Prison Rape Elimination Act (PREA) Needs Assessment of Lockups

Presented by the International Association of Chiefs of Police

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Executive Summary

In the spring of 2012, the US Department of Justice (DOJ) released final standards on the Prison Rape Elimination Act (PREA), including a set of standards that apply specifically to law enforcement agencies that operate lockups. According to PREA, a lockup is defined as "a facility that contains holding cells, cell blocks, or other secure enclosures that are: 1) under the control of a law enforcement, court, or custodial officer; and 2) primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency." With the release of these standards, it became clear that law enforcement leaders may be unaware of the PREA standards for lockups, the potential liability implications of the standards, and what steps may be necessary to come into compliance with those standards.

As a result, in the fall of 2012, the International Association of Chiefs of Police (IACP) Elimination of Sexual Abuse in Confinement Initiative, with support from the National PREA Resource Center (PRC) and in partnership with the Center for Innovative Public Policies (CIPP), conducted a nationwide needs assessment to gather critical data from law enforcement leaders about current practices related to eliminating sexual abuse in lockups and readiness for PREA implementation. In addition to gathering information from the field, the needs assessment also helped to raise awareness among law enforcement leaders about the PREA standards for lockups. The needs assessment consisted of an online survey targeted at law enforcement leaders as well as a focus group to determine the implications of the survey results.

The results of the survey provided helpful insights for the current status of the law enforcement field as it relates to PREA. Of particular note, a majority of respondents held detainees for less than six hours, most had a daily population of ten, and most indicated they had received no reports of sexual abuse in their facility in the previous 12 months. This has significant implications about the perspective of these agencies on the applicability of the PREA standards to their facilities, and thus how an education message would need to be uniquely crafted and delivered to this population. The survey also indicates that over 60% of the respondents were not familiar with the PREA standards specific to lockups, implying that there is still significant education and awareness raising that needs to be accomplished with law enforcement leaders, particularly in smaller and midsized agencies.

Concerns from the field that were identified through the survey and verified by the focus group included a general lack of awareness and understanding by law enforcement of the PREA standards and their implications and a lack of resources (including staffing, funding, and training) to strive toward compliance with the standards. The focus group also identified that specialized training for law enforcement that will be summoned to conduct criminal investigations of allegations of sexual abuse in other confinement settings is a critical need and a current gap in the field.

Recommendations for training delivery mechanisms suggest that web-based and CD/DVD based training with a combination of adult learning models would be most effective. In particular, agencies indicated that having a training module that they could deploy during roll-call would be most beneficial. Throughout the needs assessment results, it was clear that information and resources needed to be tailored to the unique setting, needs, and resources available to lockups (as compared to jails, prisons, or other correctional environments).

It is clear from the needs assessment that there is a need among law enforcement leaders to receive additional information on the standards generally and on how to bring their agencies into compliance, as well as potential consequences of not acting on the guidance in the PREA standards for lockups. The results of this nationwide needs assessment should be used to help guide education efforts, as well as training and technical assistance, specifically to law enforcement agencies operating lockup facilities. A more robust summary of the highlights of the needs assessment is available in Appendix III.

Introduction

Recognizing that many members of state and local law enforcement may not be familiar with the Prison Rape Elimination Act (PREA), IACP conducted a nationwide PREA needs assessment survey to assess capacity, incident levels, knowledge, training needs, and PREA readiness for agencies with lockups. The target respondent for the survey was any agency that met the PREA definition of a lockup, meaning a facility that contains holding cells, cell blocks, or other secure enclosures that are: (1) under the control of a law enforcement, court, or custodial officer; and (2) primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency. The data collected from the final survey and the resultant focus group discussion should be used to guide and inform the production of additional outreach materials, education, and technical assistance. The results of this needs assessment will also guide future awareness campaigns and the development of various training tools to aid in PREA compliance for short-term detention/confinement facilities.

Methodology
Survey Instrument

The survey instrument (Appendix I) consisted of 33 multiple choice and open-ended questions. Information was collected about agency and jurisdiction capacity, lockup operations, PREA related needs, compliance and training needs, and contact information.

The survey was evaluated and approved by the PREA Resource Center, the Center for Innovative Public Policies, and the Bureau of Justice Assistance prior to dissemination. The survey

was also piloted with various IACP sections and committees to validate the tool prior to final distribution. The survey was converted electronically via SurveyMonkey, which is an online survey and assessment software. Survey participants were able to access the survey directly using a web link or by requesting a hard copy which was then emailed to them. Participants were able to submit hard copies via a scanned attachment to an email, mail, or fax.

Data Collection

The needs assessment survey opened in July 2012 and closed mid October 2012, after the Annual IACP Conference in San Diego concluded. The survey was featured on the IACP webpage and was promoted through IACP's social media network, including IACP's blog, Facebook, and Twitter. The needs assessment survey was also promoted in the Division of State Associations of Chiefs of Police (SACOP) newsletter and circulated through the Division of State and Provincial Police's membership. Participants were also garnered by outreach through various IACP project and newsletter listservs. The survey was highlighted in Police Chief Magazine and through IACP's Conference, with brief presentations to committees and sections encouraging members to complete the survey. The PREA Resource Center also posted information about the survey on their website. Additionally, several professional partners promoted participation in the survey, including the Commission on Accreditation for Law Enforcement Agencies (CALEA), Major Cities Chiefs Association (MCC), National Association of Women Law Enforcement Executives (NAWLEE), National Organization of Black Law Enforcement Executives (NOBLE), and the Police Executive Research Forum (PERF).

Data Limitations

Data labels were constructed for the database and necessary variables were recoded prior to analysis. To combat missing data, it was identified, coded as missing, and was not included in statistical summaries for particular questions.

Selection bias may be possible due to survey distribution. The survey was only given for completion to participants who are in compliance with the lockup definition, and since it was available online, participants self-selected.

Data Analysis

Survey data was gathered using the SurveyMonkey website and was imported into Statistical Package for the Social Sciences (SPSS) software for analysis by Dr. Brian Lawton from George Mason University. The final data file structure contained 5 identifier variables and 94 variables, for a database of 99 variables.

The data file was imported with 371 cases; however, a thorough examination of the agency identifiers indicated that a number of agencies had multiple entries, as well as there being the presence of "test" data. Finally, several agencies completed the survey that were not

considered to be law enforcement agencies located in the United States, which was outside of our target respondent population (since PREA only applies to the US). A total of 32 cases were removed leaving a database of 339 unique agencies reporting. The decision on which cases to remove from the file was based on the following criteria:

- If a complete duplicate (exactly the same), then the most recent case was retained.
- If an agency duplicate, but not completely the same, the entry with significantly more information was retained.
- If an agency was duplicated, but it was not clear which demonstrated more data, then the most recent entry was retained.
- If an agency was not located in the United States, it was removed.
- If any agency was not a law enforcement agency representing a lockup (such as a department of corrections or a sheriff's department representing jail data in addition to lockup data), it was removed.

Finally, three cases had been submitted as paper copies. These entries were entered by hand, for a total data file of 342 cases.

Survey Results
Population Description

Initial data analyses were descriptive in nature to provide an overview of the agencies that participated in the current PREA study. The 'average' reporting agency had approximately 250 full time employees and about 150 other personnel, however, these values are misleading due to several outlier agencies that reported particularly high values. Median values suggest a more modest estimate of approximately sixty employees for each agency. Indeed, when the respondents were categorized into smaller (1-50 sworn), midsized (51-500), and larger (501+) agencies, we found that 53.5% were smaller, 40.1% were midsize; and 6.4% of respondents were from larger agencies.

Table 1: Respondent Agency Characteristics							
	N	Percent	Mean	Median	SD	Min	Max
Full Time Employees	342		250.25	48.00	953.266	0	9914
Part Time Employees	342		1.70	.00	5.660	0	65
Reserve Employees	342		9.12	.00	53.243	0	867
Civilian Employees	342		104.04	14.00	513.232	0	7851
Volunteers	342		43.14	.00	326.684	0	5000
District Facilities	341		1.09	.00	3.574	0	42
Substation Facilities	316		.90	.00	6.338	0	105
Mobile Facilities	306		.17	.00	1.416	0	21

		N	Percent	Mean	Median	SD	Min	Max
Service Area:	Urban	65	19.0%					
	Suburban	130	38.0%					
	Urban/Suburban	62	18.1%					
	Rural	52	15.2%					
	All of the Above	33	9.6%					
	Total	342	100.0%					
Agency Type:	Municipal Police	286	83.6%					
	County Police	8	2.3%					
	State Police/Highway Patrol	2	0.6%					
	Tribal Police	2	0.6%					
	Campus Police	4	1.2%					
	Sheriff's Department/Office	32	9.4%					
	Other	8	2.3%					
	Total	342	100.0%					

Only a third of respondents (36.5%) were accredited by CALEA or another accrediting entity. We asked respondents about their accreditation status to determine if there was a correlation between accredited agencies and existing policies related to the PREA standards, as well as PREA readiness.

Lockup Operations

This section of the survey asked respondents about facility capacity, average daily population, average length of time of detainment, whether they had a group holding facility, and how they typically staffed their facility.

