

## **PREA Essentials**

May 3, 2013

The [Prison Rape Elimination Act](#) (PREA), a federal law enacted in 2003, was created to eliminate sexual abuse in confinement. In addition to providing federal funding for research, programs, training, and technical assistance to address the issue, the legislation mandated the development of national standards. The National Prison Rape Elimination Commission developed recommended national standards for reducing prison rape. The [final standards](#) became effective on June 20, 2012, when they were published by the Department of Justice (DOJ) in the Federal Register. More recently, the US Department of Homeland Security (DHS) released [proposed standards](#) for DHS confinement facilities.

The PREA Resource Center (PRC) designed this PREA Essentials Page to guide professionals in their implementation of specific standards; therefore, this page is organized by standards categories, e.g., "prevention planning."

Each category contains: (1) a brief synopsis summarizing the standards in that category, (2) links to an online version of those standards, (3) links to helpful resources related to those standards sorted by correctional facility type, and (4) where relevant, a discussion of some key issues raised by those particular standards. The issues and resources included here are not exhaustive, but rather offer a snapshot of those that may be of particular interest to practitioners working to comply with the standards. For specific questions regarding interpretation of the standards, please visit the PRC [FAQs](#) or [contact](#) the PRC.

For definitions related to the standards, click on the applicable standards to be connected to the General Definitions standard. It is important to read these definitions in order to gain a better understanding of their application to the [standards](#) (see p. 37199).

One additional organization note: The standards are numbered to help differentiate the correctional settings to which they apply. Standards with a two-digit extension such as .13 are for prisons and jails. Standards with a three-digit extension beginning with .1 followed by two digits, i.e., .113, are for lockups. Standards with a three-digit extension beginning with .2, i.e., .213, are for community confinement. Standards with a three-digit extension beginning with .3, i.e., .313, are for juvenile facilities.

For statistical data on the incidence of sexual abuse in various confinement settings, see [Data and Statistics](#) in the PRC library.

1. **Prevention Planning**
2. **Responsive Planning**
3. **Training and Education**
4. **Screening for Risk of Sexual Victimization and Abusiveness**
5. **Reporting**
6. **Official Response Following an Inmate Report**
7. **Investigations**
8. **Discipline**
9. **Medical and Mental Care**
10. **Data Collection and Review**
11. **Audits and State Compliance**
- 12a. **Other Issues – LGBTI and Gender-Nonconforming Inmates**
- 12b. **Other Issues – Culture Change**

## **1. Prevention Planning**

The prevention planning standards cover a variety of topics designed to aid in the prevention of sexual abuse in confinement. These topics include zero tolerance, the PREA coordinator, contracting with other entities for confinement, supervision and monitoring, juveniles and youthful inmates or detainees, limits to cross-gender viewing and searches, inmates, detainees, and residents with disabilities or who are limited English proficient, hiring and promotion decisions, and upgrades to facilities and technologies.

**STANDARDS.** Click on the following links to access the prevention planning standards for [Adult Prisons and Jails](#), [Community Confinement Facilities](#), [Juvenile Facilities](#), and [Lockups](#).

## **ISSUES.**

- Supervision and monitoring in adult facilities

For adult facilities, **Standard 115.13/115.113/115.213** does not include concrete staffing requirements nor does it require direct supervision. However, agencies must provide staffing that ensures adequate supervision, taking into consideration several factors in calculating adequate staffing levels and determining the need for video monitoring. Factors for prisons and jails include:

- Generally accepted detention and correctional practices;
- Any judicial findings of inadequacy;
- Any findings of inadequacy from federal investigative agencies;
- Any findings of inadequacy from internal or external oversight bodies;
- All components of the facility's physical plant (including "blind-

- spots” or areas where staff or inmates may be isolated);
- The composition of the inmate/detainee/resident population (such as gender, age, security level, and length of time individuals reside in the facility);
- The number and placement of supervisory staff;
- Institution programs occurring on a particular shift;
- Any applicable state or local laws, regulations, or standards;
- The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- Any other relevant factors.

The listed factors are not exclusive; facilities should consider additional issues that are common across correctional facilities and pertinent to the characteristics of each specific facility, as well as findings from reports and empirical studies relevant to sexual abuse issued by DOJ, academia, or professional sources. The final determination as to adequate staffing levels remains at the discretion of the facility or agency administration.

A shorter list of factors for consideration is required for lockups and community confinement facilities, specifically:

- The physical layout of the facility;
- The composition of the detainee/resident population (such as gender, age, security level, and length of time individuals reside in the facility);
- The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- Any other relevant factors.

At least annually, or more frequently if necessary, facilities must reassess, determine, and document whether adjustments to the staffing plan or resources devoted to supervision and monitoring are needed, making any necessary adjustments.

**Standard 115.13** requires prisons and jails to use “best efforts to comply on a regular basis” with the staffing plan. While this language does not appear in **115.113** or **115.213**, all adult facilities must document and justify deviations from the staffing plan. Full compliance with the plan is not required to achieve compliance with the standard. DOJ determined that requiring “best efforts” is more appropriate to avoid penalizing agencies that unsuccessfully seek to obtain additional funds.

- Supervision and monitoring in juvenile facilities

For secure juvenile facilities, **Standard 115.313** requires a minimum staffing ratio of 1:8 for supervision during resident waking hours and 1:16 during resident sleeping hours. These ratios include only security

staff. Agencies may depart from these minimum ratios during limited and discrete exigent circumstances, which must be fully documented for audit purposes.

Non-secure juvenile facilities are not required to maintain a minimum staffing ratio.

In order to provide agencies with sufficient time to readjust staffing levels and, if necessary, request additional funding, any facility that, as of June 20, 2012, is not already obligated by law, regulation, or judicial consent decree to maintain the required staffing ratios shall have until October 1, 2017, to achieve compliance. Additionally, DOJ invites public comment on **115.313(c)** though the Final Rule is still in effect.

Although DOJ encourages the use of continuous, direct supervision, the standards do not require direct supervision in secure juvenile facilities in recognition that major, costly renovations would be required to adapt some physical plants to the direct supervision model. For more on this issue, please visit the PRC [FAQ page](#).

For youth housed in adult facilities, however, the standards are clear in their requirements regarding direct supervision. See youthful inmates below.

- Youthful inmates

The standards define a youthful inmate as “any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.” **Standard 115.14** requires adult prisons and jails to house youthful inmates separately from adult inmates. However, agencies may manage this population outside of a housing unit if supervised directly by staff.

Facilities and agencies have flexibility in complying with this standard. For example, they can:

1. Confine all youthful inmates to a separate housing unit;
2. Transfer youthful inmates to a facility within the agency that enables them to be confined to a separate unit;
3. Enter into a cooperative agreement with an outside jurisdiction to enable compliance; or
4. Cease confining youthful inmates in adult facilities as a matter of policy or law.

