

**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)**

September 2006

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Introduction

This is the third 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. The second report covered 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. This report covers calendar year 2005.

Background

On September 4, 2003, the Prison Rape Elimination Act of 2003 (PREA) was signed into law, establishing a standard of zero tolerance for rape and sexual assault in any prison, jail, police lockup, or juvenile facility. The law assigns specific tasks to several components within the Department of Justice (DOJ).

- **Bureau of Justice Statistics** – The Bureau of Justice Statistics 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.”
- **Review Panel** – The Department of Justice will create a Review Panel that will conduct hearings on prison rape. The 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).
- **National Institute of Corrections** – The National Institute of Corrections (NIC) will offer training and technical assistance and provide a national clearinghouse for information. NIC is also required to produce an annual report to Congress.
- **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 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 Elimination 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 and accomplishments of the Office of Justice Programs (which includes the National Institute of Justice, the Bureau of Justice Statistics, and the Bureau of Justice Assistance) and the National Institute of Corrections with regard to the requirements of PREA for calendar year 2005.

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, as well as through partnerships with national and community organizations.

Congress included FY 2005 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 also made funding available to NIC for PREA activities through an Inter-Agency Agreement between the two agencies.

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

- National Institute of Justice
- Bureau of Justice Statistics
- Bureau of Justice Assistance

National Institute of Justice (NIJ)

Legislative Mandate

Although the issue of prison rape 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 the Bureau of Justice Statistics, the Attorney General is also authorized to provide grants to carry out research. NIJ was tasked to process and award these research grants. The following is a description of NIJ activities in accordance with this mandate during calendar year 2005.

Research Awards and Requests for Proposals

The NIJ released two solicitations in calendar year 2005 for PREA-related research. One request for proposals asked applicants to conduct research on the psychological and/or medical impact that sexual violence has on inmates. This applied to both inmate-on-inmate and staff-on-inmate forcible sex. The second solicitation asked applicants to explore policies and procedures for the investigation and prosecution of inmate rape.

As a result of these requests for proposals, the NIJ made one award in 2005. The research study involves identifying inmates in Ohio that were victims of sexual violence while incarcerated in State prison and tracking their post-release adaptation. The researchers will examine the inmates’ adjustment while they participate in the State’s halfway house program and again at intervals of 3, 9, and 12 months after their release. The study will examine employment, social networking, participation in education programs, psychological adjustment, and incidence of violence.

In late 2005, NIJ released a second solicitation for researchers to explore acts of sexual violence as they occur within the general context of violent behavior in prison. Reviews of the applications received under this solicitation occurred during the last quarter of 2005. NIJ anticipates that the agency will make multiple awards in 2006.

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 to:

- ▶ Solicit views from correctional and juvenile authorities, former inmates, victim advocates, researchers, and other experts;
- ▶ “Carry out, for each calendar year, a comprehensive statistical report and analysis of the incidence and effects of prison rape;”

- ▶ Sample “not less than 10 percent of all Federal, State, and county prisons, and a representative sample of municipal prisons;”
- ▶ “Use surveys and other statistical studies of current and former inmates;”
- ▶ “Not later than June 30 of each year...submit a report...with respect to prison rape, for the preceding calendar year.”

The following is a description of BJS activities for calendar year 2005 in accordance with this mandate.

Expert Panel Meetings

On behalf of BJS, the Justice Research Statistics Association organized three workshops for PREA data collection efforts in 2005. Practitioners, researchers, and other stakeholders and professionals were invited to Washington, DC, to provide BJS with feedback on project development, research design, and research instruments.

The first meeting was held March 23-24, 2005, and focused on the presentation of the protocols and the questionnaire for the self-report sexual victimization interviews to be conducted in prisons and jails. Participants discussed the preferred mode, Audio Computer-Assisted Self Interview (ACASI), and received a presentation on the sampling strategy, protocols, and results from testing of the questionnaire. Participants were then invited to share their thoughts about the questionnaire. BJS received several excellent suggestions and made adjustments in the research design.

The second meeting, held on August 18, 2005, was convened to gather information about the feasibility of a surveillance project to measure sexual violence within prisons and jails using medical and mental health indicators. Correctional medical and mental health directors, experts on the human immunodeficiency virus and sexually-transmitted diseases, and staff from the Centers for Disease Control and Prevention discussed the parameters and challenges of data collection.

The third meeting, held from December 15-16, 2005, was convened to address the implementation of juvenile data collection efforts. Participants included representatives from the Office of Juvenile Justice and Delinquency Prevention, along with a number of juvenile justice practitioners and advocates. The group was presented with protocols designed to overcome the unique challenges of collecting information from juveniles and within juvenile facilities, including consent, confidentiality, comprehension by youthful offenders, and issues related to the use of human subjects. In addition, there was a detailed discussion about the questionnaire. As a result of the meeting, BJS made changes to the protocols and the instrumentation.

Administrative Survey Collections

Data from the first round of the Survey of Sexual Violence was published in July 2005. The report, *Sexual Violence Reported by Correctional Authorities, 2004*, details allegations, investigations, and outcomes for State prison systems, the Federal Bureau of Prisons, and a national sample of private prisons, local jails, and juvenile facilities. The Survey of Sexual Violence can be found at <http://www.ojp.usdoj.gov/bjs/pub/pdf/svrca04.pdf.4.pdf>.

Using the U.S. Census Bureau as its data collection agent, the BJS gathered the second year of data for the Survey of Sexual Violence during calendar year 2005. BJS received aggregated counts of sexual violence and case-specific information on each substantiated incident of sexual violence. For 2006, BJS is planning to expand its data collection to include a sample of police lock-ups.

Victim Self-Report Survey Collections

BJS has entered into cooperative agreements with three entities to develop, test, and implement the ACASI methodology for prison and jail inmates, youthful offenders in residential placement, and former inmates on parole supervision.

- ▶ Research Triangle International (Raleigh, NC) completed the cognitive testing of the questionnaire and began preparation for the pretest of the prison and jail self-report instrument. The pretest, which will take place in 4 State prisons, 3 jail facilities, and 1 Federal prison, and which will involve approximately 1,500 inmates, is scheduled for the winter and spring 2006.
- ▶ Westat, Inc. (Rockville, MD) continued to develop the protocols and instrumentation for self-report data from youthful offenders in residential placement. Cognitive testing is planned for spring 2006, followed by a pretest in 10 facilities collecting data on up to 200 juveniles in fall 2006.
- ▶ National Opinion Research Center (Chicago, IL) refined the ACASI questionnaire to be administered to former inmates under parole supervision. This instrument will be tested in fall 2006 in 16 parole offices involving up to 800 former inmates.

Personnel from all three entities were present at one or more the meetings held by BJS in 2005, and BJS made adjustments to procedures and instruments based on suggestions from participants.

Coordination Efforts

BJS met periodically with the following Federal partners throughout 2005 to discuss PREA implementation issues.

- ▶ National Institute of Justice
- ▶ National Institute of Corrections
- ▶ Bureau of Justice Assistance
- ▶ National Prison Rape Elimination Commission

BJS personnel made presentations about the implementation of PREA at the following professional conferences during 2005.

- ▶ American Correctional Association
- ▶ Association of State Correctional Administrators
- ▶ American Jail Association
- ▶ Council of Juvenile Correctional Administrators
- ▶ American Probation and Parole Association
- ▶ Justice Research and Statistics Association

PREA-Related Publications

Sexual Violence Reported by Correctional Authorities, 2004 (July 2005)

<http://www.ojp.usdoj.gov/bjs/abstract/svrca04.htm>

Sexual Violence Reported by Correctional Authorities, 2005 (July 2006)

<http://www.ojp.usdoj.gov/bjs/pub/pdf/svrca05.pdf>

Bureau of Justice Assistance (BJA)

Legislative Mandate

A major reason for the enactment of PREA was to provide a means to overcome (1) the harmful effects on the victims of prison rape, (2) the disruption to institution operations, and (3) the demands placed on the communities to which these victims return. To help ensure that budgetary constraints and reduced spending on corrections at the 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. In fiscal year 2004, Congress appropriated \$20 million for the grant program. The BJA designed and requested proposals for the Protecting Inmates and Safeguarding Communities Discretionary Grant Program.

The following is a description of BJA activities in accordance with this mandate during calendar year 2005.

Awarding of Protecting Inmates and Safeguarding Communities Program Grants

The purpose of the Protecting Inmates and Safeguarding Communities Program is to provide funding to correctional agencies to develop new initiatives and/or supplement existing programs aimed at preventing sexual abuse. In keeping with PREA, the goal is the reduction of prison rape in correctional facilities. BJA awarded grants to 16 recipients during the fourth quarter of calendar year 2004. Following is a list of the 16 recipients and the amount of each award.

▶ California Department of Corrections	\$ 500,000
▶ Colorado Department of Corrections	\$ 254,455
▶ Idaho Department of Corrections	\$ 370,784
▶ Iowa Department of Corrections	\$1,000,000
▶ Louisiana Department of Public Safety and Corrections	\$ 998,646
▶ Michigan Department of Corrections	\$1,000,000
▶ Missouri Department of Corrections	\$ 688,330
▶ Nebraska Department of Correctional Services	\$ 197,207
▶ New Jersey Department of Corrections	\$ 602,207
▶ New York State Department of Correctional Services	\$1,000,000
▶ Ohio Department of Rehabilitation and Correction	\$ 542,080
▶ Pennsylvania Department of Corrections	\$ 580,312
▶ Rhode Island Department of Corrections	\$ 599,090
▶ Texas Department of Criminal Justice	\$1,000,000
▶ Vermont Department of Corrections	\$ 361,967
▶ Washington State Department of Corrections	\$1,000,000
 TOTAL	 \$10,695,078

Following are highlights from two of the grant recipients. Brief summaries for each of the recipients are contained in Appendix A. Several of the grantees comments are also included in Appendix C, which contains details of agency presentations made at the 2005 regional meetings coordinated by the National Institute of Corrections.