Approximately ninety percent of respondents (89.8%) indicated that they had a lockup on premises, with an average maximum capacity of over one hundred (124.05) but a median value of under ten (8.0). In fact, 81% had a daily average detainee population of less than ten; 37.7% indicated that most days they had zero detainees. Well over half (62.3%) of respondents said they held detainees for 6 hours or less; 36.4% indicated they held detainees for 2 hours of less. This implies that the majority of our respondents are dealing with a small daily population for a brief period of time. This has implications for agency perception of the applicability of the PREA standards for lockups, a potential challenge to awareness raising and compliance. In total, over 80% of respondents indicated that they held detainees less than 24 hours, which implies that the majority of local lockups will not be subject to PREA audits (since the audit standards only apply to facilities that detain overnight).

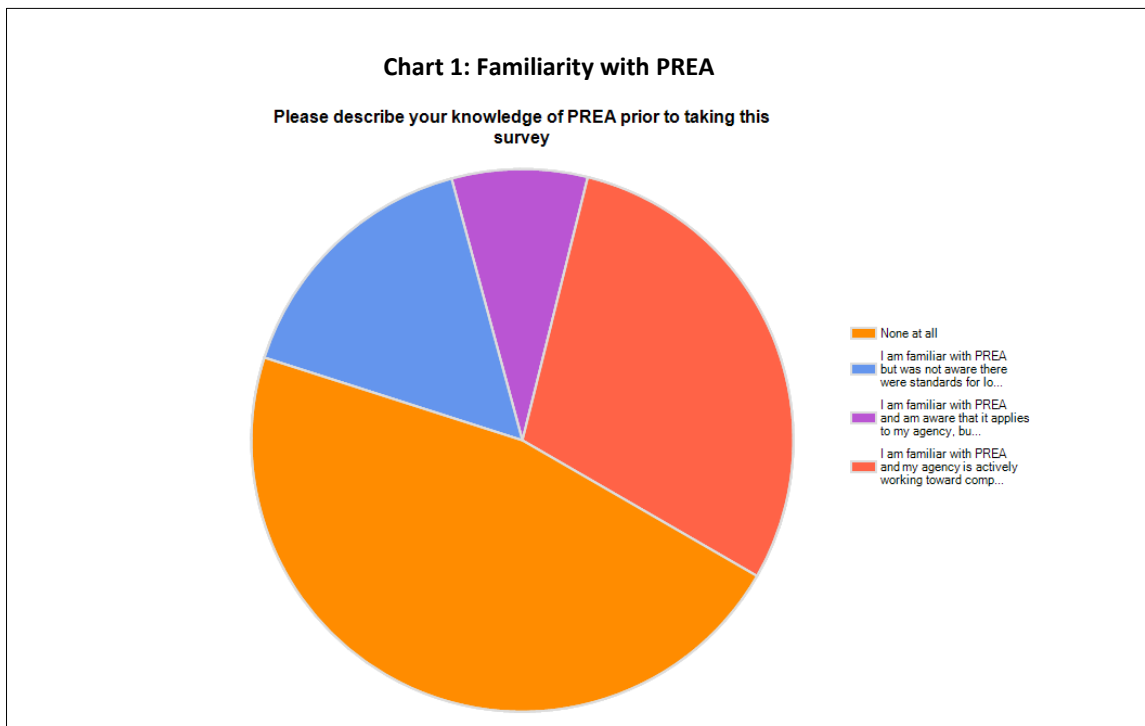| Table 2: Capacity and Length of Stay		
	N	Percent
Approximate Daily Detainee Population	300	
0	113	37.7
1-9	130	43.3
10-50	31	10.3
51-100	6	2.0
101-500	12	4.0
501-999	1	.3
1000 plus	7	2.3
Approximate Length of Time Detainees Held	297	
Less than 2 hours	108	36.4
2-6 hours	77	25.9
7-12 hours	28	9.4
13-24 hours	33	11.1
25-48 hours	20	6.7
49-72 hours	16	5.4
Uncertain	15	5.1

Almost three-quarters (71.0%) of the agencies indicated the presence of a group holding area at their facility, a possible area of vulnerability for sexual assault to occur. More than half (51.9%) indicated they take detainees to another facility, such as a central processing facility.

A small proportion of respondents (21.6%) indicated that their agency had a written contract with another agency for lockup or jail services. Interestingly, of those indicating they had a written contract with another agency, only 22% also indicated that their contract addressed sexual abuse within the facility, a requirement of the PREA standards.

PREA Related Issues

This portion of the survey asked respondents about their knowledge of PREA, levels of reported incidents of abuse, policies, reporting mechanisms, and investigative practices.

In regards to their level of familiarity with the PREA standards, about half (46.2%) of all respondents indicated that they had no knowledge of the standards; when combined with those who indicated they were somewhat familiar with PREA, but not with the fact that there were standards specific for lockups, that totals 62.6% of respondents. This implies that there is a significant gap in awareness of the PREA standards among law enforcement leaders. However, it is important to note that an additional third of respondents (29.7%) indicated that they were aware of the PREA standards and were active in working toward compliance.

Chart 1: Familiarity with PREA

Please describe your knowledge of PREA prior to taking this survey

- None at all
- I am familiar with PREA but was not aware there were standards for lo...
- I am familiar with PREA and am aware that it applies to my agency, bu...
- I am familiar with PREA and my agency is actively working toward comp...

In Table 3, knowledge of PREA standards was examined across different agency types. While it is difficult to compare across all agency types, due to the high presence of municipal police in the sample, it is interesting to note that when comparing municipal police and sheriff's departments, only approximately a quarter (23.1%) of municipal police agencies are actively working towards compliance with PREA, as compared to sheriff's departments which report over three-quarters (84.0%). This may be due to the fact that many sheriff's departments also operate a jail facility, and may have familiarity with PREA through corrections information outlets.

Table 3: Knowledge of PREA by Agency Type											
	All		Municipal Police		County Police		Campus Police		Sheriff's Department		Other	
	N	Prcnt	N	Prcnt	N	Prcnt	N	Prcnt	N	Prcnt	N	Prcnt
None at all	132	46.2%	125	51.7%	2	28.6%	1	25%	1	4.0%	3	37.5%
Familiar with PREA, but not lockup standards	47	16.4%	43	17.8%	1	14.3%	3	75%	0	0.0%	0	0.0%
Familiar with PREA, aware of standards, but not active toward compliance	22	7.7%	18	7.4%	0	0.0%	0	0.0%	3	12%	1	12.5%
Familiar with PREA, active toward compliance	85	29.7%	56	23.1%	4	57.1%	0	0.0%	21	84%	4	50.0%
Total	286	100%	242	100%	7	100%	4	100%	25	100%	8	100%

It would seem that much of this variation could be explained by agency size. In Table 4, the level of knowledge of the PREA standards is compared across smaller, mid-size, and large agencies. It is not surprising to find that two-thirds of the large agencies (66.7%) were familiar and active toward compliance, as compared to less than a quarter of the smaller agencies (21.4%). Over half of the smaller agencies (53.1%) indicated that they had no knowledge of the PREA lockup standards. This is significant, since the majority of law enforcement agencies in the US are smaller agencies.[1]

Table 4: Knowledge of PREA by Agency Size								
	All		Small		Midsize		Large	
	N	Prcnt	N	Prcnt	N	Prcnt	N	Prcnt
None at all	132	46.2%	77	53.1%	51	41.5%	4	22.2%
Familiar with PREA, but not lockup standards	47	16.4%	27	18.6%	19	15.4%	1	5.6%
Familiar with PREA, aware of standards, but not active toward compliance	22	7.7%	10	6.9%	11	8.9%	1	5.6%
Familiar with PREA, active toward compliance	85	29.7%	31	21.4%	42	34.1%	12	66.7%
Total	286	100.0%	145	100.0%	123	100.0%	18	100.0%

In regards to accreditation, it comes as no surprise that those agencies active towards compliance were more likely to be accredited (51.8%) compared to those who had no knowledge of PREA standards (24.2%). This may indicate that accreditation agencies, like CALEA, could be useful platforms for disseminating information, training, and resources related to PREA compliance to law enforcement agencies.

Table 5: Knowledge of PREA by Accreditation Status											
		None at all		Familiar with PREA, but not lockup standards		Familiar with PREA, aware of standards, but not active toward compliance		Familiar with PREA, active toward compliance		Total	
		N	Prcnt	N	Prcnt	N	Prcnt	N	Prcnt	N	Prcnt
Accredited	Yes	32	24.2%	22	46.8%	6	27.3%	44	51.8%	104	36.4%
	No	100	75.8%	25	53.2%	16	72.7%	41	48.2%	182	63.6%
	Total	132	100%	47	100%	22	100%	85	100%	286	100%

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[1] "Census of State and Local Law Enforcement Agencies, 2008," Bureau of Justice Statistics, US Department of Justice, accessed March 22, 2013, http://www.bjs.gov/index.cfm?ty=pbdetail&iid=2216.

Reports of incidents of sexual abuse in lockups over the previous 12 months were quite low, with agencies reporting an average of .20 detainee-on-detainee incidents across 286 reporting agencies, with most agencies (95.8%) reporting zero incidents. Staff-on-detainee incidents were even less frequent, with approximately .03 incidents across the 286 reporting agencies, with only a few (1.7%, N=5) reporting any incidents. However, when number of incidents is considered by agency size, reports of both kinds of abuse (detainee-on-detainee and staff-on-detainee) tended to increase as the agency size increased, perhaps not surprisingly. It is important to keep in mind that sexual abuse is typically an underreported crime, particularly when the perpetrator may be a law enforcement officer. Also, it is important to note that some agencies may consider infrequency or lack of reported incidents as a justification for non-compliance with the standards.

