

# BUREAU OF JUSTICE ASSISTANCE

# FACT SHEET

## PRISON RAPE ELIMINATION ACT AUDITORS: INFORMATION AND RESOURCES

### About the Prison Rape Elimination Act

Ending sexual abuse and sexual harassment in confinement facilities benefits all Americans. Sexual abuse makes facilities dangerous for staff, inmates, residents, and detainees.<sup>1</sup> This serious problem also consumes large amounts of taxpayer dollars for medical treatment and investigations, and undermines rehabilitative efforts, which in turn threatens public safety when inmates are released. The Prison Rape Elimination Act (PREA) states: "Prison rape endangers the public safety by making brutalized inmates more likely to commit crimes when they are released." See: 34 U.S.C. § 30307.

PREA is intended to make confinement facilities free from sexual abuse and its threat. It requires the U.S. Department of Justice (DOJ) to prioritize the prevention and elimination of this serious problem. PREA also mandates that confinement facilities across the country implement policies that have "zero tolerance" for sexual abuse and practices to prevent, address, and respond to it. See: 34 U.S.C. § 30307.

### The Role of a PREA Auditor

The National Standards to Prevent, Detect, and Respond to Prison Rape (Standards) established a historic, one-of-a-kind PREA audit that is designed to assess compliance

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<sup>1</sup>The National PREA Standards apply to all prisons and jails, juvenile facilities, community confinement facilities, and police lockups across the country. The individuals who are confined in these different types of correctional facilities are referred to in the Standards as "inmates," "residents," and "detainees." Throughout this document, the term "inmates" is used to describe these different incarcerated populations.

through written policies and procedures and whether such policies and procedures are institutionalized into a facility's and agency's day-to-day practices at all levels. As stated in the PREA Notice of Final Rule:

The success of the PREA standards in combating sexual abuse in confinement facilities will depend on effective agency and facility leadership, and the development of an agency culture that prioritizes efforts to combat sexual abuse. Effective leadership and culture cannot, of course, be directly mandated by rule. Yet implementation of the standards will help foster a change in culture by institutionalizing policies and practices that bring these concerns to the fore.<sup>2</sup>

The PREA audit represents an important catalyst for meaningful Standards implementation and adoption of zero tolerance cultures for sexual abuse and sexual harassment in confinement. PREA auditors play a significant role in the successful implementation of the Standards nationwide and are critical partners in DOJ's efforts to uphold the integrity of the PREA audit. PREA auditors are responsible for conducting high quality, reliable, objective, and comprehensive audits that hold agencies and facilities accountable for keeping individuals in their custody and care safe from sexual abuse and sexual harassment.

### State of the PREA Nation

#### PREA Audits by the Numbers

There are approximately 322 DOJ-certified PREA auditors, representing all 50 states and the District of Columbia.

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<sup>2</sup>PREA Notice of Final Rule, Federal Register Vol. 77, No. 119, June 20, 2012.

Since the first 3-year audit cycle began in August 20, 2013, a total of 6,095 completed audits have been reported by PREA auditors through the summer of 2021. These include audits of 2,275 prisons, 1,695 juvenile facilities, 1,262 community confinement facilities, 783 jails, and 80 lockups. Audits have been completed in all 50 states, the District of Columbia, Guam, and Puerto Rico. A list of all DOJ-certified PREA auditors can be found on the PREA Resource Center website at: [www.prearesourcecenter.org/audit/auditor-search](http://www.prearesourcecenter.org/audit/auditor-search).

## Governors' Certification and Assurance Submissions

Each year, PREA gives state and territorial Governors and the Mayor of the District of Columbia the option to submit to DOJ either a certification that all confinement facilities under their operational control are in full compliance with the Standards or to issue an assurance that they will use not less than 5 percent of certain DOJ grant funds to come into full compliance with the Standards in the future. States and territories that do not submit a certification or an assurance are subject to a 5 percent reduction in certain DOJ grant funds.

