NATIONAL PREA RESOURCE CENTER

AN END TO SILENCE:

Inmates' Handbook on Identifying and Addressing Sexual Abuse

3rd Edition

September 2014

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an end to silence

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AN END TO SILENCE: Inmate's Handbook on Identifying and Addressing Sexual Abuse discusses rapidly developing areas of law and practice in the United States. The information in this publication is current as of July 2014.

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Foreword

Since the publication of the first and second editions of *An End to Silence* in 1998[1] and 2002,[2] there have been significant advances in addressing sexual abuse and harassment in custodial settings. In 2003, Congress enacted The Prison Rape Elimination Act (PREA) with the purpose of preventing, addressing and punishing sexual abuse in custodial settings. On May 17, 2012, after nine years of data collection and review, the United States Department of Justice (DOJ) issued national standards for preventing, detecting and responding to sexual abuse of people in prisons, jails, juvenile detention, community residential facilities and lockups. These standards offer protections for inmates in federal, state and county facilities—public or private—across the country. At the same time, the President of the United States called upon other agencies that hold individuals in custody such as the Department of Health and Human Services, the Department of Homeland Security, the Bureau of Indian Affairs, and the military to develop standards to protect individuals in custody from sexual abuse. Until they develop their own standards, those agencies are to abide by the PREA standards promulgated by the DOJ. Recently the Department of Homeland Security announced that all of the service branches would follow the PREA standards without developing separate standards.[3]

Though many correctional agencies have taken steps to comply with PREA standards and create safer environments for individuals in their care, inmates in custody still face sexual abuse and harassment by staff or other inmates. Staff and inmates still report problems identifying those at risk of sexual abuse, reporting sexual abuse, and holding those responsible for sexual abuse accountable.

This publication is a tool for educating inmates about legal and other mechanisms, including the Prison Rape Elimination Act (PREA), that can provide protection and redress from sexual abuse in custodial settings.

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[Δ] Throughout this handbook we use the term gender non-conforming to cover individuals who identify as lesbian, gay, bisexual, transgender or intersex (LGBTI) and those who are perceived to be LGBTI, as individuals perceived to be LGBTI in custodial settings are also at risk for sexual abuse, harassment and victimization.

Introduction

Sexual abuse in custody compromises the safety and security of inmates, staff and the community at large. While you may never experience sexual abuse during your time in custody, it is important that you understand how sexual abuse can arise and how it can affect you.

Sexual abuse of inmates—by either inmates or staff—should be an open, ongoing discussion with inmates, staff, volunteers, contractors and facility administrators.

Sexual abuse has legal consequences, as well as long-lasting emotional, economic and mental and physical health effects for inmates.

This handbook provides information on the following subjects:

- The Prison Rape Elimination Act of 2003 (PREA) and the National PREA Standards.
- Sexual abuse in custody by staff and other inmates.
- Dynamics of sexual abuse in custody.
- Reporting and factors affecting inmates' decisions to report.
- Investigations.
- Medical and mental health needs of inmates who are victims of sexual abuse.
- Inmates' rights under the Prison Rape Elimination Act and the National PREA Standards.
- Resources for seeking help or interventions after incidents of sexual abuse or harassment.

"To advance the goals of PREA, we must ensure that all agencies that operate confinement facilities adopt high standards to prevent, detect and respond to sexual abuse. In addition to adopting such standards, the success of PREA 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."

Presidential Memorandum — Implementing the Prison Rape Elimination Act
May 17, 2012

What is the Prison Rape Elimination Act (PREA) of 2003?

In September 2003, the United States Congress unanimously passed the Prison Rape Elimination Act (PREA). PREA is the culmination of a collaborative effort between human rights, faith-based and prison rape advocacy groups to create a zero tolerance stance on prison rape. Although PREA passed over ten years ago, prison rape is still a problem for adults and youth in facilities across the country. Due to the prevalence of sexual abuse in custody, it is important for you to know what PREA is and the rights it affords you while in custody.

PREA Purposes

PREA applies to all federal confinement facilities, whether the government or a private organization on behalf of the government runs them. PREA has the following purposes:

- Increase accountability of officials who fail to detect, prevent, reduce and punish sexual abuse by staff and other inmates in prisons, jails, lockups, juvenile and community residential facilities.
- Protect the Eighth Amendment rights of federal, state and local inmates.
- Establish zero tolerance for sexual abuse in custody.
- Make prevention of sexual abuse a top priority.
- Develop national standards to prevent, detect and respond to sexual abuse in custody.
- Increase available data and information on incidence of sexual abuse in custody and standardize definitions used for collecting that data.

Key PREA milestones include:

2003: PREA legislation passes.

2004-2009: Information gathering and hearings held by the National Prison Rape Elimination Commission (NPREC).

June 2009: Findings and recommended standards published by NPREC.

May 17, 2012: Final national PREA standards released by the United States Department of Justice (DOJ).

August 20, 2012: Standards applicable to the federal Bureau of Prisons (BOP).

August 20, 2013: Beginning of first three-year audit cycle.

March 7, 2014: The United States Department of Homeland Security (DHS) finalizes Prison Rape Elimination Standards for DHS confinement facilities.

May 15, 2014: First compliance certification due from state governors.

May 28, 2014: First list of PREA compliant states published by DOJ.

Findings

Although PREA passed over ten years ago, sexual abuse in custody—by both staff and inmates, is still a large problem. In passing PREA, Congress acknowledged the following:

> *"Insufficient research has been conducted and insufficient data reported on the extent of prison rape. However, experts have conservatively estimated that at least 13 percent of the inmates in the United States have been sexually assaulted in prison…The total number of inmates who have been sexually assaulted in the past 20 years likely exceeds 1,000,000."*[4]

Through acknowledging the lack of research surrounding prison rape, PREA called for the collection of statistics, data and research by the Bureau of Justice Statistics (BJS).

Beginning in 2004, BJS collected data from correctional administrators and inmates to better understand the frequency of sexual abuse, the common perpetrators, the most vulnerable inmate demographics and plausible responses from correctional authorities.

The rate of sexual victimization among state and federal prison inmates was 4.0%.

The rate of sexual victimization was 3.2% among jail inmates.

Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12[5]

In 2011-12, an estimated 4.0% of state and federal prison inmates and 3.2% of jail inmates reported experiencing one or more incidents of sexual victimization by another inmate or facility staff in the past 12 months or since admission to the facility, if less than 12 months.

Inmates with serious psychological distress reported high rates of inmate-on-inmate and staff sexual victimization.

Inmates who reported their sexual orientation as gay, lesbian, bisexual, or other were among those with the highest rates of sexual victimization.

Sexual Victimization Reported by Adult Correctional Authorities, 2009-11[6]

- In 2011-12, correctional administrators reported 8,763 allegations of sexual victimization in prisons, jails and other adult correctional facilities.
  - 51% involved allegations of non-consensual sexual acts or abusive sexual contacts of inmates with other inmates.
  - 49% involved staff sexual misconduct or sexual harassment directed towards inmates.

- About 10% of the allegations (902) were substantiated based on follow up investigation.

Sexual Victimization Reported by Former State Prisoners, 2008[7]

- 9.6% of former state prisoners reported one or more incidents of sexual victimization during the most recent period of incarceration in jail, prison or a post-release community-treatment facility.

Former Sussex prison guard pleads guilty to sex charges
May 11, 2014
James Fisher
The News Journal
A former guard at Sussex Correctional Institution, Christopher S. Peck, pleaded guilty April 30 to six counts of having sex inside the prison.
http://www.delmarvanow.com/article/20140511/NEWS30/305110051/Former-Sussex-prison-guard-pleads-guilty-to-sex-charges

The National Prison Rape Elimination Commission (NPREC)

In June 2009, the National Prison Rape Elimination Commission (NPREC) published a formal report of findings pursuant to its research on sexual abuse of individuals in custody.[8] NPREC found that:

- Protecting inmates from sexual abuse remains a challenge to correctional facilities across the country.
- Sexual abuse is not an inevitable feature of incarceration—leadership matters.
- Certain individuals are more at risk of sexual abuse than others.
- Few correctional facilities are subject to the kind of rigorous internal monitoring and external oversight that would reveal why sexual abuse occurs and how to prevent it.
- Many victims cannot safely and easily report sexual abuse and those who speak out often do so to no avail.
- Victims are unlikely to receive the treatment and support known to minimize the trauma of abuse.
- Juveniles in confinement are much more likely than incarcerated adults to be sexually abused and they are particularly at risk when confined with adults
- Individuals under correctional supervision in the community are at risk for sexual abuse.
- A large and growing number of detained immigrants are in danger of sexual

abuse.

Many of NPREC's findings were validated by later data collections from BJS and included as important factors in the final national PREA standards.

The National PREA Standards: Protections for Inmates

The PREA Standards provide the following protections for all inmates. These standards are mandatory for federal operated or contracted facilities. While not mandatory for states and local entities, failure to comply with the standards could result in financial penalties.

The standards require the following:

- The right to be free from sexual abuse in custodial settings (prisons, jails, lockups and community residential facilities—public or private).[9]

- Prohibitions on searches (strip or visual cavity) by staff of the opposite gender except in exigent circumstances. Additionally, for female inmates, pat searches by male staff are prohibited except in exigent circumstances.[10]

- Facilities must provide inmates with PREA training during intake and within 30 days[11] of incarceration. The following should be covered during that training:

    - The agency's zero-tolerance policy regarding sexual abuse and sexual harassment;
    - How to report incidents or suspicions of sexual abuse or sexual harassment;
    - The right to be free from sexual abuse, sexual harassment, retaliation;
    - Procedures for responding to such incidents.

- Facilities must provide information about sexual abuse to inmates in a format that they understand. Language or disability should not prevent inmates from receiving the proper PREA education. (i.e., PREA education should be made available, if necessary, in a language other than English, by signing, or in braille, etc.).[12]

- Facilities must take all allegations seriously and investigate them, both administratively and criminally. These investigations include having potential victims and perpetrators undergo forensic medical exams to gather physical evidence. Victims should also be offered services from local rape crisis

Presidential Memorandum -- Implementing the Prison Rape Elimination Act

May 17, 2012

Sexual violence, against any victim, is an assault on human dignity and an affront to American values. The Prison Rape Elimination Act of 2003 (PREA) was enacted with bipartisan support and established a "zero tolerance standard" for rape in prisons in the United States. 42 U.S.C. 15602(1).

http://www.whitehouse.gov/the-press-office/2012/05/17/presidential-memorandum-implementing-prison-rape-elimination-act

centers where available.[13]

- Vulnerability assessments to assess inmate's risk of victimization while in the facility. This assessment should take into account an inmate's own perception of risk and should be used to make housing and programming determinations while in the facility.[14]

- Prohibitions on the use of protective custody as housing for vulnerable inmates unless it is the only way to provide safety from abusers.

- An inmate's stay in segregated housing should only be for a short period of time until a more suitable housing option is open. Inmates placed in segregated housing for safety or protection, should have access to all programming, education and visitation as if they were housed in general population.[15]

- Access to multiple reporting mechanisms in the facility (written grievances, oral reporting, hotlines, etc.) as well as one external reporting mechanism in order to be able to report abuse to someone outside of the authority of the facility.

Santa Rosa County Sheriff's Office Detention Facility Becomes First in Florida and Second in USA for PREA Compliance

March 5, 2014

Santa Rosa's Press Gazette

The Santa Rosa County Sheriff's Office Detention Facility just completed a lengthy process of implementing a new National Standard, and completed it with success. This is the first incarceration facility in the State of Florida and only the second in the United States to receive this certification.

http://www.srpressgazette.com/news/crime/santa-rosa-county-sheriff-s-office-detention-facility-becomes-first-in-florida-and-second-in-usa-for-1.286746

- Inmates can have a third party (another inmate, a family member, etc.) report an incident of sexual abuse.

- There is no time limit on when inmates can report sexual abuse allegations.[16]

- Access to outside confidential support services for emotional support related to sexual abuse. These communications should occur in as confidential a manner as possible. If they are not confidential, facilities should inform inmates.

- Facilities should provide mailing addresses and telephone numbers, including toll-free hotline numbers where available for outside confidential support services.