Table 6: Reports of Abuse by Agency Size										
	Small			Midsize			Large			
	N	Mean	SD	N	Mean	SD	N	Mean	SD	
Reports of Detainee-on-Detainee Sexual Abuse	145	.01	.083	123	.07	.420	18	2.61	4.500	**
Reports of Staff-on-Detainee Sexual Abuse	145	.00	.000	123	.01	.090	18	.50	1.249	**
** p <.01										

In regards to existing policy on sexual misconduct in their facility, approximately half (47.9%) reported that their agency had a written policy pertaining to staff-on-detainee sexual misconduct, but less than a third (28.0%) indicated that their agency had a policy in regards to detainee-on-detainee sexual misconduct. This could be a further indication that many agencies have not previously given much consideration to the possibility or prevention of sexual abuse in their facility (perhaps due to the often very short-term nature of their detainee population). Agency size was an indicator of whether the agency had policies concerning sexual misconduct on the job. Half (50%) of the large agencies indicated having a policy concerning detainee-on-detainee sexual misconduct and two-thirds (66.7%) of the large agencies reported a policy concerning staff-on-detainee sexual misconduct. This is compared to the smaller agencies, where less than a quarter (22.8%) reported having a policy concerning detainee-on-detainee sexual misconduct and less than half (42.1%) reported having a staff-on-detainee policy in place.

Table 7: Written Policy by Agency Size									
		All		**Small**		**Midsize**		**Large**	
		N	Prcnt	N	Prcnt	N	Prcnt	N	Prcnt
Agency Policy on Detainee-on-Detainee Sexual Misconduct	Yes	80	28.0%	33	22.8%	38	30.9%	9	50.0%
	No	206	72.0%	112	77.2%	85	69.1%	9	50.0%
	Total	286	100.0%	145	100.0%	123	100.0%	18	100.0%
Agency Policy on Staff-on-Detainee Sexual Misconduct	Yes	137	47.9%	61	42.1%	64	52.0%	12	66.7%
	No	149	52.1%	84	57.9%	59	48.0%	6	33.3%
	Total	286	100.0%	145	100.0%	123	100.0%	18	100.0%

A comparison focusing on the difference between policies by agencies that are accredited and those that are not, revealed some interesting insight. In Table 8, a means comparison (t-test) indicated a statistically significant difference between accredited and non-accredited agencies, with accredited agencies being significantly more likely to have a written policy on staff sexual misconduct and being marginally more likely to have a written policy on detainee sexual misconduct.

Table 8: Policies by Accreditation							
	Accredited Agency			**Non-Accredited Agency**			
	N	Mean	SD	N	Mean	SD	
Written Policy on Detainee Sexual Misconduct[1]	104	1.65	.478	182	1.76	.429	+
Written Policy on Staff Sexual Misconduct	104	1.44	.499	182	1.57	.497	*
+ p <0.1 * p<.05 [1]Lower values correspond to a policy being in place							

In Table 9, knowledge of the PREA standards is examined across the presence of agency policies addressing sexual misconduct. A chi-square test indicates that there is significant variation across these variables, with agencies currently active towards compliance with PREA being much more likely to have a policy on detainee-on-detainee sexual misconduct (57.6%) as well as staff-on-detainee (68.2%) sexual misconduct.

Table 9: Written Policy by PREA Knowledge		None at all		Familiar with PREA, but not lockup standards		Familiar with PREA, aware of standards, but not active toward compliance		Familiar with PREA, active toward compliance		Total	
		N	Prcnt	N	Prcnt	N	Prcnt	N	Prcnt	N	Prcnt
Agency Policy on Detainee-on Detainee Sexual Misconduct	Yes	18	13.6%	8	17.0%	5	22.7%	49	57.6%	80	28%
	No	114	86.4%	39	83.0%	17	77.3%	36	42.4%	206	72%
	Total	132	100%	47	100%	22	100%	85	100%	286	100%
Agency Policy on Staff-on-Detainee Sexual Misconduct	Yes	47	35.6%	20	42.6%	12	54.5%	58	68.2%	137	47.9%
	No	85	64.4%	27	57.4%	10	45.5%	27	31.8%	149	52.1%
	Total	132	100%	47	100%	22	100%	85	100%	286	100%

When considering the methods for reporting abuse that agencies currently have in place, a consistently high percentage of respondents indicated that they had available all of the methods required by the PREA standards. This also follows with the promising practice recommendations from IACP's *Building Trust between Police and the Citizens They Serve: An Internal Affairs Promising Practices Guide for Local Law Enforcement.*

Chart 2: Methods of Reporting
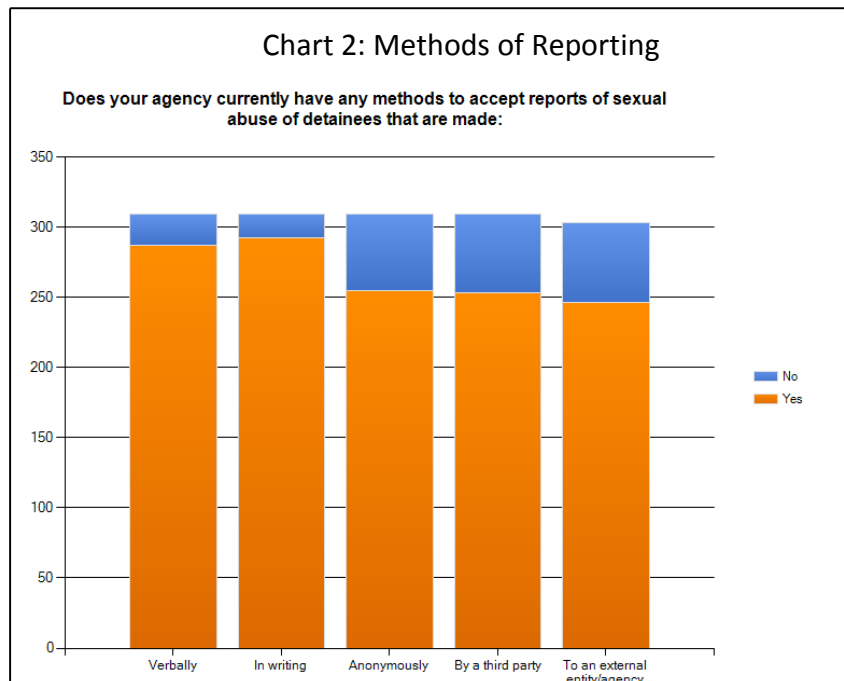
Overall, an investigation of detainee-on-detainee sexual misconduct would most likely be handled internally (90.6%), while only about half (55.9%) of the staff-on-detainee investigations were handled internally; in both cases the remaining investigations would be handled by an outside agency. In regards to investigative procedures based on agency size, large agencies all

indicated staff-on-detainee abuse investigations would be conducted internally, but mid-size agencies were the most likely to rely on an internal investigation for detainee-on-detainee abuse. In Table 10, a means comparison (t-test) indicates a statistically significant difference between accredited and non-accredited agencies, with accredited agencies being more likely to conduct internal investigations in regards to allegations of either staff-on-detainee or detainee-on-detainee abuse.

Table 10: Investigation by Accreditation							
	Accredited Agency			Non-Accredited Agency			
	N	Mean	SD	N	Mean	SD	
Detainee Investigation[2]	104	1.03	.168	182	1.13	.339	**
Staff Investigation	104	1.31	.464	182	1.52	.501	**
** p <.01 [2]Lower values correspond to an internal investigation							

Compliance and Training Issues

In this portion of the survey, respondents were asked about current training provided, anticipated difficulty with categories of compliance activities, other concerns about the PREA standards, and preferences for delivery of future PREA training.

Few agencies reported currently providing training for their staff in regards to identifying and responding to sexual misconduct in the workplace, as demonstrated in Chart 3. Only a quarter (26.2%) of the agencies provided staff with training on detainee-on-detainee misconduct, and slightly more for staff-on-detainee misconduct (30.2%). However, less training was provided to volunteer employees, with only a small fraction receiving detainee-on-detainee misconduct training (11.5%) and staff-on-detainee misconduct training (11.6%). Clearly, there is a considerable need for additional training of this nature in the field.