Agencies may, of course, combine these approaches as they see fit. For more on this issue, please visit the PRC [FAQ page](#).

- Cross-gender supervision

At its most basic, **Standard 115.15/115.115/115.215/115.315** has three parts.

1. All cross-gender strip and body cavity searches are prohibited except in exigent circumstances. For prisons, jails, and community confinement facilities, the standard also disallows the use of cross-gender pat searches for female inmates and residents. The juvenile facility standard, **115.315**, further prohibits cross-gender pat searches of both male and female residents except in exigent circumstances.
2. Opposite-gender staff members must “knock and announce” when entering a housing unit. More generally, facilities are required to implement policies and procedures that enable inmates, detainees, and residents to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.
3. Intrusive searches for the purpose of determining gender for transgender or intersex inmates, detainees, or residents are prohibited.

In order to mitigate agency burdens for implementing the staffing changes that the PREA standards may require for jails, prisons, and community confinement facilities, DOJ has provided that agencies will have additional time to comply with this particular standard (August 2015, or August 2017 for facilities whose rated capacity is less than 50 inmates). For more on this issue, please visit the PRC [FAQ page](#).

- Hiring and promotion decisions

**Standard 115.17/115.117/115.217/115.317** prohibits agencies from hiring or promoting any employee or contractor who may have contact with inmates, detainees, or residents who:

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;<sup>1</sup>
2. Has been convicted of engaging in forced or coerced sexual activity in the community; or
3. Has been civilly or administratively adjudicated to have engaged in forced or coerced sexual activity in the community.

---

<sup>1</sup> National Standards to Prevent, Detect, and Respond to Prison Rape, 77 Fed. Reg. 119 (June 20, 2012) <http://www.prearesourcecenter.org/sites/default/files/library/2012-12427.pdf>; For the operative definition of “institution,” see the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. §1997.

The standard also requires agencies to consider any incidents of sexual harassment in making decisions regarding employees and contractors and to provide information regarding such incidents to possible future institutional employers unless prohibited by law. The standard includes requirements for obtaining this information about prospective and current employees and contractors, including mandating that at least every five years agencies conduct criminal background checks of current employees and contractors who have contact with inmates, detainees, or residents. Additionally, for juvenile settings, **Standard 115.317** requires a check of any child abuse registry maintained by the state or locality in which the employee would work.

## **RESOURCES.**

### **General:**

- [The National PREA Standards: Implications for Human Resource Practices in Correctional Settings Webinar](#), Project on Addressing Prison Rape in collaboration with the National PREA Resource Center (2012).
- [PREA in Action: PREA Readiness Webinar](#), Vera Institute of Justice in collaboration with the National PREA Resource Center (2012).
- [Preventing the Sexual Abuse of Lesbian, Gay, Bisexual, Transgender, and Intersex People in Correctional Settings](#) (2010).
- People in Correctional Settings, ACLU and others (2010).
- [The Prison Rape Elimination Act: Implementation and Unresolved Issues](#), Brenda V. Smith (2008).
- [Promising Practices to Prevent Inmate Sexual Assault](#), Colorado Department of Public Safety (2007).
- [Preventing Violence and Sexual Assault in Jail: A Situational Crime Prevention Approach](#), Nancy G. La Vigne, Sara Debus-Sherrill, Diana Brazzell, P. Mitchell Downey, Urban Institute (2011).
- [Survivors Behind Bars: Supporting Survivors of Prison Rape and Sexual Assault](#), Linda McFarlane and Melissa Rothstein (2010).

### **Adult Prisons and Jails:**

- [Prison Rape Elimination Act: Considerations for Policy Review – Adult Prisons and Jail Standards](#), The Moss Group (2012).
- [Implementing the Prison Rape Elimination Act: A Toolkit for Jails](#), Center for Innovative Public Policies and The Moss Group in collaboration with the Bureau of Justice Assistance (2012).
- [PREA 101: Adult Prisons Webinar](#), The Project on Addressing Prison Rape in collaboration with the National PREA Resource Center (2012).
- [The PREA Toolkit for Jails and Juvenile Facilities Webinar](#), The Moss Group and the Center for Innovative Public Policies in collaboration with the National PREA Resource Center (2012).
- [Breaking the Code of Silence: Correctional Officers' Handbook on Identifying and Addressing Sexual Misconduct](#), The Project on Addressing Prison Rape (2007.)

- [Sexual Victimization Reported by Former State Prisoners](#), 2008, Allen J. Beck and Candace Johnson (2012).
- [Risk Markers for Sexual Predation and Victimization in Prison](#), Janet I. Warren, Shelly L. Jackson, Ann Booker Lober, and Mandi L. Burnette (2010).

### **Community Confinement Facilities:**

- [Addressing Sexual Misconduct in Community Corrections](#), Susan W. McCampbell and others (2003).
- [When the Offender is a Victim: Community Corrections' Response to Prison Rape](#), American Probation and Parole Association Webinar (2013).
- [Embracing the Standards: Community Corrections Webinar](#), Vera Institute of Justice in collaboration with the National PREA Resource Center (2012).
- [PREA 101: Community Corrections Webinar](#), The Project on Addressing Prison Rape in collaboration with the National PREA Resource Center (2012).
- [Preventing and Responding to Corrections-Based Sexual Abuse: A Guide for Community Corrections Professionals](#), Carrie E. Abner, Jane Browning, and John Clark (2009).
- [Antifraternalization Policies in Community Corrections: A Tool to Address Staff Sexual Misconduct](#), Nairi M. Simonian and Brenda V. Smith (2007).

### **Juvenile Facilities:**

- [Model Policy and Practice Guidelines for Providing Non-Discriminatory Services to Lesbian, Gay, Bisexual, and Transgender \(LGBT\) Youth in Juvenile Justice Facilities](#), National Center for Lesbian Rights (2008).
- [Implementing The Prison Rape Elimination Act: A Toolkit for Juvenile Agencies and Facilities](#), Center for Innovative Public Policies and The Moss Group in collaboration with the Bureau of Justice Assistance (2012).
- [Embracing the Standards: Youth Corrections Webinar](#), Vera Institute of Justice in collaboration with the National PREA Resource Center (2012).
- [Prison Rape Elimination Act: Considerations for Policy Review – Juvenile Corrections](#), The Moss Group (2012).
- [PREA 101: Juvenile Agencies Webinar](#), The Project on Addressing Prison Rape in collaboration with the National PREA Resource Center (2012).
- [The PREA Toolkit for Jails and Juvenile Facilities Webinar](#), The Moss Group and the Center for Innovative Public Policies in collaboration with the National PREA Resource Center (2012).
- [Staff Sexual Misconduct With Inmates: Policy Development Guide for Sheriffs and Jail Administrators](#), Susan W. McCampbell and Larry S. Fischer (2002).
- [Protecting Youth Offenders From Sexual Victimization. Issue Brief](#),

Oregon Youth Authority (2011).