Vermont

The Vermont Department of Corrections designated a full-time PREA coordinator and used BJA grant funds to conduct a cultural assessment, train investigators, and develop evaluation protocols for the grant, as well as to complete the following activities.

An assessment of prison culture was completed at the Northern State Correctional Facility in the fall of 2005. (A similar assessment is planned for the Southeast State Correctional Facility in the winter of 2006.) A train-the-trainer program involving representatives from all nine institutions in Vermont was completed in the fall of 2005. The Department of Corrections' Central Office is scheduled for training in September 2006.

In June 2005, a strategic planning meeting was held with selected resource providers and agency staff. A scope of work for evaluation of grant projects progress was designed and various grant activities were outlined, organized, and incorporated into a time line.

In the summer of 2005, training was provided to facility superintendents, assistant superintendents, chiefs of security, and agency investigators. Training topics included crime scene preservation and evidence preservation. An in-house investigations team was established at the Northwest State Corrections Facility to conduct preliminary investigations for the Department. In addition, an inmate hotline was installed, allowing inmates to make calls at any time to the investigations unit.

Several staff training programs were provided over the course of the year, including:

- ▶ An introduction to PREA and the issue of staff sexual misconduct for all staff.
- ▶ Academy training for all recruits covering PREA, the impact of sexual exploitation in corrections, staff sexual misconduct, addressing the code of silence, and leadership. This training has been integrated with other modules addressing institution culture or related to PREA issues, such as working with female offenders and communicable diseases.
- ▶ Information about PREA and the introductory video produced by the National Institute of Corrections was presented at a statewide Department of Corrections managers meeting, attended by 80 managers.
- ▶ Training for first responders designed to prepare line staff in responding to incidents and allegations of sexual assault and sexual exploitation. The training addressed working with offenders who are victims; working with inmates who have evidence; and talking with, responding to, and supporting victims. Presentations were provided on:
 - The role of the medical staff,
 - The process for referrals to a Sexual Assault Nurse Examiner,
 - Laying the foundation for a criminal investigation,
 - Crime scene and evidence preservation,
 - Demystifying the investigation process,
 - Referrals to the agency's Investigation Unit, and
 - Introduction to the Investigations Tracking System.

In 2005, Vermont remained the only State without a law criminalizing staff sexual misconduct. As a part of their grant activities, officials continued working aggressively with their legislature and the Union to pass this legislation.

Agency leaders understand that it is sometimes difficult to discuss sexual assault in a correctional environment. They believe that effective implementation of the changes needed to address sexual assault is closely tied to having the courage to address this difficult issue and changing the institution and organizational culture. There is strong support from the agency's administration to change attitudes and behaviors. The majority of the agency's work involves training Department of Corrections staff in the numerous ways described above.

Pennsylvania

A critical element in any plan to address prison rape and sexual misconduct is the identification and tracking of incidents. The grant awarded to the Pennsylvania Department of Corrections is supporting the Department's efforts to improve their information system. Under the grant, the Department has designed and implemented a Web-Enabled Temporal Analysis System (WebTAS).

The WebTAS system is comprised of five primary components. The first is a PREA database that uses the Department's existing legacy mainframe system for tracking inmate misconduct. The existing system tracks all inmate misconduct including rape, involuntary deviate sexual intercourse, aggravated assaults, and assaults. These four misconduct categories are the basis for

the new PREA WebTAS database. A key aspect of this component is the creation of an incident-based system for tracking assaults, allowing for information about more than one assault associated with one incident.

The second component of the system is a section for information on perpetrators of sexual assaults. Included in this section are perpetrator characteristics, gang affiliations, prior relationships with the victim, and results of the incident interviews.

The third component consists of sexual assault victim information and includes data pertaining to use of physical force or coercion from the victim's perspective.

The fourth component contains sexual assault victim impact data obtained from interviews with the victim by psychologists. The component includes such information as a sexual assault victim's feelings, thoughts, and behaviors.

The final component developed by WebTAS is a monitoring component in which information on assaults is transmitted to and displayed on a web-based map accessible through the Department of Corrections' computer system. The map displays all 26 State facilities and ongoing information about assaults, giving special attention to sexual assaults.

Information collected through the WebTAS system will be used to address incidents of sexual assault, to guide policy decisions, and to enhance staff training.

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 is a description of NIC activities in accordance with this mandate during 2005.

Classroom Training

During 2005, NIC provided training on staff sexual misconduct and offender-on-offender abuse under a cooperative agreement award with American University's Washington College of Law in Washington, DC.

Addressing Staff Sexual Misconduct with Offenders

NIC has offered training on staff sexual misconduct at American University every year since 1998. The program that was conducted March 6-11, 2005, integrated the Prison Rape Elimination Act into the curriculum. Twenty-seven participants from the States of Kentucky, Wisconsin, New York, North Carolina, South Carolina, New Jersey, Missouri, Connecticut, and Kansas attended and represented prisons, jails, community corrections, and the juvenile justice system.

The training included the following topics: understanding State laws, developing policy, understanding agency culture, operational issues, providing training, gender issues, conducting investigations, and legal issues. Participants worked in teams to discuss the various issues and develop strategies and action plans to address their particular concerns related to staff sexual misconduct.

Investigating Allegations of Staff Sexual Misconduct with Offenders

Every State prison system has participated in the training on Addressing Staff Sexual Misconduct at least once. Because administrations have changed and senior staff administrators have left office for a variety of reasons, some States have sent additional staff to this training. Because detention facilities and juvenile practitioners are included within the scope of PREA, county sheriffs, jail administrators, and juvenile facility administrators have expressed an interest and are being included in this training.

NIC also provided training on investigating allegations of staff sexual misconduct at the American University's Washington College of Law from July 10-15, 2005. Due to the importance of PREA, the curriculum was enhanced based on the input of law enforcement and corrections professionals, prosecutors, and professionals from agencies that provide victim services.

Twenty-four participants from the States of Kentucky, Wisconsin, South Carolina, Kansas, Tennessee, Arizona, Maine, and Washington attended and represented prisons, jails, and community corrections.

The training included the following topics: understanding State laws and investigation procedures, conducting investigations in a correctional setting, investigative policies and techniques, the role of prosecutors, operational issues, understanding agency culture, gender issues, and legal liability in conducting investigations.

Regional Workshops for Executive Leadership

In December 2004, NIC held a series of regional meetings to: (1) disseminate the most current information concerning PREA, (2) encourage peer interaction and information sharing, (3) generate ideas for implementation strategies, and (4) discuss areas where NIC and the other Federal partners can be of assistance.

In December 2005, NIC coordinated a series of four regional meetings around the country. The meetings were held in Phoenix, Arizona; Austin, Texas; Baltimore, Maryland; and Chicago, Illinois. The 145 participants at these meetings received updates on the work of NIC, the other Federal agencies charged with tasks under PREA, and the National Prison Rape Elimination Commission. Participants received training and information on law and policy and on perspectives from corrections professionals on issues related to implementing various provisions in PREA and conducting investigations of sexual assaults. In addition, participants exchanged information regarding the progress being made in their agencies toward addressing prison rape and staff sexual misconduct and provided input to NIC by responding to a series of discussion questions. NIC proposed the following questions to participants to help the Institute design and deliver its programs and services.

- ▶ What have been your successes in investigating, sanctioning, and processing PREA related-allegations?
- ▶ What have been the obstacles and challenges you have encountered relative to these activities?
- ▶ How have we been successful in changing our organizational cultures?
- ▶ Assuming successes notwithstanding, what are some remaining challenges?
- ▶ What can the NIC do to help?

Following are a sample of “successes” provided by the participants:

- ▶ Investigations are now being conducted.
- ▶ Of the allegations being reported and investigated, 50 percent are being reported within 96 hours allowing for more thorough investigations.
- ▶ Trainers are asking for more resources and conducting training.
- ▶ We are having more successes with prosecutions via private and public interagency cooperation.
- ▶ We are improving our ability to identify the situation and get the inmate to the hospital for treatment and the collection of evidence.
- ▶ Two permanent State police detectives have been assigned to help with our cases.
- ▶ We are having some success with staff recognizing the signs of sexual assault.

Participants also believed that they had made some progress in shifting the organizational culture as reflected in the following comments:

- ▶ We have included 2 hours about PREA into every pre-employment and refresher training course. It is not going away and it will change the way we do business.

- ▶ We are working a top-down strategy. It is always on the agenda at all meetings and events. It is a significant topic. It is what we discuss.
- ▶ We are taking the focus off of “Federal requirement,” giving it an identify of its own, putting it into a larger context, and making it part of the agency mission.
- ▶ The biggest “win” has been raising the level of awareness. There is some concern that staff could become punitive. People need to really understand the law and our policy requirements.
- ▶ We have instituted trauma awareness training for staff to make them aware of the behaviors that inmates may exhibit after they’ve been assaulted. We are also looking at prior abuse histories, exploring how that affects behavior.
- ▶ We have implemented communications training, emphasizing safety and security.

While progress is being made, participants identified some remaining challenges:

- ▶ Mid-level managers can be the place where the message stops. We need “buy-in” from the first line supervisors.
- ▶ Some offenders do not see anything wrong with sex in prison.
- ▶ Increased reporting when you start to address the issue.
- ▶ It takes a long time to reach everyone and sustain the change over time.
- ▶ Nepotism.
- ▶ Weaknesses in the accountability structures. Just putting things in place is not enough.
- ▶ Educating staff about confidentiality issues.
- ▶ Encouraging staff to forward information up the chain of command.
- ▶ Working with Union officials presents unique challenges.
- ▶ Getting staff to view inmates as victims. There is also gender bias. Staff have some difficulty seeing males inmates as victims.
- ▶ Problems with non-credible victims and the issue of coercive vs. consensual relationships.
- ▶ Prosecutors understand the need to prosecute cases of staff sexual misconduct. However, they are less inclined to take cases of inmate-on-inmate sexual assault.
- ▶ There has been some difficulty determining jurisdictional issues.