- Protection from retaliation by staff and other inmates.[17]

- Agencies must provide inmates with the outcomes of allegations reported to them—whether the allegation has been determined to be substantiated, unsubstantiated or unfounded.[18]

- Administratively and criminally discipline staff and other inmates who commit sexual abuse.[19]

- Inmates shall receive medical and mental health care immediately following their report of an allegation of abuse as well as on an ongoing basis without financial cost and regardless of whether the inmate victim names the abuser or cooperates with any investigation arising out of the incident.[20]

These protections are "the floor" and agencies can choose provide greater protections to inmates who are victims of sexual abuse.

While agencies have made progress in developing training, creating policies and implementing promising practices, more work needs to be done so that all individuals in custody are free from sexual abuse and harassment.

As of May 28, 2014, the deadline for compliance, only 2 states reported being compliant with the PREA standards.[21] Forty-six states, territories, and the District of Columbia submitted an assurance that they would come into compliance with the standards, essentially asking for additional time to come into compliance with the PREA standards.[22] Seven states and one territory submitted neither an assurance nor certification of compliance.[23] The state of Nebraska submitted an assurance after the deadline. Hopefully, in the future, all states and territories will achieve compliance with the PREA Standards and have the ability to offer victims of sexual abuse in their custody these protections and more.

Dynamics of Sexual Abuse in Custody

Sexual abuse in custody, by a staff person or another inmate, can happen to any inmate regardless of age, race, sexual orientation or gender. **Victims are not to blame for their sexual abuse.**

If you were coerced or did not fight off your abuser, it does not mean you "wanted it" or are at fault. If you were not willing to engage in sexual activity, then it was abuse.

Screening and Victimization History

Within 72 hours of entering a facility, agencies must screen inmates for risk of potential sexual victimization or predation.[24]

Facilities and agencies should use this screening as a safety measure to determine housing and programming so that a potential abuser does not live or program with potential victims.

After this screening, the facility must offer both prior victims and perpetrators of sexual abuse a follow-up meeting with a mental health practitioner. It is important that you be honest during your intake screening, since this can affect your safety within the facility.

REMEMBER

Although agencies do risk assessments, not all potential abusers or victims will look, sound or act the same. Often, individuals who have past history of victimizing others or who are serving a sentence for victimizing someone can be at great risk for sexual abuse in custody. One example of this is an inmate incarcerated for child exploitation. While they were predators before incarceration, they may be vulnerable to sexual abuse once in a custodial setting.

Continuum of Sexual Activity in Custodial Settings

Inmates have said the following:[25]

- "Sex, just like drugs, is a part of being in prison."
- "Cops should act like cops. They should stay in their place so that we can stay in ours."
- "A lot of female staff comes here looking for love. First, they become friends with inmates and the next thing you know they are in love."
- "The other women are my family. Everyone is doing it."

- "A lot of these women have low self-esteem. They don't think a lot of themselves so they'll settle for a soda, candy or some cigarettes."

- "The officers here are worse than the inmates. They drug and trick just like inmates. There is really no difference."

- "Some inmates rape someone so they don't have to be the victim."

- "If we had more jobs in here, we wouldn't have to have sex just to get a candy bar, some street food or our hair done."

- "When the judge sentenced me to this time, he didn't sentence me to not have sex. A person's need for that contact doesn't stop just because he is locked up."

- "If I don't do it I will be forced, so I might as well do it on my terms."

- "I do it with other inmates, I want to. I have needs."

Men and women may engage in sexual activity while incarcerated for the following reasons:

- Desire;
- Sexual deprivation;
- Companionship;
- Favors or benefits;
- Protection;
- Forced;
- Inappropriate sexualization as young adults;
- Sex is defined as "love" or as a commodity;
- Poor boundary control;
- History of trauma and sexual abuse;
- Lack of treatment for previous abuse.

Sexual activity in custody happens along a continuum. That continuum includes:

- Force: against your will or with violence or threat of violence.
- Coercion: under threat of a negative outcome e.g., lose privilege, get a disciplinary sanction, reveal information you don't want revealed.
- Strategy: for protection, in exchange for highly valued items, to obtain better treatment.
- Want or need: engaged in willingly by an inmate without promise, benefit or threat.

Rarely is sexual behavior static. That means inmates can have sex—even with the same person—for different reasons. Sexual interactions can move between these categories throughout incarceration and in interactions with the same partner. On any given day, sex for want or need, can become forced sex, coerced sex or sex for protection.

Because corrections staff, as a result of their job, have more power than inmates in the prison setting, any sex between a staff member and an inmate is abusive. You can and should always say **NO** to any sex with corrections staff, no matter the reason.

Inmate Culture and Code

The inmate culture and code is a set of rules and values that inmates develop that becomes the social system within the facility walls. This helps to define where a certain inmate ranks on the social ladder—in this case, as victim or abuser.

Inmates perceive the occurrence of sexual abuse in prison in particular ways. Perceptions inmates have reported include:

Examples of situations inmates could find themselves in with staff can include:

- A staff person threatens to take away visitation privileges unless you have sex with her.
- A staff person brings you home cooked or store bought meals in exchange for sex.
- A staff person writes you "love" letters.
- A staff person wants you to take suggestive pictures of yourself for him.
- A staff person fondles you during a search.
- A staff person uses sexually suggestive language while speaking to or about you.

- "S/he liked it."
- "S/he had it coming."
- "Shouldn't have been weak!"
- "Was that way anyway."
- "Them instead of me."
- "Whadda' you gonna do?"
- "Shame, shouldn't a happened."
- "New here. S/he'll figure it out."
- "Doesn't stand a chance in here."

Often, these perceptions are based on individual inmates' ideas about gender roles, prior victimization histories, perceptions of whether they can refuse sexual propositions, and the inmate value system at particular facilities.

Most inmates know there are codes and rankings in prisons and jails. Inside a prison or jail, unspoken rules, such as not all inmates are equal or do not snitch, is a way for inmates to maintain a social order amongst themselves.

Red Flags: Identifying Sexual Abuse

A "red flag" is a warning signal that demands attention or provokes a reaction. Red flags are actions, words, situations or settings that should warn someone that something is risky, wrong, or dangerous. Sexual abuse in custody is all of those things—a risk to your health and safety; against the law and agency policy; and a danger to personal and institutional safety of staff and inmates.

Red flags for staff sexual misconduct may include:

- Staff over-identifying with an inmate;
- Staff sharing personal information about themselves;
- Staff giving an inmate letters and/or photos;
- Staff granting special requests or showing favoritism towards an inmate
- Staff allowing an inmate to break rules without discipline;
- Staff allowing inmates in unauthorized area or to repeatedly be out of their assigned space;
- Staff spending an unexplainable amount of time with a particular inmate;
- Staff conversations with inmates that are sexualized in nature or refer to the physical attributes of an inmate;
- Staff allowing inmates to have contraband;
- Staff creating or seeking opportunities to be alone with an inmate;
- Staff showing an extra interest in a vulnerable or unpopular inmate;
- Staff claiming to be the only person who understands a particular inmate.

Red flags for inmate-on-inmate sexual abuse can include but are not limited to:

- Inmates sharing or trading commissary or other highly sought after items.

Examples of situations inmates could find themselves in with other inmates can include:

- A cellmate threatens that if you do have sex with him/her, s/he will tell someone to harm you in some way.
- Inmate tells you if you do not have sex s/he will beat you up so you have sex without fighting back.
- An inmate tells you s/he will protect you from staff and other inmates in exchange for sex.
- An inmate continues to send you sexually suggestive notes, pictures or letters.
- An inmate harasses you by making sexually suggestive comments or making sexually suggestive gestures to you.
- An inmate fondles your breasts, buttocks, or genitals.
- You perform oral sex on another inmate in order to keep from having forced sex.
- Another inmate offers you commissary items in exchange for sexual favors.

- Inmate offering or providing protection.
- Inmates fighting with or over particular inmates.
- Inmate offering to "show you the ropes."
- Inmate wanting you to be one of the only people you talk to on your unit or in your dorm.
- Inmate making threats against you.
- Inmate conversations that are sexual in nature.
- Escalating sexual harassment by an inmate.
- Inmate roughhousing that is sexual in nature.
- Inmate voyeurism or observation while you are undressed.

Sexual abuse does not have to involve physical force or violence—just because you do not fight off your abuser does not mean that you consented to sex. It is important to identify red flags so that you can protect yourself against abuse and if you decide, report it.

Reporting

PREA provides a number of reporting options and protective measures to protect inmates from retaliation during and after the reporting process. The PREA standards provide multiple ways of reporting sexual abuse that allow you to assess your situation and come forward in a way that is best for you. If you do not feel comfortable reporting sexual abuse or harassment, the standards permit you to report anonymously or have a third-party like a family member, your religious advisor or a lawyer, report the abuse. This means you can always ask someone you trust to report for you or you can do so anonymously.

Step 1: Deciding to Report

Deciding to report sexual abuse is never easy. Although the PREA standards provide reporting options that protect you from retaliation and disciplinary actions, the decision to report is ultimately up to you. Your decision to report may be informed by your perceptions of safety, your trust in the correctional system you are currently housed in, and even how much longer you have to serve your sentence. In making the decision to report, you should consider your individual circumstances. The following are some things to consider:

- Safety;
- Retaliation;
- Housing changes/ segregated housing;
- Support systems.

Safety

Reporting sexual abuse by staff or another inmate could affect your safety. You may become a target following your report for future abuse. You could also face retaliation. You are in the best position to assess your safety. These are questions to consider before reporting:

- Do you have someone you trust to report to?
- Are you scared to report?
- Do you trust the institution to keep you safe?
- Are there other inmates who you can talk to?
- Do you feel you will be in danger even if you do not report?
- Do you fear retaliation and retribution by staff or other inmates?
- Do you know of other inmates who have reported previously and remained safe?
- Do you know of inmates who experienced more severe abuse after reporting?
- Are there staff persons in the facility you trust?
- If you report the abuse, do you want to participate in an investigation?

If you have someone you can trust to report to and feel confident that you will be safe during the reporting and investigations process, then you should report your abuse. If your abuser is another inmate or a staff person, your report could prevent another inmate from having to suffer abuse as well. If you do not feel safe it is okay to wait until you do feel safe. You must do what is best for you.

Retaliation

Staff or inmates may use threats of retaliation to prevent you from reporting or participating in a sexual abuse investigation. Most corrections departments have policies that prohibit retaliation. Yet, retaliation is a very real and often plausible consequence of reporting sexual abuse.

PREA requires correctional facilities to do the following to ensure the safety of inmates who report sexual abuse:

Examples of retaliation by another inmate may be:

- Harassment;
- Threatening you physically;
- Reporting you to staff for things you have not done;
- Accusing you of abuse.

Examples of retaliation from staff may include:

- Not protecting you from other staff or inmates;
- Filing false discipline reports;
- Denying you programming, visitation and/or commissary;
- Shipping you to another facility;
- Moving you into protective custody as a form punishment;
- Threatening to delay your release date.

- Have a policy to protect you from retaliation by other inmates and/or staff.
- Use multiple protection measures (i.e., housing transfers for victims, removal of alleged staff or inmate abusers and providing a community level of emotional support services) to help keep you safe.
- Monitor your treatment for at least 90 days to make sure there are no changes that may suggest possible retaliation.

Additionally, some states have laws that make it a separate criminal offense for staff to retaliate against a person who has made a complaint. If you believe that you are being retaliated against because you reported sexual abuse by staff or another inmate, you should report this to someone you trust in the facility—the warden, an investigator, or medical staff. You can also ask someone outside of the facility that you trust to report on your behalf—a family member, friend or crisis counselor.

You can also speak to outside organizations like an oversight agency or ombudsman that monitors corrections agencies or legal services organizations like the ACLU National Prison Project, law school clinical programs, your lawyer

or state and local prisoners legal services organizations. If you are a person with a disability you can also speak with your local protection and advocacy agency or the National Disabilities Rights Network. See the "Resources in Your State" section of this handbook to find contact information for these outside organizations.

Housing Changes/ Segregated Housing

In some situations, you may get your housing changed as a result of a report of sexual abuse. That could mean moving to a different unit or even a different facility. Sometimes inmates are placed in protective custody or administrative segregation during an investigation. This may mean limits to visitation, recreation time, education, or programming. Often victims resist being placed in protective custody because of its impact on programming which can in turn affect good time earned.

