



PREA Standards In Focus

Standard in Focus

Prevention Planning

§ 115.13, 115.113, 115.213, 115.313 Supervision and Monitoring

(a) The agency shall ensure that each facility it operates shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:

- (1) Generally accepted detention and correctional practices;
- (2) Any judicial findings of inadequacy;
- (3) Any findings of inadequacy from Federal investigative agencies;
- (4) Any findings of inadequacy from internal or external oversight bodies;
- (5) All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
- (6) The composition of the inmate population;
- (7) The number and placement of supervisory staff;
- (8) Institution programs occurring on a particular shift;
- (9) Any applicable State or local laws, regulations, or standards;
- (10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- (11) Any other relevant factors.

(b) In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan.

(c) Whenever necessary, but no less frequently than once each year, for each facility the agency operates, in consultation with the PREA coordinator required by § 115.11, the agency shall assess, determine, and document whether adjustments are needed to:

- (1) The staffing plan established pursuant to paragraph (a) of this section;
- (2) The facility's deployment of video monitoring systems and other monitoring technologies; and
- (3) The resources the facility has available to commit to ensure adherence to the staffing plan.

(d) Each agency operating a facility shall implement a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such policy and practice shall be implemented for night shifts as well as day shifts. Each agency shall have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.

Purpose

- To protect inmates against sexual abuse and sexual harassment by limiting the possibility that inmates and staff will be left alone and unmonitored through adequate and ongoing supervision. This purpose is achieved through:
 - Development, documentation and implementation of a staffing plan that provides for adequate levels of supervision and monitoring of the facility's population to prevent, detect and respond to sexual abuse and sexual harassment;
 - Consideration of deployment of video monitoring and other monitoring technologies as appropriate and feasible to augment and enhance staff supervision of inmates to increase sexual safety in the facility; and
 - Performance of periodic unannounced rounds by intermediate and upper-level supervisors on all shifts to deter, prevent, and detect sexual abuse and sexual harassment of inmates in the facility.

Implementation

- The staffing plan must provide for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, the facility must consider the 11 factors detailed in the standard.
- Development of the staffing plan does NOT begin with the facility budget or the number of funded positions based on the resource appropriations received from the governing agency or legislature. The staffing plan must be an objective and comprehensive analysis of the number and placement of staff and amount of video technology (if applicable) that is necessary to ensure the sexual safety of the inmate population given the facility layout and characteristics, classifications of inmates, and unique security needs and programming. The staffing plan must also consider and account for the normal and expected operational conditions that cause staffing shortages (e.g., sick leave, vacation, FMLA, call-outs, training days, military leave, etc., all of which are not exigent circumstances but foreseeable operational issues). It is quite likely that the staffing plan may require greater staffing resources than are currently funded. Thus, a well-written and analytical staffing plan can form the foundation for requesting additional resources from the parent agency or state legislature.
- Agencies must make their “*best efforts to comply on a regular basis*” with the staffing plan. Facilities must document and justify deviations from the staffing plan, but full compliance with the plan is not required to achieve compliance with the standard. The “*best efforts*” language is intended to avoid penalizing agencies that unsuccessfully seek to obtain additional funds. However, it is also the case that *best efforts* will be meaningfully assessed in an audit and compliance requires that every possible effort is made to meet the staffing plan requirements. It is important to document efforts to obtain additional funding to comply with the staffing plan, especially if those efforts are not successful.
- Agencies must reassess, determine, and document, at least annually, whether adjustments are needed to resources a facility has available to commit to ensure adherence to the staffing plan. Resource availability will affect staffing levels and provides agencies an incentive to request additional staffing funds as needed.
- When developing the staffing plan, be sure to include adequate staffing for the facility's current and potential population of specialized inmates that may require more intensive or specialized staffing including female inmates, LGBTI inmates, inmates with medical or mental health needs, disabled inmates, and limited English proficient populations to ensure their safety.
- Consider all other PREA standards that will impact the development of and the assessment of the facility staffing plan. These standards include but are not limited to:

- 115.15 Limits to Cross Gender Viewing and Searches (requires a staffing plan that ensures the facility adheres to limits on cross gender viewing and searches).
- 115.18 Upgrade to Facilities and Technologies (requires that any upgrade to the facility's plant or technology include an assessment of how that upgrade might enhance the supervision of inmates to prevent and detect sexual abuse).
- 115.86 Sexual Abuse Incident Review (requires a review to determine whether an incident could have been prevented by additional staff).
- Ensure that the Intermediate-Level and Upper-Level Supervisors are conducting unannounced rounds on all shifts more frequently than once a month to prevent, detect and respond to allegations of sexual abuse and sexual harassment. Be sure that policy and practice prohibits staff from alerting other staff members of these rounds.