A more detailed review of participants’ responses is contained in Appendix B.

NIC asked several States with whom the Institute had worked during the year to summarize their accomplishments. These accomplishments included:

- ▶ Development of policies and procedures and staff training.
- ▶ Development of offender education and orientation materials.
- ▶ Implementation of hotlines for reporting sexual assaults.
- ▶ Improvement of data collection procedures.
- ▶ Designation of PREA coordinators.
- ▶ Development of multiple reporting mechanisms.
- ▶ Training of first responders and implementation of response teams.
- ▶ Development of strategic plans.

A more detailed report on these summaries is contained in Appendix C.

Professional Conferences

NIC presented a number of workshops at meetings and conferences sponsored by a variety of national professional correctional organizations. These workshops provide an opportunity to disseminate information about PREA and its requirements, including staff sexual misconduct, as well as to gain input from the field. During calendar year 2005, NIC provided training and information at the following events:

American Jail Association - 24th Annual Training Conference and Jail Expo 2005
Kansas City, Missouri
May 15, 2005
Prison Rape Elimination Act/Sexual Misconduct – Part I

National Sheriffs' Association - 2005 Annual Conference and Exhibition
Louisville, Kentucky
June 29, 2005
Sexual Misconduct and the Prison Rape Elimination Act

American Probation and Parole Association - 30th Annual Conference
New York, New York
July 25, 2005
A Town Hall Meeting to Address the Prison Rape Elimination Act

American Correctional Association - 135th Congress of Correction
Baltimore, Maryland
August 7, 2005
The Prison Rape Elimination Act: An Opportunity for an Update and Discussion

Videoconference

NIC has used videoconferencing as a way to disseminate information and provide training to large numbers of practitioners on a wide variety of topics. These productions range from 3-hour sessions designed primarily to disseminate information to sessions that span several days and include both on-air time and targeted off-air activities. The conferences follow a one-way video, two-way audio format. Participants attend the conference at specified downlink sites around the country. NIC provides site coordinators with materials for distribution and instructions to help facilitate sessions after the presentation. During the broadcast, viewers are encouraged to call, e-mail, or fax questions to the studio. Conference presenters can then respond to these questions while on air. More recently, these conferences have been webcast over the Internet, allowing viewers to view them at their desktop computers. The first NIC PREA broadcast titled *How PREA Affects You* was held on July 21, 2004, and offered an estimated 6,520 participants a basic introduction to the law.

NIC coordinated an 8-hour videoconference titled *Assessing Your Agency's Response to Prison Sexual Assault* on January 26, 2005, and again on January 27, 2005. Presenters at the conference represented several perspectives on issues related to prison rape and included professionals from the legal, correctional, and mental health and treatment arenas. The goals of the conference were

to examine critical issues identified by the law, hear the perspectives of certain practitioners, review the elements of a systems approach to addressing sexual assault in institutions, discuss the application of lessons learned by practitioners, and discuss potential next steps. Through pre-recorded video segments, participants heard from the Chairman of the National Prison Rape Elimination Commission, representatives from the BJS and NIJ, and selected correctional leaders. The two broadcasts reached 326 sites and an estimated 6,520 participants.

Informational Video

For several years, NIC has used video productions to reach large numbers of corrections and justice professionals. This strategy is cost-effective, can be implemented relatively quickly, and is well suited to disseminating information about the PREA. The first video production, titled *Facing Prison Rape*, provided an introduction to the PREA, conveyed the importance of the law, and discussed the issues that led to passage of the law.

In April 2005, NIC began distribution of its second video production titled *Responding to Prison Rape*. The purpose of this video is to introduce the audience to a systemic approach to implementing effective practices in response to PREA. It is designed for staff in a variety of correctional settings and their unique issues and concerns, and it encourages prison, jail, and community corrections personnel, as well as other corrections professionals, to evaluate existing policies, training materials, operational practices, and investigative strategies to comply with the PREA. The video provides effective strategies for managers, supervisors, and line staff to eliminate sexual assault and misconduct in correctional settings. The video and its accompanying Facilitator's Guide can be used in a variety of ways depending on an agency's objectives. The program can be used as a brief introduction to the topic or as a comprehensive program in preventing sexual assault, allowing agencies to:

- ▶ Show the entire video and ask follow up discussion questions or show a selected portion of the video and ask a limited number of discussion questions to address the specific subject of concern;
- ▶ Have participants work in small groups, critique current practices, and analyze how their organization is meeting the requirements of PREA; and
- ▶ Use the video interactively by pausing to discuss the questions provided in the Facilitator's Guide.

In 2005, NIC distributed over 2,000 copies of *Responding to Prison Rape* and the Facilitator's Guide. Copies were provided through requests received and processed by the NIC Information Center and by the NIC PREA Program Manager.

Technical Assistance

NIC has provided technical assistance to correctional agencies for over 30 years. Technical assistance includes informational presentations, written materials, training events (ranging from 4-hour workshops to multi-phased programs presented over several weeks), and targeted assistance tailored to a requester's specific needs. For technical assistance regarding PREA, NIC has assembled a cadre of individuals with expertise in all areas that the law addresses, including: investigation of sexual assaults, male inmate violence, medical and mental health care, legal

issues, institution operations, community corrections, faith-based programs and resources, staff sexual misconduct, and research and evaluation design. NIC adds specific expertise to a technical assistance request as needed.

Requests for technical assistance with regard to PREA have increased steadily since the law was enacted. These requests fall into four broad categories: (1) informational assistance, (2) training, (3) systemic planning, and (4) assessment and intervention. NIC provided 32 technical assistance events during 2005. Most of the requests were for information and training.

The informational assistance events included presentations at professional conferences and meetings designed to provide a general overview of the PREA, noting that the law addresses both staff sexual misconduct and inmate-on-inmate sexual assault, describing its potential impact on the correctional agency, and reporting on the roles of the various Federal agencies tasked with its successful implementation. Following are lists and descriptions of the assistance training provided by NIC.

Informational Assistance

- ▶ Florida Sheriffs Association
- ▶ New York University: Review of Law and Social Change
- ▶ Colorado Jail Association
- ▶ California Association of Black Correctional Workers Conference
- ▶ South Dakota Sheriffs' Association Conference
- ▶ Missouri Correctional Association Conference
- ▶ Idaho Correctional Association Conference
- ▶ Florida Association of Pre-Trial Professionals Conference
- ▶ Oregon State Sheriffs' Association
- ▶ Oregon Jail Managers Association
- ▶ New England Council on Crime and Delinquency Conference
- ▶ National Internal Affairs Investigators Association
- ▶ Northern California Corrections Association
- ▶ National Association of Pre-Trial Service Agencies Conference
- ▶ New Mexico Children, Youth, and Families Conference
- ▶ Association of Black Correctional Workers

Training Assistance

- ▶ Vermont Department of Corrections: Correctional investigators were trained on the requirements of PREA and investigative techniques. Other Department personnel were trained in the use of the Organizational Culture Inventory and participated in a training-for-trainers program to enhance the Department's ability to address and prevent staff sexual misconduct.
- ▶ Wisconsin Department of Corrections: Personnel from the State's secure correctional facility for female juvenile offenders were trained in the prevention of staff sexual misconduct.
- ▶ Fairhope Police Department, Fairhope, Alabama: Department staff were trained in the

prevention of staff sexual misconduct.

- ▶ Oregon State Sheriffs' Association: Sheriffs and jail administrators were trained in the development of PREA-related policy and procedures.
- ▶ Alabama Department of Corrections: Wardens were trained in the recognition and prevention of staff sexual misconduct and inmate sexual assault.
- ▶ Montana Department of Corrections: Staff participated in a training-for-trainers program to enhance the Department's ability to assess and prevent staff sexual misconduct and inmate sexual assault.
- ▶ Pennsylvania Department of Corrections: A planning session was held to design an investigator's curriculum.
- ▶ Kentucky Department of Juvenile Justice: Juvenile facility superintendents were trained in understanding the scope and impact of PREA, understanding the links between the law and policy, understanding the effect of organizational and institutional culture, identifying management and operational issues that affect staff sexual misconduct, identifying staff training needs and developing a training plan, understanding the legal implications of sexual assault, and developing a systemic approach to preventing sexual misconduct and sexual assault. The observations provided by training staff and other participant feedback were used to help design a similar training program which will be available to juvenile agencies nationwide.

Systemic Planning Assistance

The systemic planning assistance events were more complex and often required multiple site visits. These events were designed to assist agencies in the development of action plans, administrative structures, and policy and procedures to clarify and guide their efforts to implement the requirements of the PREA. Following are descriptions of these events:

- ▶ *Arkansas Department of Corrections (DOC)*
The Arkansas DOC had completed a series of training programs to familiarize agency staff with the requirements of PREA. The Director had established 14 working groups to begin to address the systemic implementation of PREA-related programs and activities. Technical assistance was provided to help these groups more clearly define the scope of their responsibilities and to develop a coordinated agency-wide action plan to facilitate compliance with the law.
- ▶ *Vermont Department of Corrections*
The Department was awarded a PREA grant from the Bureau of Justice Assistance. Elements of this grant included the employment and assignment of staff to investigate allegations of staff sexual misconduct and inmate sexual assault, an assessment of organizational culture, and staff training. Technical assistance was provided to help the Department prepare a request for proposals to evaluate the grant project and to conduct a cultural assessment and staff training at one facility to help begin the process of changing the agency's culture to embrace the prevention of staff sexual misconduct and inmate sexual assault.
- ▶ *Maryland Department of Public Safety and Correctional Services*

The Department had conducted agency-wide PREA awareness training and the Deputy Secretary had established eleven working groups to address various aspects of PREA-related implementation. Technical assistance was provided to facilitate the interaction of members of these working groups in order to develop cohesiveness and unity of purpose and to help members begin the process of developing action plans to address the tasks assigned to each group.