Pursuant to PREA Standard 115.501(a), in determining whether to submit a certification of full compliance with the PREA Standards, "the Governor shall consider the

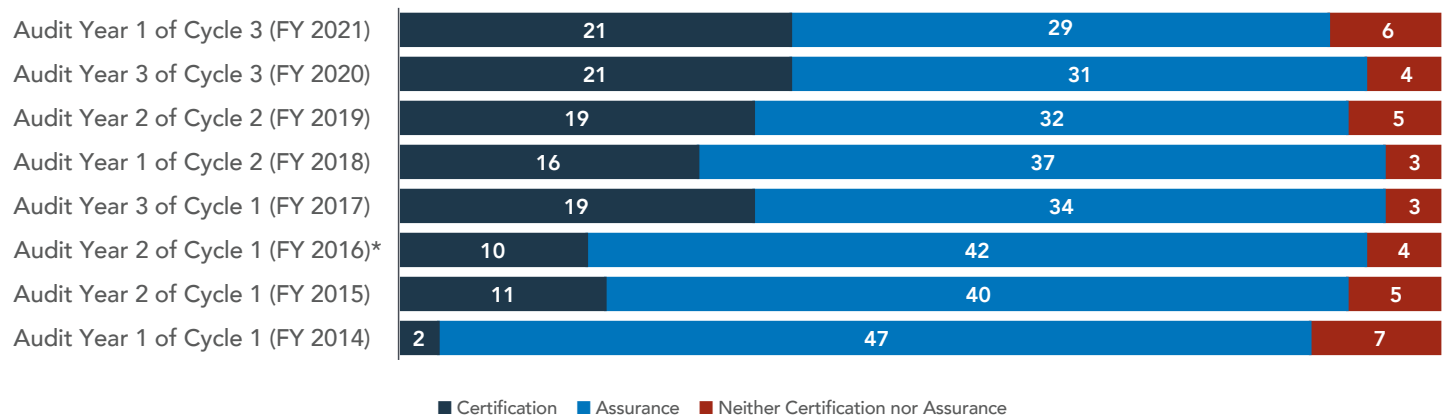
results of the most recent agency audits." The Bureau of Justice Assistance's State PREA Submission website provides a map of all Governors' submissions for each audit year in a 3-year cycle and links to final PREA audit reports on confinement facilities identified by state and territorial Governors as under their operational control. See: <https://data.ojp.usdoj.gov/stories/s/e58i-aehtm>.

## What Does it Take to Conduct a High Quality, Objective, Comprehensive, and Reliable PREA Audit?

High quality, objective, comprehensive, and reliable PREA audits facilitate meaningful and lasting changes in confinement facilities across the country. They make these environments safer for inmates and staff, more secure in general, and produce benefits for the public at large. The PREA Standards' in-depth attention to the audit process and ongoing efforts by DOJ to support high quality, high integrity audits reflect how critically important audits are in the successful implementation of the PREA Standards nationwide. With these goals in mind, auditors should:

- **Uphold a high standard of independence and integrity.** Auditors' compliance determinations have

## Governors' Certification and Assurance Submissions



\* Prior to FY2016, the deadline for governors to submit certifications and assurances was in early May each year, months before the end of the end of the audit year on August 19th. In order to shift the submission deadline to occur after the end of the audit year, DOJ implemented a transition year in 2016 requesting that governors make two certification and assurance submissions for Audit Year 2 of Cycle 1.

real implications for the safety and wellbeing of inmates who are most vulnerable to sexual abuse and sexual harassment. Many stakeholders—including Governors; federal, state, local, and private agencies that operate or oversee confinement facilities; facility staff; and treatment and service providers—rely on the PREA audit process and its results to inform development of policies and practices to keep people in confinement safe from sexual abuse and sexual harassment. As such, PREA auditors are expected to operate within the general principles of independence and integrity necessary to instill public confidence in the PREA audit process.

