

ANNUAL REPORT

The Prison Rape Elimination Act (PREA), enacted by Congress and signed into law by President George W. Bush in 2003, is the first federal civil statute focused on addressing sexual violence in juvenile facilities, jails, prisons, lockups and other facilities. This Act established the National Prison Rape Elimination Commission to “carry out a comprehensive legal and factual study of the penological, physical, mental, medical, social, and economic impacts of prison rape in the United States” and to recommend national standards “for enhancing the detection, prevention, reduction, and punishment of prison rape”.

The statute directs the Attorney General to publish a final rule adopting “national standards for the detection, prevention, reduction, and punishment of prison rape”. These standards were released on June 20, 2012 with implementation date of August 20, 2012. The first three-year audit cycle was from August 20, 2013-August 20, 2014.. There are four distinct sets of standards, each corresponding to a different type of facility; DJJ falls under Juvenile Facilities (§§115.311-115.393). The standards address both resident-on-resident and staff on resident sexual abuse and sexual harassment.

The Department of Juvenile Justice (DJJ) began its compliance efforts by establishing a zero tolerance for any incidence of sexual abuse or sexual harassment (this Board policy is available on the agency’s website) and is fully committed to full compliance with all PREA standards and all criminal laws. The agency has made steady progress toward full compliance with all juvenile standards and audits for Beaumont Juvenile Correctional Center and Bon Air Juvenile Correctional Center were conducted in July, 2015. The final audit report will be posted on the agency’s website within one month after it is issued.

In addition to striving to meet PREA compliance, the agency is engaged in a full transformation of its correctional centers, moving to a community model with smaller living units with consistent staff. All staff will participate in the residents’ programs and services, and the staff to resident ratio will be smaller and in compliance with PREA standards. DJJ is working with the Annie E. Casey Foundation during this transition.

This annual report is DJJ’s compliance with §115.388 *Data review for corrective action* which requires the agency to review data collected to “assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training.” This review uses collected data to identify problem areas and helps facilitate ongoing corrective action. This report includes its findings and corrective actions for each facility as well as the agency as a whole.

A review of the data from 2013-2015 (attached to this report) indicated a high number of resident exposures compared to other incident types. These incidents are captured in the data as resident on resident indecent exposures and resident on staff sexual misconducts. Incidents of this nature do not reflect a zero tolerance culture. In particular, Beaumont Juvenile Correctional Center’s (BJCC) incidents went up by 48% from 2013-2014; and Bon Air’s (BAJCC) decreased slightly (-8%) in the same timeframe. BJCC’s numbers decreased 20% from 2014-2015; BAJCC’s incidents rose by 104% in the same timeframe. Of interest is that the Reception and Diagnostic Center (DJJ’s intake facility) had fewer than 14 total incidents of this type from 2013-2015.

In response to the July, 2014 data review, a multi-disciplinary team (including mental health, treatment staff, security staff, counselors, investigators, administrators and the agency's ombudsman) met to brainstorm causes and develop strategies to address the problem. Recommended interventions included both prevention and response strategies. Suggested interventions included providing additional support for staff victims, training for hearing officers (on the resident discipline procedure and choosing offense-related sanctions such as writing letters to judges and parole officers explaining their actions), requiring residents who participate in intramural activities to be free of sexual misconduct charges to participate, and designing orientations for residents focusing on creating an environment that was respectful of all. Strategies were implemented over the next six months at BJCC, BAJCC and RDC. A review of the data on the targeted behavior from 2014-2015 showed a drop in incidents of resident to staff and resistant to resident exposures at BJCC and an increase in both categories at BAJCC.

In addition to the strategies described above, DJJ began to address its overall culture in the JCCs through the use of Prison Dialogue with Dialogue Associates. This program, credited with substantial culture change at DJJ's sister agency, the Department of Corrections, uses structured dialogue to help agencies improve communication at all levels in the organization, leading to better, more inclusive decision making. The intent of this training is to improve DJJ's organizational culture and help achieve a zero tolerance culture. The current plan is to incorporate the training into the new community model training at both BJCC and BAJCC for use with residents. Training in August, 2015 will include Court Service Unit directors so that communication can be consistent throughout the organization.

DJJ also used the data to design and implement a poster contest for all its current JCC residents. In preparation for the July audits, residents at BJCC and BAJCC were asked to design posters to visually represent ways they can report sexual abuse or sexual harassment and the agency's zero tolerance policy. Entries from each unit in each facility were collected and judged by the facility superintendent. Facility winners were forwarded to Central Office and a grand prize winner was selected by the director of the agency.

Future plans for BAJCC will include gender specific training for staff, ensuring all staff understand the differences between males and females in terms of reporting and responding to sexual abuse. Staff at BJCC will also receive this training to help facilitate intra-agency transfers and coverage.

DJJ continues its efforts to achieve full compliance with the PREA standards and ensure that residents are safe from sexual abuse and sexual harassment. We look forward to our facility audits in July and to posting our final audit report with pride.

Andrew K. Block