▶ *Wisconsin Department of Corrections*

The Department has a full-time PREA Coordinator and has developed a draft plan for the implementation of the requirements of the law. Technical assistance was provided to personnel representing adult institutions, community corrections, and juvenile services to facilitate discussions aimed at defining the parameters and specific goals for an action plan to implement the requirements of PREA.

Assessment/Intervention

▶ *Allegheny County, Pennsylvania, Bureau of Corrections*

The providers of technical assistance conducted an organizational assessment of the facility and made recommendations on how to address issues related to several incidents of staff sexual misconduct.

▶ *New Hampshire Department of Corrections*

Technical assistance was provided to assist in addressing staff sexual misconduct in a halfway house for female offenders.

PREA Team Policy and Legal Committee

Under a cooperative agreement with NIC, the Moss Group, Inc., established a PREA Team Policy and Legal Committee to assist State and local correctional agencies in addressing the issue of sexual contacts and sexual assaults and to help these jurisdictions in their review of policies developed to comply with PREA. The Moss Group developed a policy review guide titled *Prison Rape Elimination Act: Considerations for Policy Review* to help jurisdictions with the initial drafting of such policies or to assess existing policies. The guide explores areas, such as policy organization, definitions, a zero tolerance standard, the duty to report, prevention strategies, and conducting investigations. The questions in the guide are meant to stimulate discussion: they are not intended to reflect policy requirements.

State Legislation

When NIC began its work in providing training and technical assistance regarding the prevention of staff sexual misconduct, only a few States had legislation specifically prohibiting sexual interaction between correctional staff and offenders. Over the past several years, most States have passed legislation addressing staff sexual misconduct. While the Institute cannot claim sole responsibility, the increased awareness generated by the NIC's training and assistance efforts undoubtedly have contributed to the passage of such laws.

In 2005, Oregon (one of the two remaining States without such a law) passed legislation

criminalizing “custodial sexual misconduct.” The law’s application goes beyond correctional facilities and extends to those in the custody of law enforcement officials, those supervising offenders on transport or work assignments outside a correctional facility, and those under community supervision. In some cases, offenses rise to the level of a felony.

National Clearinghouse

Through a contractual agreement, NIC has provided information services to corrections and criminal justice professionals for 30 years. The NIC Information Center serves the field of corrections and those with related interests with timely and comprehensive responses to requests. It is one of several points of contact for corrections practitioners and the public to access information regarding PREA.

NIC determined that the most cost-effective response to the PREA requirement for a national clearinghouse service was to use the NIC Information Center. Throughout 2005, the Information Center used its research services, collection of documents, website, and practitioner networks to support the PREA clearinghouse function. In addition, an Information Center program specialist was assigned to receive and manage all requests related to the PREA and issues surrounding prison rape. This individual also reviews and recommends materials for distribution and identifies materials for training and presentations.

PREA Website

The NIC Information Center is responsible for the management of the NIC website. Shortly after the enactment of PREA, the Information Center developed a separate web page devoted to the PREA. Posting of information on the PREA web page continued in 2005 and the site was expanded to include information regarding NIC assistance, the Bureau of Justice Assistance PREA grant program, the National Prison Rape Elimination Commission, and research being conducted by the Bureau of Justice Statistics and the National Institute of Justice.

The “Opportunities” section on the PREA website continues to be used to announce events, such as PREA videoconferences, upcoming PREA-related programs, and ongoing technical assistance offerings. A “Help Desk” provides users with options for obtaining information through links to: Ask a Colleague (access to forums and support networks), Ask Our Specialists (research assistance from Information Center staff), and Contact the National Institute of Corrections (addresses, telephone numbers, and fax numbers). The PREA page also allows users to browse the collection of documents, offers links to related topics on the NIC site, and provides contact information for the NIC PREA Program Manager.

At the end of FY 2005, the Information Center contained 145 resources related to the Prison Rape Elimination Act or staff sexual misconduct. These resources are primarily operationally-oriented materials developed by correctional agencies or through NIC initiatives. The resources include NIC's training curricula and broadcasts developed to address prison rape, sample lesson plans to guide in the development of additional curricula, and procedures to assist agencies in developing PREA-related policies. The journal collection contains published articles that address PREA-related topics. Information Center staff can also access research databases, such

as the Criminal Justice Periodicals Index or Ebsco's Academic Search Premier for further searching of thousands of online journals.

Almost 20,500 visits to view or download PREA-related resources were made to the website in 2005. Practitioners, stakeholders, and other interested parties visited the PREA website over 1,500 times per month to review or obtain materials addressing PREA-related topics, such as the language of the law; the activities of the Federal agencies involved in implementation; NIC programs, services, and products; and updates regarding the National Prison Rape Elimination Commission.

Direct Responses to Requests for Information

The Information Center responded to numerous requests for information and PREA-related resources as outlined below.

- ▶ 227 individuals or agencies requested and received 440 sets of *Facing Prison Rape - Part 1*.
- ▶ 192 individuals or agencies requested and received 554 sets of *Responding to Prison Rape - Part 2*.
- ▶ 104 individuals or agencies requested and received 250 copies of *A Town Hall Meeting: Facing Prison Rape*.
- ▶ 130 requests were made for information on related topics, such as agency policies and procedures, incident investigation processes, staff training, and other issues related to prison sexual assault.
- ▶ 140 requests have been filled for training curricula addressing staff sexual misconduct with offenders.

Appendix A: Bureau of Justice Assistance 2004 Grant Awards Updates and Progress

California Department of Corrections and Rehabilitation

The efforts of the California Department of Corrections and Rehabilitation include: research to determine the extent of sexual violence, development of a Department Operations Manual that directs staff to consider all options when housing an offender who has been victimized, a pilot of a program in conjunction with Stop Prisoner Rape to work with rape crisis centers to provide aftercare for victims of sexual assault or rape, provision of educational material regarding sexual violence to offenders, and enhancement of prosecution efforts through educating district attorneys about institution policies and PREA programs.

Colorado Department of Corrections

The Colorado Department of Corrections is working on efforts that include: an assessment of inmates' vulnerability to sexual assault, potential for sexual misconduct, and predatory interests in committing sexual misconduct and rape; training for staff, contractors, and volunteers regarding the prevention, investigation, and prosecution of sexual misconduct and rape; providing an orientation to inmates to identify high-risk behaviors and to prevent and prosecute sexual misconduct and rape; development of an electronic assessment document and tracking code to identify potential sexual assault victims and predators; gathering information so that appropriate services and treatment are provided to victims and predators; and the development of partnerships with district attorney's offices, law enforcement agencies, and victims' advocate groups to promote increased awareness and responsiveness to incidents of offender sexual misconduct and rape.

Idaho Department of Corrections

The Idaho Department of Corrections' efforts include: collaborating with the State's juvenile justice and county justice systems; education of inmates and staff; employment of a full-time coordinator and part-time research principle; procurement of polygraph equipment, computers, and surveillance equipment; and contracting for investigation and risk assessment services. All inmates and staff have received a handbook and introductory education on sexual abuse as it relates to the Prison Rape Elimination Act.

Iowa Department of Corrections

The efforts of the Iowa Department of Corrections include: hiring and training an investigator and training specialists, hiring an employee to conduct preliminary safety assessments of facilities before a full safety committee is developed, reviewing current policies in order to meet PREA standards and to educate inmates on their rights, contracting with Iowa Coalition Against

Sexual Assault in order to educate and train correctional staff, developing an education and training curriculum for survivors of incidents of sexual assault in prison, developing a sexual assault awareness curriculum for inmates entering the system, developing new PREA-related policy and procedures, conducting investigatory training, and conducting training for Offender Victim Services representatives.

Michigan Department of Corrections

The Michigan Department of Corrections is working on efforts that include: a PREA orientation and overview session, the creation of a PREA project team to oversee compliance issues, the development of a training curriculum and delivery of training to employees, revision of the Critical Incident Report in prisons in order to better reflect sexual assaults, analysis and enhancement of existing automated systems to improve the tracking of allegations of sexual misconduct, conducting research to isolate victim characteristics, employment of a full-time department analyst to oversee PREA initiatives, and dissemination of an educational brochure on avoiding sexual violence to all prisoners.

Missouri Department of Corrections

The Missouri Department of Corrections' efforts include: development of an inmate orientation program, development of a correctional officers training curriculum, enhancement of protective services, development of victim-specific training for correctional officers, and surveying institutions to determine equipment needs for better surveillance and installation of necessary equipment.

Nebraska Department of Correctional Services

The efforts of the Nebraska Department of Correctional Services include: development and implementation of an internal classification instrument; creation of a database to collect sexual assault report information regarding female offenders; training and information for inmate populations regarding reporting expectations; and investigatory training for new detectives and criminal investigators.

New Jersey Department of Corrections

The New Jersey Department of Corrections' efforts include: the creation of a collaboration team to address PREA, an assessment of procedures for investigating prison sexual violence, completion of a "Quality of Life in Prison Environment" survey, hiring of social workers, and development of a training academy.

New York State Department of Correctional Services

The New York State Department of Correctional Services is working on efforts that include: a literature review to guide research regarding prison rape, development and implementation of a

surveillance program in order to better monitor the environment, and the creation of a research position to carry out research on the demographics of inmates involved in sexual assault.

Ohio Department of Rehabilitation and Correction

The efforts of the Ohio Department of Rehabilitation and Corrections include: the provision of training for staff on sexual assault investigations, the installation of enhanced electronic monitoring equipment, and the administration of an inmate sexual victimization survey to a random sample of inmates.

