

Sullivan County Department of Corrections PREA

What is PREA?

PREA stands for the Prison Rape Elimination Act, which was signed into law by President Bush on Sept. 4, 2003. The final regulatory standards to implement PREA went into effect on August 20, 2012.

What is the purpose of PREA?

PREA is intended to address the detection, prevention, reduction and prosecution of sexual harassment and sexual assault in all correctional facilities in the country.

To what facilities does PREA apply?

PREA applies to all confinement facilities in the state. This includes all prisons, jails, police lock-ups, juvenile facilities, Immigration detention centers, court holding facilities, and community corrections facilities (home monitoring, probation, parole, half-way houses).

What constitutes staff sexual misconduct with offenders?

Staff sexual misconduct with offenders is generally defined as any behavior or act of a sexual nature by:

- a correctional employee (sworn or civilian, managers, administrators, supervisors, line officers, supervisors of offenders on work release)
- a contractor
- a food service employee
- a maintenance worker
- a volunteer
- a medical or mental health staff member (clinical staff and counselors)
- a member of the clergy
- vendors
- youth workers
- teachers

Are offenders the only potential victims of sexual misconduct under PREA?

No. Sexual misconduct can target not only a person under the care and custody of any correctional authority, but also offender's family members and any other person who has official contact with the Department on behalf of offenders (lawyers, social workers, mental health professionals or victim advocates).

What are the possible dispositions of PREA reports?

There are three possible dispositions: substantiated, unsubstantiated and unfounded. Substantiated reports are those where an investigation determines that an incident did occur. Unsubstantiated reports are those where evidence is insufficient to make a final determination that an incident occurred. Unfounded reports are those where an investigation determines that an incident did not occur.

What is the Department of Corrections doing to implement PREA ?

The department has implemented a zero-tolerance policy (Policy # 3.3.4) relating to sexual violence in custody, and recognizes offenders who are sexually harassed or abused as victims of a serious crime. The department immediately responds to allegations, fully investigates all reported incidents, pursues disciplinary action, and refers those who perpetrate such conduct for investigation and prosecution.

What does the federal law require of each state?

Since the new regulations were published by the US attorney in August 2012, all states are required to take a number of actions to prevent, detect, reduce and respond to sexual abuse in confinement facilities. Among these are:

- establishment of a zero-tolerance standard for sexual harassment and sexual assault
- collection and reporting data on prison sexual violence
- training and education of correctional staff, contractors and volunteers about the nature of prison sexual violence, and how to prevent, detect and respond to incidents of sexual assault
- thorough and appropriate risk assessment and screening of offenders to keep apart potential aggressors and potential victims
- disciplining and prosecution of corrections staff who perpetrate sexual abuse against an inmate
- holding corrections administrators accountable for the occurrence of prison sexual violence in their facilities

Who leads the PREA effort within the Department?

While all employees are responsible for ensuring compliance with PREA, the agency has two employees dedicated to the program: The PREA coordinator and the PREA investigator. The coordinator is responsible for monitoring compliance with Federal law, and for ensuring that all confinement facilities in the state also comply with department sexual assault policies and procedures. The investigator is a sworn law enforcement officer who is responsible for the investigation of allegations of sexual harassment, sexual abuse, and sexual misconduct in all the facilities and programs under the authority of the department, which includes all contract facilities and programs.

How is DOC attempting to educate offenders and staff about PREA?

In addition to implementing policies and procedures, the publication of the new standards in 2012, the department began redesigning and delivering new training programs for all offenders and employees, to ensure compliance with federal law and the state's zero-tolerance policies and procedures.

What is the Biggest challenge in implementing PREA programs?

The "code of silence," which refers to the reluctance of some staff and inmates to talk openly about incidents of an illegal, unethical or questionable nature. Staff and inmates may refuse to cooperate in the investigation of critical events, in order to protect fellow staff members or other inmates. Most staff members and inmates would rather risk discipline and continued violence than violate the code of silence within the correctional community and inmate population. This silence protects wrongdoers. The department works to overcome the code of silence, and to ensure a safe environment of zero tolerance for sexual harassment, sexual assault, sexual misconduct and related concerns, including retaliation and ignorance.

What should someone do if they suspect a sexual assault has occurred in a correctional facility?

Anyone who suspects or has knowledge of any sexual harassment, sexual assault or sexual misconduct in any juvenile or adult correctional facility should report it to a staff member, volunteer, supervisor, administrator, human resources official or the PREA unit. Inmates may file grievances, tell their case manager or unit manager, or talk with a correctional officer or any staff member with whom they feel comfortable and trust. Anyone who receives a report of sexual abuse in any confinement setting must send it up the chain of command for investigation and disposition. A secondary reporting mechanism has been put in place by Sullivan County Department of Corrections. An off-site phone reporting system has been set up for any inmate housed in any unit in the jail. The Securus phone can be dialed (741) which will connect the victim to an outside agency 24/7 who can start the investigation process. Misuse of this reporting system will result in disciplinary action and possibly new criminal charges of false reporting. Family, friends, attorney's and advocates can report sexual abuse of inmates, residents, or detainees to the corrections facility. Third-party reports are treated as seriously as any other report, even in the absence of a named victim or abuser. Please contact the on duty supervisor at 603 542 8717 ext 410 to report any sexual abuse/harassment for follow investigation.

What is the penalty for not reporting a suspected sexual assault in a correctional facility?

Disciplinary action, including termination, may face a department employee or volunteer who fails to report an allegation of sexual misconduct, or coerces or threatens another person to submit inaccurate, incomplete, or untruthful information with the intent to alter a report. The department takes very seriously its PREA responsibilities in order to ensure public safety, secure correctional facilities and a safe environment for all offenders