### **Lockups:**

- [PREA 101: Jails and Lockups Webinar](#), The Project on Addressing Prison Rape in collaboration with the National PREA Resource Center (2012).
- [Police & Law Enforcement Short-term Holding Facilities & The Prison Rape Elimination Act of 2003: Information and Assistance for Law Enforcement & Chiefs of Police](#) (2003).
- [Update on the Prison Rape Elimination Act](#), Michael. S. McCampbell (2010).
- [Ensuring Safety and Reducing Liability in Police Lockups & Holding Cells: How New PREA Guidelines Affect Law Enforcement, International Association of Chiefs of Police](#) (2012).

## **2. Responsive Planning**

The responsive planning standards require agencies to take steps to ensure that all incidents of sexual abuse are investigated and that victims of sexual abuse have access to forensic medical exams and rape crisis advocates. Agencies that are unable to provide access to rape crisis advocates must document their efforts to secure advocacy services and provide access instead to either a qualified staff member from a community-based organization or a qualified agency staff member.

**STANDARDS.** Click on the following links to access the responsive planning standards for [Adult Prisons and Jails](#), [Community Confinement Facilities](#), [Juvenile Facilities](#), and [Lockups](#).

### **ISSUES.**

- Evidence protocol and forensic medical examinations  
**Standard 115.21/115.121/115.221/115.321** broadly requires agencies to follow a uniform evidence protocol adapted from the DOJ's Office on Violence Against Women publication, "[A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents](#) – Second Edition," or another similarly comprehensive and authoritative protocol developed after 2011. Within that broad mandate, the standard contains two of the PREA standards' specific requirements for ensuring a victim-centered response to an incident of sexual abuse at a correctional facility:
  1. Victim access to forensic medical exams, without financial cost, where evidentiarily or medically appropriate; and
  2. Victim access to rape crisis advocates.

Whether conducted onsite or at a medical facility, the standard instructs correctional facilities to use a Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE) to perform exams where possible. Facilities in areas where no SANE or SAFE is available must document efforts to find SANEs or SAFEs and then provide other



qualified medical professionals for the exams. The standard further requires facilities to use a developmentally appropriate protocol for youth. Since no national protocol for pediatric sexual assault exists, contact your local sexual assault or domestic violence coalitions to inquire about your state's protocol. To find state-level coalitions, visit this [website](#).

Recognizing the unique role of rape crisis center advocates in providing support, crisis intervention, information, and referrals to victims throughout the forensic medical exam process and ensuing investigation(s), **Standard 115.21/115.221/115.321** requires facilities to attempt to secure advocacy services from rape crisis centers for victims of sexual abuse in confinement. For lockups, the requirement is slightly different. **Standard 115.121** states that if a detainee is sent to an outside hospital for a forensic medical exam and that hospital offers victim advocacy services, the detainee must be permitted to use those services to the extent available, consistent with security needs.

Prisons, jails, community confinement facilities, and juvenile facilities in rural or other areas without rape crisis centers are required to document their efforts to locate advocacy services and are given the option of substituting a qualified staff member from a community-based organization or a qualified agency staff member for a rape crisis advocate. If a facility uses a qualified staff member from a community-based social services organization or agency staff, it must screen that person for appropriateness and ensure that he or she receives education concerning sexual abuse issues and forensic exams.

## RESOURCES.

### General:

- [Responding to Sexual Abuse of Inmates in Custody: Addressing the Needs of Men, Women, and Gender Non-Conforming Individuals Webinar](#), The Project on Addressing Prison Rape in collaboration with the National PREA Resource Center (2013).
- [It Takes a Team: Building a Coordinated Response to Sexual Abuse in Prison Webinar](#), Just Detention International (2012).
- [Understanding the Issue: An Overview of Sexual Abuse in Prison Webinar](#), Just Detention International (2012).
- [It Starts With You: Victim Advocates and the New Federal Standards to Stop Prisoner Rape Webinar](#), Just Detention International in collaboration with the National PREA Resource Center (2012).
- List of State Sexual Assault Coalitions available on the [website](#) of DOJ's Office on Violence Against Women (2012).
- Interactive Map of Resources for Survivors on Just Detention International's [website](#).
- [Sexual Abuse in Correctional Settings: What Rape Crisis Counselors](#)

- [Need to Know](#), The Project on Addressing Prison Rape (2011).
- [National Training Standards for Sexual Assault Medical Forensic Examiners](#), US Department of Justice, Office on Violence Against Women (2006).
- [Meeting the Needs of Prison Rape Victims: A Technical Assistance Guide for Sexual Assault Counselors and Advocates](#), Pennsylvania Coalition Against Rape (2006).
- Listing of SANE Programs available on the International Association of Forensic Nurses' [website](#) (2013).
- [A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents](#), US Department of Justice, Office on Violence Against Women, Second Edition (2013).

#### **Adult Prisons and Jails:**

- [First Step: PREA and Victim Services in Jails, Part I Webinar](#), Just Detention International in collaboration with the National PREA Resource Center (2013).
- [Making Your Plan: PREA and Victim Services in Jails, Part II Webinar](#), Just Detention International in collaboration with the National PREA Resource Center (2013).
- [Implementing the Prison Rape Elimination Act: A Toolkit for Jails](#), Center for Innovative Public Policies and The Moss Group in collaboration with the Bureau of Justice Assistance (2012).
- [The PREA Toolkit for Jails and Juvenile Facilities Webinar](#), The Moss Group and the Center for Innovative Public Policies in collaboration with the National PREA Resource Center (2012).
- [The Big Picture: Victim Services in Prison, Part I Webinar](#), Just Detention International in collaboration with the National PREA Resource Center (2012).
- [PREA in Action: Arlington County Jail Webinar](#), Vera Institute of Justice in collaboration with the National PREA Resource Center (2012).
- [Getting to Work: PREA and Victim Services in Prisons, Part II Webinar](#), Just Detention International in collaboration with the National PREA Resource Center (2012).

#### **Community Confinement Facilities:**

- [When the Offender is a Victim: Community Corrections' Response to Prison Rape Webinar](#), American Probation and Parole Association (2013).
- [Preventing and Responding to Corrections-Based Sexual Abuse: A Guide for Community Corrections Professionals](#), Carrie E. Abner, Jane Browning, and John Clark (2009).

#### **Juvenile Facilities:**

- [Implementing the Prison Rape Elimination Act: A Toolkit for Juvenile Agencies and Facilities](#), Center for Innovative Public Policies and The Moss Group in collaboration with the Bureau of Justice Assistance (2012).

