

# **SURVIVOR ADVOCATES GUIDE**

Your Role in the Prison Rape  
Elimination Act Audit

## **Survivor Advocates Guide: Your Role in the Prison Rape Elimination Act Audit**

The national Prison Rape Elimination Act (PREA) standards require that detention facilities take basic steps to keep the people in their custody safe from sexual abuse and harassment. In order to assess facilities' efforts to comply with the standards, detention facilities must undergo independent audits every three years.

The PREA audits are a critical tool for transparency and safety. However, since these assessments began in 2013, many audits have fallen short of their potential. One factor that has contributed to the audits' weakness is the lack of involvement of local rape crisis programs. Auditors and facilities have often neglected to reach out to local organizations to tell them about forthcoming audits.

Rape crisis advocates are the only external stakeholders whose participation in the audits is required, and their absence in the process is a missed opportunity. Their input can shed light on what facilities are — and are not — doing to provide access to the emotional support services that incarcerated people need and deserve. In addition, advocates can help prepare incarcerated survivors for the auditing process, empowering them to share their perspectives, safely and confidentially, on the facility's compliance with PREA.

In this guide, we offer detailed suggestions for how advocates can become meaningfully involved in the audits. The guide is divided into three sections, each one covering a phase of the audit: the pre-onsite phase, when auditors

gather information; the onsite phase, when the auditors meet with staff and incarcerated people and observe conditions on the ground; and the post-onsite phase, when auditors determine compliance with each of the standards and generate a report on their findings. As the guide shows, advocates can play a role in each of these stages — and ensure that facilities are fulfilling their duty to keep the people in their care safe.

## **Advocates’ Role During the Pre-Onsite Phase**

Auditors are tasked with doing a significant amount of preparation before visiting a facility. This includes working with agency leadership to set up the parameters for the site visit and reviewing key information about the facility. Under the PREA standards, auditors must also reach out to advocacy organizations that provide services for people incarcerated in the facility, as well as to organizations that may have information about the facility’s conditions. PREA’s inclusion of advocates in the audit process is a recognition of the insight that they have into the facility’s efforts to comply with the PREA standards, and in the overall safety of the facility.

Ideally, the auditor and the facility will notify outside advocates about a forthcoming audit. If the initial outreach attempts fail, they must keep trying. Advocates may want to talk with their corrections partners about including provisions in their MOUs requiring the facility to inform them once an audit has been scheduled. If the advocacy organization is willing and able to play a role in the on-site portion of facility audits, the MOU can include information about what that involvement will look like.

Advocates can also find out about all audits using the searchable directory run by the National PREA Resource Center (PRC).<sup>1</sup> In addition, advocacy organizations may learn about audits from clients inside facilities, which are required to post notices about upcoming audits.

## **Sharing Information with the Auditor**

Auditors are expected to interview a staff member at local victim advocacy organizations; the interviewee should be a person who is knowledgeable about the program's work with the facility. During the interview, the advocate can highlight concerns about its program for delivering support services and about sexual safety at the facility in general.

Advocates should share with the auditor any agreement to deliver services at the facility, and detail the extent to which the facility has kept to the terms of such agreements. Under PREA, detention facilities must provide incarcerated people with access to confidential emotional support services with outside advocates via hotline and letter; accompaniment during sexual assault forensic exams and investigatory interviews; and confidential follow-up services.

While the auditor may not specifically ask for it, advocates may wish to provide data on the services their program has provided, such as the total number of calls and the number of unique callers, number of letters received, and number of in-person counseling visits or times providing accompaniment during the past year. This information will help the auditor verify that emotional support services are accessible. For example, if an advocacy

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<sup>1</sup> The directory can be found here: [www.prearesourcecenter.org/audit/directory](http://www.prearesourcecenter.org/audit/directory)

organization shares that the facility's rape crisis hotline is never used, it should prompt the auditor to look into whether there are barriers preventing its use.

Additionally, advocates should identify any systemic issues they are concerned about, including retaliation against people who report sexual abuse, or the targeting of a particular group of persons confined in the facility, such as LGBTQI people or people with disabilities. The auditor can then find out more by conducting interviews with people from those groups. As always, advocates should take care not to breach confidentiality or otherwise share information that could be used to identify their clients. Additional information to share with the auditor includes whether their organization has agreed to receive reports of sexual abuse and sexual harassment from people held at the facility as an external reporting entity.

Advocates are encouraged to tell the auditor if the agency has misrepresented its partnership with the local rape crisis program — for example, overstating the services that are being provided. It is also advisable for advocates to inform the auditor of any concerns about the process of setting up services, such as if the agency pressured their program to sign a memorandum of understanding (MOU) just in time for a scheduled audit without a meaningful opportunity to engage as partners. Part of the auditor's job is to compare what an advocacy program says about working with the facility with what facility officials say. Information gleaned during the interview can help auditors run tests on the effectiveness of emotional support services, such as dialing the hotline to ensure it works.

