

**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)**

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# Introduction

This is the fourth 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 2006.

## ***Background***

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

- **Bureau of Justice Statistics** – The PREA requires the Bureau of Justice Statistics (BJS) to 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 PREA mandates that the Department of Justice create a Review Panel to 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 PREA mandates that the National Institute of Corrections (NIC) 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, the National Institute of Justice, the Bureau of Justice Statistics, the Review Panel on Prison Rape, the Bureau of Justice Assistance, and the National Institute of Corrections with regard to the requirements of PREA for calendar year 2006.

### ***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 agencies and with State and local agencies, as well as through partnerships with national and community organizations.

Congress included funds for PREA in the FY 2006 OJP appropriation. OJP allocated 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 Interagency 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
- Review Panel on Prison Rape
- Bureau of Justice Assistance

## ***National Institute of Justice (NIJ)***

### **Legislative Mandate**

Even though prison rape was an area of significant study prior to PREA, 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 2006.

### **Research Awards and Activities**

#### New Awards and Activities

In 2006, NIJ made two awards under a solicitation that focused on sexual violence in correctional facilities as it occurs in the context of overall violence. Dr. Barbara Owens of California State University (Fresno, CA) will be examining sexual violence and violent behavior among female offenders at both State prisons and local jails.

A second award was made to Nancy LaVigne of the Urban Institute (Washington, DC). Her study will use situational crime prevention theories applied to jail settings to assist corrections practitioners in dealing with violent and sexually violent offenders. Dr. LaVigne will work with jail administrators to mitigate problems with the physical plant and enhance inmate and staff protection.

Also in 2006, NIJ engaged in a partnership with the Bureau of Justice Statistics and the Centers for Disease Control to establish a surveillance system for detecting medical and mental health indicators of sexual violence. This partnership is initiating a pilot surveillance program in which medical, dental, and mental health personnel will collect information from inmates who are presenting to the facility infirmary with symptoms of possible sexual victimization.

#### Reports from Previous Awards

During the year, NIJ received the final reports for three of its previously awarded research studies. *The Culture of Prison Sexual Violence* is the largest ethnographic study of inmates ever conducted on any topic. The study examined how inmates perceive sexual relations in prison, including forced sexual engagements. Over 600 interviews were conducted in 30 maximum-security prisons for both male and female inmates in 10 States. Inmates were not questioned

about their personal experiences either as a victim or a perpetrator, but rather were asked questions about their knowledge of sexual violence in the facility during their incarceration.

Inmates reported that sexual relationships and rape were not defined or considered the same way by inmates as by individuals in free society. This contributed to the idea that the culture of prison life is very different from that of the free world. The concepts of coerced and/or forced sexual behavior are perceived differently in a prison culture, but are similar across all U.S. prisons. Inmates perceived rape to be a rare occurrence.

The researchers reported that 66 percent of male inmates and 71 percent of female inmates were aware of sexual relationships between staff and inmates. While all sexual relationships between correctional staff and inmates are illegal, these estimates included romantic and/or mutually agreeable relationships. Collectively, 9.1 percent of male and female inmates reported they were aware of an inmate being raped by a staff member. Thirty-four percent of male inmates and 28 percent of female inmates stated that they knew of an inmate who reported rape to correctional staff. A high percentage of both male and female inmates indicated that correctional officers do try to protect inmates from being victimized.

The research yielded many recommendations (encompassing policy development, staff training, inmate orientation, inmate observation, and direct supervision) that could be implemented by prison and jail officials. Implementation of these recommendations could contribute to changing both inmate and institutional cultures.

The recently completed NIJ study *Addressing Sexual Violence in Prisons: A National Snapshot of Approaches and Highlights of Innovative Strategies* examined the policies and practices of State departments of corrections in response to PREA. From 2004 to 2005, 27 States reported having specific written policies addressing prison sexual violence. Nineteen of these policies addressed prevention, investigation, response, and victim services. Several States also reported efforts to involve the medical community in collecting rape kits for evidence, working with local district attorneys to promote prosecution of offenses, and having invested in training staff to investigate allegations of sexual misconduct or violence.

In addition, the researchers identified and conducted case studies in 11 States where the overall approach might provide corrections officials with “the most informative lessons on addressing sexual violence in prison.” These States were Connecticut, Idaho, Kansas, Maine, Massachusetts, Minnesota, Ohio, Oregon, Pennsylvania, Texas, and Utah.

### Risk Assessment

NIJ also responded to the needs of corrections professionals by funding the development of risk assessment instruments to help practitioners identify potential victims and perpetrators of sexual violence in prison. The basis for these instruments was the examination of official reports of incidents of sexual violence going back 4 years. The results of this research are reported in *Sexual Violence in the Texas State Prison System* (March 2006).



Despite the Texas system having one of the highest incidence rates of sexual violence in the country, it also has one of the lowest rates of substantiated cases. Given this extremely low rate of substantiated cases, it was impossible to construct and validate a risk assessment instrument. However, researchers were able to identify potential characteristics of victims and perpetrators. A checklist of the characteristics associated with identifying potential victims or predators was created and made available with the report.

### **PREA Research Reports**

*The Culture of Prison Sexual Violence* (November 2006)

<http://www.ncjrs.gov/pdffiles1/nij/grants/216515.pdf>

*Addressing Sexual Violence in Prisons: A National Snapshot of Approaches and Highlights of Innovative Strategies* (October 2006)

<http://www.ncjrs.gov/pdffiles1/nij/grants/216856.pdf>

*Sexual Violence in the Texas State Prison System* (March 2006)

<http://www.ncjrs.gov/pdffiles1/nij/grants/215774.pdf>

## ***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 2006 in accordance with this mandate.

### **Expert Panel Meetings**

On behalf of BJS, the Justice Research Statistics Association organized a national workshop for the adult prison and jail portion of the PREA data collection efforts in December 2006. Practitioners, researchers, and other stakeholders and professionals were invited to Washington, DC, to learn results from the pretest and the national implementation plans for the National Survey of Inmates. Participants discussed the instrument and data collection, which is conducted

using Audio Computer-Assisted Self Interview (ACASI), and received a presentation on the sampling strategy, protocols, and results from testing of the questionnaire.

### **Administrative Survey Collections**

Data from the first round of the Survey of Sexual Violence were published in July 2006. The report, titled *Sexual Violence Reported by Correctional Authorities, 2005*, 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. BJS also received aggregated counts of sexual violence and case-specific information on each substantiated incident of sexual violence.

### **Victim Self-Report Survey Collections**

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

- ▶ Research Triangle International (Raleigh, NC) completed testing of the questionnaire and began preparation for national implementation of the data collection, including obtaining approvals from requisite Institutional Review Boards (IRBs) and from the Office of Management and Budget (OMB). BJS expects OMB approval in January 2007, with the data collection beginning shortly thereafter in a sample of 150 prisons and 300 jails across the country.
- ▶ Westat, Inc. (Rockville, MD) completed cognitive testing and began the first wave of testing of the protocols and instrumentation for self-report data from youthful offenders in residential placement. A second wave of testing is planned for spring 2007, followed by a workshop to discuss results and national implementation. The National Survey of Youth in Custody is expected to begin in early 2008, pending IRB and OMB approvals.
- ▶ National Opinion Research Center (Chicago, IL) tested the ACASI questionnaire in 16 parole offices at the end of 2006. National implementation of the Survey of Former Prisoners is expected to begin in October 2007 (pending OMB approval) in 285 parole offices.

### **Coordination Efforts**

BJS met periodically with the following Federal partners throughout 2006 to discuss PREA implementation issues:

- ▶ National Institute of Justice
- ▶ National Institute of Corrections
- ▶ Bureau of Justice Assistance
- ▶ Office of Juvenile Justice and Delinquency Prevention
- ▶ Office of Civil Rights
- ▶ National Prison Rape Elimination Commission

BJS personnel made presentations about the implementation of PREA at the following professional conferences during 2006:

- ▶ 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>

*Sexual Violence Reported by Correctional Authorities, 2006* (August 2007)

<http://www.ojp.usdoj.gov/bjs/pub/pdf/svrca06.pdf>

## ***Review Panel on Prison Rape***

### **Legislative Mandate**

The PREA mandates that the Bureau of Justice Statistics collect, review, and analyze data about the incidence and effects of prison rape; identify common characteristics of victims, perpetrators, prisons, and prison systems; and rank the institutions surveyed according to the incidence of prison rape in each. To assist the Bureau with these tasks, the Act established a Review Panel on Prison Rape. The Panel consists of three members appointed by the Attorney General in consultation with the Secretary of Health and Human Services. The Panel is required to hold public hearings each year concerning the operation of the three prisons with the highest incidence and the two prisons with the lowest incidence of prison rape.

### **Information Gathering**

Although the institution rankings were not available in calendar year 2006, the Review Panel held its first hearing at the California State Prison in Sacramento, CA, from November 14-15, 2006. The purpose was to gather information to assist the Panel in formulating the questions it will ask of the ranked facilities in an effort to discern best practices in deterring prison rape.

The agenda consisted of eight panels made up of corrections administrators and staff, advocates, a rape victim, medical and mental health practitioners, researchers, and union officials.

Witnesses were asked to prepare written statements and offer testimony guided by the following questions:

- ▶ What factors and environments are and are not conducive to deterrence of sexual assault in prison?
- ▶ Which system protocols and policies require examination?
- ▶ Which staff positions in such a system would be key witnesses?
- ▶ How should one scrutinize the training of correctional officers and medical staff on prison rape?

- ▶ What are the likely barriers to reporting, accurately investigating, and deterring prison rape?
- ▶ How should one assess the role of the correctional officers' union in deterrence of prison rape?

## ***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. These services include BJA provides training, technical assistance, information, and funding to State and local justice programs. BJA was given the task of administering the PREA grants. 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 2006.