- [The PREA Toolkit for Jails and Juvenile Facilities Webinar](#), The Moss Group and the Center for Innovative Public Policies in collaboration with the National PREA Resource Center (2012).
- [Addressing Sexual Violence Against Youth in Custody: Youth Workers' Handbook on Identifying and Addressing Sexual Violence in Juvenile Justice Settings](#), The Project on Addressing Prison Rape (2013).

#### **Lockups:**

- [Enhancing Law Enforcement Response to Victims](#), Office of Victims of Crime and International Association of Chiefs of Police.

### **3. Training and Education**

These standards set out the requirements for training and educating employees, volunteers, contractors, inmates, residents, detainees, staff who investigate sexual abuse, and medical and mental health staff. The resources below offer information and curricula for training the different audiences. See below for links to the standards and helpful resources.

**STANDARDS.** Click on the following links to access the training and education standards for [Adult Prisons and Jails](#), [Community Confinement Facilities](#), [Juvenile Facilities](#), and [Lockups](#).

#### **ISSUES.**

- Training

**Standard 115.31/115.131/115.231/115.331** requires agencies to train all employees who have contact with inmates/detainees/residents on specific topics related to sexual abuse and sexual harassment. Agencies must provide refresher training every two years. **Standard 115.32/115.132/115.232/115.332** requires agencies to train all volunteers and contractors who have contact with inmates/detainees/residents on their responsibilities under the agency's sexual abuse and sexual harassment policies and procedures. Under the standards, agencies may tailor the level and type of training provided to volunteers and contractors based on how much contact they have with inmates/detainees/residents.

Recognizing that conducting investigations of sexual abuse in confinement settings requires specialized knowledge and skills, **Standard 115.34/115.134/115.234/115.334** mandates specialized training for agency investigators that conduct those investigations. The standard requires training on techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. **Standard 115.35/115.235/115.335** similarly requires specialized training for medical and mental health care practitioners in prisons, jails, community confinement facilities, and juvenile facilities. Such

practitioners are required to be trained on how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence of sexual abuse, how to respond to victims, and how and to whom to report allegations and suspicions of sexual abuse and sexual harassment.

- Inmate education  
**Standard 115.33/115.233** requires agencies to provide information on the agency's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents to inmates/residents upon intake. Within 30 days of intake, agencies must provide comprehensive education to inmates/residents either in person or through video on their right to be free from sexual abuse and sexual harassment, their right to be free from retaliation for reporting any incidents, and the agency's response policies and procedures. For juvenile facilities, **Standard 115.333** requires agencies to provide age-appropriate education within 10 days of intake. For lockups, **Standard 115.132** requires agencies to notify detainees of the agency's zero tolerance policy regarding sexual abuse and sexual harassment.

## RESOURCES.

### General:

- A Handbook for Investigating Allegations of Staff Sexual Misconduct with Offenders, The Project on Addressing Prison Rape (forthcoming summer 2013).
- [Specialized Training: Medical/Mental Health Care](#), National Commission on Correctional Healthcare (2013).
- [Human Resources and Administrative Investigations Pre-Curriculum](#), The Project on Addressing Prison Rape in collaboration with the National PREA Resource Center (2012).
- [Sexual Abuse in Correctional Settings: What Rape Crisis Counselors Need to Know](#), The Project on Addressing Prison Rape (2011).
- [Investigating Allegations of Staff Sexual Misconduct with Offenders Curriculum](#), The Project on Addressing Prison Rape in collaboration with the National Institute of Corrections (2010).
- [Meeting the Needs of Prison Rape Victims: A Technical Assistance Guide for Sexual Assault Counselors and Advocates](#), Pennsylvania Coalition Against Rape (2006).
- [Addressing Staff Sexual Misconduct With Offenders Curriculum](#), The Project on Addressing Prison Rape in collaboration with the National Institute of Corrections (2004).

### Adult Prisons and Jails:

- Responding to Inmate-on-Inmate Sexual Abuse Curriculum, The Project on Addressing Prison Rape in collaboration with the National Institute of Corrections (forthcoming Summer 2013).

- [Responding to Sexual Abuse of Inmates in Custody: Responding to the Needs of Men, Women, and Gender Non-Conforming Populations Pre-Curriculum](#), The Project on Addressing Prison Rape in collaboration with the National PREA Resource Center (2013).
- [Crafting Your Program: PREA and Inmate Education in Prisons, Part II Webinar](#), Just Detention International in collaboration with the National PREA Resource Center (2013).
- [Laying the Groundwork: PREA and Inmate Education in Prisons, Part I Webinar](#), Just Detention International in collaboration with the National PREA Resource Center (2012).
- [Breaking the Code of Silence: Correctional Officers' Handbook on Identifying and Addressing Sexual Misconduct](#), The Project on Addressing Prison Rape (2007).

#### **Community Confinement Facilities:**

- [PREA Statewide Probation and Parole Direction](#), National Institute of Corrections and The Moss Group (2007).

#### **Juvenile Facilities:**

- [END SILENCE: Youth Speaking Up About Sexual Abuse in Custody Comic Book Series](#), The Project on Addressing Prison Rape (2012).
- [Addressing Sexual Violence Against Youth in Custody: Youth Workers' Handbook on Identifying and Addressing Sexual Violence in Juvenile Justice Settings](#), The Project on Addressing Prison Rape (2012).
- [Addressing Sexual Abuse of Youth in Custody Curriculum](#), The Project on Addressing Prison Rape in collaboration with the National Institute of Corrections (2010).

#### **Lockups:**

- [The International Association of Chiefs of Police Response to Violence Against Women Project](#) (includes training videos, investigative guidelines, supplemental report forms, and other tools).
- [The Prison Rape Elimination Act of 2003 and Law Enforcement Agencies: What Every Law Enforcement Manager and Supervisor Needs to Know](#), Instructors Guide, Lesson Plans, and Resources, Center for Innovative Public Policy (2007).
- [The Prison Rape Elimination Act of 2003 and Law Enforcement Agencies: What Every Law Enforcement Executive Needs to Know](#), Instructors Guide, Lesson Plans, and Resources, Center for Innovative Public Policy (2007).

### **4. Screening for Risk of Sexual Victimization and Abusiveness**

The standards require inmates, detainees, and residents to be screened for risk of being sexually abused or sexually abusive; that screening information must be used to inform housing, bed, work, education, and program assignments for inmates and residents. The goal is to keep those individuals at high risk of victimization away from those at high risk of committing abuse. However, facilities may not simply place victims in segregated housing against their will unless a determination has

been made that no alternative means of separation is available, and even then only under specified conditions and with periodic reassessment. **Standard 115.43/115.342** requires agencies to document instances when a decision is made to place someone in segregated housing.<sup>2</sup>

**STANDARDS.** Click on the following links to access the screening standards for [Adult Prisons and Jails](#), [Community Confinement Facilities](#), [Juvenile Facilities](#), and [Lockups](#).

