

PRISON RAPE ELIMINATION ACT (PREA) ANNUAL REPORT 2018



NORTHWEST REGIONAL RE-ENTRY CENTER

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Background:

The Prison Rape Elimination Act (**PREA**), a federal law enacted in 2003, was created to eliminate sexual abuse in confinement. In addition to providing federal funding for research, programs, training, and technical assistance to address the issue, the legislation mandated the development of national standards.

PREA was signed into federal law in September 2003, and the final rules and standards were published on August 20, 2012. Between 2003 and 2012, extensive research and collaboration took place to identify the extent of sexual assault, sexual abuse and sexual harassment taking place in federal, state, county, city and tribal confinement facilities for both adults and juveniles, In addition to identifying the scope of the issue, standards were developed to guide facilities to adopting a “zero-tolerance policy” toward sexual assault, sexual abuse and sexual harassment. The standards have three clear goals: 1) Prevent 2) detect and 3) respond to sexual abuse. Furthermore, the standards provide a consistent way to measure the “zero-tolerance policy” by providing strategies to improve prevention, detection, responsiveness and data collection of sexual assault, sexual abuse and sexual harassment.

Historically there has been a culture of turning a blind eye to rape and sexual assault in prison. The implied acceptance is evidenced by the acceptance that “it’s just something that occurs in prison,” evidenced by jokes with punchlines about rape and movies that depict such behavior as “normal.” Both victims in the community and victims of prison rape have been viewed suspiciously and are often blamed for being in a situation where rape can occur. A victim of prison rape, however, has no place to go to escape the situation.

At least 95% of incarcerated individuals are released back to their communities. Those who experience sexual trauma in prison can bring emotional trauma and medical conditions back with them. Recognition of this, coupled with several high profile and costly litigations, initiated national discussions about the need for change. PREA legislation and the national standards provided confinement facilities across the nation with standards to define, detect, prevent and respond to incidences of sexual assault and sexual abuse.

“The PREA standards provide an excellent framework and direction in protecting those in our care, custody and control from sexual abuse as required by the 8th Amendment protection from cruel and unusual punishment.”

From a PREA Whitepaper, Introduction to the Prison Rape Elimination Act Standards and Compliance.

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Response by NWRRC

When the PREA standards were finalized, NWRRC took the following immediate actions:

- Identified a PREA Coordinator
- Assessed our physical layout and camera placement
- Reviewed our staffing levels

Next steps:

- Identified and implemented training and materials to educate residents and staff
- Communicated our “Zero-Tolerance” policy for sexual assault, sexual abuse and sexual harassment
- Developed policies and procedures that were consistent with the national PREA standards

Over the next 2 years, NWRRC focused on developing community partnerships to create a robust response to sexual assault, and trained staff on how to recognize, prevent and respond to incidents of sexual assault, sexual abuse and sexual harassment. As mandatory reporters, all staff members, volunteers and contractors were trained in their timely reporting responsibilities. Our commitment was to ensure that all reports were taken seriously and were investigated by staff with specialized training. The PREA Coordinator developed a tracking process to follow each incident from the initial report through the investigation and final determination of whether the incident was substantiated, unsubstantiated or unfounded.

The process of implementing the actions to comply with the PREA standards has required time and vigilance. Fortunately, the standards are measurable, so we have been able to determine when we were in compliance. The more challenging aspect of implementing a PREA program has been to influence the culture of silence and the culture of victim shaming. Residents often view making a PREA-related report as “snitching.” They indicate that, historically, when they have reported sexual assaults, the situation became worse and they had little or no protection. We have worked to intervene in that belief system with integrity. We follow through with a thorough investigation, provide support services, closely monitor for signs of retaliation and discretely check in with the alleged victims to monitor their safety and well-being. Victim shaming is a cultural norm in our communities, and when blaming/shaming language is used, we bring that language to the individual’s attention and educate him or her on the ways that language can impact a fair investigation and suggest more respectful, unbiased language.

At NWRRC, we are proud of the progress we have made. We conduct an ongoing evaluation of our PREA program and look for ways to improve. Annually, after gathering data for this report, we compare it to previous years and look for patterns. If we had 50 PREA reports annually, we would need to evaluate our staffing and safety procedures. If we had zero PREA reports, we would need to evaluate our culture and response to PREA. It’s imperative to evaluate the data because we are committed to the physical and emotional safety of both residents and staff. A statement from one of the residents let us know we’re on the right track when he said, ***“I feel safe here. You guys are no joke when it comes to PREA!”***

Data

The PREA standards require that each lock-up and community facility is audited every three years. NWRRRC received their first audit in 2016 and has an audit scheduled for July 2019. In addition to annual PREA reports posted on the NWRRRC website, the full audit is also posted.

2018 NWRRRC PREA Reports

Date	Type of Report*	Location (Facility)	Type of Investigation	Date Completed	Outcome
1/31	S:R/SH	Sheridan	Forwarded to Sheridan	8/31/18	Unknown
4/8	R:R/SH	NWRRRC	Administrative	4/11/18	Substantiated
6/21	S:R/SH	NWRRRC	Administrative	6/24/18	Unfounded
8/16	R:R/SA	NWRRRC	Administrative	9/24/18	Unsubstantiated
9/25	S:R/SA	NWRRRC	Administrative	9/28/18	Unfounded
12/2	R:R/SH	NWRRRC	Administrative	12/04/18	Substantiated

*R:R	Resident on Resident	SH	Sexual Harassment
R:S	Resident on Staff	SAB	Sexual Abuse
S:R	Staff on Resident	SA	Sexual Assault
		SSM	Staff Sexual Misconduct

Total PREA Reports	Substantiated	Unsubstantiated	Unfounded
2014	2	Both occurred at other facilities. Referred for investigations	
2015	9*	3	2
2016	5	2	2
2017	3		2
2018	6 **	2	1

*Three referred to other institutions for investigations. Outcome unknown
 **One referred to Sheridan for investigation. Outcome unknown

Lessons learned: In 2014 and 2015, our PREA report tracking system was incomplete. Beginning in 2016, reports were consistently turned in to the PREA Coordinator, tracked appropriately and data became more useful and clear.