Pennsylvania Department of Corrections

The Pennsylvania Department of Corrections' efforts include: development of policy on preventing prison violence, creation of a PREA training module for new staff, development of an awareness program for all inmates, establishment of a web-based system for data collection, and the creation of a Sexual Assault Review Team to review all reports of sexual violence or assault.

Rhode Island Department of Corrections

The efforts of the Rhode Island Department of Corrections include: specialized sexual assault training for inmates and staff, development of a sexual assault risk assessment tool, hiring a special investigator who will focus on prison sexual violence, employment a new high-risk discharge planner to work with perpetrators and victims of sexual assault as they are released, employment of two new parole officers to supervise victims and perpetrators of sexual assault in prisons, and the creation of resource maps for released prisoners who seek treatment or other resources within the community.

Texas Department of Criminal Justice

The Texas Department of Criminal Justice is working on efforts that include: employment of an Institutional Profile Character Coordinator, a Victim/Offender Peer Education Coordinator, an analyst, and a Sexual Assault Nurse Examiner program coordinator; training over 400 victims representatives; procurement and purchase of equipment (video surveillance, software, computers, digital cameras, and new cell doors); and the implementation of the Safe Prisons Program.

Vermont Department of Corrections

The Vermont Department of Corrections' efforts include: development of training to address the needs of institution executive staff, establishment of a PREA Focus Group to design key areas of concentration related to PREA content and mandates, creation of a PREA Culture Team to design Department culture training topics in relation to PREA, establishment of a PREA Implementation Team to make recommendations to integrate PREA best practices into the best practices of the Department, and the provision of inmate and staff educational materials.

Washington Department of Corrections

The efforts of the Washington Department of Corrections include: development of a PREA implementation policy, establishment of intake procedures that will include inmate surveys regarding safety, training for volunteers, enhancement of response to victims, development and implementation of an inmate vulnerability assessment tool, evaluation of risk assessments based on facility design, and providing investigatory training.

Appendix B:

PREA Regional Meetings

Participant Feedback

During each of the four regional meetings coordinated by NIC in 2005, participants (executive-level facility administrators) were divided into two groups: State prison/correctional facility administrators and jail administrators. Following are their responses to questions and related issues.

Responses from Jail Staff

What have been your successes in investigating, sanctioning, and processing PREA-related allegations?

- ▶ Staff feel good that we are responding to staff sexual misconduct.
- ▶ Several comments and stories indicating an increasing willingness among staff to report the misconduct of other staff.
- ▶ One jurisdiction reported success based on the efforts of a district attorney who values ethical conduct and has not hesitated to prosecute public employees.
- ▶ Successes reported through team work and support from the Sheriffs Office, the District Attorney, and agency executive staff.
- ▶ Several participants commented on positive collaboration with prosecutors.
- ▶ Some reported success collaborating with the employees' union.
- ▶ Others reported on the advantage of being in a non-union State.
- ▶ Several jurisdictions commented on a good working relationship with investigators and sound investigative procedures.
- ▶ Developing and implementing specific policies.
- ▶ Several participants reported on the advantages of terminating rather than prosecuting staff.
- ▶ Several jurisdictions reported on new training efforts.
- ▶ Several comments referenced the importance of executive-level support within the agency.
- ▶ PREA has provided a foundation and basis for emphasizing the investigation of and response to sexual assault.
- ▶ Cameras and extra staff have helped.
- ▶ Applying a community-oriented policing model to a jail.
- ▶ One rural State formed a jail administrators association.
- ▶ Recording inmate calls resulted in the discovery of a developing staff/inmate relationship.
- ▶ Need to be proactive (employ sting operations and work with inmates).
- ▶ Increased staff awareness through training.
- ▶ Have staff members' phone numbers on an alert system and receive notification when an inmate calls the number.
- ▶ Improved reporting mechanisms.
- ▶ Community meetings.

What have been the obstacles/challenges you have encountered relative to these activities?

- ▶ Several participants commented on the district attorney's reluctance to prosecute.
- ▶ Juries are reluctant to convict police officers.
- ▶ One State's sexual misconduct statute does not include probation/parole officers.
- ▶ Sexual misconduct between two females is "complicated."
- ▶ Several comments related to a general lack of knowledge about PREA.
- ▶ Concern that many allegations are unsubstantiated due to the complainant's lack of credibility, a lack of witnesses, and weak evidence.
- ▶ Problems getting a conviction when cases are based solely on inmate testimony or when it is a staff member's word against an inmate's word.
- ▶ Problems with inmate witnesses not being perceived as credible.
- ▶ Problems involving staff returning to duty after an acquittal.
- ▶ New employees are more susceptible to sexual misconduct.
- ▶ Investigation of inmate-on-inmate sexual assaults is more difficult than staff-on-inmate sexual assaults.
- ▶ Inmate reluctance to report.

Related Issues/Observations

- ▶ Inmates are assessed for vulnerability, but staff are not.
- ▶ Look for indicators of staff/inmate involvement.
- ▶ Problems can develop if the confidentiality of the employee assistance program is compromised.
- ▶ Post-release surveys should provide interesting findings.
- ▶ Need to address how laws and policies apply to contractors.
- ▶ The act of masturbation by a male inmate in front of a female staff member is not taken seriously by prosecutors.
- ▶ Pornography contributes to a sexualized work environment and can erode professional boundaries.

How have you been successful in changing institutional/organizational culture related to PREA?

- ▶ PREA created a forum that initiated discussions, communications, and action on addressing sexual assault.
- ▶ PREA is directly linked to other forms of good correctional practice, such as reducing violence and increasing security and safety.
- ▶ By ensuring executive-level support for PREA-related policies and training.
- ▶ By explaining the investigation process in new employee orientation.
- ▶ By recognizing sexual assault occurs, that it is wrong, and that it can be punished.
- ▶ Attending the NIC training titled *Managing the Multi-generational Workforce*.
- ▶ By providing staff training and information to employees about PREA investigation processes.
- ▶ By providing information to staff regarding disciplinary action taken against employees.
- ▶ By looking for indicators of sexual misconduct or sexual assault.

- ▶ By communicating and emphasizing a “zero tolerance” standard.
- ▶ By noting the costs of staff sexual misconduct.
- ▶ By involving as many staff as possible in preventive practices.
- ▶ Through the use of technology for investigations and prevention.
- ▶ Emphasizing staff integrity.
- ▶ Targeting new employees.
- ▶ Implementing the action plans developed at the NIC programs titled Addressing Staff Sexual Misconduct with Offenders and Investigating Allegations of Staff Sexual Misconduct with Offenders.

What challenges do you face in effecting cultural change?

- ▶ Reluctance by some to accept that inmates have been harmed by staff.
- ▶ Disbelief that staff would be involved in sexual misconduct or sexual assault.
- ▶ Staff concerns about being held liable.
- ▶ Reports need to have more information about specific behaviors and specific consequences.
- ▶ Suggest conducting analysis of what might have led to current situation.
- ▶ Jokes about sexual assault and homosexuality obstruct efforts at prevention and control.
- ▶ New employees’ lack of understanding about appropriate staff/inmate relationships.
- ▶ Incongruence between zero-tolerance standard extolled at training and tolerance of sexual misconduct and sexual assault by employees on duty.
- ▶ Young officers are expected to be professional leaders, but have little life experience.
- ▶ Offenders that are not cooperative and impede efforts in sexual assault prevention and control.
- ▶ The unique concerns brought about by large numbers of female employees.
- ▶ Need for more training, especially for female staff.
- ▶ Reducing the stigma associated with reporting sexual misconduct or sexual assault.
- ▶ Union issues and allegiances.
- ▶ Acquittals in court and the placement of blame for the acquittal.
- ▶ Need for follow-up treatment and counseling for victims.
- ▶ Difficulty in implementing policies and practices when the number of false allegations and the resulting lack of interest in pursuing prevention and control is high.

Related Issues/Observations

- ▶ Difficulties involved in addressing/disciplining anyone who knew about, but did not report an incident.
- ▶ Cameras are not helpful at times. They sometimes do not provide direct evidence. Staff know how to avoid cameras.
- ▶ Employees claim that the sex was consensual.
- ▶ The return of a staff member who has been disciplined or sanctioned can have a negative effect on morale.
- ▶ Worked collectively as jail managers to develop policy that can be tailored for needs.
- ▶ Working on changes in jail culture.

What kind of assistance have you received, and from what sources, in your efforts to implement PREA since the legislation was enacted in 2003?

- ▶ NIC regional meetings.
- ▶ NIC technical assistance on addressing and investigating staff sexual misconduct.
- ▶ Training for the State's jail managers on PREA.
- ▶ Policy review training.
- ▶ Training at American University.
- ▶ NIC videoconference.

What are the current top three areas where you still need assistance?

- ▶ Legal issues.
- ▶ Pregnancy of female victim of sexual assault.
- ▶ Education of inmates in jails regarding their rights and reporting of instances of sexual assault.
- ▶ Policy development.
- ▶ Best practices.
- ▶ Gathering statistics.
- ▶ Extending PREA beyond corrections to other parts of the criminal justice system.
- ▶ Getting more assistance from prosecutors.
- ▶ Model policies and procedures.
- ▶ More security equipment, such as cameras for blind spots.
- ▶ To help reinforce the permanency of sexual assault prevention and control.
- ▶ Training for prosecutors.
- ▶ NIC-sponsored training in addressing and investigating staff sexual misconduct.
- ▶ Federal funding assistance, if available.

What do you still need to implement?

- ▶ Information at inmate orientation and the staff training video.
- ▶ Separate female and male videos and the facilitator's guide inserts during the pauses in the videos.
- ▶ Training for investigators.
- ▶ An overview of the needs of local corrections.
- ▶ A system of notifying jail organizations.

How do we publicize video conferences? How can we reach jails?

