

Resources

Implementing policies and procedures to prevent, detect, and respond to sexual abuse in lockups and local jails can provide protection to both detainees and officers, may limit the agency's exposure to liability, and can bolster the reputation of the agency in the community. Law enforcement leaders responsible for administering a lockup, even just one holding cell, should familiarize themselves with the PREA standards.

NATIONAL PREA RESOURCE CENTER

The **PREA Resource Center** offers comprehensive resources, including an extensive library; stories of efforts at compliance from around the country; information about national training; webinars; resources, including tool kits and model policies; and a direct link to staff who can answer your questions. Learn more about the PREA standards and access additional resources to help eliminate sexual abuse in confinement at: www.prearesourcecenter.org



Learn about IACP's **Elimination of Sexual Abuse in Confinement Initiative** and download guides on addressing sexual offenses and misconduct by law enforcement, investigative strategies for sexual assaults, and strategies for engaging in victim oriented policing at: www.theiacp.org/PREA

This project was supported by Grant No. 2010-RP-BX-K001 awarded to the National Council on Crime and Delinquency by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the SMART Office, and Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.

Elimination of Sexual Abuse in Confinement: Chief's Checklist

This checklist offers a broad starting point for an agency to consider. Each agency's strategy for establishing a culture of zero tolerance of sexual abuse in confinement will be unique based on their capacity and needs. Don't wait until it's too late – prepare to proactively address and prevent incidents through department mission, policy, and training.

- Review the PREA standards**
 - Download a copy of just the standards for lockups at www.theiacp.org/PREA
 - Download a copy of the executive summary of the complete rule at http://www.ojp.usdoj.gov/programs/pdfs/prea_executive_summary.pdf
 - Download a copy of the complete final rule, which includes the standards for adult prisons and jails, lockups, community confinement facilities, and juvenile facilities, at www.ojp.usdoj.gov/programs/pdfs/prea_final_rule.pdf
- Compare the PREA standards to your current policy and practice**
 - In what areas are you doing well? In what areas could you improve? What resources will be required in order to help you improve?
- Designate a PREA coordinator**
 - Does not have to be a full-time position; an accreditation manager, if you have one, would be a good candidate
- Develop a PREA implementation plan**
 - Use the tools available through the PREA Resource Center to help develop your plan – www.prearesourccenter.org
- Draft a policy on zero-tolerance of sexual abuse in confinement**
 - Policy guidance is available through www.prearesourcecenter.org
- Conduct training of all personnel**
 - Use the training tools available through www.prearesourcecenter.org
- Ask questions and get assistance**
 - Contact info@prearesourcecenter.org

Ensuring Safety and Reducing Liability in Police Lockups & Holding Cells:

How New PREA Guidelines Affect Law Enforcement



IACP: Serving the Leaders of Today,
Developing the Leaders of Tomorrow

Sexual Abuse in Confinement

Individuals in confinement have equal rights to safety, dignity, and justice and administrators of confinement facilities, including lockups used for temporary confinement, have a duty to uphold those rights.

Sexual abuse in confinement is not an issue exclusive to prisons and jails; local lockups and other short-term holding facilities are environments where people can be more vulnerable to sexual abuse, either from other detainees or staff. The prevalence of the problem of sexual abuse in local lockups is unclear; statistics of these incidents are not tracked, but it is well established that sexual abuse is an under reported crime. What is clear is the seriousness of the issue of sexual abuse in confinement and the duty of law enforcement to protect the rights and safety of individuals in confinement.

Prison Rape Elimination Act and Standards

- In response to the problem of sexual abuse of people in confinement, Congress passed the Prison Rape Elimination Act (PREA) in 2003.
- The final standards, released on May 17, 2012 by the US Department of Justice (DOJ), include a set specifically intended for lockups (*including small departments with only one holding cell and up to large departments with hundreds of cells in multiple substations*).
- **In response to the actions by Congress and DOJ, IACP has established the Elimination of Sexual Abuse in Confinement Initiative to educate and inform law enforcement leaders about the PREA standards and help them understand the implications of the standards for local law enforcement.**
- According to DOJ, PREA standards apply to all local lockups, even those with one cell used to detain people for only a few hours. However, DOJ also indicates that PREA provides no financial penalties for facilities not operated by the state for non-compliance. States are required to ensure that any local facilities they contract with are PREA compliant. It is also possible that private litigants may assert that noncompliance is evidence that the facility is constitutionally deficient, which could be an additional liability for the agency.
- The design of the standards for lockups is intended to offer flexibility within the limited resources that most agencies have. Many of your current policies and practices may already be in line with the standards.
- The release of the PREA standards provides an opportunity for law enforcement to take a strong leadership role on the issue of sexual abuse in confinement by evaluating current practices and establishing a culture of zero tolerance of sexual abuse in lockups and local jails.

Summary of Major Provisions of PREA Lockup Standards

The standards are first and foremost designed to prevent, detect, and respond to sexual abuse (detainee-on-detainee and staff-on-detainee) in any confinement setting. The PREA standards consist of policies and procedures that are intended to be attainable by all affected agencies. Go to www.theiacp.org/PREA to read the PREA standards for lockups.

- **Prevention Planning**
 - Have a written policy mandating zero tolerance
 - Appoint a PREA Coordinator
 - Develop a staffing plan for monitoring and supervision
 - Limit cross-gender viewing and searches
 - When upgrading facilities, consider detainee safety and protection from sexual abuse
- **Responsive Planning**
 - Have standard evidence protocol and provide access to forensic medical exams
 - Have policy to investigate all allegations
- **Training and Education**
 - Train employees, volunteers, and contractors
 - Notify detainees, employees, volunteers, and contractors of the agency's zero-tolerance policy
 - Provide specialized training for investigations of sexual abuse in confinement settings
- **Reporting**
 - Have multiple ways to privately report abuse: verbally, in writing, anonymously, and from third parties
 - Have a method to report abuse to an entity outside of the agency
- **Official Response Following a Detainee Report**
 - Staff must report immediately if they know, suspect, or have information about an incident of sexual abuse
 - Agency must take steps to protect a detainee at risk of imminent sexual abuse
 - First responder must separate victim and abuser; protect crime scene; and protect physical evidence to be collected
 - Have a coordinated response plan
 - Preserve ability to protect detainees from contact with abusers (*may impact a collective bargaining agreement*)
 - Have a policy to protect detainees and staff from retaliation for reporting abuse
- **Screening for Risk of Victimization and Abusiveness**
 - If detainees are not housed overnight, staff should consider whether a detainee is at high risk of being sexually abused on a case-by-case basis
 - If detainees are housed overnight, all detainees should be screened to assess their risk
- **Investigations**
 - If you conduct your own investigations, do so promptly, thoroughly, and objectively
 - Use investigators who have received special training
- **Discipline**
 - Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse
 - Contractors or volunteers who engage in sexual abuse shall be prohibited from contact with detainees
- **Medical and Mental Care**
 - Provide victims of sexual abuse with prompt access to emergency medical treatment (at no cost to the victim, regardless of whether they cooperate with an investigation or name an abuser)
- **Data Collection and Review**
 - Conduct an incident review after every sexual abuse investigation
 - Collect data for every allegation using a standardized instrument and set of definitions
 - Review data for areas for improvement
 - Store data collected for at least 10 years
- **Audits** (*if you do not detain people overnight, you are exempt from the audit standards*)
 - Conduct an audit every 3 years using an external auditor
 - Make the audit report available to the public

Prevent • Detect • Respond • Eliminate