



## **Shedding Light on the System: A Corrections Primer for Victim Advocates**

By Just Detention International, with Leah Green of the Resource Sharing Project

The United States incarcerates more people than any other country in the world, and every year a shocking 200,000 men, women, and youth in detention are sexually abused.<sup>1</sup> Most of these survivors do not have access even to the most basic victim services in the aftermath of the assaults. This is not surprising, as the challenges of working with incarcerated survivors of sexual abuse can be daunting for even the most committed of advocates. The U.S. criminal legal system is complex and largely closed to external scrutiny; most people on the outside know very little about how the world of corrections works. Yet, incarcerated sexual abuse survivors need and deserve the same services that are available to survivors on the outside.

Fortunately, the Prison Rape Elimination Act (PREA) standards<sup>2</sup> require corrections officials to work with local programs to provide inmates with support services consistent with the level of care available to survivors in the community.<sup>3</sup> As such, the PREA standards provide an unprecedented opportunity for victim services providers to begin working with survivors in detention. This resource guide seeks to make it a little easier to do so. It provides a brief overview of who the victims and perpetrators of sexual

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<sup>1</sup> This statistic is an estimate from the Bureau of Justice Statistics (BJS), an agency within the Department of Justice that has conducted nationwide, anonymous surveys with adults and youth held in prisons, jails, and juvenile detention facilities. All of the BJS surveys can be accessed at [www.bjs.gov/index.cfm?ty=tp&tid=20](http://www.bjs.gov/index.cfm?ty=tp&tid=20).

<sup>2</sup> National Standards to Prevent, Detect, and Respond to Prison Rape, 28 CFR 115 (U.S. Department of Justice, 2012), available at [www.federalregister.gov/a/2012-12427](http://www.federalregister.gov/a/2012-12427).

<sup>3</sup> Corrections agencies are required to attempt to partner with community organizations for the provision of victim services to incarcerated survivors. The scope of the partnership should be laid out in a Memorandum of Understanding or similar agreement. If an inmate reports abuse, the agency must provide him or her with a forensic exam and access to an advocate during the exam and any investigatory interviews. The facility must also provide inmates with access to an advocate by phone or letter in as confidential a manner as possible. National Standards, §§ 115.21, 115.121, 115.221, 115.321; §§ 115.53, 115.253, 115.353.

abuse in detention are; what the difference is between prisons, jails, and other types of facilities; the roles and responsibilities of various corrections officials; and some terminology that you will benefit from understanding as you step through the gates of your local facility.<sup>4</sup>

➤ **Who are the victims and perpetrators of sexual abuse in detention?**

Sexual abuse in U.S. detention is widespread. Government research shows that every year some 200,000 people are sexually abused in prisons, jails, and youth facilities — most of them more than once.<sup>5</sup> According to a 2012 Bureau of Justice Statistics (BJS) study, roughly one in ten former state prisoners reported that they suffered some form of sexual abuse during their most recent period of incarceration.<sup>6</sup> Sexual abuse is also prevalent in youth detention facilities. According to a 2013 BJS study, about one in ten youth detained in juvenile facilities reported that they had been victimized in the preceding 12 months.<sup>7</sup>



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<sup>4</sup> This publication addresses only criminal detention settings, which does not include immigration facilities or other civil detention settings.

<sup>5</sup> Allen J. Beck et al., *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12* (Bureau of Justice Statistics, May 2013), available at [www.bjs.gov/content/pub/pdf/svpjri1112.pdf](http://www.bjs.gov/content/pub/pdf/svpjri1112.pdf); Beck et al., *Sexual Victimization Reported by Former Prisoners, 2008* (Bureau of Justice Statistics, May 2012), available at [www.bjs.gov/content/pub/pdf/svrfsp08.pdf](http://www.bjs.gov/content/pub/pdf/svrfsp08.pdf).

<sup>6</sup> Beck et al., *Sexual Victimization Reported by Former Prisoners, 2008*.

<sup>7</sup> Beck et al., *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012* (Bureau of Justice Statistics, June 2013), available at [www.bjs.gov/content/pub/pdf/svjfry12.pdf](http://www.bjs.gov/content/pub/pdf/svjfry12.pdf).