- ▶ Work with professional networks, such as the National Sheriffs' Association, the International Association of Chiefs of Police, and the Commission on Peace Officer Standards and Training.
- ▶ Create a pamphlet to be distributed jointly by the National Sheriffs' Association and NIC or make it a product of the National Prison Rape Elimination Commission.
- ▶ Involve sheriffs and executive-level officials within the agencies.

- ▶ De-emphasize “prisons” as the focus and increase emphasis on detention facilities (jails).
- ▶ The prison emphasis of PREA has been suppressing the response of jails.
- ▶ Provide sheriffs with public relations tools.

Responses from Prison Staff

What have been your successes in investigating, sanctioning, and processing PREA-related allegations?

- ▶ Investigations are occurring more consistently and are more thorough.
- ▶ Allegations are being reported in a more timely manner, allowing for better investigations.
- ▶ Trainers are receiving adequate resources and providing good training.
- ▶ Increased interagency cooperation has led to expanded work in pursuing prosecutions.
- ▶ Enhanced working relationship with the State police and local law enforcement.
- ▶ Improved victim treatment and collection of evidence.
- ▶ Assignment of two detectives from the State Police to assist us with our cases.
- ▶ Having some success with staff awareness of signs of sexual assault.
- ▶ Progress in addressing staff sexual misconduct issues.
- ▶ Including internal affairs in the process.
- ▶ Developing internal and external partners.

What have been the obstacles/challenges you have encountered relative to these activities?

- ▶ The importance of obtaining evidence to meet the standard needed to prove an inmate’s guilt.
- ▶ Misunderstanding the dynamics of sexual events.
- ▶ Problems of understanding homosexual/transgender issues.
- ▶ Systemic reactions to inconclusive or unsubstantiated allegations.
- ▶ Changing the organizational culture.
- ▶ Difficulties in dealing with prosecutors and with inmates as victims and witnesses.

How have you been successful in changing institutional/organizational culture related to PREA?

- ▶ Raising the level of awareness.
- ▶ Getting everyone to realize that they play a role and have to accept responsibility.
- ▶ Instituting trauma awareness training for staff (making staff aware of the behaviors that inmates may exhibit after they have been traumatized).
- ▶ Including communications training and emphasizing safety and security.
- ▶ A decrease in retaliation for staff reporting.
- ▶ We have included two hours about PREA in every training session for new staff and in ongoing refresher training courses. It is not going away and it will change the way we do business.
- ▶ We are working on a top down strategy. It is always on the agenda at all meetings and events. It is what we discuss.
- ▶ Adding components of the Safe Prisons Program to our operational reviews.

- ▶ De-emphasizing the law's "Federal requirement" nature and giving PREA an identify of its own. Putting PREA into a larger context -- a part of the agency's mission.
- ▶ Making the skeptics responsible for implementation.
- ▶ Training all employees -- from line staff up to the Director.
- ▶ Identifying a staff member at every institution to be responsible for the Safe Prisons Program.
- ▶ Increased staff awareness and support.
- ▶ Increasing staff's willingness to cooperate in investigations through training.
- ▶ Emphasizing safety garnered staff support.

What challenges do you face in effecting cultural change?

- ▶ Confidentiality issues related to inmates' interaction with chaplains and treatment staff.
- ▶ Staff members' failure to see inmates as victims.
- ▶ The need for an appropriate balance. Staff can become too punitive.
- ▶ It is important to convince union officials that implementing PREA is in everyone's best interest.
- ▶ Gaining support from employees at all levels of the organization.
- ▶ Many offenders do not see anything wrong with sex in prison. We need to teach inmates what sexual assault is and what to do if an assault occurs.
- ▶ A position in corrections may not always be seen as the most desirable job. This may affect the culture among staff.
- ▶ Ensuring ongoing executive-level support.
- ▶ There are a lot of inmates and staff to change. It takes a long time to reach everyone and sustain the change over time.
- ▶ Nepotism and effecting change when relatives are involved.
- ▶ Weaknesses in systems to ensure accountability.
- ▶ Obtaining sufficient evidence and satisfy prosecutors' requirements to pursue a case.
- ▶ Problems with victims' and lack of credibility.
- ▶ Instilling the idea that there is no such thing as a consensual sexual relationship in a prison.
- ▶ Getting prosecutors to pursue inmate-on-inmate sexual misconduct cases.
- ▶ Getting support from Internal Affairs.
- ▶ Unconfirmed or unsubstantiated investigations.
- ▶ Concerns about how data submitted to the Bureau of Justice Statistics will be used.
- ▶ Maintaining a positive working relationship with the Internal Affairs office.
- ▶ Adequate training for rape counselors.
- ▶ Determining the appropriate authority to take the crime report.

What are the current top three areas where you still need assistance?

- ▶ Getting information and awareness of PREA to law enforcement agencies, prosecutors, and other stakeholders.
- ▶ Communicating that PREA applies to lock-ups and detention facilities (not just prisons).
- ▶ Providing education to the community.
- ▶ Developing a risk assessment tool to identify potential victims and perpetrators.

- ▶ Guidance on managing unique populations (e.g., transgender, gay, and lesbian inmates).
- ▶ Training for investigators.
- ▶ Information management within and across agencies to ensure that information flows efficiently.
- ▶ Working with rape crisis centers, treatment providers, and other community agencies to foster good relationships.

Other Needs

- ▶ Funding.
- ▶ Improved flow of information.
- ▶ Ability to identify risks across the system.
- ▶ Improving working relationships with prosecutors.
- ▶ Information on the risks involved in releasing offenders who were either victims or predators while in prison.

Appendix C:

PREA Regional Meetings

Agency Summaries

During each of the four regional meetings coordinated by NIC in 2005, several of the participants (executive-level prison and jail administrators) were asked to provide a brief summary of their accomplishments over the past year in addressing the issue of sexual assault and sexual misconduct. The following summarizes their presentations:

Alabama

The Alabama Department of Corrections has provided training on the Prison Rape Elimination Act to all of the Department's executive staff through the National Institute of Corrections.

Arizona

The Arizona Department of Corrections has used PREA to advance important goals in preventing sexual assault and sexual misconduct and is considering reimbursing counties for the expenses involved in prosecuting cases.

Arkansas

The Arkansas Department of Correction has used NIC technical assistance to develop a systemic approach to the implementation of PREA. The Department has been addressing staff sexual misconduct as a long-term project and is emphasizing the importance of demonstrating a concern for inmates.

The Department has created 14 standing committees to address PREA issues and is developing a professional culture around a zero tolerance standard. The Department has found that the issues of staff sexual misconduct, sexual harassment, and PREA work together and has incorporated these issues into one instructional block for training. Training topics under consideration include inmate education, dealing with sexually-transmitted diseases, identifying potential victims, and preventing suicide or re-victimization.

The Department has implemented or revised classification procedures, tracking procedures, use of sanctions, procedures for housing predators, and the evaluation of standards for housing victims. The Department has improved documentation of staff sexual misconduct, worked toward the enhancement of criminal sanctions, and pursued prosecution over allowing staff to resign. The Department also has educated the State legislature on single-cell housing, installed cameras, and made other facility modifications to improve visibility. In addition, the Department is implementing a hotline, using polygraph technology, developing victims' support programs and services, enhancing training efforts, developing checklists to be used in sexual assault investigations, and developing a partnership with community corrections to address the supervision of predators and victims when they return to the community.

California

The California Department of Corrections applied for technical assistance from NIC to obtain help in improving their existing staff sexual misconduct policy. The Department developed a multidisciplinary PREA Commission with members or “partners” representing adult correctional institutions, juvenile facilities, parolees, mental health advocates and practitioners, security issues, and Stop Prisoner Rape. The Department is contracting with Stop Prisoner Rape to create a network of prison crisis counselors from the community.

In addition, the Department is using Bureau of Justice Assistance funding to survey male inmates, developing informational posters, providing information in English and Spanish, developing a program that can be adjusted to meet the standards being developed, and developing an implementation plan to initiate in March 2006.

The Department has implemented a zero tolerance policy, requested a policy review from NIC, and worked toward passage of PREA-like legislation titled the “Sex Assault in Detention Elimination Act.”

Colorado

The Colorado prison system has developed written policy and procedures, developed basic training for all employees, and implemented a hotline for reports of sexual assault. The prison system is involving victim advocates and addressing victims’ issues; developing training for first-responders; developing training for shift commanders, medical personnel, mental health staff, administrators, and investigators; developing advanced training on collecting evidence and providing court testimony; developing training for female, male, and youthful offenders; informing inmates regarding how to report incidents; planning to survey all offenders to determine if they have they been exposed to sexual assault or staff sexual misconduct; and improving their computer system to allow for better coordination and incident tracking.

Personnel from the State’s parole system have started identifying ways in which released offenders can report an incident and are exploring ways to educate parolees on sexual assault and sexual misconduct issues.

Florida

The Florida Department of Corrections has trained staff during entry and in-service programs, developed an orientation video, developed a data base to allow for statistical analysis, developed multiple reporting mechanisms, established a toll-free PREA hotline number connected to an emergency action center in the Central Office, developed a system for tracking incidents of sexual assault, produced informational posters, and produced educational materials in English and Spanish.

The Department is also working on improving the prevention of sexual assault by enhancing policy; improving the investigative process; improving classification to provide for a better

assessment of inmates in order to separate victims and perpetrators, to enhance the prediction of sexual assault, and to advise community corrections staff about the release of victims and perpetrators; and providing parole officials with information in release reports. The Department is relying on hospitals to conduct the medical screening and assessment of victims of sexual assault and is making mental health referrals when appropriate.

Idaho

The Idaho Department of Correction initially believed that implementation of PREA would be a huge undertaking and that it would be hard to convince staff to embrace the objectives of PREA. The Department has found that staff are taking the issue very seriously.

