Inmate Screening

Screening for Risk of Victimization and Abusiveness

Standard 115.41 requires that all **inmates** be assessed during intake and upon transfer for their risk of being sexually abused or being sexually abusive. This screening is to be done within 72 hours of the **inmate's** arrival at the **facility** and is to be conducted using an objective screening instrument. The standard provides a number of considerations that must be taken into account during the screening. It also requires periodic **inmate** rescreening.

The standard prohibits disciplining **inmates** for refusing to answer or not providing complete information in response to certain screening questions. Lastly, the **facility** must implement controls on who in the **facility** has access to information obtained through these screening procedures.

The DOJ notes that screening according to this standard presents certain challenges for **facilities** and provides guidance to address these challenges in the standards summary (pp. 90-92, 144).

Use of Screening Information

Standard 115.42 requires that the **agency** use information obtained from Standard 115.41 to inform a wide variety of assignments within the **facility** in order to keep potential **inmate** victims away from **inmate** potential abusers.

Housing and access to programming for lesbian, gay, bisexual, **transgender**, or **intersex** (LGBTI) **inmates** is subject to a variety of requirements, including that decisions on housing and program assignments be made based on an individual assessment. These housing and programming assignments are to be reassessed at least twice a year to review any threats to safety experienced by the **inmate**. LGBTI **inmates** are not to be classified into **facilities** or housing units solely based on their identification as LGBTI, unless such a dedicated unit exists in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such **inmates**.

Involuntary Segregated Housing (Protective Custody)

Standard 115.43 addresses involuntary segregated housing by requiring that this be used only after an assessment of all available housing alternatives has shown that there are no other means of protecting the **inmate**. If segregated housing is used, the **inmate** should have all possible access to programs and services for which he/she is otherwise eligible, and the **facility** should document any restrictions imposed. The standard states that involuntary segregated housing shall not ordinarily exceed a period of 30 days. In cases where involuntary segregated housing is needed for longer than the initial 30 days, the **facility** shall review the situation every 30 days to determine if ongoing involuntary segregated housing continues to be needed.

Medical and Mental Health Screenings; History of Sexual Abuse

Standard 115.81 requires that any **inmate** that is identified as a past **sexual abuse** victim (pursuant to the screening conducted in Standard 115.41) in an institutional setting is offered a follow-up meeting with a **medical** or **mental health practitioner** within 14 days of the screening. The standard limits information related to sexual victimization or abusiveness in an institutional setting only to **medical** and **mental health practitioners** and other necessary **staff**. The standard also requires **medical** and **mental health practitioners** to obtain informed consent from **inmates** before reporting information about prior sexual victimization that did not occur in an institutional setting (unless the **inmate** is under the age of 18).

The DOJ notes that the follow-up meeting in this standard is intended to emphasize immediate mental health needs and security risks. If the **medical** or **mental health practitioner** determines through the follow-up meeting that further treatment is not warranted, the **facility** is not required to provide such services (pp. 143-145).

Resources

- National Institute of Corrections. *Women in Jail: Classification Issues* (static.nicic.gov/Library/013768.pdf)
- National Institute of Corrections. *Cross-Gender Supervision Training* (nicic.gov/Library/006806)
- National Institute of Corrections. *Developing Gender Specific Classification Systems for Women* (static.nicic.gov/Library/018931.pdf)
- National Institute of Justice. *Risk Markers for Sexual Predation and Victimization in Prison* (https://www.ncjrs.gov/pdffiles1/nij/grants/230522.pdf)
- National Institute of Corrections. *Resource Guide for Jail Administrators* (http://static.nicic.gov/Library/020030.pdf)
- National Institute of Corrections. *Objective Jail Classification Systems: A Guide for Jail Administrators* (http://nicic.gov/Library/014373)