

NATIONAL
PREA
RESOURCE
CENTER

Developing and Implementing A PREA-Compliant Staffing Plan



THE MOSS GROUP, INC.

Experienced Practitioners Committed to Excellence in Correctional Practice

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The National Standards to Prevent, Detect, and Respond to Prison Rape (“Standards”) created pursuant to the Prison Rape Elimination Act (“PREA”) require every federal, state, and local corrections facility to develop and document a staffing plan that provides supervision and monitoring adequate to prevent the sexual abuse of those confined in the facility based on facility type.¹

To assist facilities with the development and implementation of PREA compliant staffing plans, The Moss Group, Inc., under subcontract with the National PREA Resource Center, has developed this *Staffing Plan White Paper*. This paper identifies and explains the applicable PREA Standards and requirements, along with other influencing factors that impact a facility’s development, documentation and implementation of a PREA-compliant facility staffing plan.

It is important to note that while current or traditional staffing models are helpful to a facility when developing the required staffing plan, these traditional models were developed prior to the passage of PREA. Therefore, they are not necessarily PREA-informed or constructed with a “lens” focused on sexual safety. Furthermore, traditional staffing models typically have not taken into account the significance of gender as an influencing factor.

What Does a PREA-Compliant Staffing Plan Require?

Staffing Plan Requirements

There are four PREA requirements imposed for *all* facility types:

- The development of a staffing plan must include an assessment of adequate staffing levels and, where applicable, video monitoring along with a set of prescribed specific considerations, with the goal of preventing sexual abuse;
- The plan must be documented;
- The facility must document and provide justification, if required, whenever there is a deviation from the staffing plan; and
- The facility must document on an annual (or more frequent) basis the assessment of the staffing plan and document any needed adjustments to the plan.

Facility-Specific PREA Requirements

Adult prisons, jails, and juvenile facilities:

When developing a staffing plan, adult prisons, jails, and juvenile facilities are mandated to consider:

- (1) Generally accepted detention and correctional practices;
- (2) Any judicial findings of inadequacy;
- (3) Any findings of inadequacy from Federal investigative agencies;

¹ 28 C.F.R. §§115.113(a)/.213(a)/.313(c), <http://www.prearesourcecenter.org/sites/default/files/library/2012-12427.pdf>

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

Community confinement facilities and lockups:

When developing a staffing plan, community confinement facilities and lockups are mandated to consider:

- (1) The physical layout of each lock up [or] facility;
- (2) The composition of the detainee [or] resident population;
- (3) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- (4) Any other relevant factors.³

A PREA-compliant staffing plan is a written document that reflects the results of an objective analysis of the facility's staffing needs to ensure sexual safety. The staffing plan must identify the personnel and any video monitoring technology necessary to safely and securely operate a facility in a manner that protects against sexual abuse. The staffing plan must describe the numbers and types of positions and video monitoring equipment needed, and the manner in which they would be deployed within each facility to meet the facility's mission to protect inmates, detainees, or residents from sexual abuse.

Corrections facilities typically have documentation that is considered to be a staffing plan. In some facilities, a staffing plan is implied by the employee roster, schedule of assignments, and/or shift records that identify specific posts and positions to be filled. However, these documents generally reflect the placement and schedules of staff that are allocated to the facility within budgetary constraints, rather than a careful analysis of the facility's staffing needs as they relate to ensuring sexual safety. An implied plan from multiple documents that does not reflect a careful analysis of the facility's staffing needs according to the requirements in Standard 115.13 is not a PREA-compliant staffing plan. A PREA-compliant staffing plan must be a document developed from the required *objective* analysis of what staff and video monitoring are needed to protect the facility population from sexual abuse based on a consideration of certain facility-specific factors enumerated in Standard 115.13. In order to comply with 115.13, the facility will need to be able to provide a documented analysis of each of the factors dictated in the Standard. The staffing plan developed under this Standard may reflect a need for more staff than budget

² 28 C.F.R. §§115.13(a)/.313(a).