Chart 3: Current Training

Does your agency currently offer any training on prevention, detection, and response to sexual abuse in confinement?
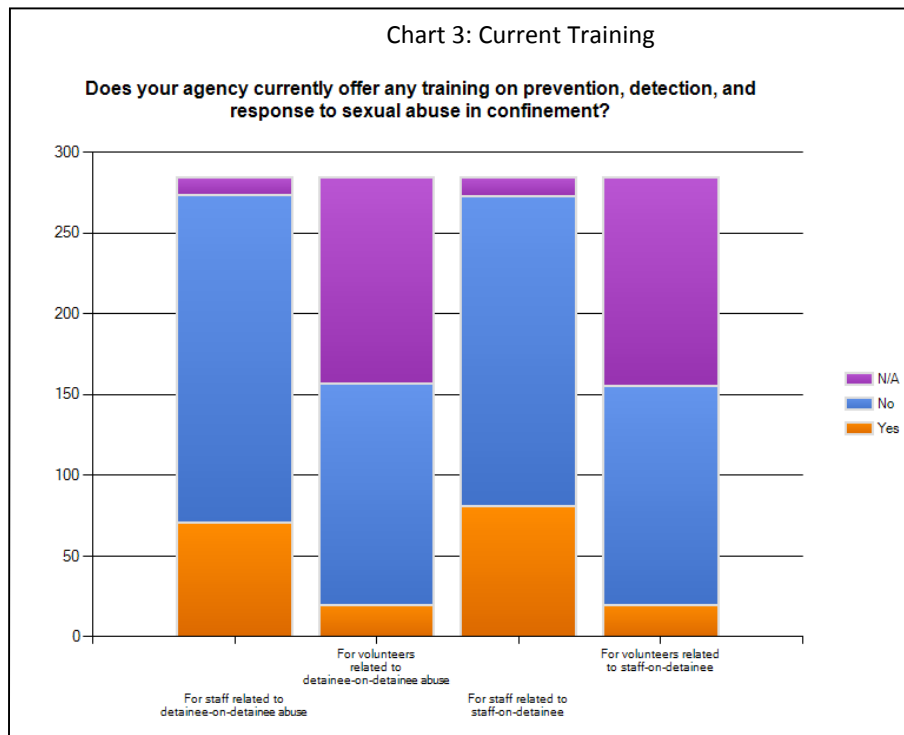
Table 11 demonstrates differences in the current training being offered by agencies in relation to their level of PREA familiarity. It comes as no surprise that agencies that are familiar with PREA and active towards compliance are much more likely to offer any type of training, with over half (56.3%) offering detainee-on-detainee training for staff, as well as over half (59.5%) offering staff-on-detainee training for staff. However, this reaffirms the need for training resources in the field, especially for those that are less familiar with the PREA standards, like in smaller agencies.

Table 11: Current Training by PREA Compliance										
		None at all		Familiar with PREA, but not lockup standards		Familiar with PREA, aware of standards, but not active toward compliance		Familiar with PREA, active toward compliance		Total	
Current Training		N	Prcnt	N	Prcnt	N	Prcnt	N	Prcnt	N	Prcnt
Detainee-on-detainee (Staff)	Yes	15	13.5%	3	6.8%	4	19.0%	45	56.3%	67	26.2%
	No	96	86.5%	41	93.2%	17	81.0%	35	43.8%	189	73.8%
	Total	111	100%	44	100%	21	100%	80	100%	256	100%
Staff-on-detainee (Staff)	Yes	20	17.9%	5	11.6%	5	23.8%	47	59.5%	77	30.2%
	No	92	82.1%	38	88.4%	16	76.2%	32	40.5%	178	69.8%
	Total	112	100%	43	100%	21	100%	79	100%	255	100%

In regards to the activities necessary for an agency to be in compliance with the PREA standards for lockups, most agencies indicated anticipating little difficulty in completing these compliance activities as illustrated in Table 12. The only exceptions being "changes to data collection and storage capabilities" and "accommodating an independent audit periodically"; in both cases approximately ten percent of the respondents indicated a high level of difficulty in meeting these criteria. It should also be noted that at least one respondent indicated a high level of difficulty in each compliance activity category (as evidenced by the highest recorded response being a 5 when the scale ranged from 1 (little or no difficulty)- 5(maximum difficulty)).

Table 12: PREA Compliance Activities						
	N	Mean	Median	SD	Min	Max
Writing/Revising policy	256	1.63	1.00	.982	1	5
Assessing staffing levels to establish an adequate supervision plan	244	1.95	1.00	1.248	1	5
Establishing an adequate monitoring plan (that could include monitoring technology)	250	1.75	1.00	1.128	1	5
Training for all employees and volunteers who may have contact with detainees	253	1.89	2.00	1.063	1	5
Developing a notification mechanism for detainees related to the agency's zero tolerance policy regarding sexual abuse	255	1.66	1.00	.925	1	5
Establishing/designating a PREA Coordinator	253	1.91	1.00	1.183	1	5
Investigation requirements (e.g., training for investigators, guidelines on conducting investigations)	255	1.90	2.00	1.043	1	5
Implementing any necessary changes to disciplinary sanctions for staff abusers	255	1.60	1.00	.934	1	5
Having a collective bargaining agreement or other agreement that does not limit the agency's ability to remove alleged staff abusers from contact with victims pending the outcome of an investigation	204	2.04	1.00	1.309	1	5
Medical/mental health requirements (e.g., providing access to emergency medical services without financial cost to the victim)	240	2.08	1.00	1.394	1	5
Intake screening, classification, and housing requirements for detainees	226	1.93	1.00	1.179	1	5
Creating/improving reporting mechanisms	249	1.80	1.00	1.032	1	5
Changes to data collection and storage capabilities (e.g., collecting data from multiple sources, preparing an annual report of data and incident reviews, and maintaining data for at least 10 years)	249	2.43	2.00	1.407	1	5
Accommodating an independent audit periodically (e.g., financing the audit, opening facilities, providing documents for review)	201	2.41	2.00	1.394	1	5

A statistical test, the Analysis of Variance (ANOVA), was conducted to determine whether difficulty in meeting these compliance activities varied significantly across agencies due to their size. Agency size was operationalized as smaller agencies employing 1-50 full and part time employees, mid-size agencies employing 51-500 full and part time employees, and large agencies employing more than 500. Table 13 reports these mean values across agency type, where the scale ranged from 1 (little to no difficulty) to 5 (maximum difficulty) and smaller values indicated less difficulty in meeting the PREA standards. Over half of these values demonstrate that larger agencies report less difficulty in meeting these standards, however, only the compliance activity in regards to meeting "Medical/mental health requirements" demonstrates a statistically significant difference with larger agencies reporting markedly less difficulty in meeting this compliance activity. This supports the indication that smaller agencies will likely need additional and unique resources and assistance to comply with the standards.

Table 13: Difficulty with PREA Compliance Activities by Agency Size						
		N	Mean	SD	Min	Max
Writing/Revising Policy	Small	131	1.62	.932	1	5
	Midsize	107	1.64	1.050	1	5
	Large	18	1.67	.970	1	4
Assessing staffing levels to establish an adequate supervision plan	Small	125	2.00	1.289	1	5
	Midsize	102	1.90	1.231	1	5
	Large	17	1.82	1.074	1	5
Establishing an adequate monitoring plan (that could include monitoring technology)	Small	128	1.79	1.182	1	5
	Midsize	105	1.71	1.054	1	5
	Large	17	1.71	1.213	1	5
Training for all employees and volunteers who may have contact with detainees	Small	128	1.91	1.061	1	5
	Midsize	107	1.91	1.077	1	5
	Large	18	1.67	1.029	1	5
Developing a notification mechanism for detainees related to the agency's zero tolerance policy regarding sexual abuse	Small	130	1.67	.884	1	5
	Midsize	108	1.69	.992	1	5
	Large	17	1.41	.795	1	4
Establishing/designating a PREA Coordinator	Small	129	1.94	1.204	1	5
	Midsize	106	1.96	1.210	1	5
	Large	18	1.39	.698	1	3
Investigation requirements (e.g., training for investigators, guidelines on conducting investigations)	Small	131	2.02	1.052	1	5
	Midsize	107	1.81	1.065	1	5
	Large	17	1.59	.712	1	3

		N	Mean	SD	Min	Max
Implementing any necessary changes to disciplinary sanctions for staff abusers	Small	130	1.71	.952	1	5
	Midsize	107	1.50	.945	1	5
	Large	18	1.33	.594	1	3
Having a collective bargaining agreement or other agreement that does not limit the agency's ability to remove alleged staff abusers from contact with victims pending the outcome of an investigation	Small	102	2.05	1.254	1	5
	Midsize	85	2.02	1.345	1	5
	Large	17	2.06	1.519	1	5
Medical/mental health requirements (e.g., providing access to emergency medical services without financial cost to the victim) *	Small	125	2.26	1.459	1	5
	Midsize	98	1.98	1.370	1	5
	Large	17	1.41	.618	1	3
Intake screening, classification, and housing requirements for detainees	Small	117	2.05	1.231	1	5
	Midsize	92	1.82	1.167	1	5
	Large	17	1.71	.772	1	3
Creating/improving reporting mechanisms	Small	129	1.85	1.024	1	5
	Midsize	103	1.72	.994	1	5
	Large	17	1.88	1.317	1	5
Changes to data collection and storage capabilities (e.g., collecting data from multiple sources, preparing an annual report of data and incident reviews, and maintaining data for at least 10 years)	Small	126	2.48	1.361	1	5
	Midsize	105	2.37	1.436	1	5
	Large	18	2.50	1.618	1	5
Accommodating an independent audit periodically (e.g., financing the audit, opening facilities, providing documents for review)	Small	98	2.58	1.428	1	5
	Midsize	86	2.26	1.407	1	5
	Large	17	2.18	1.015	1	4
$p < .05$						