### **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 elimination 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 amounts of the grant awards:

- |   |             |
|---|-------------|
| ▶ California Department of Corrections and Rehabilitation | \$ 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

In 2006, a competitive grant announcement was published for the Protecting Inmates and Safeguarding Communities Program and applications were received in February 2006. Through the spring and summer months, the applications were reviewed, discussed, and ranked and award recommendations were developed. Once approved, 29 PREA grants were awarded. Following is a list of the recipients and the amounts of the grant awards:

▶ Arkansas Department of Corrections	\$ 686,028
▶ Alabama Department of Economic and Community Affairs	\$1,000,000
▶ California Department of Corrections and Rehabilitation	\$ 500,000
▶ Colorado Department of Corrections	\$ 464,785
▶ Delaware Department of Correction	\$ 720,990
▶ Florida Department of Corrections	\$1,000,000
▶ Idaho Department of Corrections	\$1,000,000
▶ Indiana Department of Corrections	\$ 637,786
▶ Kansas Department of Corrections	\$ 999,905
▶ Kentucky Department of Corrections	\$1,000,000
▶ Louisiana Department of Public Safety and Corrections	\$ 981,437
▶ Maryland Department of Public Safety and Correctional Services	\$ 617,961
▶ Minnesota Department of Corrections	\$ 704,285
▶ Missouri Department of Corrections	\$ 586,538
▶ Montana Department of Corrections	\$ 442,364
▶ North Carolina Department of Corrections	\$ 559,023
▶ Nebraska Department of Correctional Services	\$ 447,083
▶ New Hampshire Department of Corrections	\$1,000,000
▶ Ohio Department of Youth Services	\$ 994,940
▶ Oregon Department of Corrections	\$1,000,000
▶ Pennsylvania Department of Corrections	\$ 973,656
▶ Puerto Rico Department of Corrections	\$1,000,000
▶ South Dakota Department of Corrections	\$ 964,461
▶ Tennessee Department of Corrections	\$ 567,709
▶ Texas Department of Criminal Justice	\$1,000,000
▶ Virginia Department of Corrections	\$1,000,000
▶ Vermont Department of Corrections	\$1,000,000

- ▶ Wisconsin Department of Corrections \$ 561,300
- ▶ Wyoming Department of Corrections \$ 178,400

Summaries of these grant proposals can be found in Appendix A.

**Other Assistance: BJA Award Summaries**

In addition to awarding grants to correctional agencies to help them address prison rape, BJA made funding available for the development and delivery of PREA-related resources and assistance. The products and services resulting from these awards will not only benefit BJA’s grant recipients, but will also supplement and enhance the work being done by the other PREA Federal partners.

Lock-up Technical Assistance and Training (\$250,000)

The Center for Innovative Public Policies, Inc. (CIPP) received an award to provide training and technical assistance to officials who administer lock-ups and are seeking to improve their policies, procedures, and practices related to the prevention of sexual assault and rape in their facilities. The goal is to develop sound practices that can be replicated in other jurisdictions. This award will provide direct assistance to officials who administer lock-ups and will allow for the development of resources and materials that can be provided to requesters nationwide. Section 10 of the PREA defines a police lock-up as:

A temporary holding facility of a Federal, State, or local law enforcement agency to hold (A) inmates pending bail or transport to jail; (B) inebriates until ready for release; or (C) juveniles pending parental custody or shelter placement.

These facilities are numerous and are generally thought of as serving more of a law enforcement function than a corrections operation. Consequently, their administrators are often not aware of PREA or the resources available to help them address sexual assault in these facilities.

The CIPP will develop training packages and a guidebook for lock-ups on sexual assault and rape.

Education of Prosecutors and Judges (\$300,000)

Prosecutors often do not fully understand the role correctional agencies play in working to eliminate prison rape. Some believe that institution sex crimes are behavioral problems that should be addressed by the institution and not through criminal proceedings. In addition to a general reluctance to prosecute sexual assaults occurring in prison, it is sometimes difficult to approach prosecutors due to the fragmented nature of county governments.

The American Prosecutors Research Institute and the National Judicial College received an award to develop materials to educate prosecutors and the judiciary about PREA and the importance of protecting the public by ensuring that perpetrators of institution rape and sexual assault are held responsible for their crimes.

These entities will develop an online interactive education program for prosecutors and judges regarding their role as it pertains to prison rape and sexual assault.

#### Education of Community Corrections Agencies (\$172,000)

Because many in the field of community corrections believe PREA does not affect them, there is a need to educate probation, parole, pre-trial and other community corrections agencies about PREA and its impact on their operations. It is also important to identify what some community corrections agencies are doing in response to PREA.

The American Probation and Parole Association received an award to work in conjunction with the International Community Corrections Association and Pretrial Services Resource Center to develop materials in this area.

These organizations will develop a guidebook that outlines the impact of PREA on community corrections agencies, materials describing how agencies can work to prevent sexual assault and rape in their facilities and programs (including contracted services), and training and technical assistance packages for community corrections agencies.

#### Victims Issues Related to Prison Rape and Sexual Assault (\$250,000)

Offenders who suffer a sexual assault while under confinement are victims of a crime. Corrections officials must ensure that their needs are addressed and that they are protected from further assaults.

Justice Solutions is a nationally recognized victim advocacy organization with the experience and capacity to develop materials to help correctional agencies assist offenders who are victims of sexual assault. In conjunction with the Medical University of South Carolina, Justice Solutions is tasked with: (1) developing programs to assist victims of sexual assault during their incarceration and after release; (2) addressing post-traumatic stress and other mental health issues; (3) addressing health issues such as STDs, HIV, and hepatitis C; (4) identifying where gaps in assistance to sexual assault victims might exist; (5) identifying promising practices related to assisting offenders who are sexually assaulted while confined; and (6) addressing agency culture and attitudes toward offender sexual assault and rape.

Justice Solutions will develop documents and publications to communicate practices that agencies can use to assist victims of sexual assault while confined. Examples of such products include a guidebook for agencies to provide assistance to victims; educational pamphlets for staff and victims that outline actions to be taken when an assault occurs; website publications for corrections and law enforcement officials, victim assistance agencies, and victim advocates; and training materials.

### PREA Tribal Assistance (\$257,178)

The Council of State Governments and the American Probation and Parole Association, in conjunction with the Bureau of Justice Assistance, the Bureau of Indian Affairs, and the Office of Justice Services, is working to develop culturally-appropriate guidelines and products to help tribal leaders and correctional facility personnel comply with the provisions of PREA. Initial drafts are expected to be submitted for review during the summer of 2008.

### Bureau of Justice Assistance/National Institute of Corrections Partnership (\$500,000)

The Bureau of Justice Assistance entered into a partnership with the National Institute of Corrections to develop and provide PREA-related training and technical assistance to agencies in juvenile justice systems. The assistance would help these agencies: (1) develop protocols and policies to implement PREA requirements; (2) prevent, investigate, and document incidents of sexual assault and rape; and (3) address the needs of juvenile victims of sexual assault and rape. The assistance is available to juvenile facilities administrators and administrators of adult facilities that confine juvenile offenders. The assistance is aimed at helping protect juvenile offenders and the community by better preparing these offenders to address the impact of sexual assault while confined and as they reenter the community.

## ***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 to 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 2006.

### **Classroom Training**

During 2006, NIC provided training on staff sexual misconduct and offender-on-offender sexual abuse under a cooperative agreement award to 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 12-17, 2006, provided updated information on the activities being conducted under the Prison Rape Elimination Act and incorporated a new module on the medical implications of staff sexual misconduct into the curriculum. Twenty-seven participants representing prisons and jails from the States of Georgia, Nebraska, Wyoming, Washington, Missouri, Arizona, Tennessee, Pennsylvania, and the United States Territory of Guam attended the training.

The training included the following topics: an overview of PREA, developing definitions, understanding State laws, developing policy, training components and considerations, management and operational practices, understanding agency culture, gender differences, media issues, conducting investigations, medical issues, human resources, and legal considerations of prison rape and cross gender supervision. 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. Evaluations of the program were very positive.

### Office of the Inspector General: Investigating Allegations of Staff Sexual Misconduct with Offenders

Investigators from the Department of Justice Office of the Inspector General (OIG) are responsible for investigating allegations of staff sexual misconduct in facilities operated by the Federal Bureau of Prisons (BOP). In late 2005 and early 2006, NIC began discussions with Smith Consulting about working collaboratively with the OIG and the BOP to plan and deliver a training program for these investigators. The program was hosted by NIC's project on Addressing Prison Rape at American University, Washington College of Law, June 6-8, 2006.

Thirty participants attended the program. The group was comprised of Special Agents in Charge, Special Agents from OIG field offices, and Special Agents from the BOP's Office of Internal Affairs. In addition to receiving training, some participants also served as subject matter experts during discussions on building relationships with community agencies and developing investigative techniques.

Training topics included: the implications of PREA for the OIG, prohibited conduct, managing vulnerable victims, covert operations, building relationships, issues concerning DNA, investigative techniques, legal liability, prosecution and the courts, alternatives to prosecution, and ethics.

Overall, the training was very successful. The most favorable responses related to modules that offered tangible tools for investigating allegations and prosecuting substantiated cases of staff sexual misconduct with offenders.

## Investigating Allegations of Staff Sexual Misconduct with Offenders

From July 9-14, 2006, NIC provided training at the American University's Washington College of Law on investigating allegations of staff sexual misconduct. Based on the experience gained from the training for the OIG investigators, NIC incorporated modules on DNA issues and medical implications of staff sexual misconduct into the program.

Feedback received from previous training programs and from prosecutors contributing to another NIC project indicated the need to involve prosecutors in training regarding the investigative process. To that end, each participating agency was required to add a prosecutor to its applicant team.

Three special group sessions were held for the prosecutors. During these sessions, participants discussed critical issues for prosecutors, the role of investigators, barriers to successful prosecutions, tools for prosecutors, what prosecutors need from corrections, overcoming barriers using other legal tools, and recommendations for future training.

Participants represented Allegheny County, PA; the West Virginia Regional Jail Authority; and the Departments of Corrections in Kansas, Wyoming, Oregon, and Nebraska.

The training included the following topics: an overview of PREA, understanding State laws and investigation procedures, training for investigators in a correctional setting, investigative policies, medical implications of staff sexual misconduct with offenders, investigative techniques, DNA issues, the role of prosecutors in cases of staff sexual misconduct with offenders, operational practices and investigations, gender differences, managing vulnerable victims, media issues, agency culture, legal liability and investigations, and human resource issues in investigating staff sexual misconduct.