³ 28 C.F.R. §§115.113(a)/.213(a).

allows. The Standard requires that an adult facility make its *best effort* to comply with its own staffing plan, but, understanding that there may be budgetary or other constraints that prevent the facility from doing so, allows a facility to be in compliance with the Standard as long as the plan reflects the appropriate analysis, and deviations from the plan are documented with clear explanations for the deficiency. However, a juvenile facility is *required* to comply with its staffing plan except during limited and discreet exigent circumstances, which must be fully documented. It is important to note that PREA Standards do not establish a defined right or wrong way to approach a staffing plan. Rather, the intent of the Standard is to ensure that the staffing plan incorporates an analysis of key considerations related to sexual safety.

Influencing Facility-Specific Factors

The staffing plan must also address other facility-specific factors, which is one of the differences between a staff roster and a staffing plan. Consideration of influencing factors accounts for relevant facility and population-specific factors during the planning process. This planning helps to 1) ensure adequate and appropriate staff will be available where and when needed to manage facility operations and 2) provide sufficient supervision and monitoring to keep the facility population safe from harm, including sexual abuse and sexual harassment. This level of planning is essential for creating a staffing plan that is in compliance with the PREA Standards and consistent with constitutional mandates regarding conditions of confinement.

The number, nature, and degree of influencing factors vary from facility to facility, but must be identified and considered in the development of any staffing plan.

Examples of Facility-Specific Factors Related to Sexual Safety

This list includes considerations enumerated in the Standard and other factors for consideration:

- Facility mission(s);
 - Population census numbers and the extent to which the population exceeds facility design capacity;
 - Specific characteristics of the population, such as custody, gender, age, vulnerability, prior victimization or abusiveness;
 - Availability of education and programming opportunities;
 - Access to medical and mental health care;
 - Physical plant characteristics that can impact line of sight and visibility; and
 - Privacy considerations and limits to cross-gender viewing and searches.
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How Do I Develop a Staffing Plan or Improve the One I Have?⁴

When developing or modifying a staffing plan to comply with PREA, there are several considerations. First, to effectively develop (or assess) a staffing plan that will comply with the PREA Standards and protect the population from sexual abuse, it is imperative to begin with a thorough understanding of the facility and its operations and population. Updated organizational charts, staff schedules, job descriptions, floor plans and/or architectural drawings, population census records, and other documents will be important in the development of the staffing plan as these documents contain vital information regarding the facility and its current operations.

Second, consider if applicable staff ratio requirements apply to your facility. PREA Standards do not, for any facility type, mandate the creation of specific “priority posts” that must be filled or any specific distribution of staff. Under the PREA Standards, there is no set staffing ratio for adult facilities. In juvenile facilities, however, there are staffing ratio requirements for secure facilities that should be incorporated into developing a staffing plan. These ratios include 1:8 during resident waking hours and 1:16 during resident sleeping hours.⁵ See *Additional Considerations* for more information on juvenile facilities and staffing ratios.

Staffing Plan Resources

- For prisons: [*Prison Staffing Analysis: A Training Manual with Staffing Considerations for Special Populations*](#)
 - For jails: [*Staffing Analysis Workbook for Jails. 2nd ed.*](#)
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Third, identify positions and functions. Although the development of a staffing plan is not an exact science, a traditional staffing plan clearly identifies the relieved and non-relieved positions, noting current vacancies, and the functions of each position:

- *Relieved posts or positions* are always filled at the specified times by an individual with the appropriate level of training, experience, and authority (officer, supervisor, etc.) to effectively carry out the functions of that post or position. The relieved post or position is staffed in terms of hours of the day or days of the week.
- *Non-relieved positions* are assigned to a single employee who reports to work at specified times. When this employee does not report to work because of a scheduled or unscheduled absence, no other employee fills in.
- *Function* describes what the employee will be doing, such as supervising a housing unit, escorting inmates, classifying inmates, etc. Each function does not necessarily represent a separate position. Sometimes key functions can be grouped together under one position; e.g., one position may be responsible for supervising the unit as well as making staff schedules.

⁴ *Staffing Plan Resources*: For prisons: <https://s3.amazonaws.com/static.nicic.gov/Library/022667.pdf>
For jails: <https://s3.amazonaws.com/static.nicic.gov/Library/016827.pdf>

⁵ 28 C.F.R. Part 115, Preamble, p. 28.