Challenges

- Complying with a staffing plan that requires additional personnel over and above the level at which the facility is currently funded. Funded but vacant positions also pose great challenges to facilities. Agencies must get creative in these situations and seek lower cost options, such as basic video monitoring, mirrors, etc. The use of volunteers and interns in program areas such as medical, mental health, food services, industries, etc. may help with tight budgets. Partnerships with local universities, teaching hospitals, and community organizations may provide supplemental services at low or no cost to the agency. While volunteers and interns do not supervise inmates nor should they count in staffing ratios, they can provide additional services to assist current staff with duties appropriately assigned to these individuals.
- Developing an adequate staffing plan that considers the unique challenges and needs of the facility's specialized population (e.g., inmates who are female, LGBTI, disabled, LEP, youthful inmates, or those who have mental or medical needs), who may be at higher risk of victimization thus requiring additional staffing resources to ensure sexual safety.
- Consistently and regularly conducting vulnerability assessments of the facility that identify areas that pose concerns related to sexual safety. These include, but are not limited to, areas where inmates and/ or staff may be isolated, areas where current video monitoring or problematic sight lines result in blind spots, areas where lighting or radio transmissions are poor, and areas where inmates may have access when staff is not assigned.
- Ensuring that facility leadership regularly review deviations from the staffing plan to analyze the reasons for not meeting the staffing plan requirements and using this information to inform changes to the staffing plan, requests for additional resources, and adjustments to practices and programming to ensure sexual safety.
- Enforcing policies that prohibit staff from alerting each other when supervisory rounds are taking place. This is behavior that is difficult to prevent, but compliance requires that the agency devise strategies to prevent unannounced rounds from becoming announced.

Best Practices

- Develop a staffing plan collaboratively with key stakeholders in the facility including agency leadership, facility administration, PREA coordinator and PREA compliance manager, supervisory personnel, medical and mental health staff, line staff, programming staff and other individuals with relevant input or expertise.
- Document the development process for the staffing plan. This documentation should include all phases of development starting with the initial planning meetings and all subsequent meetings, research, work sessions,

etc. Agendas, meeting notes and lists of attendees are critical documentation to evidence development of the staffing plan. Likewise, complete and thorough documentation should be maintained for all annual reviews of the staffing plan.

- Meet more frequent than annually with key personnel including the PREA coordinator and PREA compliance manager to review, assess, adjust and recommend additional staffing, technology and other practices when the perceived need arises. Quarterly or semi-annual review of the staffing plan and deviation reports is recommended.
- Conduct quarterly facility vulnerability assessments to identify potential vulnerabilities. These may include blind spots, lighting and surveillance camera issues, areas where poor radio transmission may occur and any areas where inmates may have access when staff is not assigned.
- Enhance or expand video surveillance monitoring capabilities as funding becomes available throughout the facility to augment the staff's supervision and monitoring of the inmates, paying particular attention to the findings of any vulnerability assessments or staffing plan reviews. Consider use of lower cost options such as mirrors to supplement video monitoring where appropriate.
- Conduct unannounced rounds more than once a month on all shifts to prevent, detect, respond and report sexual abuse and sexual harassment allegations. Ideally, rounds should be conducted weekly on each shift or more frequently if deemed necessary or prudent.
- Ensure unannounced rounds are meaningful and effective. Make sure that the rounds are conducted at unpredictable times without any noticeable patterns (e.g., different days, times, etc.). Facility leadership should analyze the conduct of rounds each quarter to see if negative or predictable patterns exist. Use creative methods to ensure staff are not warning other staff of the rounds (e.g., listen to radio transmissions for explicit warnings or subtle warnings or code words, review video footage of times when rounds are being conducted to see if it appears that staff are warning other units, etc.).