Anyone can be sexually abused while in detention. At the same time, research has shown that certain groups of inmates are especially vulnerable to this kind of violence. This includes those who have previously experienced sexual assault, inmates suffering from mental illness, and LGBT (lesbian, gay, bisexual, transgender) inmates.<sup>8</sup> Similar to perpetrators in the community, perpetrators of sexual abuse in detention target people who they believe are unlikely to file a report, and unlikely to be believed if they do. Perpetrators also target inmates who do not have support or protection from other people, whether other prisoners or corrections staff. For example, the pervasive culture of entrenched homophobia in detention facilities puts LGBT people at particular risk. Many staff and inmates alike blame LGBT or gender-nonconforming sexual abuse survivors for the violence they have endured, equating their sexual orientation or gender identity to consent or an invitation for abuse. Too often, when LGBT people do make a report of sexual abuse, they are ignored, dismissed, or mocked by staff.<sup>9</sup>

Shockingly, corrections staff commit about half of all sexual abuse in adult detention facilities.<sup>10</sup> Corrections staff include security staff and facility administrators, as well as contractors, such as those who work in food service, medical and mental health, maintenance, or education. In youth detention facilities, the rate of staff sexual abuse is even higher: about 80



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<sup>8</sup> Beck et al., *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12*; fact sheets and other informational resources on the dynamics of sexual abuse in detention are available on Just Detention International's website at [www.justdetention.org](http://www.justdetention.org).

<sup>9</sup> For first-person testimony from LGBT survivors of sexual abuse in detention, visit JDI's website: [www.justdetention.org](http://www.justdetention.org).

<sup>10</sup> Beck et al., *Sexual Victimization Reported by Former Prisoners, 2008*.

percent of youth who are sexually abused in juvenile detention facilities are targeted by staff members — many of whom are women.<sup>11</sup>

All sexual contact between a staff member and an inmate violates PREA and is against the law. Meaningful consent to sexual activity simply is not possible when one person literally holds the key to another person's freedom. However, while virtually all prisons, jails, and youth facilities have rules that forbid sexual contact between inmates, consensual sexual relationships between people in custody are commonplace. Such relationships are not a PREA violation.

➤ **What's the difference between a prison and a jail – and what's a lockup?**

The U.S. criminal legal system is as complex as it is huge. To an outsider, this intricate quilt of institutions can be confusing, especially as the term “jail” is often used to describe any place that detains people. In reality, prisons, jails, juvenile detention facilities, community confinement facilities, and police lockups are quite different types of institutions. All of them, however, are covered by the national PREA standards.

**Prisons:** Prisons are federally or state run facilities that typically hold adults<sup>12</sup> who have been convicted of a felony and are serving a sentence of a year or more. The federal government runs the Bureau of Prisons, while each state runs its own department of corrections. Prisons are single-sex and have security levels ranging from minimum to maximum. Some prisons have all security levels, while others have only one or a few. Minimum, medium, and maximum security look different in different agencies, but in general the higher the security level the more restrictions there are on inmate movement. Medium and maximum security prisons tend to house people who are serving long sentences and have been convicted of serious crimes. However, inmates who are close to the end of a long sentence may also be sent to serve time in lower security facilities as a reward for good behavior. Some prisons specialize in programming for people with specific needs; many states, for example, have facilities that primarily house people suffering from mental illness.

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<sup>11</sup> Beck et al., *Sexual Victimization in Juvenile Facilities Reported by Youth*, 2012.

<sup>12</sup> In some states, minors can be tried as adults – and held in an adult prison or jail – depending on the severity of the crime at issue.

**Jails:** Jails are typically local facilities run by counties.<sup>13</sup> They hold people who have just been arrested and those who have been arraigned<sup>14</sup> or are otherwise awaiting trial. In many cases jails also house people who have been sentenced to less than a year. In addition, jails hold state prisoners who have had to come back to the county for a court hearing. Sometimes jails also house minimum security state inmates who serve as inmate workers at the jail; immigration detainees who are in the custody of the federal government; and federal inmates awaiting transport to a federal prison. Jails tend to be more chaotic than prisons because people are moving in and out of them at a rapid rate, and because many jail inmates have an untreated mental illness or addiction. Depending on the jurisdiction, a jail can hold as few as a handful of people or as many as 20,000.<sup>15</sup> Because jails are not set up to hold people long term, they tend not to have the same programming or job opportunities that are available in many prisons.