A second analysis of these compliance activities used a means comparison (t-test) to determine if the difficulty in meeting these compliance activities varied across agencies that had been accredited versus those that had not. This analysis demonstrated that there are no significant differences across these compliance activities associated with accreditation.
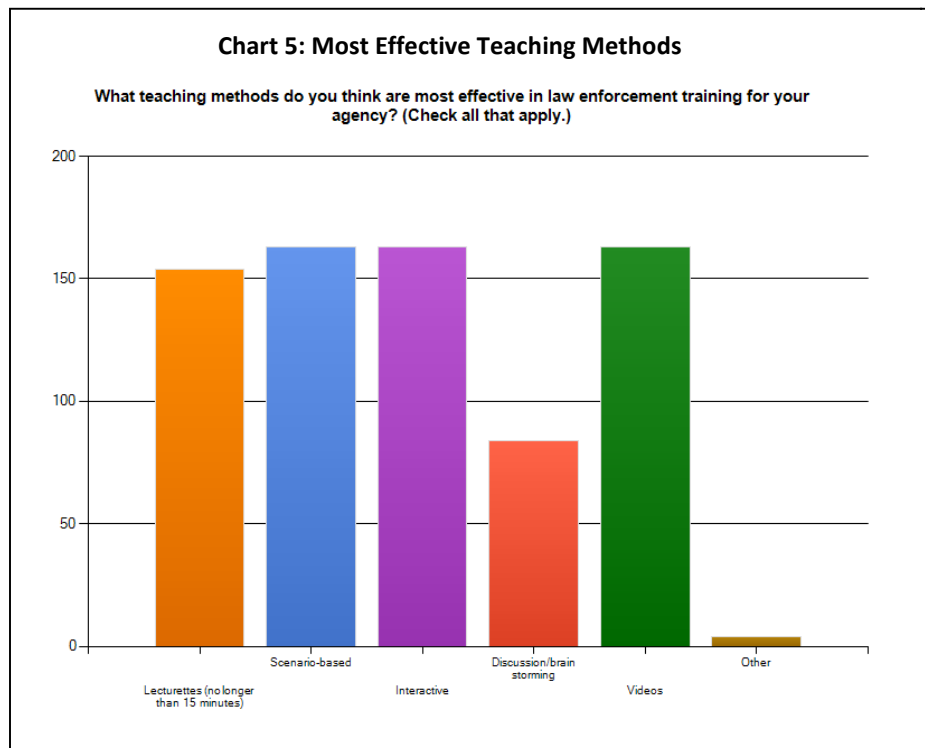
The survey included an open-ended question for respondents to indicate any additional concerns they may have about bringing their agency into compliance with the PREA standards. The responses to this question were varied. While many respondents opted not to enter any information for this question or indicated "none", some respondents were quite clear with their concerns. The comments that were submitted fall into a few general categories including funding, training (including culture change), staffing, need for more information on PREA in general, and belief that PREA does not/should not apply to their facility. For example, one respondent indicated, *"Since we do not house prisoners and our policy is to keep detainees separate, this issue is not a problem. We use cells to hold prisoners pending intoxilyzer or report writing only. Then*

they are transferred to the County Jail." There was particular concern expressed by several respondents that the standards did not seem to be appropriately tailored for the unique environment of short-term holding facilities (only a few cells, no detention over night). One example includes, *"I don't believe that a lot of this would apply. We have enough cells to usually have one person per cell and they are monitored through a glass window by the arresting officer(s)."* The most frequently cited concern was funding for training.

The survey asked respondents to identify training preferences as they would relate to PREA relevant training topics. In terms of training format/delivery mechanism, the most popular method was web-based or online training, followed closely by CD/DVD-based training that could be shared during roll-call, and then classroom based training (respondents could select more than one method) as shown in Chart 4. A common concern about classroom based training, especially for line-level officers and first line supervisors, is the cost of sending people to training and back-filling their positions while they are away (this was mentioned specifically in the concerns about compliance).

Chart 4: Best PREA Training Format

In the future, IACP and the PREA Resource Center plan to offer relevant training on the PREA standards. Considering the topics indicated above, what training format would best meet your agency's training needs? (Check all that apply.)
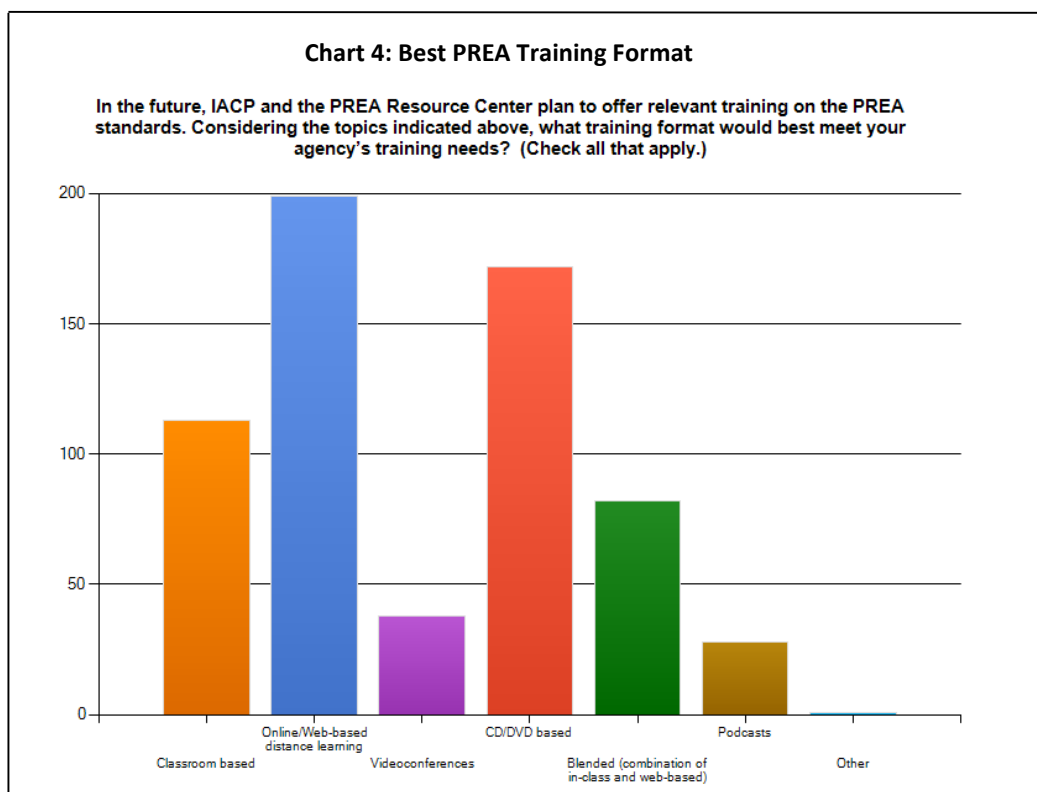
Respondents were also asked to identify which teaching methods they have generally found to be most effective for a law enforcement audience. As demonstrated in Chart 5, responses indicated that a combination of methods, based on adult learning theory, tend to be most effective. The "other" category offered a narrative response and all submissions to that category indicated some version of "roll-call training".

Chart 5: Most Effective Teaching Methods

What teaching methods do you think are most effective in law enforcement training for your agency? (Check all that apply.)

Focus Group

In collaboration with the PREA Resource Center and the Center for Innovative Public Policies, IACP hosted a focus group discussion on November 29th, 2012, with lockup stakeholders, survey respondents, and representatives from a variety of IACP committees and sections. The focus group convened to further explore the findings of the PREA Needs Assessment Survey with these practitioners. The group also addressed law enforcement leaders' concerns about PREA compliance and made recommendations about resources to assist agencies with PREA compliance.

Stakeholders Represented

Law enforcement officials from across the country, from various sized agencies, representing police and sheriffs, and from various ranks participated in the focus group. Non-law enforcement participants included: Bob DeComo of the PREA Resource Center; Managing Director Mike McCampbell of the Center for Innovative Public Policies, Inc.; Deputy Director/Chief of Staff Craig Hartley of CALEA; Research Center Director John Firman, Senior Program Manager Aviva Kurash, Program Manager Dianne Beer-Maxwell, and Intern Cari Jankowski of IACP. The complete list of focus group participants is in Appendix II.

Focus of Conversation

The focus group began with a review of the survey findings and discussion of the implications of the survey responses. The group also discussed concerns that they or their agencies had about specific PREA standards and more broadly about compliance with the standards. The group spent a significant amount of time discussing what kind of resources would be helpful to assist local lockups in understanding the PREA standards and the implications for their agencies. This portion of the discussion included an in-depth review of the existing toolkit for jails and its potential relevance for lockups; self-assessment of policy and procedures; training and staff development; needs in the areas of infrastructure, policy, staffing, training, technology, data management, internal affairs, and physical security. The group concluded by discussing effective outreach strategies for marketing these resources, possible functionality/delivery mechanism of a toolkit or other resources, what support agencies might need once they receive the resources, and possible strategies for measuring implementation nationally.

Major Points of Discussion

The group discussed that, based on the survey responses and their collective anecdotal experiences, there appears to be a pervasive lack of both awareness and understanding of the PREA standards as they apply to lockups in the field, particularly among municipal police agencies. The group also discussed that there is hesitancy among some agencies; either to comply with the standards or even to learn more about them. This verified some of the open ended comments from the survey responses indicating that some respondents felt that PREA did not or should not apply to their agencies. This will be a challenge that an outreach and awareness raising campaign will have to strive to overcome with local law enforcement.