The PREA Standards limit the use of protective custody, but also recognize that it may be the only safe housing option. Under the PREA Standards, using protective custody is the last resort. If protective custody is the only available alternative, the facility is allowed to move you, but only until they find an alternative housing assignment. During this move, access to programming and services should still be provided whenever possible. The PREA standards require that protective custody lasts for a maximum of 30 days with a review for a change of housing during that time.

Support within the facility can come from any of the following:

- Staff
- Clergy
- Volunteers
- Social Workers
- Case Managers
- Medical or Mental Health Staff

Support in the community can come from any of the following:

- Family
- Partners and/ or Significant Others
- Friends
- Addiction Counselors
- Rape Crisis Counselors
- Church
- Lawyers
- Ombudsmen
- Inspector General
- Legal Services Organization

Support Systems

Having adequate support throughout the reporting and investigative process may be an important consideration when deciding if you want to report sexual abuse. Support is available inside the facility and in the community.

Your support systems can be one or a combination of people in the facility and in the community. Who they are and where they are located is not as important as

your trust in them and your access to them. Ideally, you will want to be able to have reasonable and regular contact with your support as well as contact with medical, mental health and other professionals who can help with your recovery. The PREA standards provide that "inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment."[26] These services should be provided both immediately after a report is made and ongoing throughout your recovery.

Step 2: How to Report

The PREA standards provide multiple ways of reporting sexual abuse.[27] These mechanisms include:

- Internal reports
- External reports
- Anonymous reports
- Third-party reports

Internal Reports

According to the PREA Standards, all inmates should be able to make internal reports of sexual abuse and harassment internally verbally or in writing. For example, if you want to report sexual abuse you can write a formal grievance or verbally report abuse to a staff person who is required to make the report. You could also make the report to a volunteer or clergy member in the facility that you trust. They should have received training on what to do when they receive a report. Many facilities also have internal hotlines for reporting.

External Reports

Each facility should also have an external reporting option for inmates. Inmates can make external reports verbally or in writing. This external report should go to a public or private entity that is not part of the agency. So, for example, inmates may be able to report to a local rape crisis center, an abuse hotline, or local law enforcement, ombudsman, or external investigative agency. Many facilities also have external hotlines for reporting.

Anonymous Reports

Additionally, facilities should be allowing inmates to report anonymously. This means you can report sexual abuse or harassment of yourself or another inmate without telling anyone who you are. Some agencies have reporting hotlines or

kiosks where inmates can report what is happening to them without giving their name or identifying information. The PREA Standards made this important allowance with the acknowledgement that it may not always be safe for inmates to report internally.

Third-Party Reports

The PREA standards also require agencies to accept and take third-party reports of abuse and conduct thorough investigations of those reports. Third-party reports can come from a variety of places including:

- Friends
- Family members
- Probation or parole officers
- Judges
- Attorneys
- Volunteers
- Other inmates
- Counselors

Step 3: What Happens After You Report?

Each facility or agency will have a different process for responding to reports of sexual abuse or harassment of inmates.

Once an inmate reports, first responders should take steps to provide immediate protection as well as notify the appropriate staff needed to respond to your report.

QUESTION: Who are first responders?

ANSWER:
A first responder is **the first agency staff member** to receive information about an allegation of sexual abuse. This includes: staff in your living unit, any correctional staff outside your unit, medical staff, mental health staff, teachers, work supervisors, volunteers and/ or chaplains.

First responders will also need to ask some basic questions so they can secure the scene and provide for your safety. Questions from first responders may include:

- Where did the sexual abuse or harassment occur?
- When or how long ago did the sexual abuse or harassment occur?
- Who was involved in the sexual abuse—another inmate or a staff member?
- Do you want to name who was involved?
- Do you need/ want medical attention?
- Do you need/ want to see a mental health or crisis counselor?

Investigations

The PREA Standards require that all allegations be fully investigated administratively and when applicable, criminally. This means that inmates will more than likely be interviewed, following a report, by more than one investigator—an internal investigator as well as a law enforcement professional.

Medical and Mental Health Care

The PREA standards require the agency to provide emergency and ongoing medical and mental health care regardless of whether inmates name their abuser or cooperate in an investigation.[28]

If the report involves sexual abuse and it happened within 96-120 hours of the report, the agency may send the victim of the abuse to the hospital for a sexual assault exam for DNA evidence collection. During this exam, a sexual assault nurse examiner (SANE) will ask you questions about the sexual abuse and conduct a physical exam for internal and external bruises and damages. The nurse will test you for sexually transmitted infections (STIs) and give you medication to prevent STIs. If you are a female inmate, you will have access to emergency contraception (Plan B) if the situation warrants it and your state permits it.

> ***REMEMBER***
>
> According to the PREA Standards, even when facilities choose to use protective custody, it can only be for a short period of time, generally less than 30 days.
>
> *28 C.F.R. § 115.43 Protective Custody*

Inmates may feel safer talking to a community advocate or crisis counselor after the abuse. Advocates can accompany you through the evidence exam described above if you request one. Additionally, you can request mental health care with a community counselor instead of a mental health clinician from the facility. Be aware though, that in some small communities or where the agency does not have an established relationship with community crisis services it may take additional time to coordinate services or these services may not be available.

As discussed above, in some facilities, inmates may be in protective custody or administrative segregation during an investigation. This can be stressful for the inmate and can have negative mental and medical health consequences.

Notification of Investigations Outcome

Finally, following the investigation the facility has a mandate to notify inmates about the outcome of the investigation.[29] Outcomes can be:

- Substantiated: the allegation is found to be true.
- Unsubstantiated: there is not enough evidence to prove or disprove the allegation.
- Unfounded: the allegation is found untrue.

Additionally, when a staff person is the subject of an allegation, the facility should inform inmate-victims of the following:

- The staff member is no longer posted within the inmate's unit;
- The staff member is no longer employed at the facility;
- The staff member has been indicted on a charge related to sexual abuse within the facility; or
- The staff member has been convicted on a charge related to sexual abuse within the facility.[30]

When another inmate is the subject of an allegation, the facility should inform inmate-victims of the following:

- The alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
- The alleged abuser has been convicted on a charge related to sexual abuse within the facility.[31]

Sexual Abuse: Care and Consequences

Survivors of sexual abuse often suffer physical and psychological damage. This chapter outlines access to mental and medical health care and the common symptoms of sexual abuse in custody.

Access to Services

If you have experienced sexual abuse in custody, you are entitled to the following:

1. Emergency medical and mental health treatment/crisis intervention.
2. Ongoing medical and mental health care.

Emergency Medical and Mental Health Care

The purposes of emergency medical care are:

- Evaluate and treat injuries;
- Conduct prompt examinations;
- Provide support and counseling;
- Medication to prevent STI's'
- Assess women for pregnancy risk and discuss options;
- Provide medical/mental health follow-up.

Ongoing Medical and Mental Health Care

The purposes of ongoing medical care are:

- Detect new infections;
- Complete hepatitis B immunizations;
- Complete counseling and treatment for other STI's;
- Ensure compliance with previous treatments;
- Monitor potential STI infection.

The Effects of Sexual Assault in Custodial Settings

Aside from physical injuries, sexual abuse can have other consequences:

- HIV/AIDS
- Hepatitis B and/or C
- Syphilis
- Chlamydia
- Gonorrhea

- Trichomoniasis
- Bacterial Vaginitis

Other physical effects may include:

- Change in sleep patterns
- Change in appetite
- Decreased ability to concentrate
- Lack of energy
- Pregnancy (for female inmates)

Sexual abuse may also affect your mental health. Survivors of sexual abuse may experience the following:

- Emotional shock
- Disbelief
- Shame
- Guilt
- Powerlessness
- Denial
- Anger
- Fear
- Depression
- Triggers
- Anxiety
- Helplessness
- Expressive
- Calm
- Withdrawal
- Nightmares

Below are some thoughts and feelings expressed by inmates after sexual abuse occurred:

- *Why am I so calm?*
- *I can't believe this happened to me.*
- *I feel so dirty. Will anyone ever want to love me again?*
- *Did I do something to make this happen?*
- *Could I have done something to stop it?*
- *If only I had ...*
- *It wasn't really rape. Nothing happened.*
- *What if I am pregnant or have a STI?*
- *I feel so hopeless. I'd be better off dead.*

Mental health professionals have identified Rape Trauma Syndrome (RTS) as the reaction to a rape or sexual abuse. This is a four-phase structure that outlines how victims heal from an unnatural or extreme event. The phases include the following:

- Acute Crisis Phase: occurs right after the sexual abuse and survivors are just in the process of recognizing and understanding what happened to them.
- Outward Adjustment Phase: survivors feel a need to get back to normal.
- Integration Phase: the survivor's idea of who they were before the sexual abuse and after become one and the survivor accepts the sexual abuse.
- Reactivation: can happen at any time and during any of the phases and mirrors the acute phase.

In correctional settings, inmates who suffer from RTS face the following:

- Repeated sexual abuse situations (perceived or real).
- Lack of control over environment.
- Continuous contact with the perpetrator of the assault.
- Triggers that may cause anger or violent reactions.

Male and female inmates may react to sexual abuse in different ways.

The impact of victimization for men may include:

- Connection between sexual/physical victimization and aggressive and/or self-destructive behavior;
- Report past abuse associated with violent crime;
- Defend against feelings associated with victimization (shame, stigma);
- May question sexual identity and preference;
- Attacking another inmate before they are attacked;
- May imitate their aggressors;
- Acutely aware of the prison code and their ranking.

The impact of victimization for women may include:

- At risk for unhealthy relationships with authority figures, based on perceptions of their power to harm;
- Difficulty adjusting to coercive, restrictive environments;
- Lack of right to privacy, cell searches and bodily searches may replicate past abuse;
- Concern with how reporting may interrupt relationships;

- Vulnerable to abusive authority figures.
- Faced with sexual abuse situations:
    - May not understand it is possible to refuse.
    - May lack perception of a "right" to refuse.
    - May believe it's always dangerous to refuse.

Overall, being a survivor of sexual abuse and being in a custodial setting is difficult. The impacts of being incarcerated and being a survivor are:

- More likely to experience physical trauma;
- Systemic infliction of psychological trauma;
- Retaliation and/or retribution;
- Lack of autonomy and safety;
- General distrust of staff, the reporting structure, investigations, and prosecution of crimes;
- Feelings of disorientation and anxiousness may make people unable to follow rules;
- Sharing or talking about feelings may be a safety risk for an inmate;
- Isolation may be a relief but it could also cause further trauma;
- Increased anger may cause acting out;
- Complex nature of "consent" can lead to self-blame;
- Multiple traumas exacerbate symptoms.

Special Populations

Youthful Inmates

Youthful inmates are inmates who are under the age of 18, but who have been convicted and incarcerated with adults. Youthful inmates are particularly vulnerable to sexual abuse by both staff and other inmates when incarcerated in adult prisons and jails.[32]

The National Prison Rape Elimination Commission found that "more than any other group of incarcerated persons, youth incarcerated with adults are probably at the highest risk for sexual abuse."

The National Prison Rape Elimination Commission Report
June 2009

What we know about the prevalence of sexual abuse of youthful inmates is limited because of issues with consent to participate in surveys for any youth housed in adult facilities who are younger than 16. There were important findings, however, from both BJS and in the PREA Standards, including:

- 20.6 percent of victims of substantiated incidents of inmate-on-inmate sexual violence in adult jails in 2005 were under the age of 18, and 13 percent of such victims in 2006 were under 18 but accounted for less than one percent of the total jail population in 2005 and 2006.[33]

- From 2005 through 2008, 1.5 percent of victims of substantiated incidents of inmate-on-inmate sexual violence in State prisons were under 18 indicating that State prison inmates under the age of 18 are more than eight times as likely to have experienced sexual abuse.[34]

It is safe to assume that the prevalence of sexual abuse of youthful inmates is much higher due to the fact that many incidents are not reported because youthful inmates fear retaliation and the correctional environment and lack understanding of reporting, grievance, and investigative procedures.