**Juvenile detention facilities:** Juvenile facilities are used for the confinement of youth, usually defined as a person under the age of 18.<sup>16</sup> Juvenile facilities tend to be operated by a state or county. Juvenile facilities are classified as either “secure,” where youth are not allowed to leave the grounds, or “non-secure,” which are less restrictive settings. Youth who are held in non-secure facilities may be under the jurisdiction of a juvenile court or a child and family services agency. Youth can be in a juvenile facility for just a few hours after arrest or for several years, depending on their sentence. Sometimes, youth are held in county facilities until they are adjudicated, and then transferred to state custody. In some states, youth can stay in a juvenile facility until they are in their twenties. Also in some states, youth who are charged as adults are held in a youth facility until they turn 18, at which point they are transferred to a prison. Youth facilities have a stated goal of providing young people with treatment and a second chance. Many staff have a dual role of custody worker and care provider.

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<sup>13</sup> Exceptions include dual or unified systems, such as in Rhode Island and Vermont, in which the jail and state prison systems are incorporated into a single state-run agency; and, jails on Native American lands that are operated by local tribal authorities.

<sup>14</sup> An arraignment is a criminal defendant’s initial appearance (or hearing) before a judge, where they are advised of the charges against them and key constitutional rights.

<sup>15</sup> Danielle Kaebler et al., *Correctional Populations in the United States*, 2016 (Bureau of Justice Statistics, 2018), available at <https://www.bjs.gov/content/pub/pdf/cpus16.pdf>.



**Community confinement**

**facilities:** Community confinement facilities generally hold people who have been released from prison but are required to live in a transitional facility before returning to their communities. A stay in such facilities may be a mandatory component of a drug or alcohol treatment program. Community confinement facilities also hold people who have been given a chance to complete a specific program in such a facility as an alternative to going to prison. These facilities are run by a county, state, or private contract agency. People in community confinement facilities are generally on probation or parole. Residents in these facilities have been determined to pose little or no threat to the community, and not to be an escape risk. Residents often have jobs and attend programs outside of the facility. Sometimes, community confinement facilities house men and women together, with common living space but separate sleeping quarters. There are also many community confinement facilities that are single-gender. Community confinement facilities are commonly referred to as “halfway houses.”



**Police lockups:** Lockup facilities are usually operated by police departments to hold people for a short period of time immediately after an arrest. Lockups are often just a handful of cells inside a police station, while some stations have one large “holding tank” where all arrestees are placed. Lockups usually hold people for a maximum of 72 hours, though most arrestees spend less time there. Some lockups hold people until they go to court to be arraigned and some transfer people to a larger county jail immediately after they are booked.

➤ **What are the roles and responsibilities of different corrections officials?**

Corrections and law enforcement agencies adhere to strict staff hierarchies, with a top-down management style that is similar to the military. Victim services advocates might not work directly with the decision-makers inside a facility. Most advocates will work closely with a PREA Coordinator or PREA Compliance Manager. They are also likely to come into regular contact with medical and mental health staff, security staff, investigators, and non-security personnel.

**Agency leadership:** The agency leadership is responsible for all facilities in their jurisdiction. Corrections leaders are called different things in different jurisdictions, including Director or Secretary at the state level, Sheriff at the county level, and Chief of Police at the city level. The agency leadership develops policies and procedures, which are then implemented at the facility level. In the case of counties and cities, the agency heads are typically responsible for non-detention law enforcement operations as well, like crime prevention and response.

**Facility leadership:** Facilities are run day-to-day by staff assigned to that facility. In prisons, the facility-level leader is usually a warden or superintendent. Jails are usually run by a jail administrator who may be a commander, captain, or lieutenant. Police lockups are typically overseen by the highest ranking staff member on duty. The role of the facility-level leadership is to implement the policies and procedures developed by the agency, and to oversee safety and security at the facility.

**Security officers:** Generally speaking, the lowest-ranking officers in prisons and jails are correctional officers (COs). COs tend to report to sergeants and lieutenants, who, in turn, report to a captain. They are often assigned to supervise inmates, including by staffing inmate housing units and escorting people throughout the facility. They may be referred to as “uniformed staff” or “custody staff.”

**Non-security personnel:** All corrections facilities have non-security personnel. They include teachers, chaplains, cooks, maintenance workers, as well as medical and mental health workers (see below). They may be facility employees, contractors, or volunteers. They may be referred to as “non-uniformed staff” or “civilian staff.”