The group concurred that the issue of sexual abuse in lockups, the PREA standards for lockups, and the recommended actions for lockups all need to be simplified so they are easy for law enforcement to understand, interpret, and apply. They also agreed that they wanted information that was specific to the unique conditions/environment of temporary detention (especially those with very small holding facilities), to enhance the likelihood of a positive, proactive response.

All participants agreed that sexual assault in confinement, regardless of whether it occurred in their lockup or in a correctional facility where they are summoned to conduct a criminal investigation, should be treated as they would treat sexual assault investigations in their communities. The support for this uniform, unbiased response was resounding and unanimous. However, as indicated in the PREA standards, there is a need for more specialized training for investigations of sexual abuse in a confinement setting, including criminal investigations, to ensure a clear understanding of the dynamics of these kinds of crimes in a confinement setting. One of the challenges to investigating the crime of sexual assault, regardless of whether the crime

has occurred in the community or in a correctional setting, is that not all law enforcement agencies provide thorough sexual assault investigative training to their investigators.

The audit standard emerged as being a topic of primary concern for the group. They had questions like: Who is subject to the audit? What does "overnight detention" mean? If my agency is not subject to the audit, how will we know whether we are doing enough to protect ourselves from liability? What does compliance look like? Who will be conducting the audit? How much will it cost? The group indicated that additional guidance on the audit standard in particular, and what the measures of compliance might be to pass an audit, were of paramount concern. It is interesting that the group spent so much time discussing this point, since the survey demographics imply that the majority of local lockups will not be subject to the audit (since they do not detain overnight). However, this could also be an indicator that law enforcement agencies may be interested in complying with the standards, regardless of whether they are required to participate in an audit, to help minimize their liability.

The operational definition of "overnight detention" continued to come up as a critical question that needed a clear answer to help lockups better understand the requirements of the standards, particularly the audit requirement. The group also wanted to know how that applied to exigent circumstances (if typically they do not detain overnight, but a few times a year something happened that necessitated an overnight detention). Some of the scenarios they presented included; what if an officer brings someone into the station at midnight but releases them at 4:00am or 6:00am, is that considered overnight detention? What if there is a weather emergency and it is not safe to either release or transport detainees to the jail or other processing facility? Primarily, they wanted clarification on whether agencies have discretion for exigent circumstances or special exceptions and what the threshold was for requiring an audit.

Several participants suggested presenting a phased approach to self-assessment and compliance, including some mechanism for categorizing the criticality of each proposed change/action (happens often/rarely, when it does happen the consequence is major/minor). The thinking behind this sort of categorization matrix is to help agencies better understand what is most likely to occur in their facility and also what may be the easiest to change; this sort of matrix could also help them plan for what sort of resources they may need to effectively implement change and comply with the standards. However, some members of the group cautioned that this may over-simplify the process and may be misleading in terms of liability protection (for instance, if an agency opts to fix only the high frequency/major consequence issues, as opposed to complying with all of the standards).

As with all priorities during these times, budget seemed to be a considerable concern when discussing PREA compliance. The need for training, facility/technology upgrades, staff, and data tracking software could pose a significant financial burden, especially for smaller agencies. This includes a lack of resources in general to help address the standards adequately.

An additional training need was also identified during the discussion. State and local law enforcement agencies (regardless of whether their agency has a lockup) that will be called on to investigate allegations of sexual abuse in other correctional settings, need to receive additional training on 1) the other categories of standards (jail/prison, juvenile corrections, community corrections), including investigative standards, 2) best practices in sexual assault investigations (including the effects of trauma on victims), 3) nuances of conducting investigation in a correctional setting, and 4) a basic orientation to PREA, which would include what corrections staff are taught to do as first responders to reports of sexual assault. A possible target organization to receive/disseminate this training would be the Association of State Criminal Investigative Agencies. This recommendation was valuable as the participants were able to look beyond the immediate implications of the PREA standards for lockups and think about broader implications for law enforcement as they relate to the PREA standards for other facilities.

Despite the concerns of the group around the challenges of PREA compliance, the general consensus was that detecting, responding to, and preventing sexual abuse in any sort of confinement setting was important. However, at the conclusion of the focus group, it was unclear as to whether a toolkit would be the most helpful resource for local law enforcement at this time. There is clearly still a need to raise awareness about the PREA standards in general, but there also seems to be a strong desire to have step-by-step guidance as to how to comply with the standards (and effectively pass an audit), thereby protecting the agency from liability to the best of their ability.

Conclusion

In summary, law enforcement leaders, through the needs assessment survey and focus group discussion, have identified several areas of concern related to understanding and implementing the PREA standards for lockups. This information will be critical in crafting an informed outreach, training, and technical assistance strategy for law enforcement moving forward.

Of particular significance for future outreach efforts, it is important to note that nearly 70% of survey respondents either were not familiar with the PREA standards for lockups or were familiar but were not working toward compliance. With supporting commentary from the focus group, we can infer that there is a low level of awareness of PREA and its implications for lockups, particularly among police agencies (as compared to sheriff's departments). Additionally, several open ended responses from the survey and feedback from focus group participants indicated a general impression or belief among police agencies that the PREA standards either do not or should not apply to their facilities. Considering that so many survey respondents indicated having 1) a very low number of daily detainees, 2) a short length of average detention, and 3) few or no reported incidents of sexual abuse in the previous 12 months, these agencies may feel that

infrequency of detention, facility design, and intended use may imply that their facilities will not qualify as a lockup, or that it simply may not be worth their time and resources to invest in prevention. Additionally, many agencies with lockups that are familiar with the PREA standards have not started to work on compliance and are unsure about how to start. Additional outreach and education is necessary to enhance awareness and understanding, especially in smaller and mid-sized agencies.

A majority of survey respondents detain people for less than six hours and therefore may not be subject to the audit standard, which draws attention to the fact that there are many agencies with lockups that may have a different level of commitment to compliance. Messaging for lockups will need to focus on how to proactively limit liability through compliance, but they will also need information about measures of compliance for self-audits. There are various ways to present possible approaches to the PREA standards for lockups, including:

- Appealing to an agency leader's desire for risk management: *what does my agency need to do to prove compliance (regardless of the audit requirement)*, and
- Appealing to an agency leader's desire to be a leader on the topic and follow best practices: *what should my agency be doing to improve safety*.

On a related note, it is critical for the field to understand what "overnight detention" means to determine if they must comply with the audit standard.

A final consideration is that smaller agencies (serving populations of 50,000 or less) are likely to be the least informed, least prepared, and in need of the most assistance for complying with the PREA standards for lockups. These agencies in particular will need additional outreach and resources tailored to their unique circumstances.

The IACP, in collaboration with the PRC and CIPP, is developing the next phase of an awareness campaign for lockups based on the findings of these needs assessment activities. We strongly encourage and support the development of various training tools that are specifically relevant to the unique nature of very short-term detention/confinement facilities and look forward to supporting the development and delivery of those resources to law enforcement leaders nationwide. Now is the time to be sending a clear, uniform message to law enforcement leaders about their responsibilities to improve safety for detainees and staff and reduce liability for their agency by understanding the PREA standards.

Appendix A

IACP PREA Survey

PREA Survey

Survey of Law Enforcement Lockups

*This survey requires an average of **15 minutes** to complete.*

INTRODUCTION

The Prison Rape Elimination Act (PREA) was signed into law (P.L.108-79) on September 4, 2003. The goal of PREA is to eradicate sexual assaults in all correctional facilities in the United States. The law includes "any confinement facility of a federal, state, or local government, whether administered by such government or by a private organization on behalf of such government, and includes **any local jail or police lockup**, community confinement facility, and any juvenile facility used for the custody or care of juvenile inmates."

Lockup means a facility that contains holding cells, cell blocks, or other secure enclosures that are:
(1) Under the control of a law enforcement, court, or custodial officer; and
(2) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

The U.S. Department of Justice (DOJ) has published final standards that apply specifically to agencies that operate lockups. The standards can be reviewed at www.theiacp.org/PREA . Although compliance with the standards is not mandatory, they represent minimum standards of care for detainees. Voluntarily striving for significant compliance with the PREA standards will represent strong agency leadership and will minimize agency exposure to liability.

Now that Congress has passed PREA and the Department of Justice has finalized the standards, IACP is working to support its members as they consider these standards. The IACP will strive to make members fully aware of the PREA standards and to provide assistance to law enforcement leaders who are managing lockups of any size .

THIS SURVEY

In partnership with the National PREA Resource Center, which is operated by the National Council on Crime and Delinquency (NCCD) under a cooperative agreement with the Bureau of Justice Assistance, and the Center for Innovative Public Policies (CIPP), **IACP is conducting this national needs assessment survey to gather critical data from law enforcement leaders about current practices related to eliminating sexual abuse in local lockups**. The information gathered through this survey will aid in the development of a variety of resources that will assist local police agencies in understanding the PREA standards and what steps they will need to consider in voluntarily seeking meaningful compliance with those standards. One of the resources that will be developed as a result of the survey findings is a toolkit for law enforcement administrators to assist agencies in complying with PREA.

Thank you for your participation in this brief survey; it will greatly enhance our efforts in providing law enforcement agencies nationwide with relevant tools to effectively manage lockups.