However, it is important to identify all tasks necessary for operations; number of hours/days necessary to complete the task; and level of importance, e.g., critical to the mission, supportive operations, etc.

Other Considerations in Developing and Reassessing a Staffing Plan:

- Relief factors: number of staff on military leave, Family and Medical Leave Act (FMLA), staff training, etc.;
 - Movement requirements within a facility;
 - Transportation outside of the facility;
 - Inmates on high observation status, such as suicide watch;
 - Skill level of existing staff;
 - Search requirements after visitation, vocational school, and other transports; and
 - Whether the facility houses youthful inmates, which requires separation and direct staff supervision.
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Who Needs to be Involved in the Drafting or Assessment of the Facility Staffing Plan?

An effective staffing plan requires input from a cross section of facility personnel, with central involvement by the agency PREA Coordinator and the facility PREA Compliance Manager. If managed well, the broader the participation the better. Depending on the size and intricacies of individual systems, a staffing plan committee, with a deep understanding of the organizational structure, will be helpful to develop or evaluate the staffing plan. Regardless of whether one individual or a committee is responsible, input from facility operations personnel with knowledge specific to the discrete operations and areas within the facility is critical to the development of a sound plan. The following are examples of areas to include in the development of a staffing plan. PREA Standards and sexual safety should overlay with each of these areas. See *Considerations Regarding Facility-Specific PREA Requirements* for more information.

Intake Every facility has personnel who are responsible for receiving inmates/residents/detainees, whether as a result of a facility transfer or as a new admission. Personnel who manage intake/reception in the facility (or a unit within the facility) need to be consulted regarding the unique concerns of processing and facility compliance with the specific PREA requirements in order to ensure adequate staff monitoring to protect against sexual abuse. Also, if mixed populations are housed at the facility, such as men and women, adults and juveniles, convicted and non-convicted, then issues related to managing those populations in one facility need to be addressed.

Housing Personnel from all of the facility housing units need to be consulted. The plan needs to consider the differing physical configurations in housing units, as well as other factors that affect staffing needs.

Other factors include:

- Unit population census and demographics;
- Inmate classification(s);
- Special population vulnerabilities; and
- Specialized unit missions related to therapeutic community, gang management, protective custody, geriatrics, etc.

Programs Input is needed from programs personnel to ensure that inmates/residents participating in available programs are adequately supervised and monitored. Sexual abuse and staff sexual misconduct in adult facilities is more likely to occur in programs areas such as the commissary, kitchen, storage, laundry, cafeteria, workshop, and hallways.⁶ Thus, program operation and physical layout of all program-related areas within the facility and on facility grounds should be reviewed. This would include any school and vocational programs, work assignments such as grounds keeping, janitorial services, facility clerk, maintenance helper, laundry and kitchen worker, as well as religious and civic activities, chapel, gym, and recreational areas.

Medical/Mental Health Similarly, medical and mental health personnel will be able to better identify the functions and population flow of their department. Their input is important for determining when and where staff are needed so that medical and mental health personnel are appropriately available to provide required care to the population while safety is maintained.

Other Personnel In addition to the personnel identified above, each facility must consider what other personnel are integral to facility operations and, therefore, may have information relevant to specific PREA Standards that should be consulted in the development or assessment of the staffing plan. For example, internal affairs/investigations, sexual abuse incident review teams, and inmate grievance system personnel may have important information regarding facility hot spots or incidents that indicate the need for staffing plan changes. Similarly, other specialized personnel who manage discrete areas, such as religious services and volunteers, may need to be considered. Communication with agency/facility human resources personnel can help identify all personnel who need to be considered.

Once input from all areas of the facility is gathered, common themes and gaps in the staffing structure can be identified and addressed. The staffing plan development and assessment process should then address any area in which an inmate/resident/detainee could be—including restricted areas where inmates/residents/detainees should not be—and ensure that in each location there is adequate supervision and monitoring to ensure safety, including sexual safety.

⁶ Beck, A., R. Rantala, J. Rextroat (2014). Sexual Victimization Reported by Adult Correctional Authorities, 2009–11. U.S. Department of Justice, OJP, BJS. Retrieved from: <http://www.bjs.gov/content/pub/pdf/svraca0911.pdf>.

