



“Prisoner rape is not just a statistic for those of us who have lived through it — it is a life-shattering experience. But the PREA standards have filled me with the hope that no one ever will have to experience what I went through.”

— Frank, a survivor of sexual abuse at the Los Angeles County Jail

The Prison Rape Elimination Act Standards: An Overview for Community Service Providers

ON MAY 17, 2012, the U.S. Department of Justice released national standards¹ aimed at eliminating sexual abuse in prisons, jails, youth detention facilities, halfway houses, and police lock-ups. These standards were mandated by the Prison Rape Elimination Act (PREA) of 2003. They require that corrections facilities take concrete steps to protect inmates from sexual abuse — whether perpetrated by staff or by inmates.²

The PREA standards affirm that it is the absolute responsibility of corrections agencies to protect inmates in their custody from sexual abuse. At the same time, they recognize the importance of outside agencies in supporting these efforts. Indeed, under the PREA standards, corrections agencies have to work with community organizations, such as rape crisis centers, to offer treatment and counseling to incarcerated survivors of sexual assault.

Strong partnerships between corrections agencies and sexual assault service providers have the potential to improve dramatically the level of care provided to men, women, and children who are sexually abused behind bars.

Helping Survivors on the Inside

Sexual abuse in detention is a national crisis. A 2012 government study found that one in ten former state prisoners had been sexually abused during their most recent period of incarceration.³

People who are sexually assaulted behind bars, like those who are abused in the community, suffer physical and emotional pain that can persist for years. Despite the high levels of sexual abuse and its devastating impact on survivors, families, and communities, few corrections facilities have trained rape crisis counselors on staff. What’s more, most medical and mental health professionals working in corrections are prohibited from keeping allegations of sexual abuse confidential. Information tends to spread fast in detention and most inmates have a well-founded fear of retaliation for reporting abuse. As a result, survivors are often reluctant to seek help from corrections officials, especially if their abuser is a staff member.

The PREA standards’ requirement that corrections agencies partner with community organizations is central in the effort to protect inmates. By bringing community counselors and advocates into detention facilities, these partnerships have the potential finally to break the devastating silence surrounding sexual violence behind bars.

According to the PREA standards, corrections agencies also have to provide inmates with the contact information of local, state, and national victim service and rape crisis organizations.⁴ Staff must ensure that those in their custody have “reasonable communication” with such organizations “in as confidential a manner as possible.”⁵ The standards further require all facilities to disclose fully any facility rules that limit confidentiality, such as staff listening in on inmate calls.

Medical Care and Crisis Intervention

Under the PREA standards, any inmate who reports being sexually abused must be provided with timely, unimpeded access to emergency medical treatment, crisis intervention services, and ongoing medical and mental health care.⁶

The standards mandate that corrections facilities develop a coordinated response to sexual abuse, including by establishing a team of first responders, medical and mental health staff, investigators, and facility leaders.⁷ This provision paves the way for community service providers to play a key role in caring for incarcerated survivors, both in the immediate aftermath of a sexual assault and over the long term.

Corrections facilities must offer all survivors of sexual abuse a free medical forensic exam either on site or at a hospital. Facility protocols for collecting evidence must be based on nationally recognized best practices,⁸ and exams should be performed by a qualified medical professional, such as a Sexual Assault Nurse Examiner (SANE).⁹ The standards also require that survivors have access to a victim advocate for emotional support, information, and

referrals at every stage of the process following a report, including accompaniment at the forensic medical examination and during any investigative interviews.¹⁰

The standards also mandate that corrections agencies provide inmates who are sexually assaulted with information about, and access to, emergency contraception and care for possible sexually transmitted infections.¹¹ Female survivors must be offered pregnancy tests and receive information about their right to lawful pregnancy-related medical services following a rape.

Consistent with providing a level of care to inmates that is similar to that in the outside community, the standards also require that survivors receive medical and mental health care and crisis intervention services regardless of whether or not they name the abuser or file a report.¹²

The PREA standards ensure that an inmate who has been sexually abused gets access to care and support services that are a lifeline in the aftermath of an assault. As such, they do more than mandate services; they send a clear message that all survivors of sexual assault, including those in detention, need and deserve help to heal.

Endnotes

¹National Standards To Prevent, Detect, and Respond to Prison Rape, 28 CFR 115, Department of Justice (2012), available at www.federalregister.gov/a/2012-12427.

²The standards became binding on Bureau of Prisons facilities in August 2012; state and local facilities have until August 2013 to get in compliance.

³Allen J. Beck and Candace Johnson, *Sexual Victimization Reported by Former Prisoners*, 2008 (Bureau of Justice Statistics, May 2012), 5.

⁴Immigration detainees are entitled to have access to immigrant service agencies; National Standards, §115.53.

⁵National Standards, §115.253. Staff at juvenile facilities have to ensure that youth who report sexual abuse have “reasonable and confidential access” to an attorney and to their legal guardian; see National Standards, §115.353.

⁶National Standards, §§ 115.82, 115.182, 115.282, 115.382.

⁷*Id.*, §§ 115.65, 115.165, 115.265, 115.365.

⁸*Id.*, §§ 115.21, 115.121, 115.221, 115.321.

⁹If a Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE) is not available, facilities have to show that they tried to provide one, and must provide other qualified medical professionals to conduct the exam; see National Standards, §115.21.

¹⁰National Standards, §115.21.

¹²Lock-ups are exempt from this requirement.

¹¹National Standards, §§ 115.83, 115.283, 115.383.

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Tips for Advocates

- Remember that the PREA standards affirm incarcerated survivors’ right to rape crisis services of the same quality as those available in the community.
- Invite local corrections officials to participate in community sexual assault response team (SART) meetings or other victim services coordinating committee gatherings. Such participation will help educate officials about sexual abuse, build relationships, and ensure that survivors receive the range of services to which they are entitled.
- Think creatively about how to reach out to survivors in prisons, jails, and youth facilities: educational presentations and support groups are effective ways to let survivors know about your services. Regarding follow-up services, face-to-face meetings are always best, but sometimes telephone and mail are more realistic options for serving incarcerated survivors.
- Remember that a survivor does not lose the right to confidential services because he or she is incarcerated.

JUST DETENTION INTERNATIONAL
is a health and human rights organization that seeks to end sexual abuse in all forms of detention.

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