

2009 NDTAC National Conference
*Improving Educational Outcomes for All Students
who are Neglected, Delinquent, or At-Risk of
Academic Failure*



**THE PRISON RAPE ELIMINATION
ACT: CREATING SAFE
ENVIRONMENTS FOR ACADEMIC
SUCCESS**

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Overview



- I.** PREA Background/Overview
- II.** Examples of Responses
- III.** Action Plan Suggestions
- IV.** Resources



I. PREA Background/Overview

What Is Juvenile Sexual Violence?

- Juvenile sexual violence [JSV] is a broad term describing sexually coercive behaviors in juvenile correctional settings
- Juvenile-on-juvenile and/or staff-on-juvenile including:
 - Non-consensual sexual acts
 - Abusive sexual contacts
 - Staff sexual misconduct

Origins of PREA

- Mid 1990s, the issue of prisoner sexual violence and staff sexual misconduct took on increased public attention and concern
- Reports by Human Rights Watch, Government Accounting Office, Amnesty International, several high-profile law suits, and prison research raised the alarm

Concern Led to Federal Law

Public Law 108-79



- A unique, bi-partisan coalition of national legislators, social scientists, religious leaders, professional and human rights organizations pressed for examination and a remedy
- The debate led to creation of a federal law with multiple components to assist correctional agencies in responding
- Seen as a fundamental human right that no one deserves to be raped

What is the Prison Rape Elimination Act (PREA)?

Unanimously passed by United States Congress and signed into law in 2003. Established:

1. ZERO TOLERANCE standard
2. PREVENTION as a top priority
3. NATIONAL PREA COMMISSION to develop national standards

PREA Requires Correctional Authorities in the U.S. to...

1. **Prevent, deter and detect** incidents of juvenile sexual violence (JSV)
2. **Identify and treat victims** of JSV
3. **Identify, investigate and prosecute perpetrators**, whether **juvenile** or **staff**
4. **Collect and report JSV data to Bureau of Justice Statistics - BJS**

Agency Duties Under PREA

- Establish comprehensive **training** about JSV to staff
- **Comply** with national standards once promulgated by US Attorney General
- **Be accountable** for non-compliance
- Create **safety** for staff, juveniles/ inmates and society

PREA

PREA does...

- Raise awareness
- Require juvenile programs/facilities to keep kids safe
- Reinforce that one rape is too many
- Emphasize prevention
- Require all agencies to respond appropriately if JSV occurs

PREA does not...

- Override any existing state law about sexual violence
- Give juveniles or their families new ways to “sue” juvenile correctional agencies

Why Is PREA Important?

- Victims suffer emotionally and physically
- High risk of sexually transmitted diseases, pregnancy, HIV/AIDS
- Emotional trauma can be catastrophic
- Can increase mental health problems for victims, including suicide/acting-out
- Liability – Lawsuits from families of juveniles who have been raped
- Public relations risk – Bad press creates ill will in the community
- Seeks to reduce number of victims

What Happens if we Don't Comply with PREA?

- Loss of Federal funding to states (up to 5%)
- Be called before Review Panel to explain non-compliance
- Be identified in Annual National Report on PREA compliance
- Possibly face higher legal liability once standards issued

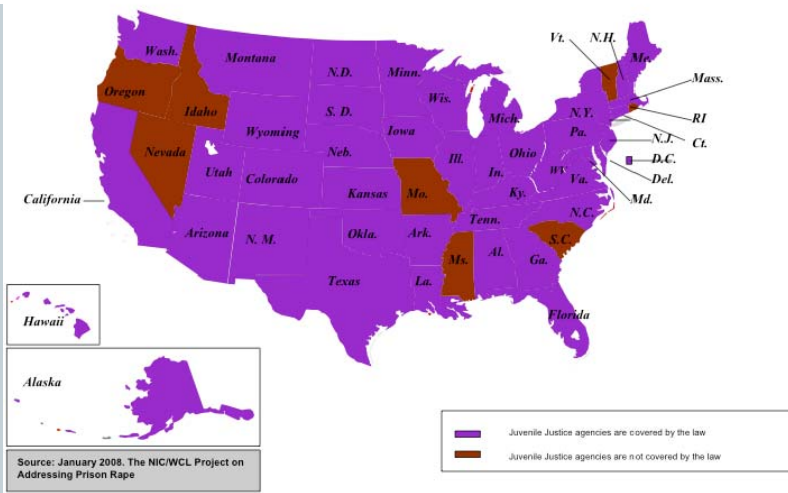
PREA DVD

“Keeping Our Kids Safe”

