REPORTING ALLEGATIONS

All efforts to prevent, detect, and respond to allegations of sexual abuse in custody must begin with an effective reporting process. Many states have criminal laws that make it mandatory for corrections staff to report their suspicions or knowledge of any activity of a sexual nature in their facilities. Regardless of the existence of such a law in your state, agency policy and procedures should require staff to report and address the sanctions for failing to report.

There are some critical issues that should be addressed by administration concerning the reporting of allegations or suspicions of sexual activity.

- **Multiple Ways to Report**: There should be multiple ways for both staff and inmates to report sexual abuse. There should be no barriers for staff and inmates when it comes to reporting. For example, inmates should be able to report allegations either verbally or in writing. Staff should be able to report allegations, knowledge, or suspicions without having to abide strictly by chain of command. It should be possible for staff and inmates to report directly to an Inspector General, to the Sheriff, to a County Official, or other such outside entity if necessary. The Preamble to the final PREA Standards contains a substantive discussion on how reporting mechanisms can be set up and maintained (p. 101) and the PREA Resource Center website contains resources related to reporting mechanisms as well.

- **Education**: Inmates and staff should be educated about how to report, what they should report, to whom they should report, how their reports will be handled.

- **Investigations:** All allegations and reports must be investigated. What may appear to be a report of a minor issue, such as favoritism or inappropriate conversations, may in fact be an indicator of a more serious issue.

- **False Allegations**: Allegations that are clearly and thoroughly proven to be maliciously false, should carry a disciplinary penalty.

- **Retaliation for Reporting**: The agency must protect those who report, and must take affirmative action to assure that there is no retaliation. It is not enough to just say "Retaliation for reporting is prohibited". Those who report have the right to be free from retaliation, and should be confident that the agency will protect them. The PREA Standards contain a requirement that agencies protect inmates and staff that report sexual abuse from retaliation (Standard 115.351) and discusses how agencies can provide avenues for inmates to report retaliation (p. 99). The April 2012 "Report on Sexual Victimization in Prisons and Jails" by the Review Panel on Prison Rape discusses specific situations where retaliation may hinder reporting of sexual abuse.

- **No reports ≠ no incidents**: A common myth in corrections is that little or no reporting by itself indicates that there are no incidents occurring. This is not necessarily the case, however. There could be problems in the reporting process that block information from getting to the investigative process. A lack of reports could also be an indication that the organizational culture places little significance on preventing or addressing sexual abuse, or that staff and inmates lack confidence in the fairness and thoroughness of investigations.