions and the PREA Tool Kit, announcements of upcoming PREA events, contact information about NIC staff and the other Federal partners responsible for implementing PREA, a link to the NIC staff sexual misconduct page, options for viewing the video *Facing Prison Rape* as a streaming video online, and links to other Federal websites with information on PREA. The PREA home page on NIC's website was accessed approximately 4500 times during the fourth quarter of calendar year 2004.

Appendix A:
Bureau of Justice Assistance
Protecting Inmates and Safeguarding Communities Discretionary Grant Project
Summaries

California Department of Corrections and Rehabilitation

The project is focused on all offenders in the California Department of Corrections and Rehabilitation (CDCR). These offenders include male and female felons in adult and juvenile facilities and parolees. The facilities include State institutions, contracted community correctional facilities, and conservation camps.

The purpose of the California project is to develop and implement standards for the detection, prevention, reduction, and punishment of prison rape. This will be achieved through collaborative efforts in the assessment of existing problems and the subsequent development and implementation of policies, procedures, and protocols that can be replicated in any correctional facility in California. Utilizing best practices in the area of sexual assault response and crisis intervention, the following are some of the activities that will be accomplished: formation of a multi-disciplinary advisory board; development of specialized training and crisis intervention protocols related to recognition, collection, and preservation of evidence; identification of victim and perpetrator characteristics and risk factors; and expanding the understanding and scope of the problem for staff and offenders in the form of brochures and training.

The grant is being used to fund data collection and analysis of victim/perpetrator characteristics and risk factors and staff training materials and hours.

The CDCR is including employees from all areas and disciplines and is partnering with a consultant from the University of California - Irvine, with a nationally-recognized expert who works with the National Institute of Corrections, and with staff from Stop Prison Rape.

Colorado Department of Corrections

The Colorado Department of Corrections (CDOC) will provide additional training for all staff, contract employees, and volunteers to identify signs of sexual assault, to recognize if an offender has been sexually assaulted, to determine where and how an offender has been sexually assaulted, to proceed if a sexual assault is reported or suspected, and to maintain the offender confidentiality. It is also important to educate inmates during orientation into CDOC about the zero tolerance policy for sexual abuse and rape and to encourage reporting in a timely manner by providing a confidential process (e.g., utilizing the confidential telephone hotline). CDOC must update its assessment/classification process to include coding and identifying victims and predators through the movement and assignment of inmates. The classification system must be reviewed to determine if a supplement is needed to identify potential victims or potential predators.

CDOC has proposed the following goals to eliminate prison rape:

- Assess inmates' vulnerability for potential sexual abuse and rape or predatory interests in committing sexual abuse and rape;
- Provide training for staff, contract employees, and volunteers regarding the prevention, investigation, and prosecution of sexual abuse and rape;
- Develop a policy to address sexual abuse and rape for use in staff training, using American Correctional Association (ACA) standards;
- Train staff to identify signs of sexual assault, to determine where and how to find out if an offender has been assaulted, and to report the sexual assault to appropriate personnel while maintaining confidentiality;
- Provide specialized training for correctional staff, investigators, case managers, and clinical and mental health staff;
- Provide orientation to inmates to assist in identifying behavior, preventing, and prosecuting sexual abuse and rape;
- Educate inmates during orientation about the zero tolerance policy for sexual misconduct and how to report it (create a video, develop a brochure, and offer instruction for this purpose);
- Install a confidential telephone hotline for inmates to report incidents of sexual abuse or rape;
- Develop an electronic assessment document and tracking code to identify potential sexual assault victims and predators;
- Implement a tracking code into the Department of Corrections Information System to monitor offender movement and to place the offender in an appropriate facility, housing, cell, or community corrections facility.
- Gather information to ensure that appropriate services and treatment are provided for both the victim and predators; and

- Develop a partnership with district attorney's offices, law enforcement agencies, and victims' advocate groups to promote increased awareness and responsiveness to incidents of offender sexual abuse and rape.

Idaho Department of Correction

The Idaho Department of Corrections' (IDC) *Maintaining Dignity* project is currently serving all State and contracted facilities in Idaho where male and female adult felons are housed. The scope of the project includes collaboration with juvenile corrections and the county jail system in the State of Idaho. To date, that collaboration has resulted in training and resource materials being provided to county jail administrators and sheriffs, a cooperative plan to provide more extensive training to jail staff on an ongoing basis, new jail policies and educational materials for jail inmates, changes to jail standards statewide, and education and materials provided to juvenile corrections.

