

115.54

Third-party reporting

Standard in Focus

Third-party reporting

§ 115.54, 115.154, 115.254, 115.354

The agency shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.

Purpose

To detect and ultimately prevent sexual abuse and sexual harassment by creating greater accountability and a robust reporting culture that ensures there is an easily accessible mechanism for people outside of a confinement facility — third parties such as family, friends, advocates, and others — to report sexual abuse or sexual harassment taking place inside the facility that comes to their attention. Since third parties often feel safer and more comfortable making a report than inmates, residents, or detainees inside the facility, ensuring third parties have a means to do so increases reporting generally, and means more sexual abuse and sexual harassment are detected, and ultimately prevented.

Implementation

- An agency must establish a method for receiving reports of sexual abuse and sexual harassment from third parties, and must ensure that the reports are dealt with in the same way as other reports of sexual abuse or sexual harassment, including ensuring that any identified or potential victims are safe and receive any necessary support services, and that reports are thoroughly investigated.
- The agency must publicize information on third-party reporting, which could be through a website; by postings in public areas of a facility, such as the lobby or visitation room; through printed pamphlets that are readily available to the public; or by any other means that will publicly distribute the information.¹
- Implicit in standard 115.54 is the requirement that the public can reasonably access the information on how to make a report of sexual abuse or sexual harassment on behalf of an inmate. It is not sufficient for an agency to be willing and able to receive such reports. Further, it is not sufficient for the public to have the general ability to utilize generalized agency contact information (such as a main contact number) to make such a report.

¹ It is important to note that Standard 115.51(c) states: “Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.”

Rather, the specific methods to make such reports must be readily available and reasonably conspicuous to the public.

Challenges

- Creating a method of third-party reporting that is easily found and accessed by the public. Facilities that do not have their own website must find mechanisms that are visible to the public in common areas of the facility such as visitation areas, the lobby or entrance to the facility, bulletin boards, closed circuit television message boards, or by other consistently visible means. Facilities that have their own website and those that share a website with local or county government must pay particular attention to ensuring that the third-party reporting mechanism is conspicuous and easily accessible by individuals wanting to report abuse. A reporter should not have to navigate through multiple or complex layers of web pages searching for the reporting method, but must be able to easily find the information on how to report. The reporting mechanism must be specific and dedicated to third-party reporting and not simply a general contact for someone in the facility with no indication that it can be used for reporting sexual abuse and sexual harassment.
- Ensuring that the explanation of how to submit a report of sexual abuse or sexual harassment on behalf of inmates, residents, and detainees is clear, well-written, and easily understandable by lay persons. Whether the information is posted on a website, at the facility, or contained in a printed pamphlet or brochure, it should be written in clear, concise, and consistent language so that the public understands the exact steps that must be taken to make a report of sexual abuse or sexual harassment to facility leadership.

Best Practices

- Agencies should choose the means by which they will accept third-party reports of sexual abuse and sexual harassment allegations. The standard does not require mailings. The agency may, in its discretion, make the information readily available through a website, postings at the facility, printed pamphlets or flyers, or other appropriate means.
 - Agencies generally post the information on a website, and provide a telephone number specifically designed to receive third-party reports, a reporting form that can be filled in online, or both. Note that either method must be designed specifically to receive sexual abuse and sexual harassment reports – it is not sufficient to provide general phone numbers or information forms. If the reporting information is placed on the agency website, the agency should ensure that the public may easily access the information by placing it in a highly visible, conspicuous location on the website.
 - Agencies may also choose to put posters or printed brochures in public areas of a facility, commonly the lobby, and/or visitation areas.
- Agencies often use both a website and on-site materials to convey the information to ensure that the information is readily available. Agencies should establish clear procedures for ensuring that the reports are received and acted on appropriately by any affected facility. Agencies should ensure that the PREA Coordinator is aware of all third-party reports and can either distribute the reports or oversee the distribution

of the reports to the appropriate facility. Facilities should designate a person to receive reports, and should include the PREA Compliance Manager in the process.

- In juvenile facilities, it is recommended that the facilities provide notice of the third-party reporting procedures to parents and legal guardians, plus attorneys and other relevant family members (e.g., a grandparent who may have cared for the youth, etc.). This could be done through mailing the information to individuals, including the information with disseminated visitation policies or other materials provided to families, or at visitation times when family members and others are present.

Audit Issues

- Determining whether the agency allows and accepts third-party reports of both sexual abuse and sexual harassment.
- Examining the method by which the agency distributes information about third-party reporting to ensure appropriate dissemination to the public in an easily accessible and understandable format that can be found in reasonably conspicuous and appropriate locations.
- Reviewing the information that is publicly disseminated to ensure third parties are provided full and appropriate information that clearly describes how to report allegations of sexual abuse and sexual harassment on behalf of an inmate, resident, or detainee.
- Analyzing documentation of reports received from third parties over the previous 12 months, and reviewing the agency response to the reports to ensure that investigations were begun for all allegations.

Standard Variations

None.

Resources

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

→ www.prearesourcecenter.org/frequently-asked-questions

The Department of Justice has issued extensive guidance concerning the PREA Standards. Visit the PREA Resource Center FAQ page and search for guidance under the standard 115.54 for the related FAQ responses provided by Department of Justice. The one FAQ to date is as follows:

- **October 26, 2015.** How must agencies “distribute publicly” information on how third-parties can report allegations of sexual abuse and sexual harassment, in accordance with standard 115.54?

→ <https://www.prearesourcecenter.org/node/3787>

PREA Essentials on the National PREA Resource Center Webpage

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

Search the PREA Resource Center Online Library to Access This Publication

- **April 15, 2015.** Untangling the PREA Standards: Outside Reporting, Confidential Support, and Third-Party Reporting Fact Sheet
→ https://www.prearesourcecenter.org/sites/default/files/content/reporting_and_support_services_fact_sheet_-_final.pdf

Archived Webinars on the PRC Website

- **April 16, 2015.** Untangling the PREA Standards: Outside Reporting, Confidential Support, and Third-Party Reporting
→ <https://www.prearesourcecenter.org/training-and-technical-assistance/webinars/3033/untangling-prea-standards-outside-reporting>

Additional Training Resources

National Institute of Corrections (NIC)

- <http://nicic.gov/training/prea>

End Silence: The Project on Addressing Prison Rape

- <https://www.wcl.american.edu/endsilence/>

Notes and Federal Disclaimer

Note: Standards in Focus (SIFs) are not intended for use by the Department of Justice PREA auditors to evaluate PREA compliance. SIFs are a tool designed to help agencies and facilities implement, educate, and become familiar with the PREA standards and some related best practices, but are not a compliance checklist. They contain guidance about implementation best practices that may not be required and thus it would not be appropriate for auditors to audit against the SIF. SIFs also do not exhaust implementation guidance for every requirement in every standard.

Notice of Federal Funding and Federal Disclaimer – This project was supported by Grant No. 2019-RP-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice or grant-making component.