## **ISSUES.**

- Screening for risk of victimization and abusiveness  
**Standard 115.41/115.241** requires agencies to screen inmates/residents during intake and upon transfer to another facility for their risk of being sexually abused by other inmates/residents or sexually abusing other inmates/residents. Because no single, validated screening instrument grounded in research currently exists for this type of risk assessment, the standard requires agencies to use an objective, fact-based instrument containing specific criteria enumerated in the standard. Additionally, recognizing the potential danger of over-classifying people as vulnerable or abusive at intake, the standard requires agencies to reassess an inmate's/resident's risk of victimization or abusiveness within 30 days of his or her arrival at the facility. For more on this issue, please visit the PRC [FAQ page](#).

The juvenile standard, **115.341**, sets similar requirements but specifically calls on agencies to obtain information through conversations with each resident during the intake process, medical and mental health screenings, and the classification assessment; and from review of case files and other documentation. The juvenile standard also requires facilities to obtain and review information "periodically throughout a resident's confinement," rather than setting a 30-day deadline for reassessment.

Because of the short-term nature of lockups, **Standard 115.141** sets more limited screening requirements. For lockups that house detainees overnight, staff are required to ask detainees about their own perception of vulnerability and to screen detainees for risk of sexual victimization using a short list of criteria. For lockups that do not house detainees overnight, staff must consider whether, based on the information before them, detainees are at risk of being sexually abused and take steps to keep those detainees safe.

- Use of screening information  
Standard **115.42/115.242/115.342**<sup>3</sup> requires agencies to use the

---

<sup>2</sup> This does not apply to community confinement facilities or lockups.

<sup>3</sup> This standard does not apply to lockups.

screening information obtained during intake to inform housing, bed, work, education, and program assignments with the goal of separating inmates and residents at high risk of being sexually victimized from those at high risk of being sexually abusive. In deciding whether to assign a transgender or intersex individual to a facility for males or females, and in making other housing and programming assignments, the standard prohibits agencies from making those assignments based solely on genital status. Rather, the agency must consider on a case-by-case basis whether a placement would ensure the inmate's/resident's health and safety and whether the placement would present management or security problems, giving serious consideration to the inmate's/resident's own views regarding his or her own safety. In addition, the standard mandates that transgender and intersex inmates and residents be given the opportunity to shower separately from other inmates and residents. For more on this issue, please visit the PRC [FAQ page](#).

For juvenile facilities, **Standard 115.342** makes clear that residents may only be isolated from others as a last resort when less restrictive measures are inadequate to keep them and other residents safe. When isolation is used, the standard mandates that juveniles not be denied daily large-muscle exercise or any legally required educational programming or special education services. Facilities are also required to provide daily visits from a medical or mental health clinician and to provide access to other programs and work opportunities to the extent possible.

## **RESOURCES.**

### **General:**

- Policy Review and Development Guide: Lesbian, Gay, Bisexual, Transgender, and Intersex Persons in Custodial Settings, The Project on Addressing Prison Rape in collaboration with the National Institute of Corrections (2012).
- [LGBT People and the Prison Rape Elimination Act](#), National Center for Transgender Equality (2012).
- [Classification and Sexual Safety Workshop – Record of Meeting](#), The Moss Group and Center for Innovative Public Policies (2010).
- [Descriptive and Predictive Characteristics of Perpetrators and Victims of Substantiated Prisoner-on-Prisoner Sexual Assault](#), Michigan Department of Corrections, 1998–2006, Michigan State University (2007).
- [Staff Perceptions of Risk for Prison Rape Perpetration and Victimization](#), Valerie Gonsalves, Kate Walsh, and Mario Scalora (2012).

### **Adult Prisons and Jails:**

- [A Quick Guide for LGBTI Policy Development for Adult Prisons and](#)



- [Jails](#), The Moss Group and National Institute of Corrections (2012).
- [Inmate Sexual Misconduct/Sexual Assault Procedure 5-229](#), Arlington County Sheriff's Office (2011).

#### **Juvenile Facilities:**

- [A Quick Guide for LGBTI Policy Development for Youth Confinement Facilities](#), The Moss Group and National Institute of Corrections (2012).
- [CWLA Best Practice Guidelines: Serving LGBT Youth in Out-of-Home Care](#), Shannan Wilber, Caitlin Ryan, and Jody Marksamer (2006).
- [Keeping LGBTQ Youth Safe in Juvenile Justice & Delinquency Placements](#), CWLA/Lambda Legal Joint Initiative (2013).

## **5. Reporting**

The standards require agencies to provide at least two internal reporting avenues and at least one way to report abuse to a public or private entity or office that is not part of the agency in order to allow inmates, detainees, and residents to remain anonymous upon request. An agency must also provide a way for third parties to report such abuse on behalf of an inmate, detainee, or resident. In addition, agencies are required to provide inmates and residents with access to outside victim advocates for emotional support services related to sexual abuse by giving them contact information for local, state, or national victim advocacy or rape crisis organizations and by enabling reasonable communication between inmates/residents and these organizations, with as much confidentiality as possible.

**STANDARDS.** Click on the following links to access the reporting standards for [Adult Prisons and Jails](#), [Community Confinement Facilities](#), [Juvenile Facilities](#), and [Lockups](#).

#### **ISSUES.**

- Access to outside support services  
Like the evidence protocol and forensic medical examinations standard (**Standard 115.21/115.121/115.221/115/321**), **Standard 115.53/115.253/115.353**<sup>4</sup> recognizes the unique role of rape crisis center advocates in providing support, crisis intervention, information, and referrals to victims. This standard requires facilities to provide inmates and residents with access to victim advocates for emotional support services related to sexual abuse by supplying mailing addresses and telephone numbers of local, state, or national victim advocacy or rape crisis organizations. Facilities are required to provide access to immigrant services agencies for persons detained solely for civil immigration purposes in adult prisons, jails, or juvenile facilities. (Note that the US Department of Homeland Security (DHS) has released [proposed standards](#) for DHS confinement facilities.) The standard further requires facilities to enable reasonable communication between inmates/residents and these organizations, in as confidential

---

<sup>4</sup> This standard does not apply to lockups.



a manner as possible. Juvenile facilities must also provide residents with reasonable access to their attorneys or other legal representation and to parents or legal guardians.

## **RESOURCES.**

### **General:**

- List of State Sexual Assault Coalitions available on the [website](#) of DOJ's Office on Violence Against Women (2012).
- [National Training Standards for Sexual Assault Medical Forensic Examiners](#), US Department of Justice (2006).
- [A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents](#), Second Edition, US Department of Justice, Office on Violence Against Women (2013).