Considerations Regarding Facility-Specific PREA Requirements

1	<p>Generally Accepted Detention and Correctional Practices: These practices are not defined in the PREA Standards; however, there are a number of resources that provide guidance regarding generally accepted practices based on facility type.⁷</p>
2	<p>Judicial Findings of Inadequacy: Such findings arise from court orders and opinions. Both published and unpublished legal opinions may identify areas in a facility that a court has determined are particularly dangerous, and/or have not been properly supervised or are blind spots. Consider this information when developing a staffing plan. The legal counsel or Attorney General’s Office is one source for learning of “judicial findings of inadequacy” regarding a facility.</p>
3	<p>Findings of Inadequacy from Federal Investigative Agencies: Under PREA, findings of inadequacy from federal investigative agencies must be considered. For example, if an agency receives a Findings Letter from the Department of Justice pursuant to 42 U.S.C. §§ 1997-1997j that identifies deficiencies in facility operations, these findings would have to inform the staffing plan.</p>
4	<p>Findings of Inadequacy from an Oversight Body: This includes findings from oversight boards or internal facility/agency review boards. Consider any findings of inadequacy regarding the facility that have been issued by such review boards to the extent that those findings bear upon how the facility is staffed to address safety, particularly sexual safety.</p>
5	<p>All Components of the Facility’s Physical Plant: This requirement specifically includes a parenthetical that references, “blind-spots or areas where staff or inmates may be isolated.” The inclusion of this parenthetical reflects that weighing the components of the physical plant in the staffing plan requires more than merely examining the architectural diagram or floor plan. For example, a dayroom area with</p>

⁷ The National Institute of Corrections (NIC) is an agency within the U.S. Department of Justice, Federal Bureau of Prisons that provides training, technical assistance, information services, and policy/program development assistance to federal, state, and local corrections agencies. The American Correctional Association (ACA) has a “Standards and Accreditation Department” that develops and audits on correctional practices and standards established by the ACA. The American Jail Association (AJA) provides training and technical assistance regarding local corrections facilities. The National Partnership for Juvenile Services (NPJS) provides professional development and technical assistance and promotes best practices and standards to the field of juvenile justice and delinquency prevention. Another resource is the Office of Juvenile Justice and Delinquency Prevention (OJJDP), in the Office of Justice Programs, in the Department of Justice. The American Probation and Parole Association (APPA) is an international association that works with all levels of government including federal, state/provincial, local and tribal agencies in a number of areas, including community-based corrections, and provides training and technical assistance. Another community corrections resource is the International Community Corrections Association, which was formerly known as the International Halfway House Association and, later, in 1989 as the International Association of Residential and Community Alternatives.

	<p>no blind spots may not present a safety concern when there are staff present to observe activities—but when there are no staff present a safety concern might arise. When looking at the facility layout, consider the descriptive realities, such as an isolated area or blind-spot. Also consider areas where a single staff person is alone with an inmate or inmates in an isolated area as potentially problematic, particularly areas that are not monitored by cameras.</p>
<p>6</p>	<p>Composition of the Inmate Population: The demographics of a population and any special characteristics of the population that impact the dynamics of sexual abuse in the facility and the ability to keep the population safe are an integral part of a staffing plan analysis. Vulnerable populations within the facility, which include youthful inmates; lesbian, gay, bisexual, transgender, and intersex (LGBTI) inmates; and inmates with mental illness or other disabilities, including cognitive disabilities, may be at high risk for sexual victimization. Any analysis that informs the staffing plan must consider how and where vulnerable populations are housed and programmed, and the staff needed to keep these populations safe.</p> <p>Racial tensions or other tensions between staff and inmates or among inmates may also impact the dynamics of sexual safety in the facility and should be considered when determining the staffing level required to prevent, detect, and respond to sexual abuse.</p> <p>In addition, a facility that is being operated well above its originally planned occupancy rate must consider whether the additional population numbers create particular risks to inmate safety. Furthermore, consider how the process and placement of staff supervising and monitoring the population is managed.</p> <p>See <i>Other Considerations</i> for more information regarding gender at adult female and juvenile girls’ facilities on developing a staffing plan.</p>
<p>7</p>	<p>The Number and Placement of Supervisory Staff: Safety is improved when there is a sufficient number of staff available to supervise inmates/residents/detainees. When developing a staffing plan, the facility should know the number and types of staff who are available to supervise. The staffing plan should address the optimal number and placement of staff for supervision purposes in order to maintain safety in the facility.</p>
<p>8</p>	<p>Institution Programs Occurring on a Particular Shift: Population movement within the facility and the potential opportunities for individuals to gather in a group (risking a disturbance) or to be isolated (risking victimization) has been traditionally understood as impacting the safe and secure operation of a facility.</p>

