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The Prison Rape Elimination Act of 2003 and Law Enforcement Agencies:

Policy Development Guide

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Table of Contents

	Page
Purpose: Policy Development Guide	4
What is PREA and Why Does Law Enforcement Need to Know?	4
How Does PREA Apply To Lock-Ups and Temporary Holding Cells?	5
Definitions Used in This Guide	5
How Do I Know If My Agency Needs to Update Policies?	5
FAQs	6
PREA Definitions	7
What's Next?	8
Review Policies and Procedures	9
• Administrative Policy Definitions and Coverage	9
• Reporting Policy and Procedures	9
• Training	10
• Arrestee/detainee Security and Protections	10
• Physical Plant Assessment – Assuring Arrestee Safety	11
• Court Security and Arrestee Transport	12
• Investigations	12
• Aftermath Management	12
Resources	13
Appendix A – Suggested Risk Assessment Criteria	15
Appendix B – Suggested Physical Plant Assessment Criteria	19
About the Authors	24

Purpose: Policy Development Guide

The purpose of this Policy Development Guide is to encourage law enforcement executives to review their agency's policies and procedures to ensure that those arrested and detained are safeguarded from both sexual assault by other arrestees or detainees, and from staff sexual misconduct. This initiative is guided by the Prison Rape Elimination Act of 2003. To read PREA, go to http://www.wcl.american.edu/nic/Articles_Publications/Prison_Rape_Elimination_Act_of_2003.pdf?rd=1

This Guide suggests policies, procedures, training, arrestee risk assessment, and physical plant issues that law enforcement executives should review in light of PREA. It is designed to help agencies develop, and, if needed, update policies and procedures. Appendices are included with more in-depth information about arrestee risk assessment and review of the physical plant.

The Commission on Accreditation for Law Enforcement Agencies, Inc., Standards for Law Enforcement Agencies, Fourth Edition, includes relevant standards which are referenced here. These chapters are: Chapter 71, Prisoner Transportation, Chapter 72, Holding Facility, and Chapter 73, Court Security.

What is PREA and Why Does Law Enforcement Need to Know?

The Prison Rape Elimination Act (PREA) of 2003 is a Federal law which:

- Addresses the detection, elimination and prevention of sexual assault and rape in correctional systems;
- Develops national standards of compliance and accountability, and punishment for failure to comply with said standards;
- Collects and disseminates information on the incidence of prison rape; and
- Awards grants and technical assistance to help agencies implement the Act.

For purposes of PREA, the term "prison" applies to all federal, state, and local prisons, jails, police lock-ups, temporary holding cells, private facilities, and community settings such as residential facilities. The term "arrestee" applies to *any* person held in a custodial setting for *any* length of time by *any* of the facility types mentioned above.

PREA requires the Bureau of Justice Statistics (BJS) to collect data about the prevalence of sexual violence. BJS has conducted administrative record reviews in jails and prisons and will be working to collect data from holding facilities operated by law enforcement agencies. As part of thinking about the agency's response to PREA, a review of record keeping and reporting should be included. This will help the agency more effectively respond to BJS when administrative

record reviews are requested. For more information about BJS' work, go to: http://www.ojp.usdoj.gov/bjs/abstract/dcprea03.htm

How Does PREA Apply To Lock-Ups and Temporary Holding Cells?

PREA focuses agencies which operate any lock-ups or temporary arrestee/detainee holding cells on the protection of arrestees/detainees from sexual violence by other arrestees/detainees, and from sexual misconduct with employees. Standards to more clearly direct agencies are in development by the National Prison Rape Elimination Commission (www.nprec.us). In the meantime, agencies can review operations with PREA In mind, and update and enhance arrestee/detainee safety.

Definitions Used in This Guide

For the purposes of this Guide, "arrestee" is defined as any person who is placed under arrest, with or without a warrant, by an authorized law enforcement officer, and is no longer free to leave the officer's presence. "Detainee" is defined as a person, post-arrest, who is held in a secure location from which he/she is not free to leave pending completion of the arrest process, held awaiting pre-trial activities (e.g. interview with pre-trial services, interview with an organization that may post bond), or held for the next available court date if no release is made from custody.

These terms are used interchangeably in this Guide. As PREA is interpreted to apply to those arrested and those detained, policies, procedures and training should address the continuum of in-custody circumstances.