N.H. House raises juvenile delinquent age to 18
Norma Love
Associated Press
March 20, 2014
New Hampshire's House voted yesterday to treat 17-year-olds accused of crimes as juveniles instead of as adults, reversing a law on the books for nearly two decades. At least 40 other states and the federal government treat the teens as juveniles. Massachusetts is among the states to raise its age recently.
http://www.concordmonitor.com/home/11224446-95/nh-house-raises-juvenile-delinquent-age-to-18

Acknowledging these findings, the national PREA standards specifically provided the following protections for youthful inmates:

- Sight, sound, and physical separation from inmates over the age of 18 including but not limited to dayrooms, shower areas, or sleeping quarters.
- Direct staff supervision when in contact with inmates over 18 outside of housing units.
- Housing options other than isolation to keep youthful inmates safe.
- Full access to daily large-muscle exercise, required education services, as well as programs and work opportunities.

Gender Non-Conforming Inmates

Gender non-conforming inmates, or inmates who identify as lesbian, gay, bisexual, transgendered or intersex (LGBTI), have the highest rates of sexual abuse in custody.

In a survey of prison and jail inmates in 2011-12, BJS found the following:[35]

- 12.2% of prison inmates and 8.5% of jail inmates identifying as non-heterosexual reported being sexually victimized by another inmate.
- 5.4% of prison inmates and 4.3% of jail inmates identifying as non-heterosexual reported being victimized by staff.
- In comparison, 1.2% of heterosexual state and federal inmates reported sexual abuse by another inmate and 2.1% reported being victimized by staff.[36]

Sheriff's department adds transgender policy
Greg Lee
KESQ News Channel 3
May 8, 2014
The Riverside County Sheriff's Department took a big step towards the LGBT community on Thursday.
http://www.kesq.com/news/sheriffs-department-adds-transgender-policy/25890578

The PREA standards recognize this vulnerability by giving gender non-conforming inmates protections from sexual abuse in the following ways:

- Transgender and intersex inmates have the opportunity to shower separately from other inmates.[37]

- Gender non-conforming inmates should not be housed in a dedicated unit or facility solely on the basis of that identification.[38]

- Housing decisions for transgender or intersex inmates—in a male or female facility as well as housing within the facility—should be made on a case-by-case basis considering the inmate's health and safety.[39]

- Placement and programming assignments for transgender or intersex inmates should be reviewed twice a year.[40]

- Transgender or intersex inmates should not be searched for the sole purpose of determining genitalia.[41]

Inmates' Rights and the Law

While the PREA Standards provide a number of protections for inmates, state criminal laws as well as the United States Constitution provide civil and criminal legal protections for inmates who are sexually abused.

State Criminal Laws

There are a number of state criminal laws that provide protections for inmates who are victims of sexual abuse in custody. Those state criminal laws include:

- Staff sexual misconduct;
- Sexual assault (including sodomy);
- Mandatory reporting;
- Vulnerable persons;
- Sex offender registration.

Staff Sexual Misconduct

TEX. PENAL CODE ANN. § 39.04(f)
Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody.
(f) An employee of the Texas Department of Criminal Justice, the Texas Youth Commission, or a local juvenile probation department commits an offense if the employee engages in sexual contact, sexual intercourse, or deviate sexual intercourse with an individual who is not the employee's spouse and who the employee knows is under the supervision of the department, commission, or probation department but not in the custody of the department, commission, or probation department.

Staff sexual misconduct [42] is any behavior or act of a sexual nature directed toward a person in custody by an employee, volunteer, official visitor, or agency representative. All 50 states and the District of Columbia have laws that prohibit and criminalize sexual contact between staff and inmates. It is important to know the following:

- Sexual abuse of inmates by staff is a felony in most states.
- Currently, Nevada is the only state where inmates can consent to sex with a staff person.
- Victim credibility can be an issue in cases of staff sexual misconduct.
- There is a code of silence in both the staff and inmate population that delays reporting incidents.
- Often, there is a lack of physical evidence due to delayed reporting.

Sexual Assault (including Sodomy)

Generally, sexual assault is defined as "unlawful sexual penetration" or a person who "intentionally has sexual intercourse" with a person under duress, compelled by force or under threat of harm.

Sodomy laws prohibit certain sexual practices, traditionally aimed at same-sex sexual acts.

Mandatory Reporting

Mandatory reporting laws require certain individuals, such as correctional professionals in some states, to report cases of sexual abuse committed against children and vulnerable persons. Currently, only eight states exclude correctional staff from their adult mandatory reporting statutes.[43]

Additionally, Florida, Missouri, and South Carolina have specific laws that require corrections officials to report staff sexual misconduct of any person in custody in addition to their mandatory reporting laws.

> CAL. WEL. & INST. CODE § 15630(a).
> *Persons Required to Report (California)*
> (a) Any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not he or she receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law

Vulnerable Persons

Vulnerable person's statutes offer additional protections to special populations such as the mentally ill, cognitively or physically disabled, elderly, youthful inmates, inmates in treatment for any medical or mental health issues, and gender non-conforming inmates. These statutes also offer increased penalties for those who are convicted of sexual abuse of these vulnerable populations.

Sex Offender Registration

Generally, sex offender registration is an increased penalty for those convicted of a registerable offense. Sex offender registration often includes community notification, restrictions on employment and restrictions on residency. However, if the perpetrator is not convicted, or pleads to a lesser offense, they may not be

required to register as a sex offender.

Constitutional Protections

Constitutional protections for inmates include the following:

- The Eighth Amendment
- The Fourth Amendment
- The Fourteenth Amendment
- The Federal Torts Claims Act

The Eighth Amendment

The Eighth Amendment prohibits cruel and unusual punishment. For sexual abuse in custody to be considered cruel and unusual under this standard, an inmate must show that the injury was objectively serious and that a corrections official acted with "deliberate indifference or reckless disregard for the inmate's safety and rights." This means that a staff member acted in a way that shows he/she ignored an inmate's safety concerns and the inmate was injured as a result. Some examples of what courts consider cruel and unusual include:

- Improper touching without a "legitimate penological purpose" (a legitimate reason relating to punishment or the safe operation of the facility);
- Repeated sexual conduct;
- Viewing of female inmates by staff of the opposite gender;
- Prolonged touches of an individual's genitals, breast and buttocks.

Generally speaking, verbal comments and single incidents of abuse, while equally unacceptable and contrary to the PREA Standards, would not rise to the level of cruel and unusual punishment.

The Fourth Amendment

The Fourth Amendment applies to unreasonable intrusions and searches. To apply the Fourth Amendment, you must have a legitimate legally recognized expectation of privacy and you must prove that the search is unreasonable.

This has important implications for cross-gender searches and viewing in custodial settings. Some examples include:

- Cross-gender supervision is generally unreasonable and a violation of the Fourth Amendment, **unless** that supervision occurs during an emergency or it is an inadvertent and random viewing;[44]
- Cross-gender searches (strip or pat-down) that involve intimate contact with

the inmate's body or genitals[45] are unreasonable and a violation of the Fourth Amendment.

The Fourteenth Amendment

The Fourteenth Amendment applies to individuals in pre-trial custody. To apply the Fourteenth Amendment on a sexual abuse claim, you must prove you were deprived of life, liberty, or property without due process of law.[46]

These are the kinds of incidents that courts found to violate the 14th Amendment:

- Several prison guards grabbed a male pre-trial detainee's genitals during pat down searches;[47]
- Male guard entered a male pre-trial detainee's cell at night, after lockdown, and put his hands under detainee's covers (sexual harassment).[48]

The Federal Tort Claims Act (FTCA)

The FTCA waives sovereign immunity for correctional officers who commit intentional torts against inmates while acting within the scope of their employment.[49] This means you can sue a correctional officer who commits an intentional wrongful act against you if (s)he did so while acting within the scope of his/her employment.[50]

Some examples of successful FTCA claims include:

- Male guards who treated a transgender female inmate as a male, despite knowing she was legally a female. The guards were held personally responsible for placing the inmate in a male cellblock and searching the inmate (performing a cross-gender search).[51]
- Male guard raped and sexually assaulted female inmate, with the assistance of other male guards working in the facility. The guard who raped the inmate was held personally liable. Additionally, the inmate successfully brought a claim that would hold the government liable for the negligence of the guards who assisted the rape.[52]

Conclusion

Sexual abuse is not a part of incarceration. It takes commitment from agency leadership; correctional staff and inmates to prevent detect and respond to sexual abuse in custody.

Identifying your rights under the national PREA standards and the law and understanding the dynamics of sexual abuse in custody is a good start in protecting yourself and others from abuse. While reporting and investigations may not always work, they are important tools in deterring sexual abuse of inmates.

We hope this handbook has increased your understanding of sexual abuse in custody and given you ideas and strategies for how you can participate in protecting your rights and the rights of others who are or could be victims of sexual abuse in custody.

Appendix

Glossary[53]

Gender nonconforming means a person whose appearance or manner does not conform to traditional societal gender expectations.

Inmate means any person incarcerated or detained in a prison or jail.

Intersex means a person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Jail means a confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

Pat-down search means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.

Prison means an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

Sexual abuse includes—

(1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and

(2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

(1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

(2) Contact between the mouth and the penis, vulva, or anus;

(3) Penetration of the anal or genital opening of another person,

however slight, by a hand, finger, object, or other instrument; and

(4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

(1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

(2) Contact between the mouth and the penis, vulva, or anus;

(3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;

(7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and

(8) Voyeurism by a staff member, contractor, or volunteer.

Sexual harassment includes—

(1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and

(2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene

language or gestures.

Strip search means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

Substantiated allegation means an allegation that was investigated and determined to have occurred.

Transgender means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

Unsubstantiated allegation means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Youthful inmate means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

Resources in Your State

Contact Information: States' Attorney Generals, State Departments of Corrections PREA Coordinators and State Sexual Assault Coalitions

STATE	ATTORNEY GENERAL	PREA COORDINATOR	SEXUAL ASSAULT COALITION
Alabama	*Office of the Attorney General* P.O. Box 300152 Montgomery, AL 36130	*Alabama Department of Corrections* P.O. Box 301501 Montgomery, AL 36130	*Alabama Coalition Against Sexual Violence* P.O. Box 4091 Montgomery, AL 36102
Alaska	*Office of the Attorney General* P.O. Box 110300 Juneau, AK 99811	*Alaska Department of Corrections* 550 West 7th Avenue Suite 601 Anchorage, AK 99501	*Alaska Network on Domestic Violence and Sexual Assault* 130 Seward Street Suite 214 Juneau, AK 99801
Arizona	*Office of the Attorney General* 1275 W. Washington Phoenix, AZ 85007	*Arizona Department of Corrections* 1601 W. Jefferson Phoenix, AZ 85007	*Coalition to End Arizona Sexual Exploitation* 2120 N. Central Ave. Suite 130A Phoenix, AZ 85004
Arkansas	*Office of the Attorney General* 323 Center St. Suite 200 Little Rock, AR 72201	*Arkansas Department of Corrections* P.O. Box 8707 Pine Bluff, AR 71611	*Arkansas Coalition Against Sexual Assault* 215 N. East Avenue Fayetteville, AR 72701
California	*Office of the Attorney General* 1300 I St. Suite 1740 Sacramento, CA 95814	*California Department of Corrections* *Office of Victim and Survivor Rights and Services* P.O. Box 942883 Sacramento, CA 94283-0001	*California Coalition Against Sexual Assault* 1215 K Street Suite 1850 Sacramento, CA 95814

STATE	ATTORNEY GENERAL	PREA COORDINATOR	SEXUAL ASSAULT COALITION
Colorado	*Office of the Attorney General* 1300 Broadway 10th Floor Denver, CO 80203	*Colorado Department of Corrections* 2862 South Circle Drive Colorado Springs, CO 80906	*Colorado Coalition Against Sexual Assault* 1120 Lincoln Street Suite 700 Denver, CO 80203
Connecticut	*Office of the Attorney General* 55 Elm St. Hartford, CT 06106	*Connecticut Department of Corrections* 24 Wolcott Hill Road Wethersfield, CT 06109	*Connecticut Sexual Assault Crisis Services, Inc.* 96 Pitkin Street East Hartford, CT 06108
Delaware	*Office of the Attorney General* 820 N. French St. Wilmington, DE 19801	*Delaware Department of Corrections* 245 McKee Road Dover, DE 19904	*Contact Lifeline* P.O. Box 9525 Wilmington, DE 19809
District of Columbia	*Office of the Attorney General* 441 4th Street NW Washington, DC 20001	*DC Department of Corrections* 2000 14th St. NW 7th Floor Washington, DC 20009	*DC Rape Crisis Center* P.O. Box 34125 Washington, DC 20043
Florida	*Office of the Attorney General* The Capitol PL-01 Tallahassee, FL 32399-1050	*Florida Department of Corrections* 501 South Calhoun St Tallahassee, FL 32399-2500	*Florida Council Against Sexual Violence* 1820 E. Park Avenue, Suite 100 Tallahassee, FL 32301
Georgia	*Office of the Attorney General* 40 Capitol Square SW Atlanta, GA 30334	Georgia Department of Corrections 300 Patrol Road Forsyth, GA 31029	*Georgia Network to End Sexual Assault* 817 West Peachtree St. Suite 200 Atlanta, GA 30308

