

Report to the United States Congress Activities of the Review Panel on Prison Rape in Calendar Year 2016

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 (2012)), the Attorney General submits this report to Congress on the activities of the Review Panel on Prison Rape (Panel) in the preceding calendar year.

Panel Members

The Panel consisted of the following three members in 2016: Dr. Reginald A. Wilkinson, President and Chief Executive Officer, Ohio College Access Network; Dr. Gary E. Christensen, President, Corrections Partners, Inc.; and Ms. Anne Seymour, a national crime victim advocate.

Purpose of the Panel

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), on the operations of the three correctional institutions with the highest incidence of sexual victimization and the two correctional institutions 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 identify the common characteristics of (1) sexual predators and victims, (2) correctional institutions with a high incidence of sexual victimization, and (3) correctional institutions with a low incidence of sexual victimization. *Id.*

Hearings

As BJS did not issue any reports in 2014, 2015, or 2016 based on inmate surveys on the incidence of sexual victimization in correctional facilities, the Panel held no public hearings in 2015. In 2016, the Panel issued a report on its 2014 hearings, which was noted in the Panel's 2015 report to Congress and is restated below.

Report on 2014 Hearings

In April of 2016, the Panel published findings based on its public hearings in January and August of 2014 on sexual victimization in prisons, jails, and juvenile correctional facilities. Review Panel on Prison Rape, *Report on Sexual Victimization in Prisons, Jails, and Juvenile Correctional Facilities* (Apr. 2016), available at http://ojp.gov/reviewpanel/pdfs/panel_report_prea_apr2016.pdf. The Panel's hearings in 2014 and the resultant report relied on data that BJS compiled in *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12* (May 2013), which is available at <http://www.bjs.gov/content/pub/pdf/svpjri1112.pdf>, and *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012* (June 2013), which is available at <http://www.bjs.gov/content/pub/pdf/svjfry12.pdf>. These reports group prison, jail, and juvenile correctional facilities according to the incidence of reported sexual victimization at those facilities and formed the basis of the Panel's decision about which facilities would be the subject of testimony. The Panel selected the following fifteen facilities to appear at its 2014 hearings and convened panels of experts to discuss the following topics:

Prisons

Facilities with especially high incidence rates of sexual victimization:

- Montana State Prison, Montana Department of Corrections,
- Mabel Bassett Correctional Center, Oklahoma Department of Corrections, and
- Santa Rosa Correctional Institution, Florida Department of Corrections.

Facilities with especially low incidence rates of sexual victimization:

- Lawtey Correctional Institution, Florida Department of Corrections, and
- Jackie Brannon Correctional Center, Oklahoma Department of Corrections.

Salient topics involving sexual victimization in prisons:

- Collaboration between prisons and community-based organizations,
- Protecting inmates with mental health conditions, and
- Challenges and strategies for prosecuting cases of sexual assault in confinement.

Jails

Facilities with especially high incidence rates of sexual victimization:

- Philadelphia City Riverside Correctional Facility, Philadelphia, Pa., Prison System,
- Harris County Jail – 1200 Baker Street Jail, Harris County, Tex., Sheriff’s Office, and
- Baltimore City Detention Center, Maryland Department of Public Safety and Correctional Services.

Facilities with especially low incidence rates of sexual victimization:

- Jefferson County Jail, Jefferson County, Colo., Sheriff’s Office, and
- Cameron County Carrizales-Rucker Detention Center, Cameron County, Tex., Sheriff’s Office.

Salient topics involving sexual victimization in jails:

- Supporting jails in complying with PREA, and
- Protecting lesbian, gay, bisexual, transgender, and intersex inmates.

Juvenile Correctional Facilities

Facilities with especially high incidence rates of sexual victimization:

- Paulding Regional Youth Detention Center and Eastman Youth Development Campus, Georgia Department of Juvenile Justice, and
- Circleville Juvenile Correctional Facility, Ohio Department of Youth Services.

Facilities with especially low incidence rates of sexual victimization:

- Owensboro Treatment Center, Kentucky Department of Juvenile Justice, and
- Grand Mesa Youth Services Center, Colorado Division of Youth Corrections.

Salient topic involving sexual victimization in juvenile correctional facilities:

- Victimization of male youth by female staff.

For each set of hearings, the Panel included in its report an explanation of its criteria for selecting a facility, a description of the facility, the facility's explanation for its reported low or high incidence of sexual victimization, a summary of the expert testimony regarding each salient topic, a discussion of the Panel's observations regarding the testimony, and a discussion of the Panel's recommendations on addressing sexual victimization in prisons, jails, and juvenile correctional facilities.

After reflecting on the data collected for each hearing, the Panel offered the following recommendations that apply to all correctional institutions, regardless of type:

- Collaborate with community-based organizations to provide services to offenders who experience sexual violence while in custody;
- Establish protocols, such as an objective risk classification system that includes factors common to victims or perpetrators of a sexual offense, to protect adult and juvenile inmates who are most vulnerable to sexual predation, especially those with mental illness or developmental disabilities and those who identify as non-heterosexual;
- Work with local district attorneys' offices to prosecute sex crimes that target both adult and juvenile offenders;
- Comply with PREA standards, even if the sanctions may not apply;
- Adopt or construct, as practicable, correctional facilities with direct supervision designs to enhance visibility and access to correctional staff;
- Provide effective, mandatory PREA-compliant training for staff and offenders;
- Maintain a low staff-to-offender ratio;
- Install effective electronic monitoring systems;
- Adopt effective procedures for investigating sexual violence targeting offenders;
- Attract a competent, educated, direct-care workforce by improving compensation, working conditions, and benefits;
- Provide support systems for direct-care staff in managing professional boundaries and addressing the trauma associated with witnessing improper sexual behavior;
- Create and reinforce through organizational action a professional culture that encourages staff to report sexual victimization;
- Record, track, and hold accountable, which may include prosecution, employees who have a history of sexual misconduct while working in correctional facilities;
- Review cross-gender pat-down procedures; and

- Apply evidence-based policies and practices to reduce, as practicable, the size of the correctional facility.

Based on expert testimony, the Panel also had the following additional recommendations:

- BJS should review its data-collection instrument in surveying the sexual victimization of offenders in custody to ensure that it is capturing accurate information on transgender inmates.
- The U.S. Department of Justice, other governmental agencies, professional organizations serving members in law and corrections, research institutions, scholars, and advocacy groups should
 - develop programs and best practices to encourage full and consistent cooperation between corrections administrators and prosecutors' offices in pursuing criminal cases involving the sexual victimization of adults and youth in correctional facilities;
 - undertake additional research on the factors that lead female correctional staff to engage in sexual misconduct with males in custody, particularly in juvenile correctional facilities; and
 - conduct research on male sexual victimization in correctional institutions, particularly juvenile correctional facilities, and develop related training materials.