"Holding facility" is defined as a place of temporary confinement in which individuals are secured following an arrest pending interview, arraignment, adjudication, release, or awaiting transfer to another facility. The term "lock-up" is used interchangeably with holding facility. A holding facility, or lock-up, can include one room in which an arrestee is secured and/or prevented from leaving, or a stand alone facility holding many arrestees. For the purposes of this Guide, holding facilities may also refer to the "booking" area inside a larger jail in which new arrestees are held awaiting processing.

How Do I Know If My Agency Needs to Update Policies?

Law enforcement agencies are obligated to safeguard the well-being of those arrested and detained by their agencies. This includes defining professional boundaries for staff regarding their interaction with those in their custody as well as providing clear policy and guidelines to prevent sexual violence and abuse between arrestees/detainees. While it seems chilling to acknowledge that some

staff might not know these professional boundaries, evidence of this unprofessional, and in some states, illegal activities on the part of employees continue to occur. Defining prohibited behaviors and holding violators accountable is part of the prevention strategy.

Here are questions to ask to determine if your agency needs to update policies and procedures that support efforts to safeguard arrestees and detainees, and address and prevent staff sexual misconduct with arrestees and detainees:

1. Does agency policy specifically define and prohibit sexual misconduct, sexual abuse, sexual harassment and sexual violence between arrestees/detainees and between arrestees/detainees and employees?

2. Do employees receive training specific to these issues?

3. Do employees possess the knowledge, experience and skills to safely and effectively manage those in custody?

4. Are arrestees screened to identify risks they potentially pose during the time they are held – medical, mental health, identification of vulnerable victims, and identification of possible predators?

5. Is the physical plant sufficient to protect arrestees? Is there regular maintenance to assure the facility is safe?

6. Is the agency committed to investigating all allegations of arrestee/arrestee sexual violence and all allegations of staff sexual misconduct with arrestees?

FAQs[1]

1. **Can the agency be sued for not complying with PREA?**
   No. PREA does not create any right to sue. However, you are already required by federal and state law to operate within Constitutional requirements and assure the safety of those in your custody. All states have laws prohibiting sexual misconduct. More importantly, there is an ethical responsibility to protect the safety of staff and those in one's custody. Failure to protect can result in civil liability for the organization, supervisors and staff, both personally and professionally.

2. **What are the consequences for not complying with PREA?**
   If your agency fails to comply with the standards when they are disseminated, you will face a 5% reduction of federal funding for each year you fail to meet the standards. Failure to comply with the standards could also be evidence in

[1] The work of The Moss Group and the National Institute of Corrections is acknowledged in this section, as portions of their work have been updated and included in this document.

a civil trial that you are not meeting the standard of care necessary to ensure arrestee/detainee safety.

3. **What if we only operate a small lock-up, or have only a small number of holding cells?**
   PREA is applicable to the smallest, one-room lock-up, as well as lock-ups that hold hundreds of detainees each day.

4. **We have no reports of staff sexual misconduct or arrestee-arrestee sexual assault. Why should we be concerned about PREA?**
   No facility, whether large or small, is immune to staff sexual misconduct and arrestee sexual assault. Some agencies may find that they don't receive reports about incidents, which is generally the result of a lack of training, a strong "code of silence," or unclear or compromised reporting mechanisms for employees and arrestees. Agencies that have no reports of such incidents should examine their reporting procedures to insure that administrators are receiving allegations and investigating them appropriately.

5. **What about arrestees who either manipulate the system using PREA or make false allegations against employees?**
   Often, administrators or employees are understandably concerned that addressing PREA-related issues in policy and procedure, and educating arrestees of their right to be safe while in custody, may result in false accusations or reports of misconduct. Experience has shown that there may be an initial spike in reporting, or reports that "test" the system. However, this usually stops when both employees and arrestees realize that there will be thorough and timely investigations—of all arrestees—and consequences for those who make false reports.

6. **What if the prosecutor isn't interested in cases of allegations of staff sexual misconduct or arrestee-arrestee sexual assault?**
   Educating prosecutors about the security implications of sexual misconduct and sexual assault can help gain the support of prosecutors. The prosecutor can provide advice about how to better investigate cases, and having the prosecutor's cooperation increases the likelihood of a prosecution. Even if a local prosecutor ultimately decides not to review or prosecute a case, your agency still has an obligation to thoroughly investigate allegations and present your findings.

PREA Definitions:

The following are the behaviors PREA addresses:

Nonconsensual sexual acts

- Contact of any person without his or her consent, or of a person who is unable to consent or refuse; and

- Contact between the penis and the vagina or the penis and the anus including penetration, however slight; or
- Contact between the mouth and the penis, vagina, or anus; or
- Penetration of the anal or genital opening of another person by a hand, finger, or other object.