Produced by The Moss Group, Inc. and Pip Gilmour Productions
National Institute of Corrections and The Moss Group, Inc.
Cooperative Agreement No. 05S18GJIO

State Criminal Laws Prohibiting Sexual Abuse of Juveniles Under Correctional Supervision

National Institute of Corrections/American University, Washington College of Law – January 2008



Four Types of Juvenile Sexual Violence – BJS

There are four types of juvenile sexual violence defined by who commits the crime:

JUVENILE - ON - JUVENILE

1. Non-consensual sexual acts
2. Abusive sexual contacts

STAFF - ON - JUVENILE

3. Staff sexual misconduct
4. Staff sexual harassment

Is Juvenile Sexual Violence Really a Problem in the US?

- One goal of PREA was to understand how often sexual violence occurs
- Bureau of Justice Statistics (BJS) engaged in data collection using formal reports to agencies and anonymous surveys of inmates and juveniles
- National results very compelling

BJS Survey of Sexual Violence 2004 found Juveniles at Highest Risk

- State, local and private juvenile facilities had the **HIGHEST RATE** of sexual victimization reported of all types when compared to prisons and jails.
- In 2004, number of allegations of juvenile sexual violence was 931 for State juvenile systems and 1,890 for local/private facilities

2004 BJS Survey of Sexual Violence Results

(Beck & Hughes, 2005)



- State operated juvenile facilities had **HIGHEST RATES** of alleged staff sexual misconduct (11.34/1000)
-
- Local/private juvenile facilities had rate of staff sexual misconduct nearly 3x greater than in state and federal prisons.
- Substantiated incidents of juvenile sexual violence were the **HIGHEST** in juvenile facility

2005 and 2006 BJS Results Showed Higher Juvenile Sexual Violence

- **Higher trend of juvenile victims continued in recent BJS studies** (Beck, Adams, & Guerino, 2008)
- **2006 National estimate of allegations for all juvenile facilities 2,025 allegations**
[rate of 16.8/1,000 juveniles]
- **In 2006, 437 JSV incidents substantiated (proven true)** [rate of 1.8/1,000 juveniles]



- **The results of the anonymous surveys for juveniles nationwide has NOT be completed**
- **However, in pre-test, 19% of juveniles surveyed reported having been victims of juvenile sexual violence!**

NPREC Report and Standards

- Released June 23, 2009
- Recommendation of Standards
- Draft Standards circulated last year
 - Training
 - Reporting
 - Data Collection
 - Investigations
 - Audits
 - Technology

II. Example of Responses

- Delaware Department of Services for Children, Youth and Their Families
- Texas Juvenile Probation Commission
- Massachusetts Department of Youth Services
- Kentucky Department of Juvenile Justice
- Ohio Division of Youth Services

III. Action Plan Suggestions

- Know the Law
- Review Policy (Policy Review Guide)
- Review Draft Standards (Report June 23, 2009)
- Review Data Collection Responsibilities (BJS)
- Review Training Needs
 - New Staff
 - In-service
 - Volunteers/Contractors

Action Plan Suggestions continued...

- Review Youth Orientation
- Review Reporting and Investigative Processes
- Review medical/mental health protocols re: sexual abuse
- Review vulnerable classroom situations operationally – isolated areas, poor visibility, staffing patterns

IV. Resources



- The Moss Group, Inc. www.mossgroup.us available Aug. 15,2009.
- National Institute of Corrections www.nicic.org
- National Institute of Corrections/Washington College of Law Project on Addressing Prison Rape:
NIC/WCL Project on Addressing Prison Rape
The Washington College of Law
4801 Massachusetts Ave NW
Washington, DC 20016
Phone: 202-274-4385
Email: nic@wcl.american.edu
nicaresearch@wcl.american.edu

Resources



- National Prison Rape Commission www.nprec.us
- U.S. Department of Justice, Bureau of Justice Statistics www.ojp.usdoj.gov/bjs
- NDTAC <http://www.neglected-delinquent.org>