The project includes providing education to staff and inmates. As of July 29, 2005, all staff and inmates in State prisons had received IDC's handbook and education on the Prison Rape Elimination Act (PREA). The project coordinator has also provided education to various outside interest groups. IDC has established a confidential hotline and has instituted an alert system to flag at-risk and predatory inmates. The Department's policy and directive 325 has been in effect since August 2004. The IDC is using exit surveys to contact victims and identify predators. The project's principle researcher is tasked with creating a data collection method that will standardize IDC's ability to measure PREA information. Sexual Assault Response Teams have been formed in each facility. The IDC is also currently working on a curriculum for institution-specific sexual assault investigators.

Grant funds are being used for one full-time coordinator and one half-time principle researcher. Grant funds are also providing polygraph instruction and instrumentation, video and audio interview equipment, computer training equipment, contract investigation services, and a contracted assessment of facility vulnerability.

Other coordination efforts include a cooperative agreement with the Idaho Coalition Against Sexual and Domestic Violence, which is conducting a companion project targeted at female offenders. Additionally, IDC has a master's student that is working on the victim services portion of the project.

Iowa Department of Corrections

Iowa's project is a multi-phased effort involving both institutions and community-based corrections (adult male and female). The project is designed to follow offenders from their entry into the correctional system, through their transfer to a specific correctional facility, and into their release phase either through community-based corrections (work release, parole, or probation) or through end-of-sentence discharge with specific regard to sexual victimization and/or aggression. The project also provides for the development, articulation, and promotion of training for administrators, staff, and offenders and the development of strategies, protocols, policies, and procedures that are aimed at gaining the support of corrections administrators, staff in institutions and personnel in community-based corrections for (1) safeguarding communities that receive people who have been victims or perpetrators of sexual assault and (2) preventing recidivism of the sexually aggressive offenders.

The Iowa Coalition Against Sexual Assault (ICASA) has been contracted by the Department to provide training throughout the State on victimization and assault. This training will be developed for stakeholders, institution staff, and community corrections personnel. ICASA will also provide victim advocacy for offenders in the event of a sexual incident. ICASA and the Department of Corrections (DOC) have been working on an offender hotline to provide offenders a toll-free number to report victimization or for consultation. Additionally, ICASA has begun work with the Polk County Crisis and Advocacy Program and other stakeholders to develop offender support groups and has begun work to develop other resources for offender victims/aggressors.

As the primary investigator of any reported incidents of a sexual nature, the Departmental Investigator will work with institution and community based corrections (CBC) investigators and will provide on-site visits, if needed, to the institutions/CBC. The investigator is working closely with General Counsel/Inspector General of the DOC in developing investigative policies, procedures, and protocols.

The Training Specialist II will develop training programs for administrators and staff in institutions/CBC on the topics of PREA and the prevention, detection, reporting, and investigation of sexual abuse/assault in the DOC. These programs will be developed for new employee orientation, pre-service, and continual in-service programming. Additionally, the Training Specialist II, will develop offender orientation programs that will include clear definitions of sexual assault and how to report it, as well as how to identify and respond to potential threats.

In order to create a safer environment in DOC institutions, each institution/CBC was requested to send in a proposal to the Central Office identifying areas where sexual activity may occur without possibility of current detection. These requests will be reviewed and prioritized for

safety concerns. When this process is completed, audio/video monitors should be purchased and placed in those areas in the institutions and community-based corrections.

Louisiana Department of Public Safety and Corrections

The Louisiana Protecting Inmates and Safeguarding Communities project is designed to increase inmate safety and safeguard the community. This multidimensional approach will standardize reporting and response to sexual assault incidents for all State prisons, confining both male and female adult inmates.

Methods will include policy review; standardization of sexual assault reporting and response; and in-depth training modules for investigators, prison staff, and inmates to increase and enhance reporting and response to sexual assaults. Existing reporting instruments and databases will be redesigned along with mapping of assault incidents to identify and address “hot spots” in the prisons where sexual assault incidents occur. Safeguarding Communities will utilize the existing re-entry pilot program in New Orleans and replicate the best practice model in two additional program sites over the span of the grant. A series of workshops and education seminars will be held with community providers to enhance working relationships between providers and corrections and establish direct service linkages for exiting inmates.

The majority of the grant is being used to support the salaries of re-entry specialists; to support the salary of a data/evaluation specialist who is responsible for revising data collection systems, reporting and mapping of incidents, and monitoring and expanding the re-entry program; and to secure contractual services for research consultants to design and deliver comprehensive training modules. Funding is also included for supplies and equipment to enhance staff training and investigative procedures.