You can complete the online version of the survey or, if you prefer, you can download and print the PDF version of the survey from www.theiacp.org/PREA. If you choose to complete a paper version, please fax the completed survey to 703-684-3448 or scan and email to Maxwell@theiacp.org. We urge you to complete the survey as soon as possible, but the survey will close **August, 31, 2012**. If you need any assistance, please contact IACP Program Manager, Dianne Beer-Maxwell, at Maxwell@theiacp.org or 1.800.843.4227 x 807.

I. Agency and Jurisdiction Information

This section of the survey will ask you basic questions about your jurisdiction and agency, and the lockup services you may provide or for which you contract.

*1. Please list your agency name

*2. Which best describes your position within your agency?

○ Executive (Chief/Sheriff)

○ Senior Manager

○ Mid-manager

○ First-line Supervisor

○ Other

If "Other", please specify

[   ]

*3. Please describe your law enforcement agency

○ Municipal Police

○ County Police

○ State Police/Highway Patrol

○ Tribal Police

○ Campus Police

○ Sheriffs Department/Office

○ Other

If "Other", please specify

[   ]

*4. What is the size of your agency? (Please enter numbers for each appropriate category. If none, enter "0".)

Full-time sworn   [   ]

Part-time sworn   [   ]

Reserve/Auxiliary   [   ]

Civilian   [   ]

Volunteer   [   ]

*5. Enter the number of facilities or sites, SEPARATE FROM HEADQUARTERS, operated by your agency. If your agency only operates a headquarters facility, enter "0" in all categories.

District/precinct/division stations   [   ]

Fixed neighborhood/community substations   [   ]

Mobile neighborhood/community substations   [   ]

*6. Please describe your agency's service area

○ Urban

○ Suburban

○ Urban/Suburban

○ Rural

○ All of the above

*7. Is your agency accredited through CALEA, a state accreditation service, or some other accreditation service?

○ Yes

○ No

*8. One of the PREA standards states that agencies that contract with another agency for lockup or jail services are responsible for ensuring their contractor is compliant with the PREA Standards. Does your agency have a written contract with another agency to hold any of your arrestees or detainees?

○ Yes

○ No

*9. If you contract with another agency to hold any of your arrestees or detainees, does your contract currently address sexual abuse within the facility related to:

	Yes	No	Not Certain	My agency does not contract
Detainee-on-detainee sexual assault	○	○	○	○
Staff-on-detainee sexual assault	○	○	○	○

*10. Does your agency take detainees to another facility, such as a central processing location?

○ Yes

○ No

*11. PREA defines a lockup as:

A facility that contains holding cells, cell blocks, or other secure enclosures that are:

(1) Under the control of a law enforcement, court, or custodial officer; and

(2) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

According to the above definition, does your agency have a lockup?

○ Yes

○ No

○ Cannot determine based on the above definition

II. Lockup Information

This section of the survey will ask you specific baseline questions about the lockup services you provide.

*12. PREA defines "detainee" as any person detained in a lockup, regardless of adjudication status. What is your approximate maximum detainee capacity (including juvenile holding areas, adult holding areas, and areas considered "other secure enclosures")?

[   ]

*13. What is your approximate daily detainee population?

○ 0 (most days our lockup will not have any detainees)

○ 1 to 9

○ 10 to 50

○ 51 to 100

○ 101 to 500

○ 501 to 999

○ 1000 plus

*14. What is the approximate length of time, on average, that you hold detainees in your facility?

◯ Less than 2 hours

◯ 2-6 hours

◯ 7-12 hours

◯ 13-24 hours

◯ 25-48 hours

◯ 49-72 hours

◯ Uncertain

If "Uncertain", please explain

[   ]

*15. Do you have a holding area that could be used to hold more than one detainee at a time? (e.g. where detainees may have direct contact with one another; group detainment)

◯ Yes

◯ No

*16. How do you staff your lockup? (Enter numbers for each appropriate category- for the "other" category, specify "other" followed by the number, e.g. Contractor - 25.)

Permanent/Designated staff	[ ]
As-needed staff	[ ]
Reserve/Auxiliary	[ ]
Civilian	[ ]
Volunteer	[ ]
Other	[ ]

III. PREA Related Issues

This section of the survey will ask you about your understanding of PREA and any activities you may currently be involved with related to addressing sexual abuse in confinement.

*17. Please describe your knowledge of PREA prior to taking this survey

◯ None at all

◯ I am familiar with PREA but was not aware there were standards for lockups

◯ I am familiar with PREA and am aware that it applies to my agency, but am not actively working toward compliance

◯ I am familiar with PREA and my agency is actively working toward compliance

*18. Does your agency have a written policy that addresses sexual misconduct between detainees?

    ○ Yes

    ○ No

*19. Does your agency have a written policy that addresses staff sexual misconduct toward detainees?

    ○ Yes

    ○ No

*20. If there were an allegation of detainee-on-detainee sexual abuse, how would it be investigated in your agency?

    ○ Internally

    ○ By an outside agency

*21. If there were an allegation of staff-on-detainee sexual abuse, how would it be investigated in your agency?

    ○ Internally

    ○ By an outside agency

*22. Does your agency currently have any methods to accept reports of sexual abuse of detainees that are made:

	Yes	No
Verbally	○	○
In writing	○	○
Anonymously	○	○
By a third party	○	○
To an external entity/agency	○	○

*23. Approximately how many reports of sexual abuse in confinement has your agency received in the past 12 months? (If none, please enter "0".)

Detainee-on-detainee   [   ]

Staff-on-detainee   [   ]

*24. If you have received any staff-on-detainee allegations in the past 12 months, enter the current dispositions of those allegations (if you have not received any reports, please enter "0" in all categories.)

Ongoing

Sustained

Unfounded

Unsubstantiated

IV. Compliance and Training Issues

This section of the survey will ask you about current and future training and resource needs you may have to voluntarily bring your agency into compliance with the PREA standards.

*25. Does your agency currently offer any training on prevention, detection, and response to sexual abuse in confinement?

	Yes	No	N/A
For staff related to detainee-on-detainee abuse	○	○	○
For volunteers related to detainee-on-detainee abuse	○	○	○
For staff related to staff-on-detainee	○	○	○
For volunteers related to staff-on-detainee	○	○	○

*26. The following categories represent activities required for compliance with the PREA standards. Please rate what level of difficulty you anticipate your agency may have in voluntarily complying with PREA standards to address sexual abuse in confinement (detainee-on-detainee and staff-on-detainee). (1 represents a low level of difficulty and 5 represents a high level of difficulty)

	1	2	3	4	5	N/A
Writing/revising policy	○	○	○	○	○	○
Assessing staffing levels to establish an adequate supervision plan	○	○	○	○	○	○
Establishing an adequate monitoring plan (that could include monitoring technology)	○	○	○	○	○	○
Training for all employees and volunteers who may have contact with detainees	○	○	○	○	○	○
Developing a notification mechanism for detainees related to the agency's zero tolerance policy regarding sexual abuse	○	○	○	○	○	○
Establishing/designating a PREA Coordinator	○	○	○	○	○	○
Investigation requirements (e.g., training for investigators, guidelines on conducting investigations)	○	○	○	○	○	○
Implementing any necessary changes to disciplinary sanctions for staff abusers	○	○	○	○	○	○
Having a collective bargaining agreement or other agreement that does not limit the agency's ability to remove alleged staff abusers from contact with victims pending the outcome of an investigation	○	○	○	○	○	○
Medical/mental health requirements (e.g., providing access to emergency medical services without financial cost to the victim)	○	○	○	○	○	○
Intake screening, classification, and housing requirements for detainees	○	○	○	○	○	○
Creating/improving reporting mechanisms	○	○	○	○	○	○
Changes to data collection and storage capabilities (e.g., collecting data from multiple sources, preparing an annual report of data and incident reviews, and maintaining data for at least 10 years)	○	○	○	○	○	○
Accommodating an independent audit periodically (e.g., financing the audit, opening facilities, providing documents for review) *(Only applies if detainees are held overnight)*	○	○	○	○	○	○

27. List any other concerns you may have about bringing your agency into compliance with the PREA standards (100 characters maximum)

*28. In the future, IACP and the PREA Resource Center plan to offer relevant training on the PREA standards. Considering the topics indicated above, what training format would best meet your agency's training needs? (Check all that apply.)

☐ Classroom based

☐ Online/Web-based distance learning

☐ Videoconferences

☐ CD/DVD based

☐ Blended (combination of in-class and web-based)

☐ Podcasts

☐ Other

If "Other", please specify

[   ]

*29. What teaching methods do you think are most effective in law enforcement training for your agency? (Check all that apply.)

☐ Lecturettes (no longer than 15 minutes)

☐ Scenario-based

☐ Interactive

☐ Discussion/brain storming

☐ Videos

☐ Other

If "Other", please specify

[   ]

V. Contact Information and Resources

This is the final section of the survey. Response to this section is optional.

30. If you would be willing to talk further about sexual assault in confinement and/or your survey responses with our team, please provide your contact information:

Name	
Title	
Agency	
Telephone Number	
Email Address	

31. Does your agency have any PREA-related compliance documents (policies, procedures, MOUs, training materials, pamphlets, videos, etc.) that would be helpful to other agencies that are working toward elimination of sexual assault in confinement?

