

***Untangling the PREA Standards:  
Outside Reporting, Confidential Support,  
and Third-Party Reporting  
Fact Sheet***



**Notice of Federal Funding and Federal Disclaimer** – This project was supported by Grant No. 2010-RP-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice nor those of the National Council on Crime and Delinquency (NCCD), which administers the National PREA Resource Center through a cooperative agreement with the Bureau of Justice Assistance.

In developing the PREA standards, the Department of Justice ensured that inmates/detainees/residents<sup>1</sup> have multiple ways to report sexual abuse, and that they are able to access victim support services from outside agencies. The purpose of this fact sheet is to clarify the various external reporting methods that the standards require detention facilities to put in place, and that are separate from the internal reporting mechanisms described in the standard §115.51(a). This fact sheet aims to help facilities distinguish between external reporting, third-party reporting, and the provision of victim services, which each fulfills different but related requirements in the standards.

Standard	Discussion
<p><b>§115.51(b)/ 115.151(b)/ 115.251(b)/ 115.351(b)</b></p> <p><b>Inmate reporting<sup>2</sup></b></p>	<p><b>Intent</b></p> <p>This standard ensures that inmates can report sexual abuse or sexual harassment to an entity other than the one that has custody over them. The role of the outside entity is to receive and immediately forward reports to the agency where the abuse occurred. The outside entity is not tasked with providing emotional support or crisis intervention or with completing the investigation, if that is not otherwise their role. (See the conversation around inmate reporting in the final PREA standards at <a href="http://1.usa.gov/1xUHihN">http://1.usa.gov/1xUHihN</a>.)</p> <hr/> <p><b>Interpretation</b></p> <p>The importance of this standard is underscored by the research showing that many inmates do not trust internal reporting mechanisms. The outside entity, which can be public or private, must be able to forward reports, including anonymous ones, to the facility. This entity may have some investigative responsibility for crimes committed in the facility, but must be independent and governed separately from the facility.</p> <p>Establishing an outside reporting mechanism is different from setting up counseling hotlines, whose primary goal is to provide survivors of abuse with confidential counseling services. It is important not to conflate the roles of a reporting line and a counseling support line. Reporting mechanisms are not limited to phone calls, but can also include email or mail.</p> <p>Note: Because the intent is for an outside entity to be able to forward reports, a facility may not contract with an answering service to perform this function. (See the PREA Resource Center’s “Frequently Asked Questions,” at <a href="http://www.prearesourcecenter.org/faq">www.prearesourcecenter.org/faq</a>.)</p>

<sup>1</sup> This fact sheet will use the term “inmate” to refer collectively to prison and jail inmates, police lockup detainees, and juvenile detention residents. It will use the specific term when referring only to a particular population.

<sup>2</sup> **§ 115.51(b)/115.151(b)/115.251(b)/115.351(b) Inmate reporting.**  
 (b) The agency shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security. (For the complete standard on inmate reporting, see [www.prearesourcecenter.org](http://www.prearesourcecenter.org).)

	<p><b>Examples</b></p> <p>A county jail provides inmates with the city police department phone number.</p> <p>A state inspector general office that is independent of the state department of corrections operates a reporting hotline inside state prisons.</p> <p>A county child protective services agency receives reports from a juvenile detention facility.</p> <p>The city police lockup posts the telephone number, mailing address, and email of a city council community oversight committee.</p> <p>A community confinement facility provides residents with the state licensing agency's phone number and address.</p>
<p><b>§115.53/ 115.153 (reserved)/ 115.253/ 115.353</b></p> <p><b>Inmate access to outside confidential support services.<sup>3</sup></b></p>	<p><b>Intent</b></p> <p>The purpose of this standard is to give inmates the ability to access support services that are similar to those available in the community. All inmates, whether they have made an official report or not, must be able to reach, via mail, telephone, or email, an organization with staff who are trained in providing support services. The services should be delivered in as confidential a manner as possible, so that inmates who have been sexually harassed or sexually abused, but do not feel safe to report, can still get help. If communication has to be monitored in some way, the facility must inform inmates, so that they can make an informed choice about what information to share. The facility must have in place written agreements that spell out the arrangements with the rape crisis or other support agency.</p> <p>This standard is not related to reporting sexual abuse. (See the conversation around access to outside support services in the final PREA standards at <a href="http://1.usa.gov/1F0heie">http://1.usa.gov/1F0heie</a>.)</p> <p><b>Interpretation</b></p> <p>Rape crisis hotlines provide people who have been sexually abused or sexually harassed with access to a trained counselor. Survivors who contact hotlines can get much-needed support and information and, crucially, they can get this help confidentially and without making an official report. In the aftermath of sexual abuse, survivors are often overwhelmed and unsure about what to do next. Rape crisis counselors help survivors sort out their options so that they can make an informed choice about next steps. Because much of the value of such services derive from their confidential or anonymous nature, it is important to keep emotional support services distinct from reporting functions. Survivors of sexual abuse who are able to get support may be more likely to make an official report.</p>