Michigan Department of Corrections

The Michigan Department of Corrections will use grant funds to address the protection of inmates and to safeguard communities. Training will be offered to increase staff and inmate sensitivity and awareness of sexual victimization. Sexual aggressors and vulnerable populations will be identified. The project will include training for and collaboration with law enforcement, prosecutors, and other agencies to increase prosecutions and punishment of sexual aggressors. Technological upgrades will enhance tracking of sexual victimization allegations and allow for standardized reporting and trend identification. Specifically, the Department will modify its existing staff-on-prisoner sexual assault allegations database system to include prisoner-on-prisoner sexual assaults data collection. Individualized action plans for each prisoner will be developed. The project will use the following benchmarks to evaluate progress: (1) application of knowledge regarding the most vulnerable inmates, most likely aggressors, and dynamics of sexual assault against male and female prisoners; (2) reduced victimization of inmates who enter prison; (3) increased reporting of victimization by inmates in the system; (4) increased prosecution of sexual assault cases; and (5) reduced behavior that has a high risk for the spread of sexually-transmitted diseases by inmates after they leave prison.

The Michigan Department of Corrections proposes the following goals to eliminate prison rape:

- Refine policies and procedures to reinforce a zero-tolerance policy regarding prisoner-on-prisoner sexual assault and sexual victimization within all State correctional facilities;
- Identify and assess prisoners vulnerable to victimization;
- Improve the assessment of predatory sexual aggressors;
- Increase staff sensitivity to prison rape situations by offering specialized training;
- Prevent the spread of communicable diseases that may result from sexual assault;
- Encourage local prosecutors to aggressively pursue prisoner rape cases;
- Identify, monitor, and counsel vulnerable at-risk inmates;
- Modify existing computer systems to track instances of prisoner-on-prisoner rape and sexual victimization;
- Design, develop, and deliver specialized training for staff regarding prison rape, sexual victimization, crisis response, and intervention(s);
- Design, develop, and deliver specialized training for custody and investigative staff related to crime scene preservation and appropriate protocols for all investigations;
- Design, develop, and deliver specialized training for health care and mental health staff using the Sexual Assault Nurse Examiners curriculum as a guide;
- Establish a Sexual Assault Advisory Panel in each region to review instances of prisoner-on-prisoner rape and sexual victimization;
- Establish dialogues with local prosecutors to encourage prosecution of sexual aggressors;

- Provide technical assistance to law enforcement agencies and prosecutors throughout Michigan;
- Develop community partnerships that establish collaborations to address rape crisis intervention services provided within the correctional facilities; and
- Centralize tracking of all prisoner rape and sexual victimization allegations.

Missouri Department of Corrections

The Missouri Department of Corrections (DOC) has a very low incidence of substantiated inmate sexual assaults. Less than 5 percent of all inmates have reported and been substantiated in their allegations. This low percentage may be due partly to the zero tolerance standard by the Department or to inmate under-reporting of sexual assaults.

The foundation of the Missouri DOC's strategy is a team approach to implementing the grant. Members will be from the various sections of the Department and will include inmate representation (although security issues might limit their role). Examples of those departments that would be represented on the team include: Grant Administrator, Budget/Planning, Construction, Training, Victim Services, Health Services (Medical and Mental), Inmate Council, Investigation, Division of Adult Institutions, and Research/Evaluation. The Department proposes to use the grant funds to achieve a goal of zero tolerance of sexual assault by implementing the following strategies:

- Increasing awareness/reporting of prison rape through improved education of the inmate population;
- Training staff to become more proactive in sexual assault prevention;
- Providing additional facility equipment for greater monitoring; and
- Ensuring that Victim Services provided by the Department addresses physical and psychological traumas.

Nebraska Department of Correctional Services

The Nebraska Department of Correctional Services (NDCS) proposes a multifaceted approach to address prison sexual assault, rape, and victimization issues. The primary focus of this proposal will be to collaborate with the Criminal Justice Institute (CJI) and local university resources to develop a standardized and validated internal classification system, which will assist Nebraska in protecting inmates from prison sexual assault and rape. The focus of these measures is to identify inmates at high risk of either sexually assaultive behavior or victimization while incarcerated. CJI is currently developing an external risk assessment and classification system under the Office of Justice Program's Serious and Violent Offender Reentry Initiative.

NDCS will use grant funds to accomplish the following goals:

- Develop a standardized and validated internal risk assessment instrument by enhancing NDCS' current internal inmate classification protocols in order to more effectively identify victims or potential perpetrators;
- Expand and clarify the Department Investigators' policies and procedures by improving specialized training for investigators, expediting response time, and promoting coordination and partnerships;
- Obtain technical assistance to enhance and increase the capability of the inmate misconduct database;
- Promote coordination and partnerships by clarifying NDCS' policies and procedures that facilitate coordination between investigators, prosecutors, and victim services staff; and
- Increase education and awareness of institutional sexual assault within the female inmate population to determine accurate assessment, classification, and treatment methods.