	<p>Programs need to be considered with a view toward potential sexual safety vulnerabilities including:</p> <ul style="list-style-type: none"> • The shifts in which programs occur, the timing or shift of a program, and how to mitigate any supervision and monitoring concerns; • How shifts are staffed as well as the number and nature of programs and activities, their locations, and if there is sufficient supervision and monitoring to protect sexual safety <i>throughout</i> the facility; and • Any other attendant factors that affect safety, such as the potential for an inmate, resident, or detainee to travel through or enter into a darkened or unstaffed area.
9	<p>Applicable State or Local Laws, Regulations, or Standards: The Standard directs agencies to take into account any applicable State or local laws, regulations, or standards in formulating an adequate staffing plan for jails, prisons, and juvenile facilities. While regulations setting a minimum staffing level may be instructive, they do not necessarily equate to adequate staffing for each unit of each facility. Applicable State laws are a factor to consider, but in developing adequate staffing plans, an agency must take into account all relevant factors that bear on the question of adequacy.</p>
10	<p>The Prevalence of Substantiated and Unsubstantiated Incidents of Sexual Abuse: The records of incidents of sexual abuse are important sources of information for staffing plan development. The investigation and review of an incident may identify times of day or locations within the facility where staffing modifications are needed in order to protect sexual safety in the facility. While records of incidents are valuable sources of information, the absence of reported incidents is not a guarantee that the current staffing plan is adequate.</p> <p>A review of unsubstantiated incidents is also important because, through the review, information regarding supervision and monitoring shortfalls may be revealed.</p>
11	<p>Any Other Relevant Factors: If there are other factors that affect what is needed for adequate supervision and monitoring in a facility, those factors need to be considered and documented.</p>

Additional PREA Standards to Incorporate

It is recommended to consider the complexities of other PREA Standards that impact the development and assessment of a staffing plan. Any standard that impacts how a facility deploys staff to protect inmate sexual safety needs to be considered. For instance:

- §115.15/.115/.215/.315 Limits to Cross-Gender Viewing and Searches
- §115.14/.114 Youthful Inmates
- §115.43 Protective Custody
- §115.31/.131/.231/.331 Employee and Volunteer Training
- §115.86/.186/.286/.386 Sexual Abuse Incident Review

Other Considerations

Use of Video Monitoring

The PREA Standards do not mandate the use of video monitoring technology. However, the Standards do require that each facility “take such technology into consideration...in evaluating staffing needs.”⁸ The appropriate use of video monitoring can help prevent sexual abuse and assist in investigation, but is not a substitute for staff supervision.

If a facility implements the use of video monitoring technology, or any upgrade or modification to the existing facility structure or technologies, it is required that facility management consider the effect of this technology on protecting inmates/residents/detainees from sexual abuse (ref. §115.18/.118/.218/.318). Further, the PREA Standards prohibit cross-gender staff from monitoring inmates/residents/detainees “while they are showering, performing bodily functions, or changing clothing.”⁹ This prohibition extends to monitoring inmates, residents, and detainees through video technology, excepting when that monitoring is related to high-level suicide observation (ref. FAQ response)¹⁰.

Security Staff Ratios in Juvenile Facilities

For juvenile facilities, PREA Standards set minimum staffing levels for secure juvenile facilities.¹¹ Secure juvenile facilities must maintain staff ratios of a minimum of 1:8 during resident waking hours and 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances, which shall be fully documented.

⁸ Id. at 39.

⁹ Id. at 40.

¹⁰ <http://www.prearesourcecenter.org/faq/supervision>

¹¹ “In order to provide agencies with sufficient time to readjust staffing levels and, if necessary, request additional funding, any facility that, as of the date of publication of the final rule, 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.”

