

National Standards for the Prevention, Detection, Response, and Monitoring of Sexual Abuse in Detention

The Raising the Bar for Justice and Safety Coalition

The Raising the Bar Coalition urges the Attorney General to adopt without further delay the National Prison Rape Elimination Commission's proposed Standards for the prevention, detection, response to and monitoring of, sexual abuse in U.S. detention facilities.

The Standards aim to confront an acute national crisis. According to the Bureau of Justice Statistics, at least 88,500 adults held in U.S. prisons and jails were sexually abused at their current facility in the past year alone. (By comparison, during the same time period, the FBI collected reports of roughly 85,000 rapes nationwide.) In a similar report, more than 12 percent of youth detained in juvenile facilities reported sexual abuse during the preceding year. Full implementation of the Standards will significantly reduce sexual abuse in corrections facilities across the country.

The National Prison Rape Elimination Commission and the Standards

In June 2009, in accordance with the Prison Rape Elimination Act of 2003 (PREA), the National Prison Rape Elimination Commission released its final report and proposed Standards intended to reduce and eliminate sexual abuse in detention. The Standards cover planning, prevention, detection, response, and monitoring. Recognizing that different types of institutions have different needs, the Commission created separate sets of Standards for prisons and jails, juvenile detention, lockups, and community corrections programs. Supplemental Standards were developed for facilities with immigration detainees. The Standards present common-sense, time-tested policies and procedures that will help to ensure the fundamental right of all people to be free from sexual abuse. Members of the Raising the Bar Coalition worked closely with the Commission throughout the standards-development process.

I. Prevention and Response Planning

Running a safe detention facility requires strong leadership, sound written policies, and collaboration with outside entities. The planning section of the Standards lays out the structure needed to prevent and respond to both inmate-on-inmate sexual abuse and staff sexual misconduct. The Standards require common-sense baselines, such as a written zero-tolerance policy toward sexual abuse, as well as firm limits on cross-gender supervision and searches of inmates (particularly when inmates are unclothed). The Standards urge that corrections officials to rely on expertise in their local communities for specialized services, such as rape crisis counseling and forensic exams.

II. Prevention

Strong policies are essential to preventing sexual abuse in detention. The Standards mandate that corrections agencies provide information and training to staff about the problem of sexual violence in detention and their duties in preventing and dealing with such incidents. In addition, the Standards require detention facilities to educate inmates about their right to be free from sexual abuse, how to report assaults, and the resources available in the aftermath of an assault.

The Standards on prevention also require detention facilities to set classification policies that protect prisoners from sexual assault. Inmate classification designations (sometimes called "security levels")

determine the type of housing and programs assigned to each inmate, as well as the freedom of movement they have within the detention facilities. The Standards require that facilities separate likely predators from likely victims. To do this, classification staff must take into account the factors that make inmates likely to be victimized (being young, gay, transgender, or a first time inmate) as well as the factors that make them likely to be sexual abusers (most prominently, having records of sexual violence). These are crucial requirements; countless prisoner rape survivors have been abused by inmates with whom they should never have had to share a cell. At the same time, the Standards make clear that vulnerable inmates should not be subjected to isolation or other separation from the general prison population simply because of their vulnerability to abuse.

III. Detection and Response

In the aftermath of a sexual assault, survivors need safe, effective reporting options, access to medical care, and psychological help. In many facilities, inmates seeking to report sexual abuse must follow internal grievance processes that have short deadlines, complex procedural requirements, and no assurances of protection from retaliation by other inmates or staff. The proposed Standards require that detention facilities make multiple reporting options available (including at least one outside of the correctional facility itself), and that sexual assault-related grievances not be subject to unrealistically short deadlines.

The Standards also attempt to ensure provision of basic services to victimized inmates. Prisoner rape survivors experience the same kinds of physical and psychological trauma as sexual assault victims in the community. The Standards call on corrections systems to provide appropriate mental health services and medical evaluation and treatment even when survivors are too afraid to name their attackers or testify against them. (This practice is universal in counseling services for sexual abuse victims in the community.) Finally, the Standards specify that survivors should have access to community-based counselors who, unlike corrections staff, are able to provide confidential services in accordance with their professional ethical obligations.

IV. Monitoring

Maintaining safe facilities is a dynamic, ongoing process. The Standards recognize this by requiring agencies to conduct internal and external reviews of their implementation of the Standards and of any reported incidents of sexual violence. The Standards further mandate that audit results and data collected be made available to the public, with identifying information redacted to protect the safety and privacy of any individuals named. Such transparency is vital to identifying problems and undertaking meaningful reform.

Next steps

Under PREA, the Attorney General should have ratified binding standards by June 23, 2010 -- one year after the Commission released its standards. Attorney General Holder missed this deadline and has yet to set another. The Standards will protect the millions of adults and children in corrections and detention settings across the country. The Attorney General must enact strong and effective national Standards without further delay.

For more information, please visit <http://raisingthebarcoalition.org/>.