New Jersey Department of Corrections

The New Jersey Department of Corrections (NJDOC) is using the *Protecting Inmates and Safeguarding Communities Discretionary Grant Program* to implement a sexual assault awareness, prevention, and treatment services program. The program is intended to inform and provide services to inmates in the NJDOC's 14 adult correctional facilities, including the women's prison. In addition, a training component will improve the abilities of civilian staff, correctional officers, and investigators to recognize and respond to sexual assault victimization among inmates. Improvement in the Department's investigation techniques through specialized training is anticipated to aid in the prosecution of sexual assault that occurs in prison settings.

The program aims to change the existing institutional culture that fails to encourage inmate disclosure of sexual assault. To accomplish this goal, a computer assisted "Quality of Life in the Prison Setting" survey is being administered to inmates and staff in all 14 correctional facilities. The survey will allow the NJDOC administration to better understand the extent of prison rape and other personal safety and security issues. The NJDOC and Rutgers University, Center for Mental Health Services and Criminal Justice Research, have collaborated on the design and administration of the survey. The inmate survey process is scheduled to be completed by August 30, 2005.

The results of the survey will guide the development of a formalized Prison Rape Elimination Strategy. Implementation of the strategy will include staff training and the production of sexual assault awareness and education videos for both inmates and staff. Therapeutic services for victims and their families, as well as reentry services, will also be provided. In-prison treatment will be developed for perpetrators of sexual assault.

The project is supported by Federal funds and a cash match and in-kind contributions of personnel, equipment, and supplies. The grant supports the collaboration with Rutgers University for the survey administration and evaluation components of the project. The grant will also support treatment for perpetrators, victims, and victim's families; reentry services for victims; three staff positions; equipment; training; and supplies.

New York State Department of Correctional Services

The New York State project involves the State Department of Correctional Services and the New York City Department of Corrections. The project includes both State and local adult correctional facilities and facilities for male and female offenders.

The project is composed of three components. Two of these components are administered by the New York State Department of Correctional Services and one component is administered by the New York City Department of Corrections.

The New York State Department of Correctional Services proposed a two-pronged project under the “Protecting Inmates” section of the guidelines. One component will entail a detailed analysis of the characteristics of the victims and perpetrators involved in reported incidents of non-consensual inmate sexual misconduct. The results of this analysis will be used to enhance the Department’s existing classification process at reception, which is designed to identify inmates who are prone to be victims. The second component will support the purchase and installation of surveillance cameras at the Albion Correctional Facility for women to detect and deter inappropriate behavior (including potential sexual misconduct) between inmates, as well as between inmates and staff.

Similarly, the New York City Department of Correction will use grant funding for the placement of surveillance cameras in the locations most at risk for inmate-on-inmate and staff-on-inmate sexual assaults or the locations that are most frequently the subject of allegations of sexual assault.

Ohio Department of Rehabilitation and Correction

The State of Ohio Department of Rehabilitation and Correction (ODRC) project is a three-pronged approach to Protecting Inmates: (1) prevention; (2) investigation and prosecution; and (3) victim support services. Prevention is addressed through training and supplemental videos developed for staff and inmates and the use of an intelligence management system for investigators to track and monitor sexual aggressors and victims. The investigation and prosecution of sexual assaults includes purchasing additional covert and overt surveillance equipment and the placement of an electronic monitoring system at one female institution. Victim support services are addressed through enhanced and specialized training for victim services coordinators, medical and mental health staff, and investigators.

ODRC proposes to use grant funds to accomplish the following:

- Develop and administer an inmate sexual victimization survey to a computer-generated random sample of offenders incarcerated in the State prison system in November 2004 and October 2006;
- Purchase multi-media equipment for the production of three training videos (gender-specific and staff versions);
- Purchase an intelligence management system for all investigators and an electronic monitoring system for the Northeast Pre-Release Center to allow investigators to track and monitor sexual aggressors and victims;
- Purchase and install covert and overt surveillance equipment;
- Install an electronic monitoring system at one female institution;
- Provide specialized case preparation and investigations training for the Department's investigators, victim services coordinators, chaplains, and medical and mental health staff; and
- Provide enhanced sexual assault training for State Highway Patrol Troopers.