STATE	ATTORNEY GENERAL	PREA COORDINATOR	SEXUAL ASSAULT COALITION
Guam	*Office of the Attorney General* 590 S. Marine Corps Drive Suite 706 Tamuning, Guam 96913	*Guam Department of Corrections* Ste. 502 Pacific News Bldg. Hagatna, GU	*Guam Coalition Against Sexual Assault and Family Violence* P.O. Box 1093 Hagatna, GU 96932
Hawaii	*Office of the Attorney General* 425 Queen St. Honolulu, HI 96813	*Hawaii Department of Corrections* 919 Ala Moana Boulevard, 4th Floor Honolulu, HI 96814	*Hawaii Coalition Against Sexual Assault* P.O. Box 10596 Honolulu, HI 96816
Idaho	*Office of the Attorney General* P.O. Box 83720 Boise, Idaho 83720	*Idaho Department of Corrections* 1299 N. Orchard St. Suite 110 Boise, ID 83706	*Idaho Coalition Against Sexual and Domestic Violence* 300 E. Mallard Dr., Suite 130 Boise, ID 83706
Illinois	*Office of the Attorney General* 100 W. Randolph St. Chicago, IL 60601	Illinois Department of Corrections P.O. Box 19277 Springfield, IL 62794	*Illinois Coalition Against Sexual Assault* 100 North 16th Street Springfield, IL 62703
Indiana	*Office of the Attorney General* Indiana Government Center South 302 West Washington Street, 5th Floor Indianapolis, IN 46204	*Indiana Department of Corrections* 302 W. Washington Street Room E-334 Indianapolis, IN 46204	*Indiana Coalition Against Sexual Assault* 26 N. Arsenal Ave. 3rd Floor Indianapolis, IN 46201
Iowa	*Office of the Attorney General* 1305 E. Walnut Des Moines, IA 50319	*Iowa Department of Corrections* 510 East 12th Street Des Moines, IA 50319	*Iowa Coalition Against Sexual Assault* 3030 Merle Hay Rd. Des Moines, IA 50310

STATE	ATTORNEY GENERAL	PREA COORDINATOR	SEXUAL ASSAULT COALITION
Kansas	*Office of the Attorney General* 120 S.W. 10th Ave. 2nd Floor Topeka, KS 66612-1597	*Kansas Department of Corrections* 900 SW Jackson 4th Floor Topeka, KS 66612	*Kansas Coalition Against Sexual and Domestic Violence* 634 SW Harrison Topeka, KS 66603
Kentucky	*Office of the Attorney General* 700 Capitol Avenue, Suite 118 Frankfort, KY 40601	*Kentucky Department of Corrections* 275 East Main Street Frankfort, KY 40601	*Kentucky Association of Sexual Assault Programs* 83 C Michael Davenport Blvd. Frankfort, KY 40604
Louisiana	*Office of the Attorney General* P.O. Box 94095 Baton Rouge, LA 70804	*Louisiana Department of Corrections* P.O. Box 94304 Baton Rouge, LA 70804-9304	*Louisiana Foundation Against Sexual Assault* 1250 SW Railroad Ave. Suite 170 Hammond, LA 70403
Maine	*Office of the Attorney General* 6 State House Station Augusta, ME 04333	*Maine Department of Corrections* 25 Tyson Drive 3rd Floor State House Station 111 Augusta, ME 04333	*Maine Coalition Against Sexual Assault* 83 Western Avenue, Suite 2 Augusta, ME 04330
Maryland	*Office of the Attorney General* 200 St. Paul Place Baltimore, MD 21202	*Maryland Department of Corrections* 115 Sudbrook Lane Suite 200 Pikesville, MD 21208	*Maryland Coalition Against Sexual Assault* 1517 Gov. Richie Hwy Suite 207 Arnold, MD 21012
Massachusetts	*Office of the Attorney General* 1 Ashburton Place Boston, MA 02108	*Massachusetts Department of Corrections* 50 Maple Street Suite 3 Milford, MA 01757	*Jane Doe Inc.* 14 Beacon Street Suite 507 Boston, MA 02108

STATE	ATTORNEY GENERAL	PREA COORDINATOR	SEXUAL ASSAULT COALITION
Michigan	*Office of the Attorney General* P.O. Box 30212 Lansing, MI 48909	*Michigan Department of Corrections* P.O. Box 30003 Lansing, MI 48909	*Michigan Coalition to End Domestic and Sexual Violence* 3893 Okemos Road Suite B2 Okemos, MI 48864
Minnesota	*Office of the Attorney General* State Capitol Suite 102 St. Paul, MN 55155	*Minnesota Department of Corrections* 1450 Energy Park Dr. Suite 200 St. Paul, MN 55108	*Minnesota Coalition Against Sexual Assault* 161 St. Anthony Ave. Suite 1001 Saint Paul, MN 55103
Mississippi	*Office of the Attorney General* P.O. Box 220 Jackson, MS 39205	*Mississippi Department of Corrections* 723 N. President St. Jackson, MS 39202	*Mississippi Coalition Against Sexual Assault* 510 George St. Suite 300 Jackson, MS 39202
Missouri	*Office of the Attorney General* 207 W. High St. Jefferson City, MO 65101	*Missouri Department of Corrections* 2728 Plaza Drive Jefferson City, MO 65109	*Missouri Coalition Against Domestic and Sexual Violence* 217 Oscar Drive Suite A Jefferson City, MO 65101
Montana	*Office of the Attorney General* 215 N. Sanders Helena, MT 59620	*Montana Department of Corrections* P.O. Box 201301 Helena, MT 59620-1301	*Montana Coalition Against Domestic and Sexual Violence* P.O. Box 818 Helena, MT 59624
Nebraska	*Office of the Attorney General* P.O. Box 98920 Lincoln, NE 68509	*Nebraska Department of Corrections* P.O. Box 94661 Lincoln, NE 68509	*Nebraska Domestic Violence Sexual Assault Coalition* 245 S. 84th St. Suite 200 Lincoln, NE 68510

STATE	ATTORNEY GENERAL	PREA COORDINATOR	SEXUAL ASSAULT COALITION
Nevada	*Office of the Attorney General* 100 N. Carson St. Carson City, NV 89701	*Nevada Department of Corrections* P.O. Box 7011 Carson City, NV 89702	*Nevada Coalition Against Sexual Violence* P.O. Box 12877 Reno, NV 89510
New Hampshire	*Office of the Attorney General* 33 Capitol St. Concord, NH 03301	*New Hampshire Department of Corrections* 138 E. Milan Rd, Berlin, NH 03570	*New Hampshire Coalition Against Domestic and Sexual Violence* P.O. Box 353 Concord, NH 03302
New Jersey	*Office of the Attorney General* P.O. Box 080 Trenton, NJ 08625	*New Jersey Department of Corrections* P.O. Box 863 Trenton, NJ 08625	*New Jersey Coalition Against Sexual Assault* 2333 Whitehorse Mercerville Road Suite J Trenton, NJ 08619
New Mexico	*Office of the Attorney General* P.O. Drawer 1508 Santa Fe, NM 87504	*New Mexico Department of Corrections* 4337 NM 14 Santa Fe NM 87508	*New Mexico Coalition of Sexual Assault Programs, Inc.* 3909 Juan Tabo NE Suite 6 Albuquerque, NM 87111
New York	*Office of the Attorney General* The Capitol Albany, NY 12224	*New York Department of Corrections* 75-20 Astoria Blvd. East Elmhurst , NY 11370	*New York State Coalition Against Sexual Assault* 28 Essex Street Albany, NY 12206
North Carolina	*Office of the Attorney General* 9001 Mail Service Center Raleigh, NC 27699-9001	*North Carolina Department of Corrections* 831 West Morgan St. Raleigh, NC 27699-4260	*North Carolina Coalition Against Sexual Assault* 811 Spring Forest Rd Suite 900 Raleigh, NC 27609

STATE	ATTORNEY GENERAL	PREA COORDINATOR	SEXUAL ASSAULT COALITION
North Dakota	*Office of the Attorney General* 600 E. Boulevard Ave. Bismarck, ND 58505	*North Dakota Department of Corrections* P.O. Box 1898 Bismarck, ND 58502	*Coalition Against Sexual Assault in North Dakota* 525 N 4th St. Bismarck, ND 58501
Ohio	*Office of the Attorney General* 30 E. Broad St. Columbus, OH 43266	*Ohio Department of Rehabilitation and Correction* 770 West Broad St. Columbus, OH 43222	*Ohio Alliance to End Sexual Violence* 526 Superior Ave. Suite 1400 Cleveland, OH 44114
Oklahoma	*Office of the Attorney General* 313 NE 21st St. Oklahoma City, OK 73105	*Oklahoma Department of Corrections* P.O. Box 11400 Oklahoma City, OK 73136-0400	*Oklahoma Coalition Against Domestic Violence and Sexual Assault* 3815 North Santa Fe Avenue Suite 124 Oklahoma City, OK 73118
Oregon	*Office of the Attorney General* 1162 Court St., NE Salem, OR 97301	*Oregon Department of Corrections* 2575 Center St. NE Salem, OR 97301-4667	*Oregon Coalition Against Domestic and Sexual Violence* 1737 NE Alberta St. Suite 205 Portland, OR 97211
Pennsylvania	*Office of the Attorney General* 1600 Strawberry Square Harrisburg, PA 17120	*Pennsylvania Department of Corrections* 1920 Technology Parkway Mechanicsburg, PA 17050	*Pennsylvania Coalition Against Rape* 125 N. Enola Dr. Enola, PA 17025
Puerto Rico	*Office of the Attorney General* PO Box 902192 San Juan, PR 00902-0192	*Puerto Rico Department of Corrections and Rehabilitation* P.O. Box 71308 San Juan, PR 00936	*Coordinadora Paz Para la Mujer* Apartado 193008 San Juan, PR 00919

STATE	ATTORNEY GENERAL	PREA COORDINATOR	SEXUAL ASSAULT COALITION
Rhode Island	*Office of the Attorney General* 150 S. Main St. Providence, RI 02903	*Rhode Island Department of Corrections* 1375 Pontiac Ave, Cranston, RI 02920	*Day One* 100 Medway Street Providence, RI 02906
South Carolina	*Office of the Attorney General* P.O. Box 11549 Columbia, SC 29211-1549	*South Carolina Department of Corrections* P. O. Box 21787 Columbia, SC 29210	*South Carolina Coalition Against Domestic Violence and Sexual Assault* 1320 Richland Street Columbia, SC 29201
South Dakota	*Office of the Attorney General* 1302 E. Highway 14 Suite 1 Pierre, SD 57501	*South Carolina Department of Corrections* 3200 East Highway 34 c/o 500 East Capitol Avenue Pierre, SD 57501	*South Dakota Coalition Ending Domestic and Sexual Violence* P.O. Box 141 Pierre, SD 57501
Tennessee	*Office of the Attorney General* P.O. Box 20207 Nashville, TN 37202	*Tennessee Department of Corrections* 320 Sixth Avenue N Rachel Jackson Bldg. 6th floor Nashville, TN 37243	*Tennessee Coalition to End Domestic and Sexual Violence* 2 International Plaza Dr. Suite 425 Nashville, TN 37217
Texas	*Office of the Attorney General* P.O. Box 12548 Austin, TX 78711-2548	*Texas Department of Criminal Justice* P.O. Box 13084 Austin, TX 78711	*Texas Association Against Sexual Assault* 6200 La Calma Drive Suite 110 Austin, TX 78752
Utah	*Office of the Attorney General* PO Box 142320 Salt Lake City, UT 84114	*Utah Department of Corrections* 14717 S. Minuteman Drive Draper, UT 84020	*Utah Coalition Against Sexual Assault* 284 West 400 North Salt Lake City, UT 84103