<sup>3</sup> § 115.53/115.153(reserved)/115.253/115.353 Inmate access to outside confidential support services.

(a) The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.

(b) The facility shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

(c) The agency shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

	<p>In the community, rape crisis and other victim support service agencies are not required to report sexual abuse or sexual harassment to authorities. Community service providers are legally obligated to ensure client confidentiality, except in the limited circumstances when mandatory reporting laws apply.</p>
	<p><b>Examples</b></p> <p>A county jail offers a hotline service that allows inmates to call the business office of the local rape crisis center. The calls are confidential and are not monitored by the jail, but they are recorded by the jail phone system. Per an agreement between the jail and the rape crisis center, only the jail PREA Coordinator can access the recordings, and s/he can do so only after receiving a written release from the head of the rape crisis center who, in turn, will only grant permission after obtaining a release from the caller. Call recordings are destroyed after 30 days unless they are being used in an investigation.</p> <p>A youth facility offers residents the address and telephone number of a local child abuse and domestic violence service agency. The agency has several counselors who are trained in providing sexual abuse services. The counselors periodically facilitate group sessions at the facility, and are familiar to many of the residents. The facility’s posters and brochures clearly state that the counselors are required to report child abuse.</p>
<p><b>§115.54/ 115.154/ 115.254/ 115.354</b></p> <p><b>Third-party reporting.<sup>4</sup></b></p>	<p><b>Intent</b></p> <p>Family members, friends, and advocates can report sexual abuse of inmates, residents, or detainees to the corrections facility. The reporting mechanism must be easy for members of the public to find and use. Third-party reports are treated as seriously as any other report, even in the absence of a named victim or abuser.</p> <p>This standard increases transparency and provides another reporting method for inmates who may not believe that reporting directly to facility staff is a viable option.</p> <p>(See the conversation around third-party reporting in the final PREA standards at <a href="http://1.usa.gov/1EzE4II">http://1.usa.gov/1EzE4II</a>.)</p> <p><b>Interpretation</b></p> <p>Corrections facilities must accept third-party reports and initiate an investigation, as they would if the report was made directly by the victim.</p> <p>Third-party reports are new for many agencies, where the custom has been that if there is not an identified victim making a report, there is no crime to investigate. The third-party report mechanism should be simple and easy to use and all staff need to understand that third-party reports must be taken seriously.</p> <p><b>Examples</b></p> <p>A mother receives a letter from her son, an inmate at a state prison, in which he explains that his cellmate is sexually abusing him. She finds a reporting number on the Department of Corrections website and calls to make a report.</p>

<sup>4</sup>§ 115.54/115.154/115.254/115.354 Third-party reporting.

The agency shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.

	<p>While attending a workshop on resume writing, a resident of a community confinement facility tells her instructor that she has been sexually harassed by a staff member. The instructor sends an email to his contact at the facility, who forwards the report to the unit manager.</p> <p>A detainee in a lockup tells his public defender that a detention officer turned a blind eye while a transgender woman housed in a nearby cell was sexually abused by another detainee. The attorney makes a report to the shift commander, without disclosing which client told her what happened.</p>
--	---