Pennsylvania Department of Corrections

The Pennsylvania Department of Corrections (PDOC) seeks to gain a greater understanding of the incidence of sexual assault and greatly improve the current system dealing with rape and coerced sexual contact (hereinafter referred to inclusively as “rape”). To accomplish this, the PDOC will implement five measures beginning in January 2005. The Chief Psychologist for PDOC will coordinate the prison rape elimination efforts. During in-processing at the PDOC diagnostic centers, inmates will receive pamphlets addressing rape prevention tactics, available resources, and reporting procedures. PDOC will sponsor Rape Awareness Prevention and Education week in each institution. Inmates and staff will complete anonymous surveys to gauge the prevalence of rape and perceptions of rape within the institutions. Corrections officers and line staff will receive training specifically designed to educate personnel on the situations that may lead to rape, the reporting and investigation procedures involved, and PDOC’s firm position of zero tolerance for rape. Finally, PDOC will establish a web-based database for immediate and efficient collection of incidents within the State correctional institutions.

PDOC has proposed the following goals to eliminate prison rape:

- Increase availability, reliability, validity and timeliness of data on incidence of prison rape by identifying targets of prison rape or other sexual victimization who may be reluctant to disclose victimization to correctional officials;
- Improve prevention strategies for prison rape by designing effective and responsive prevention efforts;
- Improve intervention strategies for prison rape through the creation of administrative awareness of the serious impact of sexual victimization within the correctional setting;
- Improve prosecution strategies for prison rape by enhancing existing investigation and prosecution procedures; and
- Enhance the provision of services for inmates who are victims of sexual assault through the development of specialized training for community-based sexual assault programs.

Rhode Island Department of Corrections

The Rhode Island Department of Corrections (RIDOC) will enhance awareness of the problem of sexual assault within its prison facilities and will develop appropriate response mechanisms and standard operating procedures. To address this issue, the RIDOC will work with a vendor that is experienced in the area of sexual assault to develop specialized training programs for both correctional staff and inmates. The RIDOC also will hire a new member of the Special Investigations Unit to focus on the issues around prison sexual assault. Additionally, RIDOC seeks to more effectively manage high-risk offenders in the community upon release from prison. To this end, RIDOC will hire a new High-Risk Discharge Planner to work with all perpetrators and victims of prison sexual assault that are being released from prison. RIDOC will also hire two additional Probation Officers to work with this population and other high-risk offenders. Further projects could include working with a vendor to prepare crime and resource maps that show the concentrations of violent offenders (including both perpetrators and victims of prison sexual assault) and the location of treatment services in four Rhode Island municipalities for victims of sexual assault.

RIDOC has proposed the following goals to eliminate prison rape:

- Identify and cultivate an understanding of the risks and needs of prison sexual assault perpetrators and victims in prison and in the community;
- Promote awareness of the problem of sexual assault and rape in prison among correctional staff and inmates;
- Create an environment that is conducive to sexual assault reporting in order to address the problem of under-reporting;
- Enhance the prevention, investigation, and prosecution of sexual assault incidents;
- Ensure the continuity of treatment services in the community for high-risk offenders being released from prison, to include those offenders who were either perpetrators or victims of sexual assault while incarcerated;
- Effectively manage victims and perpetrators of prison sexual assault and other high-risk offenders who have been released from prison to probation and parole and reduce caseloads sizes in certain geographic areas to provide more intense supervision; and
- Gain an understanding of the profile of prisoners being released from custody to specific geographic areas in the State.

Texas Department of Criminal Justice

The Texas Department of Criminal Justice (TDCJ) proposes to eliminate the occurrence of sexual assault in its prisons through enhancements of the *Safe Prisons Program* and an aggressive *Rape Elimination* campaign that focuses on training/peer education for correctional staff, internal and external support staff, and offenders; enhancements to the physical plant structures at specifically targeted institutions; enhancement of its investigation process; and creation of a new Victim Services Section for offenders. The Texas Department of Criminal Justice will expand its current program by: encouraging training and cross training of key stakeholders on issues related to prison sexual assaults; designating additional key staff to participate in program management; implementing program strategies to meet the needs of the victims of sexual assaults; minimizing opportunities for offender-on-offender sexual assaults through physical plant changes and increased surveillance equipment; and introducing the Institutional Character Profile assessment that will assist in changing the prison cultural environment. TDCJ has the following objectives to accomplish project goals:

- Implement the Institution Character Profile within the Correctional Institutions Division as a part of the Safe Prisons Program;
- Reduce the number of in-cell offender-on-offender sexual assaults in high-risk areas by increasing the visibility into the cells and by adding additional video surveillance equipment;
- Enhance sexual assault awareness for medical personnel and improve medical examination services provided to sexual assault victims;
- Increase the knowledge level of the Special Prosecutors Unit with special training on the management of sexual assault cases;
- Provide resources to enhance the investigation process performed by OIG staff;
- Increase offenders' knowledge of sexual assault prevention; and
- Create an Offender Sexual Assaults Victim Services Component within the Safe Prisons Program Management Office to address the needs of alleged sexual assault victims.