Participants from each of the above sessions were asked to develop action plans. Attachment B contains sample action steps from several of these plans. The quality of the training was rated as "very high" by the participants.

### PREA: Training for Trainers

Participants at the PREA Regional Meetings held in December 2004 and 2005 were asked what they believed would be the most useful services or tools NIC could provide under the PREA Initiative. Participants identified the education of staff trainers as an important strategy. This would enable agencies to provide the large amount of staff and inmate training required to implement PREA.

Under a cooperative agreement, The Moss Group, Inc., developed a two-and-a-half day "training-for-trainers" program designed to assist State correctional systems build the capacity to train staff and inmates on PREA-related issues. To ensure the most effective use of resources, two regional programs were offered. The first was held in Atlanta, GA, from September 26-28, 2006, and the second in Portland, OR, from October 3-5, 2006. Thirty-one two-person teams

attended the two programs. Participants were nominated by the Chief Executive Officer of their agency. The teams were comprised of a senior-level administrator with the ability to influence policy and training and a line-level trainer charged with the development, delivery, and oversight of PREA training. Two-person teams representing the States of Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Oklahoma, Pennsylvania, Oregon, South Carolina, South Dakota, Tennessee, Virginia, Washington, Wisconsin, Wyoming, and West Virginia attended the two programs.

Participants examined their values related to sexual abuse in prison in preparation to address the values of staff in their agencies. The teams used NIC informational videos and facilitator guides to come up with the best methods of delivering information about PREA, integrating agency policy and practices into their presentations, anticipating and developing responses to difficult questions they might be asked, and developing action plans to implement their training curriculum. Participants were given the opportunity to prepare and present “teach-back” sessions with the faculty acting as coaches and providing immediate feedback.

Participants were also asked to develop a Training Action Plan to list their goals and to estimate what their progress would be toward meeting those goals 90 days after completing the program. A total of 165 goals were identified and collapsed into 13 categories. The top three goals were: (1) providing information to the administration and staff about PREA and sexual assault, (2) conducting pre-service and in-service orientation and training for staff, and (3) reviewing and updating policy and procedures. A follow-up assessment indicated that, in most cases, participants had exceeded their estimated progress.

Participants were asked to estimate the number of staff and inmates that would be affected by their participation in the training. The participants estimated they would reach over 5,500 staff and 17,000 inmates. Participants were quite complimentary of the program content and believed they gained significant knowledge on all training objectives.

A follow-up assessment was conducted regarding the progress participants had made implementing their Training Action Plans. Attachment C contains progress summaries from several of the teams.

### **Training Development**

Planning for two training programs titled: *Addressing Staff Sexual Misconduct with Youth in Custody* and *Responding to Inmate on Inmate Sexual Violence* began during 2006 under the NIC/Washington College of Law project on Addressing Prison Rape.

Three focus groups were held to gather input for the training programs. The groups were comprised of corrections practitioners from adult and juvenile agencies; offender advocates; representatives from the Office of Juvenile Justice and Delinquency Prevention, the National Prison Elimination Commission, and NIC; individuals conducting research on PREA-related topics; representatives from professional organizations; attorneys; and a juvenile court judge.

Following are some examples of the questions the participants were asked to address:

- ▶ Put yourselves in the role of a correctional administrator, what would you expect to gain?
- ▶ What does cross-training look like?
- ▶ What should be included in the curriculum for the module on human sexuality?
- ▶ What do administrators need to know about culture in the youth correctional context?
- ▶ How do you sell collaboration?
- ▶ Who is the ideal trainer?
- ▶ Will correctional administrators be the best group or do we need to include other stakeholders?
- ▶ What does a block of training on gender differences look like?
- ▶ Do we need a tool to assess the culture of inmate-on-inmate rape in facilities?
- ▶ What is important about the legal landscape in a curriculum?
- ▶ What are the differences between a staff sexual misconduct curriculum and an inmate-on-inmate sexual assault curriculum?
- ▶ What are the critical hot button issues?
- ▶ How do you create commitment?
- ▶ What competencies do you want in a faculty?

The development of materials for both programs began toward the end of 2006.

### **Professional Conferences**

NIC presented a number of workshops at meetings and conferences sponsored by a variety of professional correctional organizations. These workshops provided 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 2006, NIC provided training and information at the following events:

American Correctional Association Winter Meeting  
Nashville, Tennessee  
January 30, 2006  
Prison Rape Elimination Act: Working the Investigations  
Legal Considerations in Addressing Allegations of Prison Rape

American Jail Association - 25<sup>th</sup> Annual Training Conference and Jail Expo 2006  
Salt Lake City, Utah  
May 21, 2006  
Prison Rape Elimination Act/Investigating Sexual Assault Allegations in Jail Settings  
Investigations Focus Group Meetings

National Sheriff's Association  
Orlando, Florida  
June 16-22, 2006  
Presentations before the following committees: Major County Sheriff's Association; Western States Sheriff's Association; Legislative Committee; Legal Advisors Section; Committee of

State Association Executive Directors; Standards, Ethics, Education and Training Committee; and the Accreditation, Detentions, and Corrections Committee.

American Correctional Association - 136<sup>th</sup> Congress of Correction  
Charlotte, North Carolina  
August 15, 2006  
Prison Rape Elimination Act: The Impact on Juvenile Corrections

Association of Women Executives  
Phoenix, Arizona  
September 11, 2006  
When Professional Boundaries Are Challenged

### **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 materials to site coordinators 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 participants to view them at their desktop computers.

The first broadcasts, *How PREA Affects You* (held on July 21, 2004) and *Assessing Your Agency's Response to Prison Sexual Assault* (held on January 26, 2005, and on January 27, 2005) reached several hundred sites and an estimated 10,000 participants.

NIC presented its third videoconference, *Preventing Sexual Abuse of Children and Youth in Custody*, on June 28, 2006. Presenters represented several perspectives on issues related to sexual assault in juvenile correctional facilities and included individuals from the legal profession, juvenile corrections, and from Federal and State juvenile justice agencies. The goal of the video conference was to introduce participants to:

- ▶ The requirements of the Prison Rape Elimination Act aimed at preventing, addressing, and providing sanctions for the abuse of children and youth under the care of juvenile and other custodial authorities.
- ▶ Legal matters and other implications when the sexual abuse of children and youth in custody are not addressed appropriately.
- ▶ Best practices to begin developing policies, procedures, and practices to prevent and address the sexual abuse of children and youth in custody.
- ▶ Salient provisions in the Act applicable to facilities used for the custody and care of juveniles and an action plan for implementing PREA in these settings.

Through pre-recorded video segments, participants heard from the Director of the Office of Juvenile Justice and Delinquency Prevention, the Executive Director of the Child Welfare League of America, the Chairman of the National Prison Rape Elimination Commission, representatives from the National Center for Children and Families, officials from BJS and NIC, and leaders in corrections. The broadcast reached 602 sites and an estimated 18,150 participants.

### **Informational Videos**

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 viewers 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 part of a comprehensive program in preventing sexual assault.

Both of these productions continue to be requested by corrections officials. In 2006, NIC distributed 4,826 copies of *Facing Prison Rape* and *Responding to Prison Rape* with their accompanying materials. They were packaged in a variety of ways and distributed at meetings, conferences, workshops and technical assistance events. Copies were provided in response to requests received by the NIC PREA Program Manager. Additional copies were distributed by the NIC Information Center (see the section titled National Clearinghouse, Direct Responses to Requests for Information.)

In January 2006, production was completed on a series of videos designed to educate inmates on the issue of sexual abuse in prison. The videos inform offenders about PREA, prevention and intervention strategies, reporting rights, and implementation procedures. The videos help inmates understand the circumstances in which sexual assault may occur and ways to respond in the event they become involved in a sexual situation with other inmates or staff. Because the dynamics of prison sexual assault differ with gender, NIC produced versions of the video titled *Speaking Up: Discussing Prison Sexual Assault* for male and female inmates. The videos were produced in English and Spanish and accompanied by Facilitator's Guides. The guide instructs practitioners on the most productive use of the video.

Copies were provided to the 50 State departments of corrections and the Federal Bureau of Prisons. The video series was shown at various conference workshops and technical assistance

events throughout the year. At the end of 2006, 807 copies of *Speaking Up: Discussing Prison Sexual Assault* had been distributed in 13 States.

### **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. Expertise is added as required to meet specific technical assistance needs.

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 2006. 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 a list of agencies and a description of the assistance provided by NIC:

#### Agencies Receiving Informational Assistance

- ▶ National Organization of Hispanics in Criminal Justice
- ▶ Texas Youth Commission
- ▶ National Partnership for Juvenile Services/Training Institute
- ▶ Southern States Correctional Association
- ▶ Women Working in Corrections and Juvenile Justice
- ▶ National Association of Wardens and Superintendents
- ▶ Federal Bureau of Prisons North Central Region Juvenile Contractors
- ▶ California Association of Probation Institution Administrators
- ▶ National Partnership for Juvenile Services/National Symposium
- ▶ South Carolina Corrections Association
- ▶ California Chicano Correctional Workers Association
- ▶ New England Council on Crime and Delinquency
- ▶ Kansas Correctional Association
- ▶ Idaho Correctional Association
- ▶ Oregon Juvenile Detention Directors Association
- ▶ International Community Corrections Association
- ▶ Texas Juvenile Probation Commission

- ▶ Virginia Compensation Board
- ▶ Utah Sheriff's Association

### Training Assistance

- ▶ Maryland Department of Corrections: Training was conducted for 17 administrators and the Deputy Director for Operations.
- ▶ Virginia Department of Corrections: A 1-day training session was conducted for 160 Department executives.
- ▶ Massachusetts Department of Corrections: Training was conducted during an Executive Summit for 60 key stakeholders, followed by a symposium involving 225 participants.
- ▶ Management and Training Corporation: Training was conducted for 50 private sector wardens.
- ▶ Oregon Department of Corrections: Two 2½-day training sessions were conducted for Sexual Assault Response Team members.
- ▶ Pennsylvania Department of Corrections: A 2½-day training session was conducted for 100 psychologists and captains.
- ▶ Wisconsin Department of Corrections: A 1-day training session was conducted for the union presidents from all institutions. This was followed by a work session to plan informational workshops for sheriffs and jail administrators.
- ▶ Kansas Department of Corrections: NIC paid for two Department staff to travel to Wyoming to observe that State's approach to integrating PREA into their classification process for the purpose of adapting it to the Kansas system.
- ▶ Idaho Department of Corrections: NIC provided facilitators for a planning and assessment meeting held to assist the Department in developing a training program for investigators.