Abusive sexual contacts

- Contact of any person without his or her consent, or of a person who is unable to consent or refuse; and
- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
- Excluding incidents in which the intent of the sexual contact is to harm or debilitate rather than sexually exploit.

Staff sexual misconduct

- Any behavior or act of a sexual nature directed toward an inmate by an
    - Employee, volunteer, official visitor, or agency representative. Romantic relationships between staff and inmates are included. Consensual or nonconsensual sexual acts include:
        - Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire; or
        - Completed, attempted, threatened, or requested sexual acts; or
        - Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification.

Staff sexual harassment

- Repeated verbal statements or comments of a sexual nature to an inmate by an employee, volunteer, official visitor, or agency representative, including:
    - Demeaning references to gender or derogatory comments about body or
    - clothing; or
    - Profane or obscene language or gestures.

What Next?

Law enforcement agencies are urged to review the following topics and consider if their agency's policies and procedure are sufficient in light of PREA. Guidance on the specific contents of policies and practices are noted in the **Resources** section of this Guide.

Review of Policies and Procedures

The following statements are for agencies to consider as policies and procedures are triaged. Agencies are encouraged to consider the implications for assuring arrestee/arrestee sexual violence and staff sexual misconduct with arrestee.

ADMINISTRATIVE POLICY DEFINITIONS AND COVERAGE

1. The agency has a zero tolerance policy for staff sexual misconduct with arrestees – meaning that all allegations are reported and investigated.

2. Agency policy defines specific prohibited behaviors between arrestees and employees; and between arrestees regarding sexual contact, sexual assault, and sexual harassment.

3. Agency policy prohibits sexual contact and/or violence between arrestees/detainees.

4. Definitions included in agency policies are consistent with those used by the Bureau of Justice Statistics and relevant state criminal statutes.

5. Agency policy prohibits staff sexual harassment of arrestees by employees, as well as defining what constitutes sexual harassment of arrestees.

6. Agency policy commits the agency to investigating all allegations of arrestee/arrestee sexual violence and staff sexual misconduct with arrestees.

7. Contracts with vendors and others, who provide services to the agency, require contractors to follow the agency's policy on sexual abuse, sexual violence and sexual misconduct.

8. Medical and mental health protocols exist for arrestees who allege sexual assault and/or misconduct including referral to the local sexual assault treatment center.

REPORTING POLICY & PROCEDURES

9. Agency policy requires mandatory employee reporting of allegations of both sexual violence between arrestees/detainees, and staff sexual misconduct with arrestees/detainees.

10. Agency policy prohibits retaliation against either an arrestee/detainee or

employee who report allegations of misconduct – whether the misconduct involves employees or arrestees.

11. How to report allegations of sexual assault or staff misconduct while in custody is available to the public.

12. Agency policy specifies a record keeping and report format to allow data to be retrieved for reporting to the Bureau of Justice Assistance.

13. Agency policy provides for safeguarding detainee records. (CALEA 72.1.3)

14. Agency policy addresses on-and-off duty fraternization between employees and individuals arrestees and/or detained by the agency.

TRAINING

15. Agency policy provides for training all employees, volunteers and contractors regarding agency policies on arrestee/arrestee sexual violence and staff sexual misconduct with arrestees. This training address, at a minimum:

- definitions,
- reporting requirements,
- signs of sexual violence,
- how to access medical and mental health care for arrestees/detainees, including referral to the sexual assault treatment center.

Employees who are assigned to areas in which arrestees/detainees are held have training on risk assessment tools.

ARRESTEE/DETAINEE SECURITY AND PROTECTIONS[2]

16. Agency policy specifies who has access to holding cells. (CALEA 72.1.2)

17. Arrestees and detainees are notified of their right to be safe while in custody as well as the prohibited acts and ways to report allegations.

18. The agency has a screening process to assess arrestees' risk including mental health, medical, suicide, criminal history and potential for sexual violence, and vulnerability for victimization. [See Attachment A for

[2] There are specific CALEA standards for the physical plant which may also provide guidance to law enforcement executives as the physical plant is reviewed. The standard number is referenced, and the complete standard language, along with the commentary can be found in the standards' manual.

suggestions.]

19. Employees working with arrestees in the holding facility are trained in the use of arrestee screening, risk assessment and physical plan assessment tools.

20. There is a specific policy describing the steps employees will take to safeguard those individuals identified during the risk assessment process as either vulnerable and/or potentially predatory arrestees.