Vermont Department of Corrections

Protecting inmates is the focus of Vermont's Prison Rape Grant, and this will be achieved through an integrated approach to the problem and the creation of an opportunity for cultural transformation in Vermont's prison system. The program includes an assessment of the extent of the problem to discern a baseline for sexual assault. While the baseline is being established, the Department will engage an assessment of the culture within its correctional facilities. Based on this assessment, the program will then provide training and restorative intervention processes for staff, managers, and inmates to confront the issue and allow the victims of sexual assault to come forward in safety, without fear of retaliation, as well as to create the opportunity for prosecution of the predators. The Department intends to create an environment within Vermont's correctional facilities of zero tolerance for prison rape, sexual abuse, or sexual misconduct by inmates or by staff.

The program intends to improve staff and inmate safety through the following objectives:

- Increasing the reporting of prison rape;
- Increasing the investigation and prosecution of reported incidents;
- Decreasing the incidence of prison rape;
- Enhancing staff understanding and awareness of prison rape;
- Creating an operational environment that takes prison rape seriously; and
- Creating specialized training for investigators, medical staff, mental health staff, supervisors, managers, and other staff involved in these cases.

Washington State Department of Corrections

The Washington State Department of Corrections (WADOC) is partnering with the Washington State Department of Social and Health Services Juvenile Rehabilitation Administration and is serving as a pass-through agency for funds. Both agencies are implementing policies, data systems, assessments, and training to address sexual assault on a statewide basis in all residential facilities (prisons, work release centers, and juvenile detention centers), as well as in community corrections operations. This will include facilities and services for both male and female offenders.

WADOC's strategy is primarily to enhance existing systems of assessment, investigation, and data analysis coupled with significant training opportunities. The grantee is accomplishing these goals through the following:

- Improving data collection and analysis of demographic information of victims and perpetrators, the location of assaults, staffing issues, and other data that might help better prevent sexual assaults from occurring;
- Improving offender orientation with enhanced content regarding prevention of sexual assault and rape;
- Enhancing risk assessments to determine who is at risk of being a perpetrator or victim and to separate these individuals through classification and housing systems;
- Improving offender reporting through the installation of a toll-free telephone to the headquarters special investigator office. The objectives are to reduce the reluctance of offenders to report incidents of sexual assault or rape and to improve investigative response;
- Developing a cultural assessment tool to determine impressions of the sexual atmosphere in the facilities;
- Developing a physical risk assessment to evaluate place and system safety within the facilities;
- Aftermath planning to implement policies and procedures to address non-victim staff issues following an allegation or incident; and
- Developing a publication system to share implementation progress, significant events, and training opportunities with staff across the agency.

Additionally, sustainable training for staff is incorporated into every goal within the grant. Some of the training aspects include:

- Training to ensure risk batteries are understood and properly employed;
- Training on staff sexual misconduct specific, including training that is specific to community corrections;

- Training on staff sexual misconduct;
- Training on offender sexual assault and initial staff response in pre-service training, new employee orientation, and in-service training venues;
- Enhanced content regarding interviewing skills and responding to victims of sexual assault;
- Training on the importance of early reporting and improving proficiency in investigating allegations;
- Development of aids for corrections staff to improve responses to sexual assault;
- Special training in law enforcement and investigation techniques;
- Training developed by the victim services community to improve emergency response and treatment; and
- Specialized training to victim service providers in the provision of services and treatment to inmate victims.

The grant is being used to fund training activities, two special investigators dedicated solely to investigating sexual assault and providing training regarding offender sexual assault, and a research analyst to assist in data system and evaluation measure development.

The primary coordination effort associated with the project involves the Washington Coalition of Sexual Assault Programs. WADOC has partnered with this organization for the development of multiple training venues, as well as the development of a systematic approach to the provision of victim services. The Department has also partnered with the Office of the Attorney General to develop and implement strategies to increase prosecutions. This includes education for county prosecutors and correctional staff regarding investigation and reporting systems that will fulfill the procedural needs of both entities while developing cases that have a higher rate of successful prosecution. WADOC has also held one stakeholder workshop with representatives from law enforcement, prosecutor offices, juvenile services, adult corrections, and victim service organizations to share current practices and discuss systematic statewide implementation strategies. The Department will be holding a second conference toward the end of the grant period in which it will invite stakeholders from across the State to share training curriculums, operational systems, and lessons learned as a result of the implementation process.