### **Adult Prisons and Jails:**

- [PREA and Victims Services](#) in Jails [Webinars](#), Just Detention International in collaboration with the National PREA Resource Center (2013).
- [Implementing the Prison Rape Elimination Act: A Toolkit for Jails](#), Center for Innovative Public Policies and The Moss Group in collaboration with the Bureau of Justice Assistance (2012).
- [Staff Emergency Procedures Pocket Guide](#), Arlington County Sheriff's Office (2011).

### **Juvenile Facilities:**

- [Implementing the Prison Rape Elimination Act: A Toolkit for Juvenile Agencies and Facilities](#), Center for Innovative Public Policies and The Moss Group in collaboration with the Bureau of Justice Assistance (2012).

### **Lockups:**

- [Building Trust Between the Police and the Citizens They Serve: An Internal Affairs Promising Practices Guide for Local Law Enforcement](#), International Association of Chiefs of Police (2010).

## **6. Official Response Following an Inmate/Detainee/Resident Report**

The standards governing an agency's official response cover staff and agency reporting duties, the agency's duty to protect someone at imminent risk of sexual abuse, the agency's responsibility to report allegations of incidents occurring at another facility to that facility, staff first responder duties, coordinated response, prohibition on agreements that would limit the agency's ability to separate alleged staff abusers from inmates/detainees/residents, and protection for staff and inmates/detainees/residents against retaliation for reporting sexual abuse or harassment.

**STANDARDS.** Click on the following links to access the official response standards for [Adult Prisons and Jails](#), [Community Confinement Facilities](#),

[Juvenile Facilities](#), and [Lockups](#).

## **RESOURCES.**

### **General:**

- [Legal Liability for Sexual Abuse of Individuals Under Custodial Supervision Webinar](#), Project on Addressing Prison Rape in collaboration with the National PREA Resource Center (2012).
- List of State Sexual Assault Coalitions available on the [website](#) of DOJ's Office on Violence Against Women (2012).
- [It Starts With You: Victim Advocates and the New Federal Standards to Stop Prisoner Rape Webinar](#), Just Detention International in collaboration with the National PREA Resource Center (2012).
- [Sexual Abuse in Correctional Settings: What Rape Crisis Counselors Need to Know](#), The Project on Addressing Prison Rape (2011).
- [Sexual Assault in Jail and Juvenile Facilities: Promising Practices for Prevention and Response](#), Kim English, Peggy Heil, and Robert Dumond (2010).
- [National Training Standards for Sexual Assault Medical Forensic Examiners](#), US Department of Justice (2006).
- [A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents](#), US Department of Justice, Second Edition, Office on Violence Against Women (2013).

### **Adult Prisons and Jails:**

- [Implementing the Prison Rape Elimination Act: A Toolkit for Jails](#), Center for Innovative Public Policies and The Moss Group in collaboration with the Bureau of Justice Assistance (2012).
- [Staff Emergency Procedures Pocket Guide](#), Arlington County Sheriff's Office (2011).
- [Investigating Sexual Assaults in Correctional Facilities](#), National Institute of Corrections (2007).

### **Community Confinement Facilities:**

- [Embracing the Standards: Community Corrections Webinar](#), National PREA Resource Center and Vera Institute of Justice (2012).

### **Juvenile Facilities:**

- [Implementing the Prison Rape Elimination Act: A Toolkit for Juvenile Agencies and Facilities](#), Center for Innovative Public Policies and The Moss Group in collaboration with the Bureau of Justice Assistance (2012).

## **7. Investigations**

Agencies that conduct their own investigations into sexual abuse or harassment must do so promptly, thoroughly, and objectively. The standards require investigations whenever such allegations are made, including third-party and anonymous reports, and prohibit the termination of an investigation on the grounds

that the alleged abuser or victim is no longer employed or housed by the facility or agency. In addition, agencies must use investigators who have received special training in conducting sexual abuse investigations.

The standards set forth requirements for gathering and preserving evidence, conducting compelled interviews, determining witness credibility, conducting administrative and criminal investigations, making referrals for criminal prosecution, and retaining records. The standards also provide for situations in which outside investigators perform investigations.

**STANDARDS.** Click on the following links to access the investigation standards for [Adult Prisons and Jails](#), [Community Confinement Facilities](#), [Juvenile Facilities](#), and [Lockups](#).

## **RESOURCES.**

### **General:**

- [The National PREA Standards: Implications for Human Resource Practices in Correctional Settings Webinar](#), The Project on Addressing Prison Rape in collaboration with the National PREA Resource Center (2012).
- [Investigating Sexual Assaults in Correctional Facilities](#), National Institute of Corrections and Washington College of Law Project on Addressing Prison Rape (2010).
- [Overview of Sexual Abuse in Confinement: An Introduction for Prosecutors Webinar](#), Viktoria Kristiansson and AEquitas in collaboration with the National PREA Resource Center (2013).
- [Pretrial Motions: Admitting and Excluding Evidence in the Prosecution of Sexual Abuse in Confinement Webinar](#), Viktoria Kristiansson and AEquitas in collaboration with the National PREA Resource Center (2013).
- [Investigating Allegations of Staff Sexual Misconduct With Offenders Curriculum](#), The Project on Addressing Prison Rape in collaboration with the National Institute of Corrections (2010).

### **Adult Prisons and Jails:**

- [Misconduct Investigations Flowchart](#), Montana Department of Corrections (2011).
- [Investigations of Allegations of Gender-Based Misconduct](#), Michigan Department of Corrections (2010).
- [Criminal Investigation Unit Responsibilities and Actions](#), Missouri Department of Corrections (2007).

### **Community Confinement Facilities:**

- [Colorado Community Corrections PREA Procedures](#), Colorado Department of Corrections (2012).

### **Juvenile Facilities:**

- [Abuse of Youth in Custody Curriculum](#), National Institute of Corrections and Washington College of Law Project on Addressing Prison Rape (2010).

#### **Lockups:**

- [Addressing Sexual Offenses and Misconduct by Law Enforcement: Executive Guide](#), International Association of Chiefs of Police (2011).
- [International Association of Chiefs of Police Response to Violence Against Women Project](#) (includes training videos, investigative guidelines, supplemental report forms, and other tools).

## **8. Discipline**

The standards require that staff be subject to discipline for violating agency policies regarding sexual abuse, with termination the presumptive discipline for staff engagement in sexual abuse. For violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse), the standards call for sanctions to be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. Terminations or resignations linked to committing acts of sexual abuse or violating such policies are to be reported to law enforcement (unless the conduct was clearly not criminal) and relevant licensing bodies.

**STANDARDS.** Click on the following links to access the discipline standards for [Adult Prisons and Jails](#), [Community Confinement Facilities](#), [Juvenile Facilities](#), and [Lockups](#).