- o Auditors must apply the Standards fairly, consistently, and comprehensively.
- o Auditors must demonstrate a firm commitment to uphold PREA's overall intent to create or enhance a culture of zero tolerance for sexual abuse and sexual harassment inside confinement facilities, and to support policies and practices required by the Standards to achieve this goal.
- o PREA auditors must exhibit the highest level of professional objectivity in gathering evidence and evaluating the policies, procedures, practices, and operations of an audited agency or facility.
- o Auditors should avoid any personal or financial arrangements that could create a conflict of interest, or the appearance of a conflict of interest, that would lead a reasonable person to question their objectivity during the conduct of a PREA audit.
- o Auditors are likely to face barriers and external pressures during a PREA audit. Under no circumstances should an auditor permit anyone—including an employee of the audited facility or agency, an auditor's own employer, or a third-party auditing entity—to inappropriately influence their professional judgment regarding any part of the conduct of a PREA audit. Auditors are obligated to report any individual or entity attempt to inappropriately influence the outcome of an audit.
- **Expect corrective action.** Corrective action is a normal and expected part of the audit process. The PREA audit was built on the assumption that full compliance with every discrete provision would, in most cases,

require corrective action. It is often the first step in helping a facility to make changes that will bring it into full compliance with the Standards and make it a safer environment for inmates and staff. In order to assess whether compliance with a particular Standard has become institutionalized, it is important to keep in mind that a "quick fix" during the auditor's onsite visit to the facility or shortly thereafter is almost never sufficient for the auditor to find compliance. Demonstrating institutionalization of the Standards in practice will more often than not require more significant changes, such as updates to the staff training curriculum and retraining staff, which go beyond the onsite audit or the initial 45-day reporting period. In addition, because many of the Standards are interrelated, noncompliance with one Standard can oftentimes impact compliance with other Standards.

- **Focus on agency and facility culture.** DOJ recognizes that merely issuing national standards to promote sexual safety in confinement is not sufficient. Building and sustaining a zero-tolerance culture for sexual abuse and sexual harassment in confinement may require changes in policy and almost always will require adjustments, large and small, in thinking and behavior among both staff and inmates. For this reason, the PREA audit relies on a rigorous, practice-based methodology that assesses whether policies and procedures have been institutionalized into agency culture and day-to-day practice at every level. Auditors must observe routine practices in the facility, interview staff and inmates, and review facility and agency documentation to assess compliance with every Standard's provisions. To determine whether an agency has adopted a culture of zero tolerance, auditors should assess whether:
  - o Sexual safety is a clear priority among facility and agency staff.
  - o All staff and inmates understand that sexual abuse and sexual harassment will not be tolerated and that when incidents occur, they will be reported.
  - o Inmates are aware of and understand their rights under PREA.
  - o Staff and inmates feel safe reporting sexual abuse and sexual harassment.

- o Vulnerability to sexual abuse and sexual harassment is taken into account when making programming and housing decisions.
  - o Assessments about the credibility of reports are made on a case-by-case basis and are not influenced by the reporter's status as an inmate or staff member.
  - o All reports of sexual abuse and sexual harassment are objectively, promptly, and thoroughly investigated.
  - o There is no retaliation for reporting incidents or suspicions of sexual abuse and sexual harassment.
  - o The facility quickly and effectively addresses inmate victims' emotional, psychological, and physical needs.
- **PREA Frequently Asked Questions**—issued by the DOJ PREA Working Group to provide guidance to auditors, agencies, and facilities on how to interpret the Standards. See: [www.prearesourcecenter.org/frequently-asked-questions](http://www.prearesourcecenter.org/frequently-asked-questions).
  - **PREA Audit Instrument**—is a series of guiding documents and tools developed by DOJ that auditors are required to use when conducting an audit. See: [www.prearesourcecenter.org/audit/instrument/overview](http://www.prearesourcecenter.org/audit/instrument/overview).
  - **Online Audit System**—is designed to help agencies, facilities, and auditors streamline, organize, and automate much of the PREA audit process in a secure, user friendly environment. The Online Audit System allows auditors to securely store and organize all audit documentation and access all components of the Audit Instrument. See: [www.preaaudit.org/](http://www.preaaudit.org/).
  - **PREA Resource Center Training and Resource Portal**—is a one-stop shop for auditors to access important auditing resources and tools, read past Auditor Newsletters and e-blasts issued by the PREA Resource Center, submit required auditor reporting forms, and manage their continuing education courses. See: [training.prearesourcecenter.org](http://training.prearesourcecenter.org).
  - **Auditor Feedback Form**—is the mechanism for submitting complaints or concerns about auditor conduct. Auditors are required to report any knowledge or information pertaining to possible auditor misconduct, concerns regarding an auditor's compliance with DOJ's certification requirements, or other actions that constitute grounds for disciplinary review or disciplinary action, as described in the PREA Auditor Handbook. See: [www.prearesourcecenter.org/audit/auditor-feedback-form](http://www.prearesourcecenter.org/audit/auditor-feedback-form).
  - **PREA Standards in Focus**—a resource series that discusses individual Standards and their purpose, and provides guidance on implementation, audit issues, common implementation challenges, best practices, and related resources. See: [www.prearesourcecenter.org/StandardsinFocus](http://www.prearesourcecenter.org/StandardsinFocus).