Further, the relevant staffing ratio must be in place wherever there are youth in the facility. In other words, this is not an aggregate ratio that covers all the youth and all the staff in a facility. Rather, wherever there are youth present, these youth must be supervised by the appropriate number of staff according to the Standard.

Any facility that as of May 17, 2012 was not “already obligated by law, regulation, or judicial consent decree to maintain the staffing ratios set forth in this paragraph” must be compliant with these staff to resident ratios on or before October 1, 2017.¹²

Security staff is defined as “employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.”¹³ The DOJ has issued formal guidance that expands on this definition. The guidance explains that while generally only direct care staff will count as security staff, there are circumstances where other staff can fall under this designation. According to the Frequently Asked Question on this topic, “Other persons whose duties involve supervision and control of residents for a portion of the day may count towards these ratios while they are actively supervising and controlling residents, assuming that they have received appropriate training.”¹⁴ Therefore, in developing a juvenile facility staffing plan in accordance with the ratios, care must be taken to consider which employees are being counted in the ratio and whether the employees are security staff as defined by the Standard.

Trauma-Informed Approaches

There is a growing body of research regarding adolescent brain development as well as the effects of trauma. For example, the Adverse Childhood Experience Study¹⁵ has demonstrated that adverse experiences during childhood—including psychological, physical, and sexual abuse as well as household dysfunction—have a long-term impact on behavior. Studies have found that incarcerated males and females report a significantly higher rate of trauma, including physical and sexual abuse, prior to incarceration as compared to the general public.^{16,17} Situations in confinement settings may trigger a trauma response behavior, such as flashbacks, anger, suicidal thoughts, etc. The staffing plan needs to consider situations when

¹² 28 C.F.R. §115.313(c).

¹³ 28 C.F.R. §115.5 (definitions), *See also*, Frequently Asked Questions, under “*Supervision*,” No. 3. Retrieved from: <http://www.prearesourcecenter.org/faq#n1064>.

¹⁴ Further guidance from the FAQ with regard to “appropriate training”: “Appropriate training generally includes training on the supervision and control of delinquent youth including, among other things, verbal de-escalation techniques, age-appropriate defensive tactics, and crisis intervention.”

¹⁵ V. J. Felitti, R. F. Anda, D. Nordenberg, D. F. Williamson, A. M. Spitz, V. Edwards, M. P. Koss, J. S. Marks, (1998). *Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACE) Study*. American Journal of Preventive Medicine; Vol.14 (4); pg 245-258. Retrieved from:http://www.acestudy.org/yahoo_site_admin/assets/docs/RelationshipofACEs.12891741.pdf

¹⁶ Women in Prison Project. Fact sheet: Why focus on women in prison. Correctional Association of New York. 2006. Retrieved 1 September, 2010, from <http://www.correctionalassociation.org/>.

¹⁷ N. Wolff and J. Shi (2009). *Patterns of Victimization Among Male and Female Inmates: Evidence of an Enduring Legacy*; *Violent Victimization*, 2009; 24(4): 469-484.

behavioral issues arise requiring attention by additional staff and how the facility will accommodate such needs while ensuring the on-going safety of the facility.

Research indicates that boys and men suffer from trauma at nearly equivalent rates to women and girls.¹⁸ Traumatic abuse, whether psychological, physical, or sexual, that occurs before the victim is 18 years of age increases the risk for violence, aggressive behavior, and incarceration in adulthood. In addition, incarcerated individuals with a history of significant trauma may also experience high rates of suicidal ideation and be put on "suicide watch" that will require additional supervision.¹⁹ The staffing plan needs to take into account the knowledge and skills necessary for staff to respond appropriately to trauma history in order to have adequate supervision and monitoring with the facility's population.