Appendix B:
Regional Workshops
Round Table Feedback

Summary of Feedback

Critical Issues Currently Faced in the Successful Implementation of PREA

- There is a continuing need to inform and educate the field about the broad nature of the application of the law to all areas of corrections, (i.e., prisons, jails, community corrections, and juveniles).
- It will be a challenge to identify the full range of players and stakeholders and develop effective strategies to inform and educate them concerning the mandates of PREA. Public education efforts will be required to inform community leaders, offender families, legislators and other elected officials, and the general public about PREA.
- Most jurisdictions are still dealing with significant budget shortfalls. Gaining access to sufficient funding resources to effectively implement the mandates of PREA is an issue.
- The culture of many correctional agencies mitigates against the successful implementation of the PREA mandates. Sexual assault has been accepted in the past, by both offenders and staff, as a “fact” of prison life and one of the “pains of imprisonment.” Cultural change is difficult to effectuate.
- The lack of research and hard data on the prevalence of inmate-on-inmate sexual assault and staff sexual misconduct fosters the opinion among many administrators and staff that, in fact, this issue is not a real problem in the corrections environment. The Prison Rape Elimination Act is simply the Federal government’s current issue of the day or “flavor of the month.” This lack of data to support the efforts mandated by PREA reinforces among correctional administrators an uncertainty concerning the nature of the data required to be collected and maintained by PREA. If correctional staff understand what types of data must be gathered, that there are consistent procedures in place, and why the data is necessary they will support the efforts. We need to make sure, however, that we are counting the right things. Many correctional administrators fear that unfounded “over estimates” of the prevalence of sexual assault have prompted an “over reaction” to an issue that does not really constitute a major problem in prison administration. This attitude leads to resistance to seeing sexual assault as a real problem and complacency in taking needed corrective action.
- The diversity of the various elements of the correctional system will make it difficult to develop, implement, and monitor consistent policy and procedures.
- As awareness of this issue is raised and more incidents are reported there might be negative consequences for correctional administrators, even those trying to do the “right thing.”
- Reporting expectations need to be clarified and enforced.

- As more incidents of sexual assault are reported, increased resources must be dedicated to the investigative arena. Funding to hire and train staff will be important. Standardized interviewing protocols will be essential.
- Developing procedures and facilities to deal with both victims and perpetrators is a serious issue. As more education and orientation is conducted with offenders and staff and more victims choose to report incidents of sexual assault, it will be important that victims are effectively protected from further assault and retaliation without being “punished” by having their freedom restricted.
- Addressing the issue of what may constitute “consensual sex” and how to realistically distinguish it from true rape or sexual assault. Clearly defining the distinction between “coercive” and “consensual.” In most cases, State laws and their definitions of “sexual assault” differ from the definitions found in the PREA. It will be critical to make efforts to standardize legal and statutory language to ensure consistent enforcement.
- Confidentiality is a major issue. Defining the limits of information sharing among agencies, advocacy groups, medical and mental health professionals, especially with increasing levels of electronic data transfer, will be problematic. The role of probation and parole officers and their responsibilities for liaison with prison staff concerning reports of sexual assault or staff sexual misconduct occurring during an inmate’s incarceration, but being first revealed upon release, will need to be more clearly defined. Conversely, what standards will govern the prison staff’s responsibility for informing parole officers of victims or perpetrators upon release?

Barriers/Obstacles Which May Be Encountered in the Implementation of the Elements of PREA

The following issues, many reflected in the discussion of critical issues, were identified as barriers or obstacles to the successful implementation of PREA mandates:

- Lack of national standards and lack of clear definitions and guidelines for reporting incidents of sexual assault to ensure timely and credible reports and data.
- Lack of interest/concern by the general public and many jail staff over the issue of inmate on inmate sexual assault.
- Lack of adequate funding.
- Problems in coordination and communication with law enforcement and prosecutors.
- Changing offender and staff cultures to create understanding and ownership.
- Current lack of truthfulness, on the part of both staff and offenders, in the process of identifying instances of sexual assault and staff sexual misconduct.
- Need to build trust in actions so that the offenders will have confidence that if they report sexual assault they will be treated fairly and protected without being punished.
- Lack of support and interest among politicians and legislators.