**Medical and mental health staff:** All prisons, jails and juvenile detention facilities have medical and mental health staff, ranging from physicians to social workers to counselors. Medical and mental health staff can meet privately with prisoners, though custody staff may remain in the room or just outside to maintain security. Depending on the size of a facility, medical and mental health care providers may only be on site on certain days. Some facilities may provide access to health care providers through telemedicine, using Skype or similar services. Most facilities send inmates to a local hospital for urgent medical needs, including forensic medical exams.

**PREA Coordinator and PREA Compliance Manager:** The PREA standards require that all corrections agencies have a PREA Coordinator (PC). In addition, agencies with multiple facilities must have a PREA Compliance Manager (PCM) at each facility. The PC has responsibility for PREA implementation throughout the entire agency. This role may be their only responsibility, or they may have other assignments as well. PCMs are often high-ranking officials, like an associate warden or lieutenant, who have a host of other duties pertaining to facility operations.

**Investigators:** The PREA standards require that all reports of sexual abuse and sexual harassment be handled by specially trained investigators. Administrative investigations — investigations into whether an agency's policies were violated — are conducted by facility or agency investigators. Once agency or facility investigators determine that an incident was criminal in nature, the facility must refer the case to an agency with the legal authority to conduct criminal investigations, such as a police department. Victim services advocates may interact with agency and facility investigators, as well as outside investigators.

**Mandatory reporters:** All staff, contractors, and volunteers working in a corrections facility, including medical and mental health, are mandatory reporters and are thus required to disclose any information they learn about sexual abuse or sexual harassment of a person in custody.

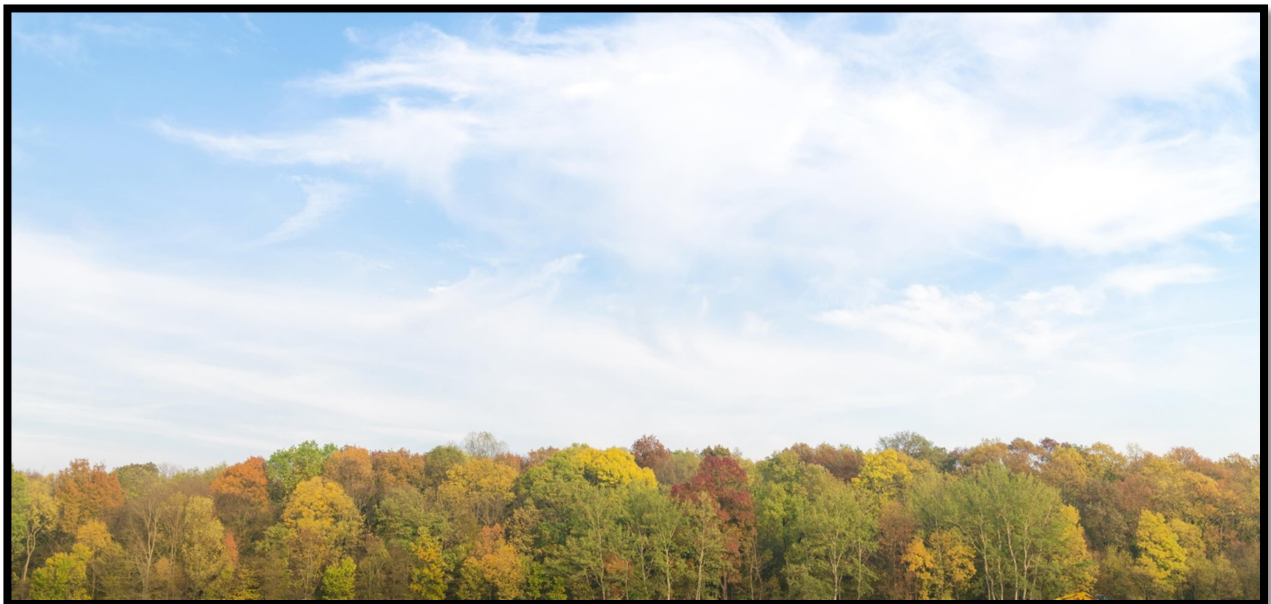
*Side Bar: The term "guard" is universally considered disrespectful by corrections staff and should be avoided.*



➤ **What prison terminology do I need to understand?**

The world of prisons, jails, and other confinement facilities is largely unknown to people on the outside, including victim services providers. Sometimes it can be intimidating to step into this world, with its unique terminology and jargon. The best way to become familiar with a facility is to request a full tour and to ask questions whenever something is unclear. At the same time, advocates may feel more confident launching this work if they have a basic grasp of places and terms they may encounter when inside.