### 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:

- ▶ *Hawaii Department of Public Safety*  
A meeting was conducted to help Department officials begin to identify, assess, and plan for their future needs regarding PREA implementation.
- ▶ *Kansas Department of Corrections*  
Assistance was provided to the Department in its development of an instrument to be used during the classification and assessment process to help identify potential victims of sexual assault and/or potential predators.
- ▶ *Kentucky Department of Corrections*  
The Department requested the assistance of Eastern Kentucky University in the development of a comprehensive review of the tasks and duties of investigators charged with conducting sexual assault investigations and a job profile of sexual assault investigators in adult



correctional facilities. NIC brought together investigators from nine agencies to review previously-developed job profiles and to work with representatives from the Department and Eastern Kentucky University on the updated and more detailed job profile. In addition to helping the Department with staff selection and training for these positions, the job analysis has been posted on the NIC website to assist other correctional agencies.

- ▶ *Maryland Department of Public Safety and Correctional Services*  
In 2005, the Department had conducted agency-wide PREA awareness training and the Deputy Secretary had established 11 working groups to address various aspects of PREA-related implementation. NIC provided technical assistance to help members develop action plans to address the tasks assigned to each group. In 2006, NIC assisted during the Department's review of the progress of these groups and its implementation of the overall PREA plan.
- ▶ *Texas Youth Commission*  
NIC provided assistance to the Commission's Executive Staff by helping headquarters staff, facility superintendents, deputy superintendents, and other key institution staff develop a coordinated response to PREA implementation.
- ▶ *Wisconsin Department of Corrections*  
The Department has made extensive use of NIC's training and technical assistance resources since the passage of PREA. The Department has a full-time PREA Coordinator and has developed a comprehensive plan for the implementation of the requirements of the law. In 2005, NIC provided technical assistance 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. This work continued in 2006 with a 2-day session aimed at addressing systemic issues. Participants included wardens, deputy wardens, superintendents, assistant superintendents, and security officers. Following are some of the recommendations coming out of this meeting:
  - ▶ Appoint a PREA "point person" for the juvenile and the community corrections systems.
  - ▶ Ensure more collaboration and communication between the adult and juvenile systems.
  - ▶ Involve line staff as much as possible (e.g., helping to conduct training, conducting vulnerability assessments, and developing policy).
  - ▶ Conduct specialized training with union leaders.
  - ▶ Conduct separate training for prosecutors.

#### Assessment/Intervention

- ▶ *King County, Washington*  
NIC helped King County conduct a comprehensive organizational assessment after some serious allegations of staff sexual misconduct. Several management and operational areas were reviewed, including leadership, internal communications, training, data collection and

management, human resources, health and medical processes, investigations, and inmate management. Recommendations were made under each of the specific areas mentioned above; and additional recommendations addressed future training, policy development and review, and the best use of resources.

▶ *Vermont Department of Corrections*

Building on earlier technical assistance that addressed systemic planning NIC helped the Vermont Department of Corrections perform culture assessments of the Department's institution for female inmates and the Central Office.

### PREA Law and Policy Committee

As NIC's technical assistance provider on PREA-related issues, the Moss Group, Inc., has been asked to perform policy reviews. In response, the Moss Group established a Law and Policy Committee to assist State and local correctional agencies in addressing the issue of sexual contacts and sexual assaults and in the development of policies in response to PREA. As part of its efforts, the Committee developed a policy guide titled *Prison Rape Elimination Act: Considerations for Policy Review*. The guide explores areas such as policy organization, definitions, a zero-tolerance standard, the duty to report, prevention strategies, and conducting investigations.

Agencies that have existing policies and that contact NIC requesting assistance are provided a copy of the guide and asked to use it to assess the adequacy of their policies and make any revisions they believe are necessary. When this has been accomplished, NIC encourages these agencies to apply for technical assistance in the form of a policy review.

In 2006, policy reviews were completed for the following agencies:

- ▶ Iowa Department of Corrections
- ▶ California Department of Corrections
- ▶ Texas Youth Commission
- ▶ Arizona Department of Corrections
- ▶ Pennington County South Dakota Sheriff's Office
- ▶ Allegheny County Pennsylvania Bureau of Corrections
- ▶ Montgomery County Maryland Department of Correction and Rehabilitation

### **Other Assistance Activities**

The bulk of NIC's assistance to the field takes the form of training and assistance tailored to meet an agency's specific needs. However, the scope and visibility of the PREA and related issues has expanded these traditional strategies.

### 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 2006, Vermont (the only remaining State without such a law) passed legislation making it a criminal offense to engage in a sexual act with a person who the employee, contractor, or other person providing services knows is confined to a correctional facility or is on parole, on probation, under a community sentence, or on furlough. A violation of this statute carries a penalty of up to 5 years in prison and a fine of up to \$10,000.

Many States have had staff sexual misconduct laws in place for several years. In some instances States prosecuted cases only to find that their laws have gaps or weaknesses. It might be that select groups who work with and provide services for inmates are not covered under the law. In addition, some laws apply only to acts committed against offenders who are incarcerated in institutions, but not to those under other types of correctional supervision.

### Prosecutions

The prosecution of incidents is critical to addressing the problem of sexual assault in prison. The importance of the issue is evidenced by a mandate for the National Prison Rape Elimination Commission to develop standards addressing:

- ▶ The investigation and resolution of rape complaints by responsible prison authorities, local and State police, and Federal and State prosecution authorities;
- ▶ The preservation of physical and testimonial evidence for use in an investigation of the circumstances relating to the rape; and
- ▶ The timely and comprehensive investigation of staff sexual misconduct involving rape or other sexual assault on inmates.

In addition, the law authorizes the Office of Justice Programs to award PREA grant funds to States for personnel, training, technical assistance, data collection, and equipment to prevent and prosecute prisoner rape.

The experience of NIC's staff and technical resource providers over its history of assisting agencies in addressing staff sexual misconduct also supports the importance of prosecution. As noted under the discussion of the Investigating Allegations of Staff Sexual Misconduct with Offenders training program, NIC included prosecutors as participants.

The prosecution of sexual offenses, particularly those that occur in correctional settings, requires some special knowledge and skills. To assist prosecutors, the NIC/Washington College of Law Project on Addressing Prison Rape is working with prosecutors to develop a report on the important issues and barriers to successful prosecution of staff sexual misconduct and inmate-on-inmate sexual assault.

In October 2006, NIC held focus group meetings with Federal and State prosecutors. NIC will create a report based on these meetings, combined with information from a number of interviews with prosecutors.

### Legal Tool Kit

States have worked over the last decade to pass laws making staff sexual misconduct with offenders a criminal offense, and by the end of 2006 every State had done so. However, as noted under State Legislation, these laws vary by State. Some of these laws have gaps and weaknesses, and prosecutors have used other laws to sanction those involved in sexual misconduct or sexual assault. The NIC/Washington College of Law Project on Addressing Prison Rape has undertaken the development of a legal “tool kit” to encourage the use of laws that explicitly prohibit sexual abuse of those in custody and other broader laws that can assist in prosecuting prison rape cases and deterring these behaviors.

The focus of the tool kit will be to propose a systematic approach to prosecuting cases of sexual assault. The tool kit will analyze, discuss, and contrast the approaches that States have taken and will highlight particularly innovative approaches. To make the project more concrete, the tool kit will examine well-written laws from 10 States and will analyze their specific tools for prosecution. The tool kit will also provide information on how States can develop their own prosecution tool kits.

For several years, the Project has updated and maintained the *50 State Survey of Criminal Laws Prohibiting the Sexual Abuse of Individuals in Custody*. Throughout 2006, Project staff built on this research to produce various tools that States can use to prosecute cases of sexual assault in prison. At the end of 2006, the following State surveys had been completed:

- ▶ Sexual assault laws.
- ▶ Statutory rape laws.
- ▶ Mandatory reporting laws.
- ▶ Vulnerable victim statutes.
- ▶ Sex offender registration laws.

Project staff worked closely with representatives from State corrections and with prosecutors to ensure the accuracy of the research on the law and practices in each jurisdiction.

### NIC/Washington College of Law Project on Addressing Prison Rape Website

Under an earlier cooperative agreement, the NIC/Washington College of Law Project on Addressing Prison Rape designed a website and titled it *An End to the Silence*. The website was completed in May 2006 and contains sections titled PREA, Legal Responses to Prison Rape, For Correctional Employees, For Offenders, Working with Youth in Custody, Training, Policies and Procedures, Resources, and In The News. Visitors to the website can view and download training materials and a variety of documents about prison rape and related issues.

The site was continuously reviewed and updated throughout 2006. The Project staff made enhancements that made the site easier to use, added resources, and added links to other useful websites.

### PREA Information and Training Aids

NIC prepared a significant amount of information and training material for PREA programs and technical assistance events. Following are three good examples of this material:

*Prison Rape Elimination Act and Local Jails: The Facts* (May 2006). This is an eight-page brochure developed for sheriffs and jail administrators. The brochure contains an overview of the law, its application to jails, information on addressing issues related to sexual assault, frequently asked questions, and a list of resources.

*Staff Perspectives - Sexual Violence in Adult Prisons and Jails: Trends from Focus Group Interviews* (June 2006). NIC developed this bulletin using data collected from corrections practitioners about PREA and sexual assault in prison. The bulletin contains staff perspectives in the following areas: policy and culture, the causes and conditions of sexual violence, indicators of assaults, characteristics of victims and perpetrators, physical plant issues, staff and inmate training, female offenders, investigations, prosecutions, and community awareness.