STATE	ATTORNEY GENERAL	PREA COORDINATOR	SEXUAL ASSAULT COALITION
Vermont	*Office of the Attorney General* 109 State St. Montpelier, VT 05609	*Vermont Department of Corrections* 103 South Main St. Waterbury, VT 05671	*Vermont Network Against Domestic and Sexual Violence* P.O. Box 405 Montpelier, VT 05601
Virgin Islands	*Office of the Attorney General* G.E.R.S. Complex 488-50C Kronprinsdens Gade St. Thomas, VI 00802	*Virgin Island Bureau of Corrections* 4060 Castle Coakley Christiansted St. Croix, VI 00820	*Virgin Islands Domestic Violence and Sexual Assault Council* Bay 14 The Village Mall RR#1 Box 10550 Kingshill, VI 00850
Virginia	*Office of the Attorney General* 900 East Main Street Richmond, VA 23219	*Virginia Department of Corrections* P.O. Box 26963 Richmond, VA 23261-6963	*Virginia Sexual and Domestic Violence Action Alliance* 1415 Sachem Place, Suite 1 Charlottesville, VA 22901
Washington	*Office of the Attorney General* PO Box 40100 Olympia, WA 98504	*Washington Department of Corrections* PO Box 41100 Mail Stop 41100 Olympia, WA 98504	*Washington Coalition of Sexual Assault Programs* 4317 6th Ave. SE Suite 102 Olympia, WA 98503
West Virginia	*Office of the Attorney General* State Capitol Complex Bldg. 1, Room E-26 Charleston, WV 25305	*West Virginia Department of Corrections* 1409 Greenbrier St. Charleston, WV 25311	*West Virginia Foundation for Rape Information and Services* 112 Braddock Street Fairmont, WV 26554
Wisconsin	*Office of the Attorney General* P. O. Box 7857 Madison, WI 53707-7857	*Wisconsin Department of Corrections* P.O. Box 7925 Madison, Wisconsin 53707-7925	*Wisconsin Coalition Against Sexual Assault, Inc.* 600 Williamson Street Suite N-2 Madison, WI 53703

STATE	ATTORNEY GENERAL	PREA COORDINATOR	SEXUAL ASSAULT COALITION
Wyoming	*Office of the Attorney General* 123 Capitol Building 200 W. 24th Street Cheyenne, WY 82002	*Wyoming Department of Corrections* 1934 Wyott Drive, Suite 100 Cheyenne, WY 82002	*Wyoming Coalition Against Domestic Violence and Sexual Assault* P.O. Box 236 Laramie, WY 82073
United States/ Federal Bureau of Prisons	*Office of the Attorney General- Civil Rights Division* 950 Pennsylvania Avenue, N.W. Washington, DC 20530	*Federal Bureau of Prisons* 320 1st St NW, Washington, DC 20534	**If you are a federal inmate you should contact the sexual assault coalition in the state where you are currently incarcerated.

Contact Information: Legal Services and Oversight Agencies

STATE	Disability Rights Agency	Legal Services	Oversight Agency
Alabama	*Alabama Disabilities Advocacy Program* The University of Alabama PO Box 870395 Tuscaloosa, AL 35487	*ACLU of Alabama* 207 Montgomery Street Suite 910 Montgomery, AL 36104 *Fairhope, Inc.* PO Box 765 Selma, AL 36702	*Office of the Governor* *Alabama state gov't in the process of approving budget that would create new Prison Ombudsman position.
Alaska	*Disability Law Center of Alaska* 3330 Arctic Blvd., Suite 103 Anchorage, AK 99503	*Alaska Legal Services* *Robert Hickerson Partners in Justice Campaign* 101 West 6th Ave. Suite 200 Anchorage, AK 99501	*Office of the Ombudsman* 333 W. Fourth Ave. Suite 305 Anchorage, AK 99501
Arizona	*Arizona Center for Disability Law* 100 North Stone Street Suite 305 Tucson, AZ 85701	*ACLU of Arizona* PO Box 17148 Phoenix, AZ 85011 (602) 650-1967 *Middle Ground Prison Reform, Inc.* 129 East Encanto Dr. Tempe, AZ 85281	*Arizona Ombudsman-Citizens' Aide* 3737 N. 7th St Suite 209 Phoenix, AZ 85014
Arkansas	*Disability Rights Center of Arkansas* 1100 North University Suite 201 Little Rock, AR 72207	*Legal Aid of Arkansas* 714 South Main St. Jonesboro, AR 72401	

STATE	Disability Rights Agency	Legal Services	Oversight Agency
California	*Disability Rights California* 1831 K Street Sacramento, CA 95811	*Prison Law Office* General Delivery San Quentin, CA 94964 *Legal Services for Prisoners with Children* 1540 Market St. Suite 490 San Francisco, CA 94102	*California Department of Corrections and Rehabilitation* *Office of the Ombudsman* 1515 S Street, Room 311 South Sacramento, CA 95811
Colorado	*The Legal Center* 455 Sherman Street Suite 130 Denver, CO 80203	*ACLU of Colorado* 400 Corona St Denver, CO 80218	
Connecticut	*Office of P&A for Persons with Disabilities* 60B Weston Street Hartford, CT 06120 (860) 297-4300/800-842-7303	*Complex Federal Litigation and Prison Legal Services Clinic* *Yale Law School* PO Box 209090 New Haven, CT 06520 *Inmates' Legal Assistance Program* *Law Offices of Sydney T. Schulman* 78 Oak St PO Box 269237 Hartford, CT 06126	
Delaware	*Client Assistance Program* *United Cerebral Palsy of Delaware, Inc.* 700A River Road Wilmington, DE 19809	*Community Legal Aid Society, Inc.* Community Services Building Suite 801 100 W. 10th Street Wilmington, DE 19801	

STATE	Disability Rights Agency	Legal Services	Oversight Agency
District of Columbia	*University Legal Services* 220 I Street, NE Suite 130 Washington, DC 20002	*ACLU of the National Capital Area* 1400 20th Street NW Suite 119 Washington, DC 20036 *DC Public Defender Office: Institutional Services Program Visitors' Services Center* 1422 Massachusetts Avenue, S.E. Washington, DC 20003	*Office of the Inspector General* 717 14th Street, NW 5th Floor Washington, DC 20005
Florida	*Disability Rights Florida* 2728 Centerview Dr. Suite 102 Tallahassee, FL 32301	*Florida Institutional Legal Services, Inc.* 1010-B Northwest 8th Avenue Gainesville, FL 32601 *Florida Legal Services* 2121 Delta Boulevard Tallahassee, FL 32303	*Florida Department of Corrections, Office of the Inspector General* 501 South Calhoun St Suite 135 Tallahassee, FL 32399
Georgia	*Georgia Advocacy Office, Inc.* One Decatur Town Center 150 E. Ponce de Leon Avenue Suite 430 Decatur, GA 30030	*Southern Center for Human Rights* 83 Poplar St. NW Atlanta, GA 30303 *ACLU of Georgia* 1900 The Exchange Suite 425 Atlanta, GA 30339	*Inmate Affairs and Ombudsman Unit* (478) 992-5358
Guam	*Guam Client Assistance Program* UIU Building Suite 2F PO Box 23474 237 South Marine Corps Drive GMF, GU 96921	*Guam Legal Services* 113 Bradley Place Hagatna, Guam 96910	N/A

STATE	Disability Rights Agency	Legal Services	Oversight Agency
Hawaii	*Hawaii Disability Rights Center* 1132 Bishop Street Suite 2102 Honolulu, HI 96813	*ACLU of Hawaii* PO Box 3410 Honolulu, Hawaii 96801	*Office of the Ombudsman* 465 South King St, 4th Floor Honolulu, HI 96813
Idaho	*Disability Rights Idaho* 4477 Emerald Suite B-100 Boise, ID 83706	*Idaho Legal Aid Services, Inc.* PO Box 913 Boise, ID 83701 *ACLU of Idaho* PO Box 1897 Boise, ID 83701	N/A
Illinois	*Equip for Equality, Inc.* 20 North Michigan Avenue Suite 300 Chicago, IL 60602	*ACLU of Illinois* 180 North Michigan Suite 2300 Chicago, IL 60601 *Roderick MacArthur Justice Center* Northwestern University School of Law 357 East Chicago Ave Chicago, IL 60611 *The John Howard Association* 375 E. Chicago Ave. Suite 529 Chicago, IL 60611	N/A
Indiana	*Indiana Protection and Advocacy Services* 4701 N. Keystone Ave. Suite 222 Indianapolis, IN 46204	*Indiana CURE* PO Box 62 Camby, IN 46113 *ACLU of Indiana* 1031 East Washington St Indianapolis, IN 46202	*Indiana Department of Corrections Ombudsman Bureau* 402 W. Washington St W479 Indianapolis, IN 46204

STATE	Disability Rights Agency	Legal Services	Oversight Agency
Iowa	*Disability Rights Iowa* 400 East Court Ave. Suite 300 Des Moines, IA 50309	*ACLU of Iowa* 901 Insurance Exchange Bldg. Des Moines, IA 50309 *University of Iowa College of Law, Legal Clinic* 290 Boyd Law Building Iowa City, IA 52242	*Iowa Citizen's Aide/Ombudsman* Ola Bobcock Miller Building 1112 East Grand Des Moines, IA 50319
Kansas	*Disability Rights Center of Kansas* 635 SW Harrison Suite 100 Topeka, KS 66603	*Legal Services for Prisoners, Inc.* 1430 Southwest Topeka Boulevard 3rd Floor Topeka, KS 66612 *Paul E. Wilson Project for Innocence and Post-Conviction Remedies, Kansas School of Law* 409 Green Hall Lawrence, KS 66045	N/A
Kentucky	*Kentucky Protection and Advocacy* 100 Fair Oaks Lane, 3rd Floor Frankfort, KY 40601	*Kentucky Legal Aid* 520 East Main St PO Box 1776 Bowling Green, KY 42102 *Legal Aid Society, Inc.* 425 West Muhammad Ali Boulevard Louisville, KY 40202	N/A

STATE	Disability Rights Agency	Legal Services	Oversight Agency
Louisiana	*Advocacy Center* 8325 Oak Street New Orleans, LA 70118	*New Orleans Legal Assistance Corporation* 1010 Common Suite 1400A New Orleans, LA 71102 *Capital Area Legal Services Corporation* 200 Third Street PO Box 3273 Baton Rouge, LA 70821	*Office of State Inspector General* P.O. Box 94095 Baton Rouge, LA 70804
Maine	*Disability Rights Center* 24 Stone Street Suite 204 Augusta, ME 04330	*ACLU of Maine* 401 Cumberland Ave Portland, ME 04101	*Maine State Prison Board of Visitors* 807 Cushing Road Warren, ME 04864
Maryland	*Maryland Disability Law Center* 1500 Union Avenue Suite 2000 Baltimore, MD 21211	*Legal Aid Bureau, Inc.* 500 East Lexington St Baltimore, MD 21202 (410) 539-5340 *ACLU of Maryland* 3600 Clipper Mill Rd Suite 350 Baltimore, MD 21211	*State Ombudsman* 301 West Preston Street Room 1007 Baltimore, MD 21201 *Inmate Grievance Office, Department of Public Safety and Correctional Services* 115 Sudbrook Lane, Suite 200 Pikesville, MD 21208
Massachusetts	*Disability Law Center, Inc.* 11 Beacon Street Suite 925 Boston, MA 02108	*Prisoners' Legal Services of Massachusetts* 10 Winthrop Sq., 3rd Floor Boston, MA 02110	*Office of the Inspector General* John W. McCormack State Office Building One Ashburton Place, Room 1311 Boston, MA 02108