21. Agency policy requires regular security and wellness checks of arrestees/detainees.

22. Agency policy describes medical and mental health care available to arrestees during their detention, and how this care is accessed.

23. The agency has a Memorandum of Agreement, or similar documentation, with local emergency medical providers for the care of arrestees/detainees.

24. There are specific procedures for arrestee/detainee suicide prevention.

25. Agency policy defines the circumstances that an officer may enter a holding cell. (CALEA 72.4.2)

26. Agency policy defines when cross-gender supervision and/or surveillance of arrestees is permitted and/or prohibited.

27. Arrestees have access to showers and personal hygiene facilities, such as sinks or wash basins, with fresh, potable water. (CALEA 72.2.1)

28. The holding area has the capacity/system for arrestees/detainees to alert employees of an emergency. (CALEA 72.4.8)

29. Agency policy addresses how and when hygiene kits are provided to arrestees.

PHYSICAL PLANT ASSESSMENT – ASSURING ARRESTEE SAFETY

30. There is surveillance of arrestees/detainees (video monitoring, by employees, visual line-of-sight, etc.).

31. There are an adequate number of holding cells to separate arrestees for their safety.

COURT SECURITY AND ARRESTEE TRANSPORT

32. The agency has policies and procedures to safeguard arrestees from sexual violence by other arrestees and from staff sexual misconduct during transport to and from court.

33. The agency has policies and procedures to safeguard arrestees/detainees from sexual violence from other arrestees, and from staff sexual misconduct while they are detained in court holding areas/cells.

INVESTIGATIONS

34. Agency policy governs investigations of allegations of staff sexual misconduct, and arrestee-arrestee sexual violence/abuse.

35. If the agency does not have the authority to conduct criminal investigations, a memorandum of understanding exists with the organization responsible to conduct these investigations.

36. Employee assistance programs are available for employees named in allegations as a perpetrator, a witness or a complainant.

37. The agency records information and data regarding allegations and the results of investigations.

38. The results of criminal investigations are referred for prosecutorial review, and if warranted, criminal prosecution.

AFTERMATH MANAGEMENT

39. Agency policy addresses regular review and analysis of allegations to improve arrestee safety, and identify patterns or potential problems/risks.

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Resources

Addressing Sexual Violence in Prisons: A National Snapshot of Approaches and Highlights of Innovative Strategies
http://www.urban.org/UploadedPDF/411367_psv_programs.pdf

Arrestee/Detainee Suicide Prevention
"Model Suicide Prevention Programs: Part I", *Jail Suicide/Mental Health Update*, A Joint Project of the National Center for Institutions and Alternatives and the National Institute of Corrections, U. S. Dept. of Justice, Summer 2005, Volume 14, Number 1, page 6.
http://www.ncianet.org/suicideprevention/publications/update/summer2005update.pdf

Data Collections for the Prison Rape Elimination Act of 2003
http://www.ojp.usdoj.gov/bjs/pub/pdf/dcprea03.pdf

PREA Statute
http://www.wcl.american.edu/nic/Articles_Publications/Prison_Rape_Elimination_Act_of_2003.pdf?rd=1

Reports/Articles:

Commission on Accreditation for Law Enforcement Agencies, Inc., Standards for Law Enforcement Agencies: The Standards Manual of the Law Enforcement Agency Accreditation Program, Fourth Edition, November 2001, Fairfax, Virginia. www.calea.org Chapter 71, Prisoner Transportation, Chapter 72, Holding Facility

Confronting Confinement: A Report of the Commission on Safety and Abuse in America's Prisons
http://www.prisoncommission.org/report.asp

End to Silence, website of the Washington College of Law, The American University
http://www.wcl.american.edu/nic/

Jordan, Andrew, Marcia Morgan and Michael McCampbell, "The Prison Rape Elimination Act: What Police Chiefs Need to Know", *Police Chief Magazine,* International Association of Chiefs of Police, vol. 73, no. 4, April 2006,
http://policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=864&issue_id=42006

McCampbell, Michael S., "Prison Rape Elimination Act: Impact on Police Chiefs of the Prison Rape Elimination Act," *Subject to Debate*, Police Executive Research Forum, September 2005, Vol. 19, No. 9, page 5, http://www.policeforum.org/upload/V19-N09%20P%5B1%5D_715866088_12302005143917.pdf

McCampbell, Susan W. and Elizabeth P. Layman, "Investigating Allegations of Staff Sexual Misconduct with Inmates: Myths and Realities."
http://www.wcl.american.edu/nic/Articles_Publications/Investigating_Allegation_of_taff_Sexual_Misconduct.pdf?rd=1