*Fifty State Survey of Criminal Laws Prohibiting the Sexual Abuse of Individuals in Custody*. NIC began conducting this survey in the late 1990s. The passage of PREA expanded the scope of the survey and the need to identify other laws related to sexual assault in prison. To date, surveys have addressed laws prohibiting sexual abuse of person in custody, mandatory reporting statutes (adult and juvenile), sex offender registry laws, and community notification laws.

### Additional Work

NIC personnel also provided assistance by preparing materials regarding anti-fraternization policies, staff and offender relationships, inmates' access to health care information, health concerns for female offenders, sexual relations in prison, penalties for false reporting, and the application of PREA to various corrections settings. NIC staff and the Institute's contract technical assistance providers also provided relevant PREA-related information during presentations at training programs, meetings, and events that addressed legal issues in working with female offenders, restorative justice, medical and mental health confidentiality, male violence, and legal and policy issues related to sexual assault.

Presentations were also made to juvenile corrections practitioners at the National Juvenile Forum co-sponsored by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the American Correctional Association, and to compliance monitors and state juvenile justice specialists at two regional training sessions sponsored by OJJDP.

## Evaluation

A substantial level of funding has been allocated to the implementation of the PREA. It is important for NIC to evaluate its strategies to ensure corrections officials are receiving relevant and effective assistance.

In 2006, NIC awarded a cooperative agreement to evaluate the training and assistance provided through the NIC/Washington College of Law Project on Addressing Prison Rape. The evaluation includes assessments of the Project's training activities and of selected products. The evaluation includes a review of staff sexual misconduct training between 1998 and 2005 in order to assess:

- ▶ Whether participants and technical resource providers understood the principal training goals and objectives of the Project.
- ▶ The activities and outputs produced over the 8-year period.
- ▶ The effects of program activities and outputs on staff who participated in the programs and on their agencies.
- ▶ The extent to which the program has succeeded in making progress toward its stated goals and objectives.

The evaluation also includes a review of current training efforts. NIC will develop instruments to assess:

- ▶ The extent to which the Project's program and services are meeting the goal of addressing sexual assault in prison.
- ▶ The ability of the Project's programs and activities to overcome the barriers in addressing sexual assault in prison.
- ▶ The cost-effectiveness of the Project's programs and activities.

Finally, the evaluation will assess the effectiveness of training curricula, selected written products, and the Project's website. At the end of 2006, NIC coordinated focus groups and distributed a web-based survey to individuals who had attended staff sexual misconduct training. NIC also developed pre-test and post-test instruments for the training program, *Responding to Inmate on Inmate Sexual Violence*.

## National Clearinghouse

The National Institute of Corrections Information Center has served the fields of corrections and criminal justice for approximately 30 years. Operated by a contractor, the NIC Information Center provides direct, personalized research assistance and serves as a clearinghouse for documents and videos produced by NIC. It is one of several points of contact for corrections practitioners and the public to access information regarding PREA.

To avoid duplication and to capitalize on the awareness and use of the Information Center by correctional and criminal justice agencies, NIC decided to co-locate the PREA national clearinghouse service with the NIC Information Center. Throughout 2006, 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 manage all requests related to the PREA and issues related to sexual assault in prison. This individual also reviews and recommends materials for distribution and identifies materials for training and presentations. This specialist also maintains a blog (weblog) that features the most current news, information, and publications related to PREA.

#### PREA Website (<http://www.nicic.org/PREA>)

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 2006 and the site was expanded to incorporate a PREA news blog to facilitate the timely delivery of new information.

The information posted in the blog is copied to the main NIC website, the PREA homepage, and other related pages. Related events, video conferences, PREA-related programs, technical assistance opportunities, publications, and other related information are delivered through the PREA blog. Postings on the blog are made by NIC staff and Information Center staff.

Approximately 35,000 visits to view or download PREA-related resources were made to the website and the blog in 2006. Practitioners, stakeholders, and other interested parties visited the PREA website over 2,500 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.

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 2006, the Information Center contained 201 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 sexual assault in prison, 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.

#### Direct Responses to Requests for Information

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

- ▶ 348 individuals or agencies requested and received 392 sets of *Facing Prison Rape - Part 1*.
- ▶ 315 individuals or agencies requested and received 432 sets of *Responding to Prison Rape - Part 2*.
- ▶ 79 individuals or agencies requested and received 85 copies of *A Town Hall Meeting: Facing Prison Rape*.
- ▶ 89 individuals or agencies requested and received/downloaded 91 copies of *Prison Rape Elimination Act (PREA): Considerations for Policy Review* (released December 4, 2006).
- ▶ 228 requests were filled for training curricula addressing staff sexual misconduct with offenders.



# **Appendix A: Bureau of Justice Assistance – FY 2006 Protecting Inmates and Safeguarding Communities Project Summaries**

## **Arkansas Department of Corrections**

The Arkansas Department of Corrections will use the 2006 Protecting Inmates and Safeguarding Communities award to purchase upgraded surveillance equipment in support of its zero-tolerance standard for the prevention of sexual assault and rape in the State's correctional facilities. Pursuant to the Act, the Department established policies and procedures that convey a level of zero-tolerance to ensure the protection of incarcerated offenders and the communities to which ex-inmate are released. The Department established a PREA Committee to ensure proactive involvement in the prevention, intervention, investigation, and prosecution of perpetrators who have sexually assaulted inmates.

To date, the Department has supported this effort by: (1) implementing a sexual assault hot-line for inmates; (2) training victim crisis response teams in each institution; (3) providing orientation and continuing education (pamphlets, posters, etc.) on sexual assault awareness, prevention, and reporting to inmates and correctional staff; (4) segregating high-risk inmates; and (5) re-assessing facility design for possible monitoring enhancements (e.g., adding cameras to blind spots and vision panes on solid doors).

During the past 2 years, the Department has increased inmate and staff training, enhanced investigation techniques and statistical tracking, and augmented victim support services. It proposes to expand these services to include county and municipal jails and community corrections agencies. The Department proposes a multi-faceted approach to strengthen the zero-tolerance standard through the following enhanced awareness and prevention strategies: (1) increase awareness and reporting of sexual assault through improved orientation; (2) train staff to become more proactive in prevention measures and crime scene preservation; (3) provide additional monitoring equipment for increased surveillance; (4) ensure that victim services address physical and psychological traumas; (5) encourage inmates to disclose sexual assaults and rape; (6) provide continued community-based services (individual counseling and routine case management) to inmates preparing for reentry and to the population on parole; and (7) create comprehensive policies, procedures, and programs governing the detection, prevention, intervention, and treatment of sexual assaults in the correctional setting.

## **Alabama Department of Corrections**

The Alabama Department of Economic and Community Affairs, Law Enforcement and Traffic Safety Division, and the Alabama Department of Corrections will use grant funds to gain a better understanding of the incidence of sexual assault and to improve the current system for

addressing rape and coerced sexual contact. The Alabama Department of Correction will strive to meet the following goals and objectives: (1) implement its PREA Program FY 2006 in three to four pilot correctional facilities in the first year of the 2-year grant period; (2) implement the rape prevention program in all of the Department's correctional facilities in the second year of the 2-year project period; (3) select and train nine regional program coordinators to implement and monitor the program's activities; (4) conduct prison rape and sexual assault prevention training for the Department's newly-hired correctional officers; and (5) collect data on the Department's incidence of prisoner-on-prisoner and staff-on-prisoner sexual assault.

### **California Department of Corrections and Rehabilitation**

The California Department of Corrections and Rehabilitation will use its grant award to enhance several aspects of its response to the Prison Rape Elimination Act by placing video surveillance equipment in housing units and living areas in three institutions. There is evidence to indicate that the most effective method of preventing sexual violence is enhancing security measures. The security cameras requested in this proposal will be used to help prevent and deter sexual violence and to improve the investigation and prosecution process. In addition to enhancing the prevention and deterrent effects, this project will provide empirical data on the gaps in current security practices and provide a basis for improving operational practice.

### **Colorado Department of Corrections**

Funds for this grant award will help the Colorado Department of Corrections' Prison Rape Program to achieve the following goals: (1) improve data collection and analysis to support effective and responsive prevention efforts; (2) enhance investigations and intelligence to increase prosecution rates; (3) provide ongoing, advanced PREA training and education; (4) evaluate the effectiveness of the PREA program in delivering quality services, identifying victims and predators, and reducing sexual recidivism; and (5) coordinate appropriate services and treatment for predators and victims, to include medical and mental health services.

### **Delaware Department of Correction**

The Delaware Department of Correction will use the funds to help meet the following goals: (1) create safer communities and institutions; (2) reduce transmission of infectious diseases; (3) decrease sexual violence; and (4) prevent new victimization and re-victimization. In addition, the Department will use the funds to protect inmates by enhancing prevention and detection of sexual assault. This will be accomplished by providing training, increasing reporting, strengthening the investigative and prosecution processes, and providing services and treatment for inmate and staff victims and perpetrators.

### **Florida Department of Corrections**

The Florida Department of Corrections has worked to implement the requirements of PREA by developing and facilitating internal policies and procedures to educate inmates and staff on prevention, notification, and investigation of all incidents of sexual misconduct. The Department recognizes that there are a wide range of concerns to be addressed in preventing and

addressing the causes of sexual assault, misconduct, and rape in the Department's correctional facilities. Grant funds will be used to focus on the following: (1) retrofitting a youthful offender facility with surveillance technology to address security and safety needs; (2) enhancing investigative techniques to elicit sensitive information from victims and perpetrators; and (3) providing further education and training to staff and inmates throughout the State.

### **Idaho Department of Correction**

The Idaho Department of Correction and the Idaho County Jail, under a 2004 Federal grant, implemented "Maintaining Dignity," a project that focused on education efforts for staff and inmates in Idaho's correctional institutions. Through this partnership, Idaho's county jails have been very active in the process of developing jail standards and providing education to their staff. This collaboration was an essential piece of the PREA implementation plan because the Department relies on county jails to confine inmates waiting for space in State facilities and because both systems serve the same offender population. The goals of this second PREA grant award are to: (1) identify potential victims; (2) provide staff to work with vulnerable offenders; (3) enhance data collection capabilities to protect inmates and community; (4) enhance training of staff on investigation techniques to increase the likelihood of prosecution; and (5) expand community education to promote awareness and community safety.

