

Guadalupe Smallwood
9177 N 97th Dr
Peoria, AZ 85345
Yesenia214.Ys@gmail.com

September 24, 2024

The Honorable Senator Cory Booker's
United States House of Representatives of New Jersey
717 Hart Senate
Office Building
Washington, DC 20510

Re: Support for Strengthening PREA Standards and Enforcement

Dear Senator Booker's

I am writing to urge you to take action to strengthen the enforcement and implementation of the Prison Rape Elimination Act (PREA) to protect the safety and dignity of incarcerated individuals. As you know, PREA, which was enacted in 2003, set national standards to prevent, detect, and respond to sexual abuse and harassment in correctional facilities. However, despite significant progress, sexual violence remains a widespread and critical issue in our nation's prisons and jails.

According to the most recent Bureau of Justice Statistics report, thousands of incarcerated people continue to experience sexual abuse annually. Many of these individuals are among society's most vulnerable—youth, LGBTQ+ individuals, and those with mental health conditions—who are disproportionately impacted by these heinous acts of violence. While PREA provides a crucial framework for combating this issue, more must be done to ensure its effective implementation.

I am asking for your support in the following areas:

1.- Strengthening Accountability Mechanisms

I encourage Congress to explore stronger mechanisms for holding facilities accountable for violations of PREA standards. This may include expanding oversight by the Department of Justice or ensuring that non-compliant facilities face tangible consequences.

2.- Support for Survivors

Incarcerated survivors of sexual abuse often face significant barriers in accessing the medical and mental health care they need. Please consider supporting legislation that improves access to trauma-informed care for survivors within correctional facilities

3.- Increased Funding Grants for PREA Compliance

Many correctional facilities, especially at the state and local levels, lack the resources to fully implement PREA standards. Increased federal funding is critical to ensure proper training for staff, the creation of safe reporting systems, and the availability of victim services.

4. Correctional Facilities' Accountability

- Compliance with PREA Standards: Correctional facilities (prisons, jails, juvenile detention centers) must implement and adhere to PREA standards. This includes adopting zero-tolerance policies

for sexual abuse and harassment, creating avenues for reporting abuse, and conducting regular training for staff and inmates.

- **PREA Out Size Audits:** Facilities are subject to regular PREA audits, which are conducted by certified auditors. These audits assess the extent to which facilities comply with the PREA standards, and non-compliance can result in penalties, including loss of federal funding.
- **Staff Training:** Staff must receive proper training on how to prevent, detect, and respond to sexual abuse incidents. They must understand reporting protocols, know how to protect victims, and ensure that retaliation against those who report abuse does not occur.

5. Government and Oversight Agencies

- **Department of Justice (DOJ):** The DOJ is responsible for overseeing the enforcement of PREA standards. It can take action against non-compliant facilities, including reducing federal grant funds.
- **State and Local Governments:** State and local governments must ensure their correctional facilities comply with PREA standards. States that fail to meet PREA compliance may lose a percentage of their federal funding for prisons unless they certify compliance or provide an assurance that the funds will be used to meet PREA standards.
- **Congressional Oversight:** Congress plays a role in ensuring PREA is enforced by allocating funds, demanding accountability from the DOJ, and updating legislation to strengthen the Act if necessary.

6. Prison Staff and Administrators

- **Duty to Report:** Staff and administrators are accountable for immediately reporting any incidents or allegations of sexual abuse. Failure to report or covering up incidents can lead to disciplinary actions, including termination and criminal prosecution.
- **Investigations:** Once an incident is reported, it must be thoroughly investigated by trained investigators, with proper documentation. Investigators must be impartial and ensure that victims are not retaliated against or further harmed.

7. Auditors and Independent Reviewers

- **Certified PREA Auditors:** These individuals are responsible for conducting independent audits of correctional facilities to assess their compliance with PREA standards. Auditors must follow the PREA audit methodology and submit honest, detailed reports to the DOJ.
- **Transparency and Reporting:** Auditors are accountable for providing accurate, transparent reports. These reports must be made public to ensure oversight and to inform the public and government agencies about the facility's compliance status.

8. Inmate Accountability

- **Inmate Education:** Facilities must ensure that inmates are educated about their rights under PREA, how to report sexual abuse, and the protection available to them if they do so. Inmates must be encouraged to report incidents without fear of retaliation or punishment.

Mental Health support : Immediate Mental health support for victims, who has been a victim of Sexual Abuse while in custody.

9. Victim Services and Advocacy Groups

- **Access to Support Services:** Correctional facilities must provide access to victim services such as medical care, mental health counseling, and legal support. These services must be readily available and confidential.
- **Advocate Role:** Victim advocates and external agencies that work with survivors of sexual abuse within correctional facilities are accountable for ensuring that victims receive proper care, representation, and assistance in navigating the reporting and recovery process.

10. Law Enforcement and Prosecutors

- **Criminal Prosecution:** Law enforcement agencies and prosecutors are responsible for investigating and prosecuting cases of sexual abuse that occur in correctional facilities. Failure to pursue allegations can undermine the integrity of PREA enforcement.
- **Collaboration with Facilities:** Law enforcement must work with correctional facilities to ensure thorough investigations and prosecutions while protecting the rights of the victim throughout the process.

Mechanisms for Strengthening Accountability:

1. **Transparency in Reporting:** Facilities and oversight bodies must publish reports on PREA compliance, including audit results, number of reported incidents, and outcomes of investigations.
2. **Whistleblower Protections:** Ensure that staff and inmates who report sexual abuse are protected from retaliation. This fosters a culture of accountability and encourages reporting.
3. **Stronger Sanctions for Non-Compliance:** Imposing stronger penalties (such as higher financial penalties or stricter legal consequences) on facilities that fail to comply with PREA standards can increase accountability.
4. **Advocacy and Public Engagement:** Non-governmental organizations and advocacy groups can play a role in holding facilities accountable by pushing for reforms, raising awareness, and providing oversight where government bodies may fall short.

In conclusion, accountability is key to the success of PREA in preventing sexual abuse in correctional facilities. It involves a range of actors, from facility administrators and staff to governmental oversight bodies, auditors, and advocates. Strengthening these accountability mechanisms ensures the continued protection of incarcerated individuals and holds those responsible for abuse or negligence accountable. By supporting these measures, Congress can reaffirm its commitment to the safety and human rights of incarcerated individuals. I appreciate your time and consideration of this important issue, and I hope to see progress in our collective effort to end sexual violence in correctional settings.

Thank you for your service to our nation and your attention to this urgent matter. I would be happy to discuss this issue further or provide additional information as needed.

Sincerely,

Guadalupe Smallwood