STATE	Disability Rights Agency	Legal Services	Oversight Agency
Michigan	*Michigan Protection and Advocacy Service, Inc.* 4095 Legacy Parkway Suite 500 Lansing, MI 48911	*Prison Legal Services of Michigan* 209 E. Washington Ave. Jackson, MI 49201	*Legislative Corrections Ombudsman* 124 West Allegan Boji Tower 4th Floor P.O. Box 30036 Lansing, MI 48909
Minnesota	*Minnesota Disability Law Center* 430 First Avenue North Suite 300 Minneapolis, MN 55401	*Legal Assistance to Minnesota Prisoners* William Mitchell College of Law LAMP Clinic 875 Summit Ave. St. Paul, MN 55105	N/A
Mississippi	*Disability Rights Mississippi* 210 E Capitol St. Suite 600 Jackson, MS 39201	*ACLU of Mississippi* P.O. Box 2242 Jackson, MS 39225 *South Mississippi Legal Services* 111 Rue Magnolia Suite 202 P.O. Box 1386 Biloxi, MS 39533	*State Ombudsman* MS Department of Human Services 750 North State Street Jackson, MS 39202 *Mississippi Department of Corrections Investigation Division* 723 North President Street Jackson, MS 39202
Missouri	*Missouri P&A Services* 925 S. Country Club Drive Jefferson City, MO 65109	*Legal Aid of Western Missouri* 1005 Grand Avenue Suite 600 Kansas City, MO 64106 *Legal Services of Eastern Missouri* 4232 Forest Park Avenue St. Louis, MO 63108	*The Missouri Department of Corrections' Investigation Unit* P.O. Box 236 Jefferson City, MO 65102

STATE	Disability Rights Agency	Legal Services	Oversight Agency
Missouri Cont'd		*Mid-Missouri Legal Services Corporation* 205 East Forest Avenue Columbia, MO 65201 *Legal Services of Southern Missouri* 2872 South Meadowbrook Springfield, MO 65807	
Montana	*Disability Rights Montana* 1022 Chestnut Street Helena, MT 59601	*Legal Voice* 907 Pine Street Suite 500 Seattle, WA 98101 *Montana Legal Services Association* 616 Helena Avenue Suite 100 Helena, MT 59601	*State Ombudsman* MT Dept. of Health & Human Services P.O. Box 4210 Helena, MT 59604
Nebraska	*Disability Rights Nebraska* 134 South 13th Street Suite 600 Lincoln, NE 68508	*Nebraska Center For Legal Services* 1616 L Street Lincoln, NE 68501 *Legal Aid of Nebraska* 1904 Farnam Street Suite 500 Omaha, NE 68102	*Ombudsman's Office* P.O. Box 94604 Lincoln, NE 68509
Nevada	*Nevada Disability Advocacy & Law Center, Inc.* 6039 Eldora Avenue Suite C Las Vegas, NV 89102	*Nevada Legal Services, Inc.* Clark County Office 530 South 6th Street Las Vegas, NV 89101	*Nevada Department of Corrections, Inspector General* P.O. Box 7011 Carson City, NV 89702

STATE	Disability Rights Agency	Legal Services	Oversight Agency
New Hampshire	*Disabilities Rights Center* 18 Low Avenue Concord, NH 03301	*New Hampshire Legal Assistance* 15 Green Street Concord, NH 03301 *Legal Advice & Referral Center* 48 South Main Street Concord, NH 03301	*State Ombudsman* 129 Pleasant Street Concord, NH 03301
New Jersey	*Disability Rights New Jersey* 210 S. Broad Street, 3rd Floor Trenton, NJ 08608	*Legal Services of New Jersey* P.O. Box 1357 Edison, NJ 08818 *New Jersey Institute for Social Justice* 60 Park Place, 511 Newark, NJ 07102	*Office of the Corrections Ombudsman* PO Box 855 Trenton, NJ 08625
New Mexico	*Disability Rights New Mexico* 1720 Louisiana Blvd., NE Suite 204 Albuquerque, NM 87110	*New Mexico Legal Aid* P.O. Box 25486 Albuquerque, NM 87125 *Clinical Law Programs University of New Mexico School of Law* 1117 Stanford Northeast Albuquerque, NM 87131	N/A
New York	*Disability Rights New York* 725 Broadway Suite 450 Albany, NY 12207	*Prisoners' Legal Services of New York* 41 State Street Suite M112 Albany, NY 12207	*Office of the State Inspector General* Empire State Plaza Agency Building 2 16th Floor Albany, NY 12223

STATE	Disability Rights Agency	Legal Services	Oversight Agency
New York Cont'd			*New York State Commission of Correction* Alfred E. Smith State Office Building 80 South Swan St 12th Floor Albany, NY 12210
North Carolina	*Disability Rights North Carolina* 2626 Glenwood Ave. Suite 550 Raleigh, NC 27608	*North Carolina Prisoner Legal Services, Inc.* PO Box 25397 Raleigh, NC 27611	N/A
North Dakota	*The North Dakota Protection & Advocacy Project* 400 E. Broadway Suite 409 Bismarck, ND 58501	*Legal Services of North Dakota, Inc.* P.O. Box 1893 Bismarck, ND 58502	*Office of the State Auditor* 600 East Boulevard 3rd Floor Bismarck, ND 58505
Ohio	*Disability Rights Ohio* 50 West Broad Street Suite 1400 Columbus, OH 43215	*Ohio State Legal Services Association* 555 Buttles Avenue Columbus, OH 43215 *Community Legal Aid Services, Inc.* The Rose Building, 3rd Floor 265 South Main Street Akron , OH 44308	*Office of the Chief Inspector* 1050 Freeway Drive North Columbus, OH 43229 *Office of Ohio Inspector General* 30 East Broad Street Suite 1820 Columbus, OH 43215 (614) 644-9110
Oklahoma	*Oklahoma Disability Law Center, Inc.* 2915 Classen Blvd. Suite 300 Oklahoma City, OK 73106	*Legal Aid Services of Oklahoma* 2901 North Classen Boulevard Suite 110 Oklahoma City, OK 73106	*Administrative Review Unit* *Oklahoma Department of Corrections* 3400 Martin Luther King Avenue Oklahoma City, OK 73111

STATE	Disability Rights Agency	Legal Services	Oversight Agency
Oklahoma Cont'd		*Legal Aid Services Of Oklahoma, Inc.* 115 West 3rd Street, Suite 701 Tulsa, OK 74103	
Oregon	*Disability Rights Oregon* 610 SW Broadway Suite 200 Portland, OR 97205	*Legal Voice* 907 Pine Street, Suite 500 Seattle, WA 98101 *Legal Aid Services of Oregon* Central Support Office 700 SW Taylor Suite 310 Portland, OR 97205	*Office of Special Investigations* 2575 Center Street Northeast Salem, OR 97301 *State Ombudsman* 3855 Wolverine Northeast Suite 6 Salem, OR 97305
Pennsylvania	*Disability Rights Network of Pennsylvania* 1414 N. Cameron St. Suite C Harrisburg, PA 17103	*Pennsylvania Prison Society* 245 North Broad Street, #300 Philadelphia, PA 19107-1518 *Philadelphia Legal Assistance Center* 42 South 15th Street Suite 500 Philadelphia, PA 19102 *MidPenn Legal Services* 213-A North Front Street Harrisburg, PA 17101	*Chief, Secretary's Office of Inmate Grievances and Appeals* Department of Corrections 1920 Technology Parkway Mechanicsburg, PA 17050

STATE	Disability Rights Agency	Legal Services	Oversight Agency
Puerto Rico	*Ombudsman for Persons with Disabilities* P. O. Box 41309 San Juan, PR 00940	*Legal Services of Puerto Rico* (787) 728-5070 or 1-800-981-5324	*Ombudsman for Persons with Disabilities* P. O. Box 41309 San Juan, PR 00940
Rhode Island	*Rhode Island Disability Law Center Inc.* 275 Westminster St. Suite 401 Providence, RI 02903 *Roger Williams University Disability Law Clinic* 150 Washington St. Providence, RI 02903	*Rhode Island Legal Services, Inc.* 56 Pine Street 4th Floor Providence, RI 02903	N/A
South Carolina	*Protection & Advocacy for People with Disabilities, Inc.* 3710 Landmark Drive Suite 208 Columbia, SC 29204	*South Carolina Bar Legal Clinics* P.O. Box 608 Columbia, SC 29202 *ACLU of South Carolina* P.O. Box 20998 Charleston, SC 29413	*Governor's Office of Ombudsman* 1200 Senate Street, Room 104 Columbia, SC 29201
South Dakota	*South Dakota Advocacy Services* 221 South Central Avenue Pierre, SD 57501	*South Dakota Prisoner Support Group* P.O. Box 3285 Rapid City, SD, 57709 *Dakota Plains Legal Services* P.O. Box 727 Mission, SD 57555	N/A

STATE	Disability Rights Agency	Legal Services	Oversight Agency
Tennessee	*Disability Law & Advocacy Center of Tennessee* P O Box 121257 Nashville, TN 37212	*Memphis Area Legal Services* 109 North Main Street 2nd Floor Claridge House Memphis, TN 38103 *Legal Aid Society of Middle Tennessee* 300 Deaderick Street Nashville, TN 37201	N/A
Texas	*Disability Rights Texas* 2222 West Braker Ln Austin, TX 78758	*Texas Civil Rights Project, Prisoner's Rights* 4920 N.IH-35 c/oTRLA Austin, TX 78751	*Texas Department of Criminal Justice Ombudsman* PREA Ombudsman Office PO Box 99 Huntsville, TX 77342
Utah	*Disability Law Center* 205 North 400 West Salt Lake City, UT 84103	*Utah Legal Services Inc.* 254 West 400 South, 2nd Floor Salt Lake City, UT 84101 *Legal Aid Society of Salt Lake* (Main Office) 205 North 400 West Salt Lake City, UT 84103	*Office of Inspector General* P.O. Box 143103 Salt Lake City, UT 84114
Vermont	*Disability Rights Vermont* 141 Main Street Suite 7 Montpelier, VT 05602	*Legal Services Law Line of Vermont* 274 North Winooski Avenue Burlington, VT 05401	N/A

STATE	Disability Rights Agency	Legal Services	Oversight Agency
Virgin Islands	*Disability Rights Center of Virgin Islands* 63 Estate Cane Carlton, Frederiksted St. Croix U.S. Virgin Islands 00840	N/A	N/A
Virginia	*Disability Law Center for Virginia* 1910 Byrd Avenue Suite 5 Richmond, VA 23230	*Virginia Legal Aid Society* Administrative Office P.O. Box 6200 Lynchburg, VA 24505	N/A
Washington	*Disability Rights Washington* 315 5th Avenue South Suite 850 Seattle, WA 98104	*Columbia Legal Services Institutions Project* 101 Yesler Way #300 Seattle, WA 98104 *Northwest Justice Project* 401 Second Avenue South Suite 407 Seattle, WA 98104	N/A
West Virginia	*West Virginia Advocates, Inc.* 1207 Quarrier Street Litton Bldg, Suite 400 Charleston, WV 25301	*Legal Aid of West Virginia- Charleston* 922 Quarrier Street, 4th Floor Charleston, WV 25301 *ACLU of West Virginia* P.O. Box 3952 Charleston, WV 25339	N/A
Wisconsin	*Disability Rights Wisconsin* 131 W. Wilson Street Suite 700 Madison, WI 53703	*Legal Assistance to Institutionalized Persons (LAIP)* Frank J. Remington Center	N/A

STATE	Disability Rights Agency	Legal Services	Oversight Agency
Wisconsin Cont'd		University of Wisconsin Law School Rooms 4315-4318 975 Bascom Mall Madison, WI 53706 *Legal Action of Wisconsin, Inc. Madison* P.O. Box 259686 Madison, WI 53725	
Wyoming	*Wyoming P&A System* 7344 Stockman Street Cheyenne, WY 82009	*Legal Aid of Wyoming, Inc* 211 West 19th Street, Suite 201 Cheyenne, WY 82001 *Legal Services Program* University of Wyoming P.O. Box 3035 Laramie, WY 82071	N/A
United States/ Federal Bureau of Prisons	*National Disability Rights Network* 900 Second Street, NE Suite 211 Washington, DC 20002	*ACLU National Prison Project*915 15th St NW, 7th Floor Washington, DC 20005	*Office of the Inspector General*950 Pennsylvania Avenue, NW Suite 4706 Washington, DC 20530 *Federal Bureau of Prisons, Office of the Ombudsman* (202) 307-2266

Frequently Asked Questions

What should I do if I am sexually abused?
First, you should decide whether you want to address the incident formally or informally. Formal action involves filing an official complaint and going through a formal investigation process. Informal action involves taking unofficial measures to protect yourself, such as separating yourself from your abuser if you can, or telling your abuser that his/her advances are unwelcome. Although formal action is recommended, informal action might be best for those who fear retaliation or punishment.