If your program does not have a formal partnership with the corrections facilities in your area, you can still provide auditors with any information you have concerning conditions in the facility and offer to be a resource in

connection with the PREA auditing process. You should also tell the auditor during your interview that no agreement exists and explain your understanding of why that is the case.

If you are aware of other local organizations that may have knowledge about facility conditions, you should inform the auditor about them. Be ready to provide the organizations' name, point of contact, and contact information, if possible.

## **During the On-Site Phase**

### *Auditor Communication with People Incarcerated in the Facility*

During the visit, auditors conduct a first-hand assessment of the facility's compliance with the PREA standards. Incarcerated people must have an opportunity to reach out to auditors to share information in writing about the facility. Auditors also are required to do on-site interviews with incarcerated people as part of the audit. These are meant to be private, one-on-one sessions where the intent is for people confined in the facility to be able to freely discuss their experiences in and perspectives of the facility on sensitive issues related to sexual safety.

At least six weeks in advance of the visit, facilities must display information about the audit, along with the auditor's contact information throughout the facility in places where it will be visible. Any correspondence that incarcerated people have with auditors must, per the PREA standards, be confidential and treated in the same manner as if they were communicating with legal counsel. While auditors typically select people incarcerated at the facility to

interview from a facility roster once they arrive on-site, if an incarcerated person shares about their experiences with sexual abuse, or about PREA generally, then the auditor must attempt to include them among their interviewees. Advocates can reach out to their clients to provide support and information to their clients in the facility who may be considering engaging with the audit in this way.

In the smallest facilities, auditors must interview at least 10 people in custody, and in larger facilities, at least 50. The interview pool must consist of a representative sample of people incarcerated at the facility, including people who have limited English proficiency; those who have a physical disability; people who have reported sexual abuse; and those who disclosed prior sexual victimization during the intake process. The interviews must be held privately, and cannot be conducted virtually over phone or video.

Advocates should emphasize to their clients that the interviews are voluntary, and neither the auditor nor facility staff should pressure them to either participate in an interview or answer the questions in a particular manner. This is also true for incarcerated survivors who are randomly selected to be interviewed on the day of the audit.

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As their advocate, you can help the survivor prepare what they want to share with the auditor, go over questions that the auditor may ask them, and provide emotional support in preparation for that difficult process. Advocates may even wish to send the questions to their clients in advance of an interview.<sup>2</sup>

These interview questions focus not on the specifics of any instances of abuse, but on the facility's efforts to fulfill its duties mandated by PREA. Still, talking about sexual abuse can be difficult for survivors — especially when the conversation takes place in the detention facility where the abuse took place. What's more, in the case of PREA audit interviews, the questions are being asked by a complete stranger who, in most cases, lacks a professional background in working with trauma survivors.

Auditors are expected to make sure a qualified professional is available to speak with interviewees in the event that the person is triggered by any aspect of the interview. While facility mental health staff may be able to fulfill this role for incarcerated people, best practice is for outside advocates to work with the facility in order to offer confidential emotional support services on-site following audit interviews. As with any counseling, the sessions should be held privately, without risk that others in the facility will know they have met with a rape crisis advocate; or advocates can offer access to their hotline to

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<sup>2</sup> The interview questions for incarcerated people can be found in the interview protocols developed by the Bureau of Justice Assistance and the National PREA Resource Center: [www.prearesourcecenter.org/sites/default/files/library/Interview-Protocol-Prisons-Jails-Inmates.pdf](http://www.prearesourcecenter.org/sites/default/files/library/Interview-Protocol-Prisons-Jails-Inmates.pdf). The protocols include questions for randomly selected incarcerated people, as well as incarcerated people who reported sexual abuse and who belong to groups identified as being at high risk for sexual abuse.



people following an interview. Corrections staff are also interviewed as part of an audit, and advocates may also offer to provide emotional support for staff who feel triggered by speaking about the facility's practices related to sexual abuse.

## **After the Site Visit**

Following the on-site portion of the assessment, the auditor will write up their findings. If the auditor's report concludes that the facility is compliant with every standard, the audit is complete and a final report is issued. If the facility falls short of compliance with any of the standards, the auditor issues an interim report that lays out what steps need to be taken. Auditors work collaboratively with facilities to develop and implement a corrective action plan. Following the corrective action period, the auditors issue the final report, noting what corrective action was completed and whether the facility has passed the audit. Advocates should offer to work with facilities on addressing deficiencies, letting them know of their expertise in victim services and any other areas, including investigations, LGBTQI+ safety, and reporting.

