

**Report to the United States Congress
Activities of the Review Panel on Prison Rape in Calendar Year 2010**

This report is submitted in accordance with Section 4(c)(1)(A) of the Prison Rape Elimination Act of 2003 (PREA), Public Law No. 108-79, 117 Stat. 972 (codified as amended at 42 U.S.C. §§ 15601-15609 (2006)), which requires the Attorney General to submit a report on the activities of the Review Panel on Prison Rape (Panel) for the preceding calendar year to Congress.

Purpose of the Panel and Focus of 2010 Hearings

According to PREA, the duty of the Panel is to hold annual public hearings, based on data gathered by the Bureau of Justice Statistics (BJS), concerning the operation of the three prisons with the highest incidence of sexual victimization and the two prisons with the lowest incidence of sexual victimization in each category of facilities identified under Section 4(c)(4) of the statute. *Id.* § 15603(b)(3)(A). The purpose of the hearings is to aid BJS in identifying the common characteristics of institutions with the highest and lowest prevalence of sexual victimization as well as to identify the common characteristics of victims and perpetrators. *Id.*

In 2010, the Attorney General, through BJS, designated juvenile justice facilities as one of the prison categories under Section 4(c)(4) of PREA that merited a survey on the incidence of sexual victimization. Based on its survey of juvenile justice facilities, BJS issued the publication, *Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-09* (Jan. 2010) [hereinafter *BJS Juvenile Report*], which is available online at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svjfry09.pdf>. Subsequently, the Panel's hearings in 2010 addressed the factors contributing to sexual victimization in juvenile justice facilities.

Panel Members

The Panel consisted of the following three members whose terms commenced on January 1, 2010: Gwendolyn Chun, juvenile justice expert, Sharon English, victim advocate, and Dr. Reginald Wilkinson, former Director of the Ohio Department of Rehabilitation and Corrections.

The Panel Members met on February 18-19, 2010, with several constituency groups, including those representing victim advocates and correctional institutions, to ensure that its work serves all who have a stake in eliminating sexual victimization in prisons and jails, consistent with its mandate under PREA. During its meetings with key stakeholders, the Panel elicited suggestions about the most effective ways to fulfill its mission. The Panel also met informally with representatives from BJS to discuss its research, including methodology and findings. In addition, the Panel discussed the status of various PREA-related initiatives with representatives from the Department of Justice components: the Office of Juvenile Justice and Delinquency Prevention, the Bureau of Justice Assistance, and the National Institute of Corrections. Please note, both Ms. Chun and Ms. English resigned from the Panel in September of 2010. They were replaced by corrections expert Dr. Gary Christensen and victim advocate Anne Seymour.

Hearings and Report

As the BJS Juvenile Report relied on a sampling of responses from youth at 195 juvenile justice facilities, rather than on a complete enumeration, the report was unable to provide an exact ranking of juvenile justice facilities based on the incidence of sexual victimization. BJS Juvenile Report 4. The BJS Juvenile Report did, however, provide guidance to the Panel in identifying the facilities with the highest and lowest rates of sexual victimization. Id. 4, 5. Representatives from juvenile justice facilities identified by the Panel were invited to appear at public hearings in Washington, D.C., on June 3-4, 2010. The two facilities representing the lowest prevalence of sexual victimization were (1) the Fort Bellefontaine Campus, Missouri Division of Youth Services, Missouri Department of Social Services, and (2) the Rhode Island Training School, Rhode Island Department of Children, Youth and Families. The three facilities representing the highest prevalence of sexual victimization were (1) the Pendleton Juvenile Correctional Facility, Division of Youth Services, Indiana Department of Correction; (2) the Woodland Hills Youth Development Center, Division of Juvenile Justice, Tennessee Department of Children's Services; and (3) the Corsicana Residential Treatment Center, Texas Youth Commission.

Common Themes

After considering the testimony from the hearings, the Panel issued its Report on Sexual Victimization in Juvenile Correctional Facilities (Oct. 2010), which is available online at http://www.ojp.usdoj.gov/reviewpanel/pdfs/panel_report_101014.pdf. In evaluating the factors that affect the prevalence of sexual victimization in juvenile facilities, the Panel identified three common themes: culture, staff training, and facility size.

Culture

Institutional culture plays an important part in creating a safe environment. Facilities that foster a therapeutic model, emphasizing rehabilitation, were more likely to have less prevalence of sexual victimization than facilities that rely on a corrections model, emphasizing punishment.

Staff Training

The administrators of all of the juvenile facilities who appeared at the hearings agreed on the need to train staff on the perils of crossing professional boundaries that lead to inappropriate relationships with youth in custody.

Facility Size

Small facilities tend to have less prevalence of sexual victimization.

Institutional Questions that Warrant Further Study

The Panel also identified the following unresolved institutional questions that warrant further study:

- What are the factors that lead female staff to become involved emotionally or sexually with male juveniles?
- What is the most effective training to encourage healthy professional boundaries?
- What are the best practices for maintaining the appropriate professional boundaries between staff and juvenile offenders?
- How can institutions better screen staff to avoid sexual misconduct?

- For youth in custody, what are the common characteristics of victims and perpetrators of sexual victimization?
- How can juvenile justice systems assist staff falsely accused of sexual misconduct?
- What are the factors that contribute to youth-on-youth sexual assault in juvenile justice facilities?
- Taking into account youth development, what are healthy, realistic expectations for youth in managing sexual expression while in custody?