**Intake/booking/reception:** The area of a facility where people first enter and are processed is called intake, booking, or reception. An inmate typically spends only a few hours to a few days here, depending on how many people need to be processed and the type of facility. During intake/booking/reception, people are searched, issued facility clothing, have personal property collected and stored, and receive an overview of facility rules and initial PREA education.<sup>17</sup> They also undergo various assessments including classification risk screening, and medical and mental health screenings.



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<sup>17</sup> Lockup facilities do not hold people long enough to complete most of the activities listed. People coming in off the street into a police lockup will be searched, fingerprinted and have personal property collected and stored. People being held in a court lockup or other lockup facility as a part of being transferred to another location will likely just be searched.

**Chow hall/dining hall/culinary:** Most prisons, jails, and juvenile detention facilities have a cafeteria where meals are served, commonly called the chow hall, dining hall, or culinary.

**Commissary/canteen:** Some prisons, jails, and juvenile and community confinement facilities allow people to purchase basic goods including food, hygiene products, and clothing. These products are sold through the commissary or canteen. This is often a physical location, but sometimes inmates place orders using an order form or online kiosk and have deliveries made to their housing unit.

**Housing unit:** The places where inmates live are called housing units. These units can contain individual cells or an open dorm-like setting with bunk beds. Housing units usually include a common area where people can spend time interacting with others. Cells tend to have toilets and sinks; dorm-style-units have communal bathrooms. Cells may have individual showers, but communal shower areas are more common.

**General population:** The general population in a prison or jail consists of inmates who are not in any type of restrictive or special housing. These inmates are typically described as being in general population, or in GP, or simply “he’s GP.”

**Solitary confinement:** Special/security housing unit (SHU), restricted housing unit (RHU), administrative segregation (Ad. Seg.), protective custody (PC), and solitary confinement are all terms used to describe when someone is housed in a more controlled setting than general population. This kind of housing is typically used for disciplinary reasons, or to protect someone who has reason to fear living in the general population.<sup>18</sup> Individuals housed in these units often live in single-person cells.

**Offender/prisoner/inmate/detainee/trustee/resident/client:** There are many different terms for people in custody. Corrections officials tend to use the term “offender,” which many incarcerated people find offensive. Prisoners’ rights advocates are more likely to use the term “prisoner.” The term that perhaps has the broadest acceptance is “inmate.” “Detainee” refers to people held in lockups. Some facilities have “trustees,” inmates

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<sup>18</sup> National Standards §115.43 (Protective custody) and §115.342 (Placement of residents in housing, bed, program, education, and work assignments) require that individuals who report sexual abuse, or who may be vulnerable to sexual abuse, should not be put in protective custody except as a last resort.

who have been selected on the basis of their good behavior to participate in voluntary work programs. Juvenile facilities use the term “resident” while community confinement facilities use “resident” or “client.”

**Yard:** Yard is a term frequently used to describe the open areas between buildings in a multi-building facility, or an outside area specific to one housing unit. Sometimes “yard” refers to the recreational yard (rec yard). Some high security facilities use kennel-like pens or cages in their outside areas — although it is not a good idea to refer to these areas as kennels or cages when speaking with staff; they are usually called exercise modules or pods.

**Disciplinary/write-up:** Whenever inmates break a facility rule, they run the risk of receiving a disciplinary, or write-up. These range from minor written reprimands to significant penalties, including a new charge, time in restrictive housing, or loss of “good time” (see below). Often, facilities will refer to their write-ups by the pre-printed number on their forms; in California state prisons, for example, a write-up is generally called “a 115.”

**Good time:** Prisoners can be granted a sentence reduction, called “good time,” if they maintain good behavior and participate in facility programming while incarcerated. They can lose their good time if they receive a write-up (see above).

*Side bar: Advocates do not need to use the same terms that the staff do to describe people in detention. You can call them “clients” or simply “men,” “women,” and “youth.” As with all advocacy work, it’s a good practice to use person-first language.*



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