### **Indiana Department of Corrections**

This grant award will allow the Indiana Department of Corrections to implement its Prison Rape Program. The goals of this program are to: (1) identify and assess adult and juvenile offenders who may be vulnerable to victimization; (2) identify and assess adult and juvenile offenders who may be sexual predators; (3) develop and administer a sexual victimization survey to a random sample of adult inmates, juvenile inmates, and parolees; (4) develop an instrument to assess the sexual climate in the State's prisons and the community; (5) reinforce a policy of zero tolerance for sexual violence and staff sexual misconduct in adult and juvenile correctional facilities; (6) design, develop, and deliver training for investigators, medical and mental health staff, unit team managers, chaplains, victim services coordinators, volunteers, supervisors, community corrections staff, and probation officers regarding prison rape, sexual victimization, crisis response, interventions, investigation, and prosecution; (7) reduce the incidence of inmate-on-inmate sexual assault and misconduct; (8) develop partnerships with the community to provide sexual violence crisis intervention services to inmates and offenders under supervision in the community; (9) provide GPS monitoring for high-risk sexually-aggressive adult and juvenile offenders being released to the community; and (10) evaluate the Program's effectiveness and efficiency.

### **Kansas Department of Corrections**

The Kansas Department of Corrections believes that protecting inmates is accomplished most effectively through direct and continuous observation of inmate activity. The Department's goal is to enhance inmate and community safety by implementing the following measures: (1) increase the current surveillance capacity through the installation of closed-circuit television to deter unlawful, inappropriate behavior and to act as an investigative and prosecutorial tool;

(2) reduce inmate-on-inmate violence and improve the overall safety for staff and inmates through the installation of a wireless radio frequency identification tracking system in the maximum security area of the correctional facility; (3) establish a team to review current policies and procedures for responding to sexual assault victims and make recommendations for their revision or replacement; (4) increase access to transitional planning services for high-risk, violent offenders being released directly to communities from administrative segregation units in the El Dorado Correctional Facility; (5) increase the likelihood of successful prosecution of sexual assaults through enhanced training for sexual assault investigators and working with prosecutors to improve the preparation of cases; and (6) reduce parole revocations of high-risk, violent inmates by creating specialized caseloads for violent offenders in the Wichita area.

### **Kentucky Department of Corrections**

The Kentucky Department of Corrections will use the grant funds to implement PREA-related objectives and to address the issue of prison sexual assault and community safety in several ways, including: (1) providing training to individuals that work with offenders in prison settings; (2) implementing an improved classification system to identify inmates at risk of becoming victims of sexual assault and inmates who may become predators; (3) improving the prevention, reporting, and investigation of sexual assault by implementing surveillance technologies and decreasing response times; (4) providing additional “Class D Coordinators” to facilitate the release of offenders recommended for parole; (5) hiring additional probation and parole officers to provide increased case management and supervision services; and (6) hiring additional jail inspectors with special PREA training to help with investigations, training, and technical assistance at jails and halfway houses.

### **Louisiana Department of Public Safety and Corrections**

The Louisiana Department of Public Safety and Corrections will use the 2006 Protecting Inmates and Safeguarding Communities award to enhance the programs and strategies that began during FY 2004 by adding the cities of Alexandria, Lafayette, and Monroe to the existing Reentry Programs located in Baton Rouge, Shreveport, and New Orleans. The Department proposes to restore and return inmates to their communities with the ability and support required to become contributing and productive members of society. The Department will also ensure these offenders become economic partners in the development and revitalization of the State by providing assistance to them while incarcerated, when released, and while readjusting to community living. Grant resources will be used to fund Case Management/Program Specialists and other related project costs in the expanded areas, providing reentry services to an additional 20 percent of released offenders. As an additional program enhancement, the Department will contract with social service providers in the faith-based and local communities to provide an array of services for offenders in need of additional support, training, and counseling to aid in safe reentry in the Baton Rouge and Shreveport communities.

### **Maryland Department of Public Safety and Correctional Services**

The Department of Public Safety and Correctional Services will use grant funding to improve data collection, investigation, and preventive and deterrent capabilities to meet the requirements

of PREA. This goal will be achieved through the replacement of manual record-keeping systems used for investigations of sexual assault and staff sexual misconduct incidents with a unified management information system. Additionally, the Department will obtain surveillance equipment for its institutions and personal duress alarms for non-custodial personnel.

### **Minnesota Department of Corrections**

The Minnesota Department of Corrections will collaborate with local jurisdictions and establish partnerships with non-profit organizations to improve strategies for the prevention of rape, non-consensual sexual activity, and other forms of sexual abuse in State prisons, local jails, and holding facilities. The project includes: (1) developing and delivering training to over 2,000 staff in prisons and jails; (2) developing a train-the-trainer educational component for staff in prisons and local jails; (3) providing intensive training to juvenile offenders in the State prison system; (4) analyzing and refining risk assessment, housing assignments, and immediate and long-term victim responses; (5) analyzing facilities to identify areas where there is a high probability of incidents; and (6) monitoring and recording activity in critical areas to prevent incidents and provide evidence for improved investigation and prosecution.

Project objectives are to: (1) strengthen investigative strategies leading to the successful prosecution of incidents of sexual assault; (2) improve assessment of the level of potential risk for victimization, encouraging appropriate reporting of incidents and immediate and long-term responses to reported victims; (3) improve prevention strategies in jails and prisons; and (4) promote the Department's zero-tolerance policy through awareness and training.

### **Missouri Department of Corrections**

In response to the PREA, the Director of the Missouri Department of Corrections chartered the Prison Rape Elimination Act Team in 2004. The Team's mission is to establish an environment where offenders are safe from sexual victimization during their incarceration. Funding will be used for equipment, supplies, imaging devices, portable tablet computers, docking stations for investigators, surveillance equipment, and computers for staff in the Division of Adult Institutions to review surveillance footage. The updated camera and recording equipment will aid in the investigation of alleged incidents. The goals are as follows: (1) improve investigation techniques to serve as a deterrent to staff and inmate sexual misconduct; (2) establish an environment in which all substantiated sexual assaults are referred and prosecuted; and (3) improve facilities to reduce or eliminate areas where offenders are vulnerable to sexual assault.

### **Montana Department of Corrections**

The Montana Department of Corrections is initiating its "Creating a Safer Montana" project to implement PREA on a statewide basis. The goals are to: (1) promote a zero tolerance policy; (2) model attitudes of compassion and responsibility; (3) provide comprehensive education and training to staff and offenders; (4) develop a safe and confidential communications system; (5) strengthen prevention by expanding investigative capability, developing staff resources, and installing surveillance and electronic monitoring systems; and

(6) build a self-sustaining infrastructure for education on the prevention of sexual assault in all adult facilities. The Department intends to take a systemic approach in applying resources that will affect the greatest number of inmates.

### **North Carolina Department of Correction**

The North Carolina Department of Correction will take a multifaceted approach to address the issue of inmate safety by including numerous disciplines and processes such as custody, human resources, inmate orientation and education, victim support and counseling, medical and mental health, training, sanctions, classification, false reporting, electronic tracking, data collection and audits, investigation, prosecution, and prevention. The Department will use its 2006 Protecting Inmates and Safeguarding Communities grant funds to accomplish the following goals:

(1) eliminate sexual assaults and sexual misconduct through enhancements to the Department's prevention practices; (2) enhance the existing system of investigation through training and by building partnerships with stakeholders; and (3) supplement Victim Services and Counseling by including an inmate sexual assault component. These goals will be achieved by (1) reviewing and enhancing current policies and procedures to include clear definitions and expectations of a zero tolerance standard; (2) hiring a statewide PREA administrator, two regional coordinators, an administrative secretary, and special contract trainers dedicated to PREA; (3) improving investigative techniques through collaboration with the State Bureau of Investigation and the Conference of District Attorneys; (4) collaborating with the medical and law enforcement communities on appropriate investigative protocols; and (5) installing digital video cameras with digital "still-frame" technology to help identify predators and victims and to generate a visual record that can be used as evidence.

### **Nebraska Department of Correctional Services**

The Nebraska Department of Correctional Services will address the issue of inmate sexual assault by enhancing the identification of victims and perpetrators and by providing best practice prevention and intervention services to these groups in the prison setting. The Department will use the 2006 Protecting Inmates and Safeguarding Communities grant funds to refine the identification, classification, and housing of high-risk groups. The Department will extend the 2003 Serious Violent Offenders Reentry Initiative and the 2004 Protecting Inmates grant by enhancing the development and validation of an external classification system, a risk assessment instrument, and a needs assessment instrument to identify violent offenders and target interventions and transition services for this population. The initiative includes the development of an internal classification system to assist in identifying and housing inmates who are a high risk for sexual predation or sexual victimization. The 2006 Protecting Inmates award will fund seven major enhancements: (1) the use of computer-assisted interviews to increase the disclosure of sexual assaults and victimizations; (2) the initiation of psychopathy screening and assessments for all inmates upon initial classification; (3) extending the follow-up period on the internal classification instrument and the collection of evaluation data; (4) continuing the refinement and evaluation of the initial sexual predator/victim screening instrument to ensure the validity and efficacy of the instrument; (5) increasing services for victims and potential victims;

(6) expanding interventions for inmates at high risk of sexual predation; and (7) providing preventive mental health services to inmates who have been identified as being at a high risk for exploitive and/or impulsive behaviors.

### **New Hampshire Department of Corrections**

Consistent with the overall goal of PREA and the mission of the New Hampshire Department of Corrections to provide a safe environment for the treatment and rehabilitation of offenders, the Department proposes to implement Project REAP (Rape Elimination Awareness Project). The Project is a comprehensive approach to eliminating sexual assault in prison. The Project incorporates a “zero-tolerance” standard and includes efforts toward achieving a culture characterized by a greater understanding of the complexities of sexual assault in prison by Department personnel and offenders. These objectives will be achieved through increased reporting, improved investigations and prosecutions, appropriate crisis intervention, and on-going victim services support.