It is essential for advocates to review audit reports carefully, especially the portions on facility compliance with PREA Standards 115.21 and 115.53. If the facility has been found to be out of compliance with those standards, advocates can use the final report to demonstrate that the facility needs to work more closely with their agency. It's also worth keeping in mind the vast majority of audits find no deficiencies in the facility's compliance — meaning the facility has passed the audit. It's important to keep in mind that a passed audit simply indicates that the facility is complying with the PREA standards; it

does not mean the facility has eliminated sexual abuse. At the same time, many auditors who have issued glowing reports have not done their due diligence, especially around services provided.

If you have any concerns about an auditor's conduct or an audit report they have prepared, alert the Department of Justice's PREA Management Office (PMO) and the PRC. The best way to do this is to complete the Auditor Feedback Form.<sup>3</sup> It is essential that you provide as much information as possible on the form, as this will help the PMO and the PRC with their evaluation of the situation.

## **Other Ways to Strengthen PREA Audits**

If your program does not have a formal partnership with the corrections facilities in your area, you can still offer to be a resource in connection with the PREA auditing process. You can work to educate local facilities about safety from sexual abuse, victim advocacy, and how your program can support the facility during a PREA audit. You can also conduct ongoing outreach and request that the facility contacts you in advance of an audit to identify ways for your program to be involved as the facility prepares. All of these activities can happen in tandem with efforts to set up services programs.

Whatever your involvement in audits looks like, you should engage with your state coalition to help take those efforts further. Coalitions can support member organizations through all aspects of partnership development and

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<sup>3</sup> The form can be found at [www.prearesourcecenter.org/audit/auditor-feedback-form](http://www.prearesourcecenter.org/audit/auditor-feedback-form)

service provision with corrections facilities. Coalitions can also offer support specific to the PREA audit by hosting training events for local programs – either in-person or virtually – to explain the PREA audit process and what to expect from an auditor. This will help to give member organizations an understanding of how they should be engaged during the audit as well as a foundation from which to evaluate an auditor’s performance.

Coalitions can develop a process to track and monitor audits for corrections facilities across their state. The PRC database contains the reports of all audits initiated after June 30, 2022; reports from many of the earlier audits of state (and some local) agencies are available on the Bureau Justice Assistance website.<sup>4</sup> If you cannot locate an audit, check the corrections agency’s website. Agencies are required to post final audit reports online or make them otherwise publicly available; if they have not done so, and their audits are not available elsewhere, you should reach out to the agency.

Coalitions can help their member organizations by reviewing the audit reports from multiple facilities across a corrections agency or state, highlighting exemplary reports as well as information that is deficient or duplicative of other audit reports by the same auditor.

There is also an ongoing need for auditors from a variety of disciplines in addition to corrections, including law enforcement, victim advocacy, and academia. Auditor trainings take place periodically, as announced by the PRC.<sup>5</sup> Following an application process, auditor trainees are required to

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<sup>4</sup> The Bureau of Justice Assistance audit database can be found here:

<https://data.ojp.usdoj.gov/stories/s/e58i-ae hm>

<sup>5</sup> To learn about auditor trainings, sign up for monthly updates from the PRC

[www.prearesourcecenter.org/about/ma iling-list-sign-up](http://www.prearesourcecenter.org/about/ma iling-list-sign-up)

complete pre-training assignments, training and a written examination; they must also participate in the Auditor Field Training Program.<sup>6</sup> More information on auditor qualifications, the application process, and training requirements can be found on the PRC's website.<sup>7</sup>

## **PREA Audit Resources**

- Audit Instruments and Tools:

<https://www.prearesourcecenter.org/audit/overview>

- Shining a Light Behind Bars: The Role of Advocates in PREA Audits

<https://justdetention.org/webinar/shining-a-light-behind-bars-the-role-of-advocates-in-prison-audits/>

- Supplemental Questionnaire on Community Advocate Engagement:

<https://justdetention.org/wp-content/uploads/2018/01/Supplementary-Questionnaire-on-Community-Advocate-Engagement.pdf>

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<sup>6</sup> The Auditor Field Training Program is a mock audit that replicates all aspects of an audit from pre-audit through the post-audit and writing of the audit report. Auditor trainees work with experienced auditors and experts from the U.S. Department of Justice and the National PREA Resource Center to conduct the audit.

<https://www.prearesourcecenter.org/audit/auditor-field-training-program>

<sup>7</sup> To learn more about auditor qualifications, how to apply, and training requirements go to: <https://www.prearesourcecenter.org/audit/auditor-training>