Audit Issues

- Determining whether sufficient documentation exists regarding the staffing plan development process at the facility.
- Analyzing whether the staffing plan is truly an objective and comprehensive determination of the level of staffing necessary to adequately protect inmates in the facility given the unique nature of the facility layout, programming and population.
- Comparing the staffing plan to the actual practice of the facility.
- Assessing whether heightened supervision is being considered and adequately provided for the facility's most vulnerable populations (e.g., inmates who are LGBT, disabled, or who require mental and medical health care).
- Assessing reported deviations to determine whether the deviations are anomalies or are an institutionalized practice due to staffing shortages or other operational issues.
- Analyzing and assessing whether unannounced rounds are being clearly documented is a challenge for auditors. Facilities utilize a variety of methods (e.g., supervisory staff utilizing red ink to document rounds in log books, specially developed forms, emails, etc.). Auditors must carefully analyze the rounds to determine if the rounds are conducted with an acceptable level of frequency on all shifts and whether negative or predictable patterns exist. Additionally, auditors must try to ascertain whether facilities are taking measures to prevent staff members from warning others staff that rounds are occurring.

Standard Variations

The following variations in standards are noted for Lockups, Community Confinement Facilities and Juvenile Facilities. The variations are discussed in summary fashion below and the reader should consult the full text of the specific set of standards to ensure complete understanding of the differences.

- **Lockups:** The following differences are noted:
 - In developing the staffing plan, the agency must take into consideration only four items as opposed to 11 items for Jails and Prisons and Juvenile Facilities.
 - Lockups must adhere to the staffing plan and justify all deviations. No “*best efforts*” language exists for lockups.
 - If vulnerable detainees are identified, the security staff must provide heightened protection as defined in the standard.
 - No requirement of unannounced rounds.
- **Community Confinement:** The following differences are noted:
 - In developing the staffing plan, the agency must take into consideration only four items as opposed to 11 items for Jails and Prisons and Juvenile Facilities.
 - Community Confinement Facilities must adhere to the staffing plan and justify all deviations. No “*best efforts*” language exists for Community Confinement Facilities.
 - No requirement of unannounced rounds.
- **Juvenile:** The following differences are noted:
 - Juvenile Facilities must adhere to the staffing plan and justify all deviations. No “*best efforts*” language exists for Juvenile Facilities.
 - Mandatory staffing ratio of 1:8 during resident waking hours and 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances. This staffing ratio is not an aggregate ratio, but describes the ratio of staff to residents that must be maintained in every area throughout the facility. Auditors will be reviewing not only the staffing plan and staff rosters, but interviewing staff and residents, and observing staff assignments throughout the facility to ensure that staffing ratios are met throughout the facility. (Effective October 1, 2017)

Resources

Frequently Asked Questions (FAQs) on the PREA Resource Center (PRC) Website:

<https://www.prearesourcecenter.org/frequently-asked-questions>

- The Department of Justice has issued extensive guidance that describes which arrangements between public agencies and private entities amount to a contractual agreement under this standard and which do not. Visit the PRC FAQ page and search for guidance under the standard 115.13, 115.113, 115.213, and 115.313 for the many

related FAQ responses provided by DOJ to ensure your agency is aware of all of its contracts for beds. The FAQs to date are as follows:

- May 9, 2017. *Question regarding juvenile facility ratios*
<https://www.prearesourcecenter.org/node/5283>
- June 2, 2015. *What are the PREA standards and when are they effective?*
<https://www.prearesourcecenter.org/node/3198>
- September 23, 2014. *Is it appropriate to require installation of cameras?*
<https://www.prearesourcecenter.org/node/3232>
- July 9, 2013 *Who counts as “security staff”?*
<https://www.prearesourcecenter.org/node/3254>
- February 7, 2013. *What is adequate staffing?*
<https://www.prearesourcecenter.org/node/3252>
- February 7, 2013. *What type of staff count toward an agency’s staffing ratio?*
<https://www.prearesourcecenter.org/node/3253>

- **PREA Essentials on the National PREA Resource Center Webpage**

www.prearesourcecenter.org/training-technical-assistance/PREA-essentials

- **White paper on Developing and Implementing a PREA-Compliant Staffing Plan.** The Moss Group.
<https://www.prearesourcecenter.org/sites/default/files/library/staffingplanfinalwbjalogosubmt.pdf>

- **Archived Webinars on the PRC Website**

- September 24, 2015 - *Developing and Implementing A PREA Compliant Staffing Plan*
<https://www.prearesourcecenter.org/training-and-technical-assistance/webinars/3194/developing-and-implementing-prea-compliant-staffing>

- **Additional Training Resources:** Always check the following sources for excellent training on PREA.

- National Institute of Corrections (NIC) - <http://nicic.gov/training/prea>
- End Silence: The Project on Addressing Prison Rape - <https://www.wcl.american.edu/endsilence/>

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