- Inadequate offender classification and management systems and practices in many correctional settings.
- Lack of access to technology.
- Need for more objective investigations and additional staff resources to conduct investigations.
- Lack of collaboration and information sharing among agencies.
- Lack of information about current “best practices.”
- Restricted access to Federal grant funding such as the grants available through BJA which must be awarded at the State level.
- Physical plant limitations and facility design problems, such as the lack of electronic surveillance capability and linear designs of older prisons and jails, will pose major obstacles to preventing sexual assaults.
- Confidentiality issues.
- Costs associated with implementation of strategies, compliance with the mandates, and increased investigative capacities.
- Costs associated with staff training and orientation.
- Prison and jail crowding.
- Development of inmate orientation programs.
- Continuing perceptions by both inmates and staff that sexual assault is just a normal artifact of the prison culture.
- Lack of consistency in State and legal definitions of what constitutes sexual assault.
- Need for networking with other correctional systems to share information and the establishment of a national clearinghouse for the dissemination of PREA-related information.
- Difficulty in educating legislators and gaining their support for PREA-related initiatives.
- Challenge of educating, training, orienting, and motivating various levels of prison staff which, even within individual facilities, represent disparate and often disconnected components.
- Even when there are sound investigative procedures and competent, well-trained investigators, it is often difficult getting to the true facts of a case of alleged staff sexual misconduct or inmate-on-inmate sexual assault. The manipulative nature of inmates, problems with reporting mechanisms, and a general attitude of acceptance, exacerbate the problem of ferreting out the truth and dealing appropriately with both the victim and the perpetrator.

The Kind of Support That Would Be Helpful From NIC and the Other Federal Partners (BJS, BJA, NIJ)

NIC and the other Federal Partners can be helpful to correctional administrators and staff by:

- Providing interpretations of the law and clarification of definitions relative to the nature of sexual assault. [Does PREA assume that any homosexual relationships in prison cannot be consensual? Can there ever be a truly “consensual” homosexual relationship in prison? How do prison administrators know the difference between coerced and potentially and admitted consensual relationships? Must all homosexual relationships, even if no complaint is filed, be treated as sexual assault? What are the limits of liability for prison administrators in such cases?]
- Clarifying data collection requirements of the law. [Do administrators document prevalence solely on the basis of allegations or wait until it is fully investigated? Data collection requirements must be consistently enforced across the States to ensure equal treatment.]
- Providing continued help with training and targeted technical assistance.
- Providing more money for operational implementation.
- Identifying national “best practices,” model policies, and protocols for dealing with staff sexual misconduct and making information about them readily available to the field through a centralized national “clearinghouse.”
- Making it clear that PREA applies equally to all correctional settings and includes private sector correctional facilities and programs.
- Providing guidance and technical assistance to establish appropriate reporting mechanisms, data gathering and retention protocols, and process evaluation strategies.
- Assisting in the improvement of existing classification tools to better identify potential victims and perpetrators in the prison environment by including probing questions about sexual assaults in county jails and fear of victimization.
- Developing and disseminating procedures and supporting material to assist in inmate orientation.
- Providing resources and assistance to correctional administrators to help effectuate cultural changes in both the staff and inmate populations by raising consciousness on issues of homophobia, male victimization, and female perpetrators of sexual assault.
- Developing a brochure and other public education materials that can be used with the general public and inmate victims’ families to educate and inform.
- Being a national catalyst to mobilize support for PREA among existing and potential stakeholders such as rape crisis centers, labor organizations, and inmate advocacy groups in a more unified and vocal support for the goals of PREA.
- Continuing to educate State legislatures and Governors to increase support for PREA and inform Congressional leaders to maintain and increase Federal funding for PREA.
- Developing generalized public education programs to inform the public that inmates can be victimized and that sexual assault, even in prison, is an egregious human rights violation.
- Developing a toll-free national hotline to facilitate reporting of sexual assault and staff sexual misconduct and working to help reduce the amount of money inmates are charged for collect phone calls to increase access to outside resources to report incidences of sexual assault.

- Helping the field with implementing PREA by educating staff about the complexities of sexuality in the prison environment (e.g., creating discussion around the more subtle forms of assault such as protective pairing and female family constructs).
- Supporting the development of a prevention ideology by enhancing classification processes to focus on the identification and protection of vulnerable institution populations such as lesbian, bisexual, gay, transsexual, and youthful offenders.
- Providing assistance to correctional administrators in the development of programs for victims of sexual assault in prison informed by similar programs for victims of domestic violence and rape in the community.
- Providing assistance to prison administrators in making protective custody environments less punitive and more therapeutic so that being “protected” does not become a deterrent to reporting sexual assaults.
- Continuing to assist States in defining priorities associated with PREA compliance.
- Coordinating with and informing the National Prison Rape Elimination Commission on the development of standards that will serve the field well and have a real impact on the goal of zero tolerance of sexual assault and not unrealistic standards that simply de-motivate concerned and committed correctional administrators.
- Facilitating additional regional workshops and networking seminars, including diverse levels of staff, to share existing policies and protocols and collaboratively and creatively develop new strategies to assist prisons to successfully meet the mandates of PREA.
- Facilitating dialogue between prison administrators and sister agencies and organizations (such as prosecutors and mental health providers) to increase cooperation and understanding.