The Department will implement Project REAP in three phases. Phase I is designed to: (1) assess the extent and nature of the problem; (2) create a climate and culture that encourages and supports detection, reporting, investigation, and prosecution of prison sexual assault; and (3) sustain movement toward a safe environment for offenders based upon an institutional culture of zero-tolerance. Phase II will develop the capacity to: (1) provide rape crisis intervention, appropriate and effective responses (including medical and mental health interventions), and follow-up services to victims; (2) educate staff and inmates regarding prison sexual assault; (3) develop effective measures to predict predatory and victim profiles and modify classification and housing assignments designed to reduce the likelihood of sexual assault; (4) develop effective measures to identify problematic staff; and (5) increase the security and surveillance of at-risk offenders. Phase III will consist of a comprehensive process and outcome evaluation of all REAP activities.

### **Ohio Department of Youth Services**

The goal of the Ohio Department of Youth Services is to effectively identify and decrease instances of sexual assault and consensual sex in its institutions. To implement the policy and move toward compliance with PREA and the newly-promulgated standards of the American Correctional Association, the Department established and is working toward achieving the following objectives: (1) improve and enhance physical plants to expand the line of sight and reduce blind spots in all secure juvenile correctional facilities; (2) provide coordinated services and specialized training related to sexual abuse and assault; (3) implement an effective system of reporting; and (4) develop a classification system in all institutions. Under this new grant award, the Department will work toward a fifth objective which is to effectively treat and release youthful offenders convicted of sexual offenses back to the community. The program will divert youth from being returned to the Department by placing them in community programs. These programs can better address the treatment needs of an offender and his or her family and will keep the youthful offender in a community setting where treatment agencies, families, and the Juvenile Court can remain involved.

## **Oregon Department of Corrections**

The primary goal of the Oregon Department of Corrections' Right to be Safe in Prison initiative is to increase inmate and public safety by addressing the issues of sexual assault and other high-risk behaviors among inmates and to reduce the impact on society when these offenders are released. The Department seeks and uses internal and external expertise to eliminate sexual assault, reduce the negative effects of sexual assault on inmates and their families, and protect public health as these offenders are released from prison. Other goals include: (1) enhancing information systems that contain data on inmate behavior; (2) educating offenders and staff about the effects of sexual abuse and about how offenders can protect themselves and prevent abuse from occurring; (3) prosecuting predatory offenders; and (4) providing victim services inside institutions and in the community after release.

## **Pennsylvania Department of Corrections**

The Pennsylvania Department of Corrections will use the grant funds to build upon and strengthen the Department's previous efforts to eliminate and track rape and forced sexual conduct incidents within the State's correctional system by: (1) increasing response to victims of sexual violence; (2) increasing the availability, reliability, validity, and timeliness of data on sexual assault; (3) improving prevention strategies for sexual assault in prison; (4) improving prosecution strategies; and (5) improving the provision of services for inmates who are victims of sexual assault.

## **Puerto Rico Department of Corrections and Rehabilitation**

The goal of the Puerto Rico Department of Corrections and Rehabilitation is to improve the procedures by which sexual assaults, either inmate-on-inmate sexual assault or staff sexual assault or misconduct, are reported, investigated, and prosecuted. Additionally, the Department will enhance its monitoring capabilities by installing cameras in high incidence areas inside the agency's correctional facilities. The updated cameras and recorders will provide prosecutors with more persuasive evidence and will give them an incentive to pursue prosecutions. The cameras will also help ensure greater safety for the staff patrolling areas of limited visibility.

## **South Dakota Department of Corrections**

The South Dakota Department of Corrections will use the PREA grant funds to help develop policy, provide training, design an assessment instrument, provide sexual assault education and awareness to inmates, and develop State and local communication protocols. The goals of the Department's program are to: (1) eliminate sexual assault of inmates in State correctional facilities; (2) provide assistance to eliminate sexual assault of inmates in local jails and juvenile detention centers; (3) protect communities when sexual predators are released from custody; and (4) design and implement systems to improve performance, monitor grant progress, and support the preparation of process and outcome evaluations.



## **Tennessee Department of Corrections**

The Tennessee Department of Corrections proposes to implement a comprehensive program to address issues of inmate sexual assault and staff sexual misconduct in State institutions. The goals of the Department's PREA project are: (1) to implement initiatives designed to increase reporting of assaults; (2) to improve the capacity to investigate allegations; (3) to improve services for victims of sexual assaults; and (4) to prevent future cases of sexual assault and staff sexual misconduct.

## **Texas Department of Criminal Justice**

The Texas Department of Criminal Justice will continue its existing prevention strategies through its Safe Prison Program and will implement a formal offender orientation program at the Department's four largest intake facilities (Holliday, Middleton, Garza West, and Woodman).

The orientation program is consistent with the Department's zero tolerance policy regarding sexual assaults. It will focus on preventing and reporting sexual assaults and will include curriculum modules addressing sexual assault as it relates to prison life in general. Current program activities such as training staff and key stakeholders on sexual assault related issues, designating staff to assist with offender management, and continuously assessing staff's attitudes towards sexual assault, will continue.

## **Virginia Department of Corrections**

The Virginia Department of Corrections will use the PREA grant funds to: (1) install a telephone hotline for reporting sexual assaults and video surveillance equipment in the women's prisons (because the institution currently has inadequate camera coverage); (2) develop and implement sexual assault training programs; and (3) develop and disseminate protocols addressing inmate sexual assault.

## **Vermont Department of Corrections**

The State of Vermont will use the PREA grant funds to improve inmate and staff safety. The Department's goals include: (1) increasing reporting of prison sexual exploitation; (2) protecting vulnerable populations; (3) increasing the capacity to investigate and support prosecution of reported sexual assault; and (4) determining the prevalence of prison sexual assault. Project objectives include: (1) enhancing staff training in matters related to prison sexual assault; (2) reinforcing the idea that prison sexual exploitation is criminal behavior and destructive to the prison environment; and (3) delivering specialized training for investigators, prison officers, medical and mental health staff, and supervisors and managers whose duties require their intervention in incidents of prison sexual assault.

## **Wisconsin Department of Corrections**

The Wisconsin Department of Corrections proposes to use its Protecting Inmates and Safeguarding Communities grant to focus on the prevention, investigation, and prosecution of

prison sexual assault and on treatment and other services to victims. The project proposes to expand upon the Department's existing collaborative efforts with local correctional agencies and criminal justice partners. The proposed goals are based on the need to ensure a coordinated strategy and include: (1) increasing staff and inmate awareness and understanding of prison sexual assault; (2) improving the ability of staff and inmates to recognize potentially dangerous situations; (3) providing guidance to staff and inmates in the prevention of sexual assaults; (4) enhancing the investigation and prosecution of sexual assault; and (5) providing appropriate services and treatment to victims and perpetrators of sexual assault in prison.

## **Wyoming Department of Corrections**

The mission of the Wyoming Department of Corrections is to contribute to public safety by exercising reasonable, safe, secure, and humane management, while actively providing offenders opportunities to become law-abiding citizens. The Department recognizes the need to protect offenders from harm as part of its mission. To help achieve this mission, the Department's goals and objectives for the 2006 Protecting Inmates and Safeguarding Communities Discretionary Grant Program are as follows: (1) develop training standards for inmates and staff; (2) increase communication between local law enforcement, the Department, and the prosecutor's office; (3) ensure that offenders released to the community are assessed if a record of predatory sexual behaviors is present; (4) ensure that appropriate community services are available to offenders reentering the community; (5) increase the number of cameras and monitoring equipment in facilities to reduce blind areas where incidents of sexual misconduct could occur; (6) organize a statewide PREA Collaboration Conference and include human services agencies, detention facility administrators, Department personnel, and others affected by the PREA; (7) implement a tracking system to provide complete and accurate data on incidents of sexual misconduct between offenders and between offenders and staff; and (8) develop the capacity to sustain these programs through sound financial planning.

# Appendix B:

## NIC/WCL Project on Addressing Prison Rape: Sample Action Plans

Each team that attends training delivered by the NIC/Washington College of Law Project on Addressing Prison Rape is required to develop and deliver a presentation at the close of the program. These presentations cover several topics, including a review of current challenges and efforts in addressing prison rape, key “lessons learned” during the program, and actions that participants plan to take upon returning to their jobs. Following are some of the action steps planned by teams from training programs conducted in 2006:

### Addressing Staff Sexual Misconduct with Offenders (March 2006)

Team: Tennessee

- ▶ Amend the legislation that has been introduced this session that would revise the sexual assault statute to include a duty to report and to expand the definition of “in custody.”
- ▶ Establish investigative protocols and train internal affairs staff and institution-based investigators to investigate sexual misconduct.
- ▶ Train all staff in the signs and symptoms of sexual misconduct and the procedures for reporting suspected violations.
- ▶ Secure a commitment from the district attorney to prosecute sexual misconduct cases.
- ▶ Establish a culture whereby employees feel comfortable and supported in reporting incidents of sexual misconduct.
- ▶ Include identifying indicators of sexual assault, encouraging employees to report, and working to prevent sexual assault in the supervisor’s job plan.
- ▶ Include indicators of sexual assault and reporting procedures in core training of all staff.
- ▶ Encourage the commission and other top managers to communicate through videos, the newsletter, and the Intranet, information on the importance of reducing staff sexual misconduct, emphasizing the threat to safety and security.
- ▶ Require media training for wardens, deputy wardens, and other Central Office staff.

Team: Nebraska

- ▶ Review and revise the training curriculum for pre-service, in-service, investigator, supervisory, roll call, and other identified training.
- ▶ Establish policy and practice regarding investigations involving staff sexual activity with an inmate, to include placement of the results in the employee’s personnel file.
- ▶ Use a validated screening instrument to assess personality characteristics and/or conduct an interview with a psychologist as part of the employee hiring process.
- ▶ Include staff sexual (and other) misconduct questions as part of the hiring process.
- ▶ Revise the investigation policy and identify information tracking needs and database needs.