The Department is partnering with local jails because these jails confine a number of inmates for the State and share PREA-related responsibilities. The Department is working to create similar partnerships in the juvenile corrections arena. The support of the Department's senior management and the Director's communication of expectations and priorities has been the key to the Department's success.

Iowa

The Iowa Department of Corrections has developed a PREA action plan that includes the following activities:

- ▶ Producing informational posters and brochures for offenders in prisons and community-based settings.
- ▶ Providing PREA training to managers and supervisors and staff sexual misconduct training to employees.
- ▶ Establishment of a toll-free phone line for offenders to report incidents or receive counseling from the Iowa Statewide Sexual Assault Hotline.
- ▶ Entering into a contract with the Iowa Coalition Against Sexual Assault to provide victims services and for the development of a questionnaire to be administered to offenders being released in order to gather data on incidents of sexual assault or abuse.
- ▶ Development and revision of policies addressing offender-on-offender sexual assault and staff sexual misconduct with offenders.
- ▶ Reviewing and developing assessment instruments to identify potential predators and vulnerable inmates.
- ▶ Used Bureau of Justice Assistance (BJA) grant funds to hire an investigator and a training officer to assist in implementing the PREA program.
- ▶ Used BJA grant funds to establish five support groups (four for male inmates and one for female inmates) at five institutions to begin communicating about sex in prison.
- ▶ Used BJA grant funds to purchase cameras to improve surveillance in high-risk areas in prisons and community residential facilities.
- ▶ Using BJA grant funds to contract with a consultant to provide sexual assault investigation training for prosecutors, investigators, treatment personnel, and law enforcement personnel.
- ▶ Working with the National Institute of Corrections to train 29 Department investigators to conduct investigations of sexual misconduct.

Louisiana

The Louisiana Department of Public Safety and Corrections worked on PREA-related definitions and measurements and on processes for data collection and assurances of validity of the data. The Department is also developing programs to educate community service providers and other stakeholders about PREA.

Maine

The Maine Department of Corrections has identified a position for a full-time PREA investigator and is being proactive in prosecuting staff sexual misconduct cases. Department officials believe that the enactment and emphasis on PREA has resulted in improvements in their response to sexual assault and sexual misconduct. Part of the Department's response has been to send a team to attend training sponsored by the National Institute of Corrections.

Massachusetts

A major challenge for the Massachusetts Department of Corrections is the involvement of prosecutors and other stakeholders in PREA implementation. The Department plans to convene a State summit on PREA and to include prosecutors and other major stakeholders. The Department has used Byrne Grant funds to purchase cameras, is measuring their progress in implementing PREA using a performance measure approach, and has instituted an on-going training program with the State police to improve their capacity to conduct more effective sexual assault investigations. Inmates know that if they make an allegation they will be taken to the hospital for treatment and evidence collection. In addition, the Department has paid for DNA testing to facilitate prosecutions. The Department has made a commitment to improving programs and services in the prevention and control of sexual assault and sexual misconduct.

Minnesota

The Minnesota Department of Corrections' PREA initiatives involve the following:

- ▶ Conducting criminal investigations on all allegations of inmate-on-inmate sexual assault.
- ▶ Working with the Union to develop a process for dealing with PREA-related issues, such as disciplinary action for false allegations.
- ▶ Provided education to local prosecutors.
- ▶ Implemented a policy to remove any officer accused of sexual misconduct from a position where he or she would have contact with inmates.
- ▶ Addressing boundary issues that might result in sexual misconduct.
- ▶ Providing staff training regarding boundary violations and other indicators of potential sexual misconduct.
- ▶ Initiated online PREA training.
- ▶ Implemented the use of an "incompatibility form" to separate potential victims and predators.
- ▶ Working with the Union to address concerns of officers regarding sexual assaults by offenders.

Missouri

The Missouri Department of Corrections reports the following PREA initiatives:

- ▶ Developed a comprehensive PREA action and implementation plan.
- ▶ Designated a PREA Team Leader to direct implementation of the plan.
- ▶ Involved staff at all levels in training, including mental health personnel, superintendents, investigators, probation offices, and parole officers.
- ▶ Surveyed and diagramed all institutions to identify locations for cameras and installed cameras.
- ▶ Identified gaps in a law enacted in 2003 that criminalized sexual contact with offenders and began a legislative initiative to strengthen that law.
- ▶ Developed PREA-specific training curricula.
- ▶ Worked to improve offender orientation.
- ▶ Trained staff in their responsibilities and duties under the State's sexual misconduct law.

Montana

The Montana Department of Corrections has focused its efforts on training. The Department's training efforts involved:

- ▶ Assistance from the National Institute of Corrections to establish a foundation for staff sexual misconduct training.
- ▶ Providing deputy wardens with comprehensive training.
- ▶ Providing every staff member a copy of the values and guiding principles taught during training.
- ▶ Teaming up with county jails to provide training for trainers.
- ▶ Enlisting the cooperation of county sheriffs who manage jails that confine State offenders.

The Director of the Department of Corrections understands that attending providing training on sexual assault and sexual misconduct emphasizes the importance of the issue and the seriousness with which it is viewed by the Department. Department officials believe that although staff were initially hesitant about such training, their efforts are having an effect.

Nebraska

The Nebraska Department of Correctional Services maintains a standard of zero tolerance with regard to inmate sexual misconduct and inappropriate staff/inmate relationships. Since January 2005, the Staff Training and Development Center has offered training during pre-service and in-service classes. This training focuses on the prevention and detection of sexual abuse and assaults on inmates and on appropriate reporting and follow-up for all allegations or incidents of sexual abuse and assaults on inmates. The training includes medical and mental health protocols, victim advocate protocols, and inmate orientation information. The training emphasizes the role and responsibilities of staff.

The Department has developed and disseminated informational brochures to staff and inmates. The Department produced CD's regarding PREA for each facility to be shown to the inmates on the educational television channels. Upon arrival at a facility, inmates are provided with information about sexual abuse and assault, including information on prevention, intervention, self-protection, reporting sexual abuse and assault, treatment, and counseling. The Department published a policy statement on March 31, 2005, that provides guidance to staff in dealing with sexual assaults on inmates. In addition, there is a policy in place that establishes a prohibition for any employee of the Department, as well as any contractor, to engage in any form of sexual activity with an inmate or parolee.

Additional initiatives the Department has undertaken to implement PREA include the following:

- ▶ Development of mental health procedures for allegations of sexual abuse and assault.
- ▶ All inmates entering the prison system are given a mental health appraisal within 14 days.
- ▶ Administration of a standardized internal risk assessment instrument on all inmates entering the prison system to identify potential victims and sexual predators.
- ▶ Assessment by mental health personnel, monitoring, and counseling of inmates determined to be at high risk for sexual victimization or high risk for sexually assaultive behavior.
- ▶ Development of a medical protocol for victims of sexual assault, which involves an examination and treatment at a community hospital and follow-up medical treatment and testing for sexually-transmitted diseases at the institution.
- ▶ Working with the Nebraska State Patrol and county prosecutors regarding the investigation, prosecution, and maintenance of records of occurrences or allegations of sexual assault or threats of sexual assault.
- ▶ Facilities provide monthly reports that include information on allegations of sexual assault on inmates and on how these cases were managed.
- ▶ Implementation of performance measures to assess PREA-specific activities in such areas as mental health protocols, investigations, victim services, health care services, reported and substantiated cases of sexual abuse and assault, policy and procedures that facilitate coordination among investigators, prosecutions, misconduct report information, and other information specific to the female inmate population.
- ▶ Contracting with the Criminal Justice Institute to develop a predator/victim identification instrument.
- ▶ Formation of a PREA Steering Committee to assist in the development, implementation, and evaluation of the predator/victim instrument.

New Jersey

The New Jersey Department of Corrections received a grant from the Bureau of Justice Assistance to help the Department raise awareness about sexual assault and to emphasize prevention strategies. The Department has developed a continuum of treatment for victims and perpetrators, developed a collaborative PREA team involving community agencies and other key stakeholders from government and the private sector, planned to move into contracting with community providers for mental health services, and developed a new PREA lesson plan for the training of trainers to reach all employees.

Out of concern about the need for the best data to inform the process and help in the development of strategies aimed at solving the problem of sexual assault, Department officials have contracted with Rutgers University to develop and administer a quality of life survey with questions regarding sexual assault in the instrument. Thirty-five percent of the inmate population was surveyed. Inmates were shown a video about the survey and met with administrators and inmate liaisons to review the results. The Department will use the data to improve quality of life and to identify and address PREA-related issues. The Department is considering administering a version of the instrument to staff.

New York

The New York Department of Correctional Services reports the following PREA initiatives:

- ▶ Department officials are having ongoing conversations with prosecutors and State police officials on how to improve the quality of the cases presented for prosecution.
- ▶ Reimbursement of local prosecutors for their costs in prosecuting cases.
- ▶ Ongoing education of new district attorneys.
- ▶ Training of staff regarding the collection of sex crime evidence.
- ▶ A policy review and appropriate incorporation of the American Correctional Association standards. The Department believes parallel policies covering inmate-on-inmate sexual assault and staff sexual misconduct are needed.
- ▶ Distribution of information about PREA to staff, volunteers, and contractors.
- ▶ Implementation of a zero-tolerance policy.
- ▶ Standardizing an orientation program for inmates.
- ▶ Communicating the importance of the State law requiring staff to report misconduct if they have any knowledge or belief about such behavior.
- ▶ Working on issues related to maintaining confidentiality.
- ▶ With the New York City Department of Corrections and in the use of grant funds, installed cameras in selected facilities and examined risk assessment instruments to identify vulnerable inmates and potential predators.
- ▶ Working to increase deterrence of staff sexual misconduct by publishing “mug shots” of former employees in their uniforms with a prison number.