## Essential Resources for PREA Auditors

The PREA Management Office, within the Bureau of Justice Assistance, together with the PREA Resource Center have developed the following publications, tools, and resources to help auditors successfully carry out their auditing obligations under the PREA Standards:

- **PREA Auditor Handbook**—communicates DOJ's expectations for all DOJ-certified PREA auditors, establishes requirements for auditor conduct and audit methodology, provides transparency to all stakeholders regarding the expected audit methodology, and serves as an easy-to-use reference guide for conducting high quality, objective, comprehensive, and reliable PREA audits. See: [www.prearesourcecenter.org/audit/prea-auditors/auditor-handbook](http://www.prearesourcecenter.org/audit/prea-auditors/auditor-handbook).
- **Auditor Certification Agreement**—outlines the requirements of auditor conduct and the principles to which auditors must adhere. All PREA auditors are required to read and sign the Auditor Certification Agreement in order to obtain (or maintain) DOJ PREA auditor certification. The Auditor Certification Agreement can be found in the PREA Auditor Handbook. See: [www.prearesourcecenter.org/audit/prea-auditors/auditor-handbook](http://www.prearesourcecenter.org/audit/prea-auditors/auditor-handbook).

- **PREA Auditor Helplines**—are operated by the PREA Resource Center. They offer guidance and assistance to auditors during all phases of a PREA audit.
  - o For answers to non-urgent questions while preparing for an upcoming audit or following the onsite portion of an audit, contact the Non-Urgent Helpline by calling 800–279–7732 and press 1 when prompted, or submit an Auditor Helpdesk Form available on the PREA Resource Center Training and Resource Portal. The PREA Resource Center typically responds within 3 business days.
  - o For answers to more urgent issues while working onsite at a facility, contact the Urgent Helpline by calling 800–279 –7732 and press 2 when prompted, or submit an Auditor Helpdesk Form available on the Auditor Portal. The PREA Resource Center makes every effort to respond within 24 hours during the work week.

## Contact Us

Contact DOJ’s PREA Management Office or the National PREA Resource Center for additional information and assistance.

DOJ’s PREA Management Office may be contacted by email at [PREACompliance@usdoj.gov](mailto:PREACompliance@usdoj.gov).

PREA Resource Center may be contacted via its website at [www.prearesourcecenter.org/about/contact-us](http://www.prearesourcecenter.org/about/contact-us).

## ABOUT BJA

BJA helps to make American communities safer by strengthening the nation’s criminal justice system; its grants, training and technical assistance, and policy development services provide state, local, and tribal governments with the cutting-edge tools and best practices they need to reduce violent and drug-related crime, support law enforcement, and combat victimization. To learn more about BJA, visit [bja.ojp.gov](http://bja.ojp.gov) or follow us on Facebook ([www.facebook.com/DOJBJA](http://www.facebook.com/DOJBJA)) and Twitter ([@DOJBJA](https://twitter.com/DOJBJA)). BJA is a component of the Department of Justice’s Office of Justice Programs.

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