## Investigating Allegations of Staff Sexual Misconduct with Offenders (July 2006)

### Team: Oregon

- ▶ Review the SB89 sentencing guidelines and work with constituent groups to determine if revisions are necessary.
- ▶ Review the Department's PREA Policy, and include a requirement in the policy that PREA training must be completed within 3 months of an employee's date of hire.
- ▶ Implement an employee PREA training form to be placed in the employee's official personnel file. Require that the employee signs the form acknowledging attendance of required training and the awareness of SB89.
- ▶ Conduct a review of the Employee Assistance Program contract and ensure incorporation of the program into employee investigations.
- ▶ Review staffing patterns with the Executive Management Team. Watch for misuse of overtime and patterns of employees being assigned to posts where they are isolated with inmates.
- ▶ Develop training that has a focus on effective report writing.
- ▶ Discuss with the Department's Public Affairs Office strategies for handling communications with the media and the legislature on PREA-related topics. Ensure a consistent message is being communicated.
- ▶ Include "added value" reviews of all cases and comparisons to cases in the last 12 months to address emerging patterns as an additional task for the PREA Committee.
- ▶ Review the Department's policy and procedure regarding inmate movement and housing at medical facilities.

### Team: Kansas

- ▶ Develop a comprehensive investigative policy that outlines management's philosophy, procedures, and follow-up strategies.
- ▶ Review and refine State laws to include non-department supervisors, volunteers, and all Department staff involved with offenders on supervision. Review current reporting laws to ensure they include reporting inappropriate activity.
- ▶ Locate and provide extensive training for all investigators who conduct investigations specific to institutional situations and offenders.
- ▶ Develop a method to assess organizational culture related to sexual misconduct, and provide information gained from the assessment to all investigators.
- ▶ Review the chain of command to consider centralizing supervision and upgrading the classification of investigators.
- ▶ Increase staff sensitivity to sexual misconduct through training.
- ▶ Establish first responder teams at all offices and facilities. Train these teams to take initial action when sexual misconduct is reported or observed.
- ▶ Review victim programs to determine the appropriate level of support available in response to sexual misconduct.
- ▶ Conduct regular meetings with investigators and human resources staff to enhance communication among these staff members.

- ▶ Begin communication with prosecuting agencies to increase awareness of staff sexual misconduct issues, and attend the annual County Attorney Association conference.
- ▶ Develop a process to conduct annual culture checks by Central Office human resources staff and facility management staff.

# **Appendix C: PREA Training for Trainers: Training Plan Progress Summaries**

## **Alabama**

The Alabama team has made significant progress on its action plan. Accomplishments include: (1) the provision of statewide PREA training for all staff, (2) completion of a database that will track information on potential victims and perpetrators system-wide, and (3) approval to hire nine regional PREA coordinators. These coordinators will report to the Director of Training and will assume responsibility for all PREA-related activities; including staff training, inmate orientation, and tracking investigations. The coordinators will also work with the Intelligence and Investigation Officers at the institutions in their region. Community corrections functions fall under a separate State agency. Training Director Williams has been sharing training information and materials with agency staff and involving them in PREA activities.

## **Iowa**

The Iowa team developed five training goals during the session: (1) a plan to conduct a PREA instructor's course that emphasizes a consistent message to staff; (2) facilitating a PREA discussion between labor and management; (3) developing a specific training session for community-based centers; (4) developing training on evidence preservation; and (5) training for transportation staff, victim advocates, and investigators. Team members indicated that they had experienced some difficulty implementing the first goal due to inconsistent lesson plans that had not been updated to reflect PREA. Some staff thought the only focus was on staff sexual misconduct, which led to some conflict (with organized labor in particular). The team felt that an updated curriculum that clarifies PREA matters should make the issue more manageable. Discussions continue regarding the relevance of PREA to community-based agencies. Team members and their table coach engaged in detailed discussions about how to open this discussion and respond to questions.

## **Kentucky**

Team members met with the Commissioner after the program and with wardens at a recent Warden's meeting. Response to the action plan was positive from the Wardens and the Commissioner. The training unit has been moving forward with computer-based training. The team is considering how to provide training to contract staff who do not participate in the on-going staff training sessions. One option is to provide computer-based training to contractors. Applications have been completed for several NIC training programs. The team is concerned about the lack of an inmate orientation/training plan. The team is reviewing the existing inmate orientation program and discussing improvements.

## **Louisiana**

The team reported that they have made substantial progress toward implementing their action plan, aided by the State's receipt of a Federal PREA Grant from the Bureau of Justice Assistance. The grant has enabled the development of a Statewide implementation plan. The annual in-service curriculum has been revised to include PREA-related information and materials. Delivery is scheduled to begin in January 2007. Louisiana is also planning a 40-hour course for investigators. The team provided a 2-hour training session at the women's facility for the Warden, investigators, correctional officers, and two 4-person inmate orientation teams. Materials were provided to these orientation teams to aid their work. More of these training sessions are being scheduled. In addition, the team and a Department attorney will be meeting with inmate peer group counselors to discuss their role regarding PREA, in particular their responsibility around the reporting of incidents. With the help of the Department's victim services coordinator, contact has been made with representatives from community rape crisis agencies. These individuals expressed a willingness to provide services to inmates and offenders under community supervision.

## **Massachusetts**

The Massachusetts team's goal is to establish five training programs in the following areas: (1) training for trainers, (2) investigator's training, (3) first responder's training, (4) training for managers, and (5) pre-service and in-service training. To help develop the training agenda, the agency's PREA plan is being reviewed and updated. The team also contacted the agency's PREA Manager, who indicated that agency investigators are working with investigators from the Massachusetts State Police to expand their investigatory skills.

## **Mississippi**

The Mississippi team's Training Action Plan identified a number of key issues that will help move the agency forward as they implement the PREA. The team decided that the first step was to educate senior managers. They have organized an informational presentation on November 22, 2006, for the Commissioner and the agency's executive staff. The team agreed that part of the presentation will involve educating the executive staff about addressing staff sexual misconduct as required under PREA.

The Department's plan for introducing PREA to the inmates was developed in conjunction with its policy addressing infectious diseases. The team believes they will get the support they need from the Wardens and program staff regarding initiatives to educate inmates about sexual assault.

## **Nebraska**

The Department's Training Unit successfully completed its American Correctional Association audit last month. The focus of activities since the team's return from the PREA training-for-trainers program has been preparing for the audit. The team is somewhat discouraged regarding

their progress toward meeting the goals of their training plan due to barriers that are beyond their control.

The Training Unit will be developing a training-for-trainers session to be held next spring to prepare regional trainers to teach staff about PREA during pre-service and in-service training. Staff are also using the Policy Review Guide to analyze sexual assault policies to ensure they are in compliance. The NIC inmate orientation videos and facilitator guides have been sent to the Deputy Director for review regarding their use in the inmate orientation process. Currently, inmates are informed of PREA during initial orientation and are provided written materials to review. If use of the NIC material is approved, the Training Unit staff will work with institution staff to integrate the material into the orientation process.

Because investigators are certified law enforcement officers, the Training Unit is not responsible for their training. However, the Chief of Investigations completed the NIC training for investigators at American University.

PREA training for community corrections staff and parole officers has been accomplished and will continue as part of annual in-service training. Youth facility staff are included in the annual in-service training.

## **New Jersey**

The New Jersey team developed five training goals during the session. The goals focused on developing specific training for staff, investigators, and the inmate population. Using the NIC inmate orientation videos as a template, the agency developed a 7-minute video to provide an orientation to inmates about PREA. The agency is currently developing a training module for investigators. This work will be coordinated with external law enforcement agencies and will be provided to 103 Department investigators. The Department is also developing a comprehensive PREA plan that will contain a number of training elements. The Department has received approval to use Federal PREA grant funds for some of these activities.

## **Oregon**

The Oregon team developed two major training goals during its session, with a focus on developing instructor courses for staff training and inmate orientation and on the incorporation of PREA training for outside agencies and contractors. The agency continues to use the inmate orientation video at the Coffee Creek facility for female inmates. Beginning in February 2007, they will begin using the inmate orientation video for male inmates at the Oregon State Correctional Institution. An orientation program is also being developed specifically for disabled inmates. The staff training initiative is moving forward, and the agency is continuing to implement its Federal grant. The agency also plans to partner with Multnomah County, Oregon, in joint training activities.



## West Virginia

The team reported that the Commissioner of Corrections is committed to and supportive of PREA activities and has communicated his support throughout the Department. A committee that was formed to address offender reentry issues has included PREA as a significant part of its work. A training-for-trainers course is under development, and some of the agency's leaders have been asked to serve as instructors. The team believed this would be a good strategy to help move the agency culture toward becoming more accepting of discussions about staff sexual misconduct and sexual behaviors in general. In addition, the agency is planning to train selected staff to introduce PREA materials to inmates at reception. The team reported that their action plan has provided a good framework for their activities and that they are progressing toward meeting their goals.

## Wisconsin

Wisconsin is implementing programs and activities based on a second year of funding from a Federal PREA grant award. These grant funds have enabled the State to purchase various types of equipment, hire a PREA investigator, and conduct statewide training. The State developed a PREA master plan that focused on operational and functional areas.

The Wisconsin team developed a plan for staff training and inmate training. The plan includes training for investigators, and the Investigations Subcommittee will be developing a 2-day to 5-day training session. Victim Services will assist in the development of training to address the investigation of inmate-on-inmate sexual assault.

The Training Unit is developing statewide training to be delivered in February 2007. The Training Unit has developed separate training materials for staff who work with adults and staff who work with juveniles. The NIC video production *Keeping Our Kids Safe* and accompanying facilitator's guide will be incorporated into the education sessions for juveniles. Pre-tests and post-tests will also be developed and incorporated. Administration officials and union officials have agreed that it is important for staff to have an opportunity to view the NIC inmate orientation videos and to understand the information being provided to offenders. The team stated they have received great support from their executive leaders and believed that they were on target with their goals.