Ohio

The Ohio Department of Correction and Rehabilitation has developed a wide range of PREA-related initiatives with the assistance of a grant from the Bureau of Justice Assistance. The Department has adopted a program of educating and monitoring inmates as a primary approach to prevention. The Department has developed three videos: one to be used with male inmates during the orientation process, a second for female inmates during orientation, and the third on staff sexual misconduct to be used during new employee orientation and staff in-service training. The videos shown to inmates address policies on preventing sexual assault, the process for reporting incidents, and the investigation process.

Additional PREA-related initiatives undertaken by the Department include the following:

- ▶ A new pilot project tracking all staff and inmates in a facility through electronic monitoring.
- ▶ Use of cameras in all facilities, including remote access in the Central Office.
- ▶ Expanded uses of audio monitoring.
- ▶ PREA training for all staff, contractors, and volunteers.
- ▶ Use of informational posters in a number of facilities.

Pennsylvania

The Pennsylvania Department of Corrections' PREA initiatives involve the following:

- ▶ Contracted with the Pennsylvania Coalition Against Rape to provide input into the development of policy and the curricula for training inmates and staff.
- ▶ Implemented an orientation program to ensure inmates receive information about PREA within the first 30 days of confinement.
- ▶ Developed a training-for-trainers program using videoconference technology to educate the approximately 40,000 inmates already in the system about PREA.
- ▶ Developed informational videos for inmates.
- ▶ Provided PREA information to community corrections centers.
- ▶ Assessing methods to protect confidentiality.
- ▶ Exploring strategies for addressing PREA-related issues with inmates who may have a history of abuse.
- ▶ Worked with the Pennsylvania Coalition Against Rape to offer counseling services.
- ▶ Exploring ways to contact and inform local agencies about the requirements of PREA.
- ▶ Addressing the dilemma of how to identify and gain informed consent of victims based on staff's obligation to report abuse.
- ▶ Developed a web-based program and information system to collect and manage data on predators and victims.
- ▶ Attempted to increase reporting at community corrections centers where staff have more rapport with inmates.

Rhode Island

The Rhode Island Department of Corrections hired a contractor to provide staff training and inmate education and to assist in providing services to victims of sexual assault. The services from the contractor are available 24 hours a day and include accompanying the victim to the hospital. The Department has a full-time investigator and a full-time data analyst who draft policy and maintain data on incidents of sexual assault and related sanctions. The Department has a high-risk discharge planner to coordinate the release of victims and predators to ensure that victims get support services and that predators receive appropriate treatment and closer supervision to safeguard the community. The Department is working to identify factors associated with the risk of re-offending and is developing presentations for community partners to help them understand their role in preventing sexual assault. Department officials are

conducting mapping analyses to determine the best use of resources for offenders in the community and are using this information in conjunction with local police departments to help safeguard the community.

Tennessee

The Tennessee Department of Corrections is taking a systemic approach and has created a PREA task force to address the prevention and control of sexual assault. The Department has updated policy and provided training for wardens and deputy wardens. They are now training staff during pre-service and in-service training programs. The Department has developed an inmate orientation program and has instituted a comprehensive data gathering and information processing system.

The Director of Mental Health is developing a screening instrument to identify more precisely predators and potential victims. Predators and potential victims are identified during the classification process and high-risk groups are housed separately. The Department is also partnering with community rape centers to train counselors. In addition, the Department has enhanced its suicide prevention program and has identified the need to develop an investigation protocol.

Texas

The Texas Department of Criminal Justice is revising inmate orientation materials to ensure they include issues related to reporting incidents of sexual assault. The Department is working with community organizations to increase their knowledge of sexual assault, partnering with the Texas Association Against Sexual Assault, and working closely with parole officials to ensure the reporting of sexual assaults continues while inmates are on parole.

Additional initiatives the Department has undertaken include:

- ▶ Implementing a Safe Prison Program managed by a full-time coordinator.
- ▶ Comprehensive data collection.
- ▶ A revised classification plan.
- ▶ An increased use of surveillance cameras.
- ▶ Identified safe keeper populations.
- ▶ Modified cell fronts to increase visibility.
- ▶ Augmented nursing staff to provide care in all facilities.
- ▶ Developed a partnership with the Office of Inspector General to secure funding for more equipment and staff positions.

The Department also is working with the AIDS Foundation of Houston and providing training for trainers through the use of peer health educators. The training includes a discussion of the dynamics of sexual assaults and communication with offenders to ensure they understand that sexual assault is not part of the prison experience. The Department also has developed an

Institution Character Profile to gauge relevant prison climate indicators, such as inmate safety and security. Many of these activities are supported by a grant from the Bureau of Justice Assistance.

Vermont

The Vermont Department of Corrections received a grant from the Bureau of Justice Assistance and has made extensive use of technical assistance from the National Institute of Corrections to conduct cultural assessments, train investigators, and develop evaluation protocols. The Department has assigned an individual to the position of a full-time PREA Coordinator to manage these activities. The Department is working aggressively with the State legislature and the Union to pass legislation criminalizing staff sexual misconduct. The Department's leadership believes that effective implementation of PREA is closely tied to changing the organizational culture. There is strong support from executive-level administrators to change attitudes and behaviors. Most of the Department's efforts have been in the area of training staff to understand the objectives of PREA and the importance of preventing and controlling sexual assault and sexual misconduct.

Washington

The Washington Department of Corrections received a grant from the Bureau of Justice Assistance and is using the funds to provide training for line staff, medical staff, mental health practitioners, and investigators. Working with prison staff, the Department is working on a strategy to involve community corrections employees in PREA-related activities. Training for probation and parole official is currently being planned.

The Department is developing inmate orientation programs using the videos produced by the National Institute of Corrections. The Department is also contracting with the Washington State Coalition on Sexual Assault to provide assistance to victims and to help with training and orientation programs. In addition, the Department is considering developing a special-needs housing unit for at-risk inmates. The Department has expanded the duties of the nine investigators to include work on staff sexual misconduct incidents and has used grant funds to hire two investigators to handle cases of sexual assault against inmates.

The Department has also undertaken the following initiatives:

- ▶ Hiring a research assistant to analyze data.
- ▶ Sharing the grant funds with juvenile corrections to help them develop assessment tools for juveniles.
- ▶ Sharing best practices with county and city correctional agencies and planning a State-wide conference to enhance these efforts.
- ▶ Working with the Attorney General to increase prosecutions when appropriate.
- ▶ Providing educational materials and a hotline in prisons and community corrections facilities.
- ▶ Identifying vulnerable areas in the prisons using a climate survey.

- ▶ Introducing legislation that criminalizes failure to report sexual misconduct or sexual assault and making threats against an individual for reporting such behavior.
- ▶ Working to address Union concerns.
- ▶ Helping partners in the community corrections arena develop transition plans for inmates involved in sexual assault.

Wisconsin

The Wisconsin Department of Corrections' PREA initiatives include the following:

- ▶ Developed a Department policy directive.
- ▶ Developed a master plan for the systemic implementation of PREA.
- ▶ Trained over 130 senior-level staff on PREA with technical assistance from the National Institute of Corrections.
- ▶ Assisted in enacting a staff sexual misconduct law with a 40-year maximum sentence.
- ▶ Sought better relations with the Union to overcome opposition to the staff sexual misconduct law.
- ▶ Established a PREA work group.
- ▶ Conducted investigation training.
- ▶ Identified the need for additional investigations training as a priority.
- ▶ Developed an inmate orientation brochure.
- ▶ Developed a strategy of working closely with county sheriffs.

Ada County, Idaho

Ada County officials are working closely with the Idaho Department of Corrections regarding implementation of PREA. The County has involved two deputies in investigations, adopted a PREA policy consistent with the State policy, provided informational pamphlets to inmates, and added cameras to older facilities. County officials note that the Idaho Sheriffs' Association has adopted a PREA resolution and that 44 sheriff's offices have endorsed this resolution.

Clarke County, Georgia

The Jail Administrator for Clarke County reports the following PREA activities:

- ▶ Was introduced to the topic at the American Jail Association Training Conference in May 2005.
- ▶ With the assistance of the National Institute of Corrections, developed an operating procedure on sexual misconduct, which was implemented in November 2005.
- ▶ Signed a contract with Athens-Clarke County Sexual Assault Nurse Examiners and the Sexual Assault Center of Northeast Georgia to provide on-site forensic evidence collection and victim counseling in the Clarke County Jail.
- ▶ Ensured that each incoming inmate is given notice of the County's standard of zero tolerance for sexual misconduct and the procedure for reporting incidents of sexual misconduct.
- ▶ Provided reports of assaults to the Georgia Bureau of Investigation for an independent review.

Dane County, Wisconsin

The Jail Administrator for Dane County reports the following initiatives:

- ▶ Used technical assistance provided by the National Institute of Corrections to conduct a survey related to PREA.
- ▶ Developed a PREA implementation policy.
- ▶ Conducted training for staff.
- ▶ Budgeted for a position in Internal Affairs.

New York City, New York

New York City officials highlighted the following issues related to the implementation of PREA:

- ▶ The City has placed great emphasis on reducing security risks and safeguarding the community.
- ▶ The Riker's Island facility has a dedicated prosecution team to address all crimes committed in the facility.
- ▶ The Department has established and maintains a close relationship with the district attorney's office.
- ▶ An automatic notification system that tracks and monitors responses to all reported allegations of inmate-on-inmate assault has been implemented.
- ▶ A medical assessment using a rape kit is performed on all victims and initial counseling is available even if the allegations are unsubstantiated.
- ▶ A letter that establishes time limits is sent when a case is referred for prosecution to force prosecutors to accept or decline prosecution.

Corrections Corporation of America

Corrections Corporation of America (CCA) must work with many jurisdictions at the Federal, State, and local levels. CCA has developed policy and procedures to implement PREA and has established collaborative relations with its customers to help ensure consistency among the various jurisdictions in which they operate facilities.