## **RESOURCES.**

#### **General:**

- [Legal Responses to Sexual Violence in Custody: Using Existing State Mandatory Reporting Statutes to Improve Disclosure of Sexual Violence in Correctional Settings](#), Brenda V. Smith, Loren Ponds, and Melissa Loomis (2013).
- [Sexual Abuse in Custody: A Case Law Survey](#), Brenda V. Smith and Melissa C. Loomis in collaboration with the National PREA Resource Center (2013).
- [Cross-Gender Searches: A Case Law Survey](#), Brenda V. Smith and Melissa C. Loomis in collaboration with the National PREA Resource Center (2013).
- [Legal Responses to Sexual Violence in Custody, Sex Offender Registration Statutes: Impact on Addressing Sexual Abuse in Custodial Settings](#), Brenda V. Smith and Mary Elizabeth Pavlik (2012).
- [Fifty State Surveys of State Criminal Laws](#), The Project on Addressing Prison Rape.
  - [Fifty-State Survey of State Criminal Laws Prohibiting Sexual Abuse of Individuals in Custody](#) (2010).
  - [Fifty-State Survey of Mandatory Reporting Laws](#) (2012).

- [Fifty-State Survey of Abuse of Vulnerable Persons Statutes](#) (2012).
- [Fifty-State Survey of Adult Sex Offender Registration Requirements](#) (2010).
- [Fifty-State Survey of Juvenile Sex Offender Registration Requirements](#) (2009).
- [Fifty-State Survey of Official Misconduct Statutes](#) (2009).
- [Fifty-State Survey of State Criminal Laws Addressing the Sexual Exploitation of Minors](#) (2011).
- [Fifty-State Survey of State Criminal Laws on Sexual Abuse](#) (2012).
- [Labor and Employment Law: Tools for Prevention, Investigation and Discipline of Staff Sexual Misconduct in Custodial Settings](#), The Project on Addressing Prison Rape (2009).
- [A Memo Regarding Anti-Fraternization Policies and Case Law in the Ninth Circuit](#), The Project on Addressing Prison Rape (2006).
- [Legal Responses to Sexual Violence in Custody: State Criminal Laws Prohibiting Sexual Abuse of Individuals Under Custodial Supervision](#), The Project on Addressing Prison Rape (2009).
- [Prosecuting Sexual Violence in Correctional Settings: Examining Prosecutors' Perceptions](#), Brenda V. Smith and Jaime M. Yarussi (2008).

#### **Community Confinement Facilities:**

- [Preventing and Responding to Corrections-Based Sexual Abuse: A Guide for Community Corrections Professionals](#), Carrie E. Abner, Jane Browning, and John Clark (2009).
- [Standards for the Prevention, Detection, Response, and Monitoring of Sexual Abuse in Community Corrections](#), National Prison Rape Elimination Commission (2008).

#### **Lockups:**

- [Enhancing Law Enforcement Response to Victims](#), Office of Victims of Crime and International Association of Chiefs of Police.

## **9. Medical and Mental Care**

The standards require that all facilities provide timely, unimpeded access to emergency medical treatment and crisis intervention services, whose nature and scope are determined by practitioners according to their professional judgment. Inmate and resident victims of sexual abuse while incarcerated must be offered timely information about, and timely access to, emergency contraception and sexually transmitted infections prophylaxis, where medically appropriate.<sup>5</sup> Where relevant, inmate and resident victims must also receive comprehensive information about, and timely access to, all lawful pregnancy-related medical services.<sup>6</sup>

---

<sup>5</sup> This section of the standard does not apply to lockups.

<sup>6</sup> This section of the standard does not apply to lockups.

**STANDARDS.** Click on the following links to access the medical and mental care standards for [Adult Prisons and Jails](#), [Community Confinement Facilities](#), [Juvenile Facilities](#), and [Lockups](#).

**RESOURCES.** Below are resources that can help guide efforts to provide appropriate medical and mental health care for victims of sexual abuse.

**General:**

- [Specialized Training: Medical/Mental Health Care](#), National Commission on Correctional Healthcare (2013).
- [Sexual Abuse in Correctional Settings: What Rape Crisis Counselors Need to Know](#), The Project on Addressing Prison Rape (2011).
- [Medical Management of Exposures: HIV, HBV, HCV, Human Bites, and Sexual Assaults](#), Federal Bureau of Prisons (2009).
- [The Violence Against Women Act: Denying Needed Resources Based on Criminal History](#), Jaime M. Yarussi (2008).
- [Effects of Sexual Assault on Men: Physical, Mental, and Sexual Consequences](#), Richard Tewksbury (2007).
- [A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents](#), Second Edition, US Department of Justice, Office on Violence Against Women (2013).
- [Standards for Psychology Services in Jails, Prisons, Correctional Facilities, and Agencies](#), American Association for Correctional Psychology (1999).
- [Hope for Healing: Information for Survivors of Sexual Assault in Detention](#), Just Detention International (2011).
- [Sexual Abuse Behind Bars: Serving Incarcerated Victims Webinar](#), Just Detention International (2012).

**Adult Prisons and Jails:**

- [Medical Examination Checklist and Investigative Procedure](#), California Department of Corrections and Rehabilitation (2012).

**Community Confinement Facilities:**

- [Hearing: Special Topics in Preventing and Responding to Prison Rape: Medical and Mental Health Care, Community Corrections Settings, and Oversight](#), National Prison Rape Elimination Commission (2007).
- [A Public Health Manual for Correctional Health Care](#), Hampden County Sheriff's Department and Massachusetts Public Health Association (2002).

**Juvenile Facilities:**

- [Teen Sense: Model Sexual Healthcare Standards for Youth in State Custody](#), Center for HIV Law and Policy (2012).
- [Mental Health and Juvenile Justice: Moving Toward More Effective Systems of Care](#), Jane Koppelman (2005).

- [Double Jeopardy: Adolescent Offenders With Mental Disorders \(Executive Summary\)](#), Thomas Grisso (2004).

## **10. Data Collection and Review**

Agencies are required to collect and aggregate data regarding incidents of sexual abuse in order to detect possible patterns and to help prevent future incidents. This includes data from private facilities with which agencies contract for confinement. At a minimum, this data must include information sufficient to answer fully all questions in the most recent revision of the Survey of Sexual Violence (SSV) conducted by DOJ.

The standards require agencies to use the data to identify problem areas and take ongoing corrective action. They also require preparation of a publicly available, annual report for each facility and for the agency as a whole, comparing the current year's data with data from prior years and providing an assessment of the agency's progress in addressing sexual abuse. In addition, the standards govern the retention and publication of the underlying data on which the reports are based.