If you decide to take formal action, please follow the steps highlighted on page 34 of this handbook. Formal action involves filing an official complaint with a staff member at your facility. Depending on when the incident occurred, filing an official complaint may also involve completing a rape kit with a medical professional. Rape kits can be given up to 120 hours following the sexual abuse and you should not shower, use the bathroom, eat, drink or smoke cigarettes. Your facility is required to investigate all allegations of sexual abuse to a staff member. For more information on reporting and investigations please read pages 20-26.

To whom should I report sexual abuse to?
You should report the abuse to a staff member or an external organization provided by your facility. According to the PREA standards, all staff from your facility is required to immediately report any knowledge, suspicion, or information regarding sexual abuse. Staff must maintain your confidentiality and not relay any information to anyone other than extent necessary.

What happens after I report?
After you report to a staff member, your facility is required to investigate the allegation in a prompt and thorough manner. Although the PREA standards do not designate a specific time frame in which the investigation will occur, your agency should have its own policy regarding this.

I experienced sexual abuse in custody a long time ago and I was too afraid to report. Is it too late to report it now?
According to the PREA standards, there is no statute of limitations for reporting abuse that occurred in custody. Regardless of whether the incident occurred six hours ago or six years ago, you are still allowed to report the incident. You can report the incident to a trusted friend or family member, a victim services organization or to any staff member of the facility you are currently located in.

I have already reported my incident many times and nothing is happening. What should I do?
If you have exhausted your facility's reporting protocols and your situation has not been remedied, you should ask for an update on the status of your report. If you still do not receive information about the status of resolving your complaint, you

should contact external organizations. You may contact your state's Department of Corrections' office, Attorney General's office, Inspector General and sexual assault coalition. The addresses for these offices are listed in the resource contact chart beginning on page 46.

How do I receive mental health interventions?
You can seek mental health counseling from counseling staff inside the facility. If your facility offers mental health services, you should take advantage of them. If you have been sexually abused, your facility is required to provide you with mental health counseling. If you seek mental health counseling outside the facility, you can contact your state's sexual assault coalition or local rape crisis center. Addresses for state sexual assault coalitions are listed in the spreadsheet beginning on page 43.

Is all sexual conduct between staff, contractors, volunteers and inmates considered sexual misconduct or sexual abuse even if I am a willing participant?
Yes. Staff has the ultimate power in correctional settings and because of their authority to control the way an inmate serves his or her time—recreation time, visits, commissary, etc. One way in which correctional staff may abuse their power is to coerce, threaten or seduce inmates into sexual conduct in exchange for much needed items or favoritism. Inmates may feel they have to comply with these demands to get their needs met or feel safe.

Even if you feel you can control the relationship and you are a "willing" participant, it is still sexual abuse because inmates do not have the choice to end it and walk away from the "relationship" by the very nature of correctional settings. Often, inmates find that once a sexual relationship starts they can't end it even if they want to. If an inmate tries to end the relationship or threatens to report it, a staff person can make things particularly difficult for the inmate by changing work assignments, interfering with visits, threatening discipline, and sometimes threatening harm from other inmates.

Can staff have a sexual relationship with an inmate after s/he leaves prison or jail?
Generally, no. Several state laws make it a crime for corrections employee to have sex with individuals under their custody. This includes probationers or parolees. The same issues of power and control are present whenever there is a supervision relationship. Additionally, many states prohibit staff from maintaining their employment if they are married to or involved with a person under any criminal justice supervision. Some states permit former inmates and staff to marry but require that the staff provide notice to the agency. Depending on the agency's determination of the harm the relationship does to its interests, it can still terminate the staff member.

Seeking Legal Assistance

If you are looking for legal counsel from a public non-profit, you can contact the American Civil Liberties Union office in your state.

When writing to the American Civil Liberties Union, it is helpful to include the following information:

1. Name (First and Last)

2. Inmate Number

3. Facility (Name and Address)

4. Brief summary (no more than one page) of the legal issue you are asking the ACLU to consider. Your summary should include the following:

    - ✓ A description (in your own words) of what happened to you, including places, dates, and who did what
    - ✓ What you would like the ACLU to help you with
    - ✓ Information on your attorney if you have one
    - ✓ How you heard about the ACLU/ who referred you

REMEMBER: Do not include any additional materials unless they are specifically requested by the ACLU.

Additionally, there are a number of attorneys who work pro bono on issues impacting inmates, including sexual abuse. A good website to find pro bono attorneys in each state please go to www.probonolawyers.org.

You can also contact the American Bar Association's Standing Committee on Pro Bono & Public Service at: 321 North Clark Street, Chicago, IL 60654

Publications and Additional Resources

Human Rights Campaign. Transgender Americans: A Handbook for Understanding. Washington, DC: (unknown).

Vera Institute. Confronting Confinement: A Report of the Commission on Safety and Abuse in America's Prisons. Comp. by John J. Gibbons and Nicholas de B. Katzenbach. Washington, DC: June 2006.

Stop Prisoner Rape. Hope for Healing: Information for Survivors of Sexual Assault in Detention. Los Angeles, California: 2006.

Human Rights Watch. NO ESCAPE: Male Rape in U.S. Prisons. New York: April 2001.

Amnesty International. Justice for Women Prisoners: The Human Rights of Women Prisoners. New York: April 2000.

Amnesty International. Not Part of My Sentence, Violations of Human Rights of Women in Custody. New York, USA: March 1999.

Human Rights Watch. All Too Familiar: Sexual Abuse of Women in U.S. State Prisons. Comp. by Women's Rights Watch. New York: December 1996.

ENDNOTES

[1] Brenda V. Smith, An End to Silence: Women Prisoner's Handbook on Identifying and Addressing Sexual Misconduct (1st ed. 1998).

[2] Brenda V. Smith, An End to Silence: Prisoner's Handbook on Identifying and Addressing Sexual Misconduct (2nd ed. 2002).

[3] *See* Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities, 6 Fed. Reg. 13,100 (Mar. 7, 2014) (to be codified at 6 C.F.R. pt. 115).

[4] Prison Rape Elimination Act, 42 U.S.C. § 15601(2) (2012).

[5] Bureau of Justice Statistics, Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-2012 (2012), *available at* http://www.bjs.gov/content/pub/pdf/svpjri1112.pdf.

[6] Bureau of Justice Statistics, Sexual Victimization Reported by Adult Correctional Authorities, 2009-2011 (2011), *available at* http://www.bjs.gov/content/pub/pdf/svraca0911.pdf.

[7] Bureau of Justice Statistics, Sexual Victimization Reported by Former State Prisoners, 2008 (2008), *available at* http://www.bjs.gov/content/pub/pdf/svrfsp08.pdf.

[8] National Prison Rape Elimination Commission, Final Report 3-21 (2009) [hereinafter Commission Report].

[9] *See generally* Prison Rape Elimination Act National Standards, 28 C.F.R. § 115 (2012).

[10] *See* 28 C.F.R. § 115.15. The ban on cross gender pat down searches of female inmates will be effective on August 20, 2015 and August 21, 2017 for facilities with fewer than fifty inmates. *Id.* § 115.15(b).

[11] In Juvenile facilities, PREA training must be provided within 10 days of intake. *Id.* § 115.333(b).

[12] *See id.* §§ 115.16, 115.33

[13] *See id.* §§ 115.21, 115.22

[14] *See id.* §§ 115.41,115.42

[15] *See id.* § 115.43

[16] *See id.* §§ 115.51, 115.52, 115.54

[17] *See id.* § 115.67

[18] *See id.* § 115.73

[19] *See id.* §§ 115.76-115.78

[20] *See id.* §§ 115.82-115.83

[21] New Jersey and New Hampshire reported their compliance with the National PREA Standards. *See* Bureau of Justice Statistics, States' and Territories' Responses to the May 15, 2014 Prison Rape Elimination Act Deadline 1 (2014), *available at* www.bja.gov/Programs/PREAcompliance.pdf. www.bja.gov/Programs/PREAcompliance.pdf.

[22] *See id.*

[23] *See id.*

[24] *See* 28 C.F.R. § 115.41.

[25] *See* An End to Silence: Prisoner's Handbook on Identifying and Addressing Sexual Misconduct, *supra* note 2.

[26] 28 C.F.R. § 115.82.

[27] *Id.* § 115.51.

[28] *Id.* § 115.83

[29] *See id.* § 115.73(a).

[30] *See id.* § 115.73 (c).

[31] *See id.* § 115.73(d).

[32] Commission Report at 16-19.

[33] *See* Bureau of Justice Statistices, Sexual Violence Reported by Correctional Authorities, 2005, 6 (2006), *available at* http://www.bjs.gov/content/pub/pdf/svrca05.pdf; Bureau of Justice Statistics, Sexual Violence Reported by Correctional Authorities, 2006, 5 (2007), *available at* http://www.bjs.gov/content/pub/pdf/svrca06.pdf; Bureau of Justice Statistics, Jail Inmates at Midyear 2010 – Statistical Tables, 8 (2011), *available at* http://www.bjs.gov/content/pub/pdf/jim10st.pdf.

[34] Department of Justice, Announcement of National Standards to Prevent, Detect, and Respond to Prison Rape 45 (2012), *available at* http://www.ojp.usdoj.gov/programs/pdfs/prea_final_rule.pdf.

[35] Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-2012, *supra* note 5, at 7.

[36] *Id.* at 18.

[37] *See* 28 C.F.R. § 115.42 (f).

[38] *See id.* § 115.42 (g).

[39] *See id.* § 115.42 (c).

[40] *See id.* § 115.42 (d).

[41] *See id.* § 115.15 (e).

[42] *See id.* § 115.6.

[43] *See* The Project on Addressing Prison Rape, *Fifty State Survey of Mandatory Reporting Statutes*, 1, 1-360 (2014), http://www.wcl.american.edu/endsilence/documents/50statesurvey-mandatoryreporting2014updates.pdf.

[44] *See Grummett v. Rushen*, 779 F.2d 491, 493-96 (9th Cir. 1985); *See Cookish v. Powell*, 945 F.2d 441, 448-49 (1st Cir. 1991); *Byrd v. Maricopa Cnty. Sheriff's Dep't*, 629 F.3d 1135, 1142 (9th Cir. 2011).

[45] *See Smith v. Fairman*, 678 F.2d 52, 53-55 (7th Cir. 1982); *Timm v. Gunter*, 917 F.2d 1093, 1100-03 (8th Cir. 1990).

[46] The Fourteenth Amendment provides pre-trial detainees with as much protection as the Eighth Amendment, but no more. *See Whitley v. Albers*, 475 U.S. 312, 327 (1986). A Fourteenth Amendment due process claim protects pre-trial detainees, while an Eighth Amendment claim protects inmates who have been convicted and are serving their sentence when the alleged sexual abuse occurs. As a result, when an inmate brings both 14th and 8th Amendment claims, the court generally decides the case under the 8th Amendment. *See id.*; *see also Dixon v. Sutton*, No. 2:08-CV-745-WC, 2011 WL 1770295, at *1, 13 (M.D. Ala. May 9, 2011). Pre-trial detainees who bring Fourteenth Amendment claims must show that the jail or prison official acted with deliberate indifference to the detainee's rights. *See Brown v. Harris Cnty.*, 409 Fed. App'x 728, 730 (5th Cir. 2010). This means that the jail or prison official must know of and disregard an excessive risk to inmate health or safety. *Id.*

[47] *See Ojo v. Hillsborough Cnty. Dep't of Corr.*, No. 12-cv-204-SM, 2012 WL 4513944, at *1, 2 (D. N.H. Sept. 25, 2012).

[48] *See Norris v. Jackson*, No. 1:12CV-P167-M, 2012 WL 4857832, at *1, 2 (W.D. Ky. Oct. 11, 2012).

[49] *See Millbrook v. U.S.*, No. 2:10-CV-245-WTL-WGH, 2012 WL 1014977, at *1, 2 (S.D. Ind. Mar. 23, 2012).

[50] *See* 28 U.S.C. § 2680(a) (2012).

[51] *See Shaw v. District of Columbia*, 944 F. Supp. 2d 43, 54-64 (D.D.C. 2013).

[52] *See Davis v. US*, 474 F. Supp. 2d 829, 831-32 (N.D. Tex. 2007).

[53] *See* 28 C.F.R. §§ 115.5, § 115.6 for definitions related to sexual abuse.