Gender Considerations in Staffing Plan Development at Adult Female and Juvenile Girls' Facilities

Driven largely by the sheer numbers of incarcerated men, practitioners generally have more extensive experience supervising men; however, the needs and behaviors of incarcerated women and girls differ from those of incarcerated men and boys. "Within prison settings, incidents of violence and aggression committed by incarcerated women are low. Studies indicate that incarcerated women are five times less likely than incarcerated men to commit such acts—3-5% of women compared to 17-19% of men."²⁰ However, "compared to incarcerated men, women in custody are disproportionately subjected to sexual victimization, not only at the hands of correctional staff, but also by other incarcerated women."²¹

It has long been observed that incarcerated women generally will form close bonds or pseudo-families within the facility. Increasing evidence exists that while these relationships are of great importance to women and may provide positive support, this is not universally true. Particularly women who have been in prior abusive relationships are vulnerable to becoming involved in an abusive relationship while incarcerated. Thus, while physical violence is less observed, verbal and relationship aggression, rising to the level of what may be described as domestic violence, occurs.²² This critical reality needs to be considered when developing a staffing plan to supervise and monitor incarcerated women and girls, including recognizing how victimization can occur and how staff are to be deployed and trained in order to prevent sexual victimization.

¹⁸ N. Wolf and J. Shi (2012). *Childhood and Adult Trauma Experiences of Incarcerated Persons and Their Relationship to Adult Behavioral Health Problems and Treatment*; International Journal of Environmental Research and Public Health; 2012 May; 9(5): 1908-1926.

¹⁹ Id.

²⁰ National Resource Center on Justice Involved Women 2012. *Ten Truths That Matter When Working With Justice Involved Women*, citing Hardyman, 2000; Harer & Langan, 2001 as cited in Wright, Van Voorhis, Salisbury, & Bauman, 2009.

²¹ Guerino, P. & Beck, A.J. (2011). *Sexual violence reported by adult correctional authorities, 2007-2008. Prison Rape Elimination Act of 2003*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. Retrieved from: <http://bjs.ojp.usdoj.gov/content/pub/pdf/svraca0708.pdf>

²² See Timbre Wulf-Ludden (2013): Interpersonal relationships among inmates and prison violence, *Journal of Crime and Justice*, DOI:10.1080/0735648X.2012.755467 Retrieved from: <http://dx.doi.org/10.1080/0735648X.2012.755467>.

It is important to note that various forms of violence are present in both male and female facilities, in a variety of forms. The statements here regarding what is generally the case are not intended to imply that certain types of violence are specific to one facility type. Rather, corrections professionals should be aware of the full spectrum of violence and coercion so as to be better prepared to develop plans to deter and appropriately respond to sexual abuse.

Another factor that needs to be considered as part of staffing plan development is the greater frequency to which incarcerated women and girls request access to medical and mental health care.²³ When developing a staffing plan for a facility housing female inmates/residents/detainees, it is important to review the process used to access care, as well as the times, locations, and frequency with which care needs to be accessed. This will help ensure that not only is adequate supervision and monitoring occurring when care is provided, but also that the deployment of staff (or lack thereof) is not impeding access to necessary care.

Additional Requirements under “Supervision and Monitoring”

Staffing Plan Review

PREA mandates that all facility staffing plans be reviewed at least annually to determine and document whether adjustments are needed to:

- (1) The staffing levels established pursuant to this Standard;
- (2) Prevailing staffing patterns;
- (3) The facility’s deployment of video monitoring systems and other monitoring technologies; and
- (4) The resources the facility has available to commit to ensure adherence to the staffing plan.²⁴

As with the development of the staffing plan, it is important that the assessment is conducted by personnel with a thorough understanding of PREA Standards applicable to the facility, as well as the discrete operations and areas within the facility, and other relevant influencing factors. Generally, as in the development of the original plan, a committee representing a cross-section of the facility should be involved in the review process. In addition, the agency PREA Coordinator is required to be involved during the annual staffing plan reassessment.

Unannounced Rounds

Prisons, jails, and juvenile facilities are required to implement a policy and practice under which intermediate or higher-level supervisors conduct and document unannounced rounds, pursuant to §115.13(d)/.313(e), to identify and prevent sexual abuse and sexual harassment of inmates/residents by staff. The requirement for the mandated rounds must be considered as part of the staffing plan development process so that there are sufficient intermediate-level or higher-level

²³ See Anderson, TL. 2002. Issues in the Availability of Health Care for Women Prisoners. Retrieved from: <http://www.udel.edu/soc/tammya/pdfs/Issues%20in%20the%20Availability%20of%20Healthcare%20for%20Women%20in%20Prison.pdf>.

