

Responding to Inmate on Inmate Sexual Violence



The Prison Rape Elimination Act- Overview and Update

The NIC/WCL Project on Addressing Prison Rape

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The Prison Rape Elimination Act of 2003 Public Law 108-79

Makes important findings about the impact of prison rape on inmates, the economy and state and federal governments



PREA Purposes

- Increase accountability of prison officials who fail to detect, prevent, reduce and punish prison rape
- Protect 8th amendment rights of federal, state and local prisoners
- Establish grant programs
- Reduce costs of prison rape on interstate commerce



PREA Purposes

- Establish zero tolerance for the conduct
- Make prevention a top priority
- Develop national standards for detection, prevention, reduction and punishment
- Increase available data and information on incidence in order to improve management and administration
- Standardize definitions used for collecting data on the incidence of rape



Major Provisions

- Section 4: Collection of prison rape statistics, data and research (BJS) (\$15MM for FY 2004-2010)
 - Surveys
 - Including prisons, jails, community corrections, boot camps, road camps, forestry programs, farms, youthful offender facilities, hospitals, drug treatment programs
 - Federal, state and local officials are required to participate
 - Review panel on prison rape with subpoena power
 - Public hearings for 3 highest incidence systems and 2 lowest
 - Report each year on 6/30



BJS Update

- Expert panel meetings
- Administrative survey collections -- 2004 and 2005 data
 - <http://www.ojp.usdoj.gov/bjs/abstract/svrca04.htm>
 - <http://www.ojp.usdoj.gov/bjs/abstract/svrca05.htm>



BJS Update

- BJS Juvenile Report (2005)– Before June 2007
 - Administrative Record Collection will begin June 30, 2007
- Data from victim self reports
 - Adults (2007)
 - Youth- Begin collection of self-reporting (March 2008)
- Review panel named
 - Steve McFarland, Chair
 - Initial hearing held in California



BJS Update

- Major tests of tools for evaluation of victimization rates for former inmates
- Collection of Lock-ups sample
~June 2007
- Rankings
 - Prisons- July/ August 2007
 - Jails- September 2007
 - Lock-ups- End of 2007



Major Provisions

- Section 5: Prison Rape Prevention and Prosecution (NIC) (\$5MM for FY 2004-2010)
 - Information and Assistance through National Clearinghouse
 - Training and Education
 - Report due on 9/30 annually



NIC Update

- Completion of Informational PREA Videos
 - PREA Introduction
 - Responding to PREA
 - Inmate Orientation Videos – male and female (English and Spanish)
 - Juvenile video and facilitator's guide
- PREA Videoconferences (June 2006 – Juvenile)
- Nationwide technical assistance and training on PREA



NIC Update

- Development of legal tool kits for states
- Development of curricula for addressing sexual violence against youth in custody
- Development of curricula for addressing inmate on inmate sexual violence



Major Provisions

- Section 6: Grants to Protect Inmates and Safeguard Communities (DOJ) (\$40MM)
 - Protection of the community
 - \$ to address overcrowding
 - Risk assessment tools
 - Mapping of concentration of inmates in communities
 - Policy and program development
 - Collaboration between corrections and community on reentry



Major Provisions

- Section 6: Grants to Protect Inmates and Safeguard Communities (DOJ) (\$40MM)
 - Protection of Inmates
 - Investigations
 - Prosecution
 - Prevention



NIJ Update

- Four awards were made in September of 2004
 - Urban Institute-Zweig- Policies and practices looking at male and female prison facilities
 - Austin- Assessment tools and Instruments and descriptive analysis of characteristics of perpetrators and victims
 - Fleisher – Ethnographic work on prison perceptions of sexual violence
 - Warren- Looking at classification and risk assessment in six states
 - Hanley- Impact of victimization



NIJ Update

- Several awards were made on sexual violence in jail settings
 - Owen- Sexual violence in the context of other violent acts in female facilities and jails
 - Levine- Three city jails and their design, safety and security as they implement interventions to sexual violence
 - Colorado Department of Criminal Justice – English – Promising Practices in Juvenile Institution and Jails



BJA Update

- Convened meetings to discuss protecting inmates and community safety
- 16 states were awarded grants in 2004
- 28 awards in 2006



BJA Update

- Prosecution Work
 - National Judicial College
 - Prosecutors' Research Institute
- Work with Jails and Lockups – Susan McCampell -- CIPP
 - PREA focused training curriculum addressing sexual violence specifically for jails and lock-ups
- Guidebook on Residential CC –Community Resource for Justice – Elise Klaasen



Collaborative Work

- NIJ, BJS and CDC work on medical indicators of sexual violence
- NIJ work on conditions of confinement in Native American correctional facilities
- BJA/NIC work on juveniles
- NIJ/NIC work on evaluation



Office of Juvenile Justice and Delinquency Prevention (OJDDP)

- Elissa Rumsey named PREA point of contact for OJJDP
- Testimony at Boston hearing and commitment by Director Flores
- Raising Awareness at National Conferences
 - September – New Orleans
 - October -- Salt Lake City
 - January – San Diego



Office of Juvenile Justice and Delinquency Prevention (OJDDP)

- Training and awareness being raised through compliance monitors in each state
- Currently focusing on juveniles in police lock-ups



Major Provisions

- Section 7: National Prison Rape Elimination Commission
 - 9 members
 - Conduct legal and factual study of the effects of prison rape in the US
 - Report in 2 years of initial meeting



Major Provisions

- Section 7: National Prison Rape Elimination Commission
 - Recommend national standards
 - Consultation with accreditation organizations
 - Can't impose something that would mandate substantial increased costs to agency
 - Hold hearings



NPREC Update

www.nprec.us

- Public meetings and hearings
 - Indiana
 - http://nprec.us/proceedings_notredame.htm
 - Washington, DC
 - http://nprec.us/proceedings_prea.htm
 - San Francisco
 - http://nprec.us/proceedings_sf.htm
 - Miami
 - http://nprec.us/proceedings_miami.htm
 - Boston
 - http://www.nprec.us/proceedings_boston.htm
 - Detroit
 - http://nprec.us/proceedings_detroit.htm
 - Los Angeles
 - http://nprec.us/proceedings_sxvimmigrdet_d13.htm
 - Austin (March 2007)



NPREC Update

www.nprec.us

- Seeking extension to 2008 to respond to delayed research findings of BJS, NIJ, and BJA
- Standards being drafted
- Expert Review Panels begun in 2007
 - training, medical and mental health, reporting and data collection, classification, investigations, evidence and crime scene collections, immigration, juveniles



Major Provisions

- Section 8: Adoption and Effect of National Standards
 - A year after National Prison Rape Elimination Commission issues report, AG publishes a final rule with standards
 - 90 days after publication -- transmission to state departments of correction
 - FBOP is immediately covered by rule
 - Possible reduction of 5% each year for failure to meet the standard
 - Annual report on non-compliance



Major Provisions

- Section 9: Accreditation organizations must adopt standards or lose federal funds
- Section 10: Definitions
 - Covers jails, police lockups, prisons
 - Covers both adult and juvenile facilities, government and private
 - Prison rape includes rape of inmate in actual or constructive custody



What does this mean?

- Increased scrutiny at state, federal and local level on prison rape generally and staff sexual misconduct specifically as a subset
- Broadened concern about offender on offender and youth on youth conduct
- Data collection is important
- Enhanced focus on investigations, prosecution and administrative sanctions