

Standard in Focus

Prevention Planning**§115.18, 115.118, 115.218, 115.318 Upgrades to facilities and technologies**

- a) When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse.
- b) When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.

Purpose

To ensure that agencies take sexual safety into consideration when making decisions about upgrades to facilities and technologies, the acquisition of new facilities, and during the process of designing any new facility or expansion of an existing facility.

Implementation

- When designing or acquiring new facilities or making modifications to existing facilities, the standard requires agency decision-makers to weigh how any new construction or changes to existing buildings will impact the agency's ability to protect inmates from sexual abuse. This means evaluating plans and designs for any flaws that could put inmates at risk for sexual abuse (e.g., blind spots). Agency staff who are educated about the dynamics of sexual abuse in confinement must work with whomever is part of the design and planning team, including architects, planners, and construction managers, to ensure that new facilities and upgrades to existing facilities are planned with sexual safety in mind (e.g. eliminating blind spots).
- Agencies must also think through how any new or updated video monitoring technology or electronic surveillance systems can be deployed to enhance prevention and detection of sexual abuse. In other words, if the agency decides to upgrade the video monitoring systems used in its facilities, it should undertake a process to determine how the new systems can be used to enhance sexual safety (e.g., positioning cameras to monitor blind spots, ensuring that areas where a single staff person may be alone with an inmate or resident has video monitoring when at all available). The agency should also consider any accommodations that need to be made to ensure compliance with § 115.15's limitations on cross-gender viewing when using video monitoring technology. (See the relevant FAQ: <https://www.prearesourcecenter.org/node/3315>.)
- Importantly, this standard does not impose a requirement on agencies to build new facilities or renovate existing facilities to address the physical plant challenges of older facilities or to retrofit existing facilities with monitoring technology to eliminate blind spots or supplement staff supervision. Like §115.13, which requires agencies to consider their need for and deployment of video monitoring technology to supplement staffing plans, §115.18 requires agencies to consider how upgrades to facilities and technologies can promote sexual safety whenever the opportunity for upgrades arises.

Challenges

- Keeping sexual safety in mind amid other competing priorities when considering new construction or technology upgrades.
- Ensuring that any monitoring technology deployed in facilities is used as a supplement to staff supervision and not as a replacement. Technology can enhance inmate protection from sexual abuse, but it is only as effective as the human beings who are monitoring it. Monitoring technology can be a valuable part of a comprehensive approach to sexual safety, but should not function as a standalone solution.
- Ensuring that staff responsible for facility design upgrades and the placement of monitoring technology have a sophisticated understanding of the dynamics of sexual abuse in confinement so that they appropriately apply that knowledge.
- Regarding technology upgrades, allocating resources for staff training on the use of cameras and other technology, including appropriate documentation of their use, and maintenance of systems (which may in turn require staff training on routine maintenance and minor repair).

Best Practices

- When making decisions about upgrades to facilities and technologies, include the PREA Coordinator and/or PREA compliance managers in the planning and decision-making process. PREA Coordinators and/or PREA compliance managers will be able to assess potential upgrades for whether they enhance or hinder the agency's ability to protect inmates from sexual abuse. PREA staff should be considered subject matter experts (SMEs) just as security staff would be on other security-related decisions. This is equally important during the design of any new facility or facility space, because staff with expertise in PREA implementation will have insight into the sexual safety issues that arise in a new design that planners, designers, and architects will not.
- During the planning and design for any new or upgraded facility or enhanced technology systems, the agency should run scenarios that include potential incidents of sexual abuse to determine whether the planned designs or anticipated use of technology would make inmates/residents/or detainees in those scenarios sexually safe.
- The agency should look at creative, cost-effective ways to address blind spots in the facility that might jeopardize sexual safety when available staffing is limited, such as installing mirrors. The agency might also consider installing doors with windows on storerooms for quick security checks. They should also review their plans to identify spaces where movement is minimal and use of the space or area is infrequent, and consider ways to discourage sexual activity. Such methods might include ensuring these areas are included on the unannounced rounds conducted and documented by intermediate, or higher-level supervisors as required by Standard 115.13(d), or if video technology is available, cameras can also be installed in these areas which are activated by movement.
- Efforts made pursuant to this standard not only improve sexual safety, but might reduce assaults and address other security weaknesses, and the overall safety benefits of compliance with this standard could be used by the agency to support spending on staff time, staff training, and any other costs associated with compliance.

Audit Issues

- Auditors will review any documentation related to upgrades to facilities or technologies and interview staff and leaders involved in the planning process to determine whether the agency has considered how the planned upgrades will impact sexual safety. Documentation may include meeting minutes from planning and design meetings, contracting documents, design specifications, documentation of the agency's communications with planners and architects about the PREA standards and sexual safety operations, and/or a comprehensive plan that explicitly describes the ways that sexual safety was considered in the planning of upgrades to the facility or technology.
- If a facility or renovation is new, the auditor may ask to interview members of the planning, construction monitoring, and transition teams about sexual safety discussions and decisions.
- § 115.13 requires that facilities include a plan for use of video monitoring technology, when available, in their staffing plans. Auditors will not only be looking to confirm that the facility considered sexual safety when implementing upgrades to existing technology under § 115.18, but will also be looking at the facility's staffing plan to ensure that it integrates existing or future video monitoring technology to enhance sexual safety by supplementing or supporting staff supervision.

Standard Variations

In addition to **Prisons and Jails**, the requirements in §115.18 apply to **Lockups** (§115.118), **Community Confinement Facilities** (§115.218), and **Juvenile Facilities** (§115.318).

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 guidance on whether auditors can require the installation of monitoring technology as part of a corrective action plan, which intersects with the requirements of Standard §115.18. The FAQ to date is as follows:

- **September 23, 2014.** *Is it ever appropriate for auditors to require the installation of cameras as part of a corrective action plan?* <https://www.prearesourcecenter.org/node/3232>

- **PREA Essentials on the National PREA Resource Center Webpage**
www.prearesourcecenter.org/training-technical-assistance/PREA-essentials

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