²⁴ 28 C.F.R. Part 115, Preamble, p. 26.

supervisors available on day and night shifts to conduct the necessary unannounced rounds.

It is expected that the rounds will occur on all shifts at a frequency that will identify and deter staff sexual abuse and sexual harassment and will not demonstrate a predictable pattern for any shift.²⁵ The Standard does not mandate a minimum frequency; however, unannounced rounds that occur on each shift and all areas less than once a month are presumptively non-compliant and ineffective at identifying and deterring staff sexual misconduct.

The facility is not required to mandate rounds during an emergency or temporary staffing shortage. Additionally, the facility must have a policy that prohibits staff from alerting other staff members that these supervisory rounds are occurring, unless it is necessary to carry out a legitimate facility function.²⁶

Heightened Protection for Vulnerable Detainees

Lockup detainees identified as vulnerable during screening in accordance with §115.141, *Screening for risk of victimization and abusiveness*, must be provided heightened protection, unless there is no feasible option for doing so. Heightened protection includes “continuous direct sight and sound supervision, single-cell housing, or placement in a cell actively monitored on video by a staff member” who can intervene, if needed.²⁷

How Will My Staffing Plan Be Audited?

Auditors will use the *PREA Auditor Compliance Tool* applicable to the facility type in determining staffing plan compliance. The auditor will review documentation of the staffing plan development process and the staffing plan itself.²⁸ Deviations from the plan are to be documented and the auditor is to review the documentation.²⁹ The auditor will also determine whether the plan has been reviewed and updated at least annually, and what adjustments were made, if necessary.

As noted previously, the staffing plan should be a document that clearly identifies the intended deployment of staff by describing relieved posts and positions, the types of employees to be assigned, the location of the post/position in the facility, and the purpose of the post/position. It may be helpful to illustrate deployment by showing the location of each relieved post on a floor plan. While a floor plan is not required, it is recommended because it will make it easier for the auditor to understand how the staffing plan should look in operation. The facility must also be able to demonstrate in the same document, in another document, or through

²⁵ If unannounced rounds occur on each shift during the same day, rounds on the first shift will make subsequent rounds that day ineffective.

²⁶ 28 C.F.R. §§115.13(d)/.313(e). *See also*, Frequently Asked Questions, under “*Cross-gender Supervision*,” No. 1. Retrieved from: <http://www.prearesourcecenter.org/faq#n1069>.

²⁷ 28 C.F.R. §115.113(d).

²⁸ See PREA Audit: Auditor Compliance Tool, p. 4-6.

http://www.prearesourcecenter.org/sites/default/files/content/prison_jails_auditor_compliance_tool_final.pdf.

²⁹ *Id.*

meeting minutes that the staffing plan reflects a careful analysis of each of the enumerated elements for consideration in the Standard.

The auditor will compare actual deployment of staff in the past year to the staffing plan, identifying instances in which actual deployment fell short. The Standard requires the operator to identify each instance and to explain the cause.³⁰ Such documentation will be helpful to the auditor, but the auditor will also ask for shift deployment documentation for verification.

The auditor will ask for original documentation of actual deployment practices. This will take different forms based on agency practices, but for each shift it will at a minimum:

- Identify each employee who worked all or part of that shift;
- Describe the number of hours worked for specific employees who worked less than the full shift; and
- Describe the post or position to which each employee was assigned and identify changes in deployment that occurred during the shift.

The auditor will also interview key staff responsible for creating the staffing plan, including the PREA Coordinator, to ensure that the staffing plan accurately reflects the facility's needs and a careful analysis of the elements of consideration enumerated in the Standard.

The primary concern of the auditor is to confirm that:

- The staffing plan exists;
- It reflects a careful examination of staffing needs based on the required elements;
- Actual deployment practices reflect the deployment described in the staffing plan; and
- Where actual deployment falls short of the staffing described in the staffing plan, documentation of that deviation exists with clear rationale for the deficiency.

The auditor will evaluate whether the plan is PREA compliant, but is not charged with assessing the plan beyond whether it meets the relevant facility-specific PREA Standards. The adequacy of the staffing plan to accomplish the facility mission and meet other legal standards is the responsibility of the agency.

³⁰ 28 C.F.R. §§115.13(b) “In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan.”