○ Yes

○ No

32. Please check "Yes" below if you are willing to share any resources you may have. By checking this box you agree that the project team can contact you by phone or email. These documents may be used to aid in the development of the PREA Law Enforcement Lockup Toolkit.

○ Yes

Cannot Determine Lockup Status

33. If you cannot determine whether your agency operates a lockup, as it is defined by PREA, but you would be willing to talk with a member of the project team to learn more, please enter your information below.

Name: [_____]

Title: [_____]

Agency: [_____]

State: [_____ ▼]

Email Address: [_____]

Phone Number: [_____]

End of Survey

Thank you for your participation in the PREA Needs Assessment Survey. The information you have provided is invaluable. Learn more about this initiative by visiting www.theiacp.org/PREA.

Appendix B

Focus Group Participant List

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Appendix C

Needs Assessment Highlights

Nationwide PREA Needs Assessment for Lockups

Highlight Summary

This work was conducted by the International Association of Chiefs of Police (IACP) Elimination of Sexual Abuse in Confinement Initiative, with support from the National PREA Resource Center (PRC) and in partnership with the Center for Innovative Public Policies (CIPP). This highlight summary provides the most relevant findings and suggestions from a national survey and a focus group of law enforcement leaders for outreach, training, and technical assistance for agencies with lockups.

Needs Assessment Survey

During the Fall of 2012, IACP conducted an online survey of law enforcement agencies to answer the following PREA-related questions:

- Do they have a lockup (as defined by the PREA standards)?
- What is their basic operational capacity (agency size, average detainee daily population, and length of time detainees are held)?
- How many recent incidents (12 months prior) of sexual abuse were reported in their lockup facilities?
- What is the state of agencies' general preparedness and concerns about the PREA standards for lockups?
- What are agencies' preferred training methods for addressing PREA knowledge and compliance?

Through data refinement, a total of 342 unique survey respondents were identified.

Respondent Demographics

- 83% were from a municipal law enforcement agency
- 53.5% were from a smaller agency (1-50 sworn); 40.1% were from a mid-sized agency (51-500 sworn); 6.4% were from a larger agency (501+ sworn)
- 90% of respondents met the definition of "lockup"

Operational Capacity

- 81% have a daily average of 9 or fewer detainees (37.7% indicated that most days they had zero detainees)
- 62% hold detainees for 6 hours or less (36.4% indicated they held detainees for 2 hours or less)
- 71% have a group holding area that could be used to detain more than one person at a time
- 51.9% take their detainees to another location, such as a central processing facility

PREA Specific Questions

- On average, reported incidents of sexual abuse in the previous 12 months were quite low (14 detainee-on-detainee and 5 staff-on-detainee): 95.8% reported zero incidents of detainee-on-detainee sexual abuse; 98.3% reported zero incidents of staff-on-detainee sexual abuse
- As agency size increased, the number of reports for both detainee-on-detainee and staff-on-detainee sexual abuse also increased
- 47.9% have a written policy on staff-on-detainee sexual abuse, while only 28% have a written policy on detainee-on-detainee sexual abuse
- 90.6% of detainee-on-detainee incidents would be investigated internally; 55.9% of staff-on-detainee incidents would be investigated internally
- 46.2% of respondents indicated they had no knowledge of PREA prior to completing the survey; 16.4% were familiar with PREA but not the lockup standards; 7.7% were familiar but were not working toward compliance; 29.7% (85 agencies) were familiar and actively working toward compliance with PREA lockup standards
  - Of the agencies that had no prior knowledge of PREA, only 13.6% had a policy on detainee-on-detainee sexual misconduct and only 35.6% had a policy on staff-on-detainee sexual misconduct
- Level of difficulty agencies anticipated in complying with related standards categories:
  - Most respondents indicated a low level of anticipated difficulty, but there was at least one respondent in every category that listed a high level of difficulty (larger agencies reported less difficulty than smaller or midsize agencies)
  - Categories in which slightly elevated levels of difficulty were indicated:
    - Accommodating periodic independent audits
    - Changes to data collection and storage capabilities
    - Training for all employees and volunteers who have contact with detainees
    - Investigation requirements (training for investigators)
    - Collective bargaining agreement impacts
    - Medical/mental health requirements
- Other compliance concerns listed in open ended question:
  - Budget (for training, facility, staff, data tracking software)
  - Culture change (generation gap)
  - Do not believe this does or should apply to our facility – may cause unnecessary work
  - Lack of resources to help address the standards adequately

Training

- 26.2% of responding agencies currently provide training on detainee-on-detainee sexual misconduct and 30.2% provide training on staff-on-detainee sexual misconduct (rates are much lower for training provided to volunteers/contractors, around 11%)
- When asked what format for delivery of PREA training would best meet the needs of lockups, 70.1% indicated online/web-based learning, 60.6% indicated CD/DVD based, 38.9% indicated classroom based, 28.9% indicated blended classroom and web-based, 13.4% indicated videoconferences, and 9.9% indicated podcast (respondents were able to select more than one method)

Focus Group

To further explore the findings of the survey, IACP, in collaboration with PRC and CIPP, hosted a focus group discussion at the end of November 2012, with lockup stakeholders, including survey respondents and representatives from various IACP committees and sections. Specifically, this group was convened to discuss law enforcement leaders' concerns about PREA compliance and to make recommendations about resources to assist agencies with PREA compliance, such as a toolkit. Several themes emerged throughout the course of the day-long conversation:

- There appears to be a pervasive lack of both awareness and understanding of the PREA standards as they apply to lockups in the field, particularly among municipal police agencies; there is also hesitancy among some agencies
- The issue of PREA and recommended actions for lockups need to be simplified and specific to the unique conditions/environment of temporary detention, to enhance the likelihood of a positive, proactive response
- The audit standard was of primary concern: who is subject to the audit (what does "overnight detention" mean? And if my agency is not subject to audit, how will we know whether we are doing enough to protect ourselves from liability?), what does compliance look like, and who will be conducting the audit were common concerns – Note: audit compliance measures seemed to rise above the need for a broad toolkit
- Many participants suggested presenting a phased approach to self-assessment and compliance, including some mechanism for categorizing the criticality of each proposed change/action (happens often/rarely, consequence major/minor – what's most likely to occur and what's easiest to change)
- From a law enforcement perspective, all participants agreed that sexual assaults in confinement (either in their lockups or ones they were called to investigate at a correctional facility) should be treated as they would treat sexual assault investigations in their communities
- An additional training need was identified during the discussion: state and local law enforcement agencies (regardless of whether their agency has a lockup) that will be called on to investigate allegations of sexual abuse other correctional settings, need to receive additional training on 1) specifically the jail and prison standards, including investigative standards, 2) best practices in sexual assault investigations (including the effects of trauma on victims), 3) nuances of conducting an investigation in a correctional setting, and 4) a basic orientation to PREA (since the correctional facility would be required to ensure the outside investigative partner received that training), which would include what corrections staff are taught to do as first responders to reports of sexual assault

Considerations for Training and Technical Assistance

Of particular significance for future outreach efforts, it is important to note that nearly 70% of survey respondents either were not familiar with the PREA standards for lockups or were familiar but weren't working toward compliance. With supporting commentary from the focus group, we can infer that there

is a low level of awareness of PREA and the implications of the standards for lockups, particularly among police agencies. Additionally, several open ended responses from the survey and feedback from focus group participants indicated a general impression or belief among police agencies that the PREA standards either do not or should not apply to their facilities. Considering that so many survey respondents indicated having a very low number of daily detainees and a short length of average detention, these agencies may feel that infrequency of detention, facility design, and intended use may imply that their facilities will not qualify as a lockup. Many agencies with lockups which are familiar with the PREA standards have not started to work on compliance and are unsure about how to start. Additional outreach and education is necessary to enhance awareness and understanding.

The fact that the majority of survey respondents detain people for less than 6 hours and therefore may not be subject to the audit standard, draws attention to the fact that there are many agencies with lockups that may have a different level of commitment to compliance. Messaging for lockups will need to focus on how to proactively limit liability through compliance, but they will also need information about measures of compliance for self-audits. There are various ways to present possible approaches to the PREA standards for lockups, including:

- Appealing to an agency leader's desire for risk management: what does my agency need to do to prove compliance (regardless of audit requirement), and
- Appealing to an agency leader's desire to be a leader on the topic and follow best practices: what should my agency be doing to improve safety.

On a related note, it is critical for the field to understand what "overnight detention" means (i.e. if I bring someone into the station at midnight but release them at 4am or 6am, is that considered overnight detention? What if there is a weather emergency and it is not safe for me to either release them or transport them to the jail or other processing facility? Do agencies have discretion for exigent circumstances or special exceptions?), to determine if they must comply with the audit standard.

A final consideration is that smaller agencies (serving populations of 50,000 or less) are likely to be the least informed, least prepared, and in need of the most assistance for complying with the PREA standards for lockups. These agencies in particular will need additional outreach and resources.

The IACP, in collaboration with PRC and CIPP, is currently developing the next phase of an awareness campaign for lockups based on the findings of our needs assessment activities. We strongly encourage and support the development of various training tools that are specifically relevant to the unique nature of very short-term detention/confinement facilities and look forward to supporting the development and delivery of those resources to law enforcement lockups nationwide.