**STANDARDS.** Click on the following links to access the data collection standards for [Adult Prisons and Jails](#), [Community Confinement Facilities](#), [Juvenile Facilities](#), and [Lockups](#).

### **RESOURCES.**

#### **General:**

- [Survey of Sexual Violence](#), Bureau of Justice Statistics (2004–2012).

#### **Adult Prisons and Jails:**

- [How to Collect and Analyze Data: A Manual for Sheriffs and Jail Administrators](#), Gail Elias (2007).

#### **Lockups:**

- [How to Collect and Analyze Data: A Manual for Sheriffs and Jail Administrators](#), Gail Elias (2007).

## **11. Audits and State Compliance**

The Audit Instrument for Adult Prisons and Jails was released on May 3, 2013. The instrument includes the following documents:

- [Process Map](#)
- [Checklist of Documentation](#)
- [Pre-Audit Questionnaire](#)
- [Auditor Compliance Tool](#)
- [Instructions for PREA Audit Tour](#)
- [Interview Protocols](#)
- [Auditor Report](#)
- [Handbook of PREA Prisons & Jails Standards Compliance Measures](#)



Additional information about the audit process will continue to be posted on the [PRC website](#) as it is made available from DOJ.

**STANDARDS.** Click on the following links to access the audit and state compliance standards for [Adult Prisons and Jails](#), [Community Confinement Facilities](#), [Juvenile Facilities](#), and [Lockups](#).

### **12a. Other Issues – LGBTI and Gender-Nonconforming Inmates Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI), and Gender-Nonconforming Inmates**

The standards account in various ways for the particular vulnerabilities of inmates, detainees, and residents who are LGBTI or whose appearance or manner does not conform to traditional gender expectations. **Standard 115.31/115.231/115.331** requires agencies to train employees in effective and professional communication with LGBTI and gender-nonconforming inmates and residents, and **Standard 115.41/115.241/115.341** requires the screening process to consider whether the inmate or resident is, or is perceived to be, LGBTI or gender nonconforming.<sup>7</sup> **Standard 115.86/115.186/115.286/115.386** also requires that post-incident reviews consider whether the incident was motivated by LGBTI identification, status, or perceived status.

In addition, **Standard 115.42/115.242/115.342**<sup>8</sup> prohibits agencies from placing LGBTI inmates and residents in dedicated facilities, units, or wings in adult prisons, jails, or community confinement facilities solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates or residents. Such placement is not allowed at all in juvenile facilities. The standard also mandates that transgender and intersex inmates and residents be given the opportunity to shower separately from other inmates and residents.

Finally, the standards address some issues specific to transgender and intersex inmates, detainees, and residents. **Standard 115.15/115.115/115.215/115.315** imposes a complete ban on searching or physically examining a transgender or intersex inmate/detainee/resident for the sole purpose of determining the person's genital status. Agencies must train security staff in conducting professional and respectful cross-gender pat-down searches and searches of transgender and intersex individuals.

### **RESOURCES.**

---

<sup>7</sup> In the lockup standards, Standards 115.131 and 115.141 do not specifically reference LGBTI identity or gender-nonconforming appearance. Standard 115.131 requires training on how to communicate effectively with all detainees, and Standard 115.141 requires staff to ask detainees about their own perceptions of vulnerability and to consider the physical build and appearance of detainees.

<sup>8</sup> This standard does not apply to lockups.



**General:**

- [LGBT People and the Prison Rape Elimination Act](#), National Center for Transgender Equality (2012).
- [Preventing the Sexual Abuse of Lesbian, Gay, Bisexual, Transgender, and Intersex People in Correctional Settings](#), ACLU and others (2010).
- [A Call for Change: Protecting the Rights of LGBTQ Detainees](#), Just Detention International (2009).
- [Lesbian, Gay, Bisexual, Transgender, and Intersex Offenders](#), various resources by the National Institute of Corrections.

**Adult Prisons and Jails:**

- [Responding to Sexual Abuse of Inmates in Custody: Addressing the Needs of Men, Women, and Gender Non-Conforming Individuals Webinar](#), The Project on Addressing Prison Rape and the Prison Resource Center in collaboration with the National PREA Resource Center (2013).
- [PREA Standards and Policy Development Guidelines for Lesbian, Gay, Bisexual, Transgender, and Intersex Inmates Webinar](#), Project on Addressing Prison Rape in collaboration with the National PREA Resource Center (2012).
- [Evaluation and Placement of Transgender Offenders](#), Minnesota Department of Corrections (2007).

**Juvenile Facilities:**

- [Model Policy and Practice Guidelines for Providing Non-Discriminatory Services to Lesbian, Gay, Bisexual, and Transgender \(LGBT\) Youth in Juvenile Justice Facilities](#), National Center for Lesbian Rights (2008).
- [Teen Sense: Model Sexual Healthcare Standards for Youth in State Custody](#), Center for HIV Law and Policy (2012).
- [A Quick Guide for LGBTI Policy Development for Youth Confinement Facilities](#), The Moss Group and the National Institute of Corrections (2012).
- [Incarcerated Youth at Extreme Risk of Sexual Abuse](#), Just Detention International (2009).
- [PREA Standards and Policy Development Guidelines for Lesbian, Gay, Bisexual, and Transgender Youth in Custody Webinar](#), Project on Addressing Prison Rape in collaboration with the National PREA Resource Center (2012).

**12b. Other Issues – Culture Change**

A healthy, safe correctional culture that prioritizes prevention, reporting, and swift response is the cornerstone of any organized effort to eliminate sexual abuse in confinement. While the individual standards do not set specific requirements for culture change, the adoption and implementation of the standards will assist greatly in developing such a culture by requiring agencies and facilities to institutionalize a set of policies and practices that, among other things, will elevate the importance of agency and facility responsibilities to protect against sexual abuse.

## RESOURCES.

### General:

- [Diagnosing Agency Culture: Assessing Your Agency's Internal Culture](#), Center for Innovative Public Policies (2005).
- [The Impact of Institutional Factors on Officially Reported Sexual Assaults in Prisons](#), Christopher Hensley, Mary Koscheski, and Richard Tewksbury (2003).
- [Fighting Prison Rape: How to Make Your Facility Safer](#), Mary Dallao (1996).

### Adult Prisons and Jails:

- [Prison Warden Attitudes Toward Prison Rape and Sexual Assault: Findings Since the Prison Rape Elimination Act \(PREA\)](#), Aviva N. Moster and Elizabeth L. Jeglic (2009).
- [Addressing Sexual Violence in Prisons: A National Snapshot of Approaches and Highlights of Innovative Strategies](#), Urban Institute (2006).
- [The Impact of Institutional Factors on Officially Reported Sexual Assaults in Prisons](#), Christopher Hensley, Mary Koscheski, and Richard Tewksbury (2003).