Sexual Violence Reported by Correctional Authorities, 2004
http://www.ojp.usdoj.gov/bjs/pub/pdf/svrca04.pdf

Sexual Violence Reported by Correctional Authorities, 2005
http://www.wcl.american.edu/nic/documents/BeckandHarrison_BJSReport2005_000.pdf?rd=1

Simonian, Nairi M. and Brenda V. Smith. "Integrity in Jail Operations: Addressing Employee/ Offender Relationships." American Jails. July/August 2006: 9-19.
http://www.wcl.american.edu/nic/documents/AJA_Final.pdf?rd=1

Simonian, Nairi M. and Brenda V. Smith. "Policy on Worker Relations Helps Ensure Office Integrity." Sheriff May-June 2006: 27-28.
http://www.wcl.american.edu/nic/documents/5.SheriffMagazine_WorkerRelationsPolicies.pdf?rd=1

Staff Perspectives: Sexual Violence in Adult Prisons and Jails: Trends from Focus Group Interviews
http://nicic.org/Downloads/PDF/Library/021619.pdf

Stop Prisoner Rape, Call for Change: Protecting the Rights of LGBTQ Detainees, May 2007 http://www.champnetwork.org/media/callchange.pdf

Stop Prisoner Rape, How Well is Your Institution Meeting the Goals of the Call for Change, May, 2007, http://www.spr.org/index.asp

Web Sites:

American with Disability Act - http://www.usdoj.gov/crt/drs/drshome.htm

Bureau of Justice Assistance – http://www.ojp.usdoj.gov/BJA

Bureau of Justice Statistics - http://www.ojp.usdoj.gov/bjs/abstract/dcprea03.htm

National Institute of Corrections www.nicic.org

Prison Rape Elimination Commission www.nprec.us

Stop Prisoner Rape – www.spr.org

Training Materials:

- http://www.wcl.american.edu/nic/training.cfm

Appendix A

Suggested Arrestee Criteria for Risk Assessment

Note: Below are suggested areas for arrestee risk assessment. The goal of arrestee/detainee risk assessment is to assure that arrestees/detainees are screened and action taken to protect arrestees/detainees from sexual violence/assault/contact with other arrestees/detainees; and from staff sexual misconduct. These suggested areas are not meant to be all inclusive. The law enforcement agency is urged to work with their public health organization and other medical providers to develop a form. Training on the use of the form is critical for employees who will be screening newly arrived arrestees/detainees. Check the resource section of this Guide for other resources.

Observations of the Arresting Officer:	
1.	Does arrestee exhibit behaviors indicating mental health issues?
2.	Did family/bystanders indicate arrestee has mental health issues?
3.	Is arrestee currently or in the past under psychiatric treatment?
4.	Does arrestee exhibit or express any suicidal signs or symptoms?
5.	Does arrestee have a history of suicidal signs or symptoms?
6.	Does arrestee appear anxious or unusually nervous?
7.	Does arrestee appear to be hallucinating?
8.	Is arrestee acting irrationally?
9.	Is arrestee hearing voices?
10.	Is arrestee crying or tearful?
11.	Did bystanders indicate arrestee had been using drugs/alcohol?
12.	Is the arrestee intoxicated – drugs or alcohol?
13.	Is arrestee confused, unfocused, or unable to concentrate?

Initial Arrestee Intake:	
14.	Is the arrestee bleeding or have other injuries needing immediate medical attention?
15.	Is arrestee unconscious or in and out of consciousness?
16.	Is the arrestee complaining of acute pain/trauma?
17.	Is the arrestee exhibiting significant mental health concerns indicating an emergency?

Mental Health Concerns: Does arrestee:	
18.	Appear anxious?
19.	Appear to be hallucinating?
20.	Hears voices?
21.	Is unfocused and/or unable to concentrate?
22.	Crying without appropriate reason?
23.	Withdrawn and unresponsive?
24.	Is the arrestee under current psychiatric care/treatment?
25.	Does arrestee have history of psychiatric treatment?

26.	Is arrestee developmentally disabled, either by appearance or obvious low functioning?
27.	Is the arrestee currently taking psychotropic medication, either prescribed or not. If yes, what medication(s): If yes, name of prescribing physician Does the arrestee possess medication? Did the family provide the medication?

Suicide Prevention:[3]	
28.	Is the nature of the charged offense such that arrestee could be suicidal?
29.	Does the arrestee express excessive shame/humiliation?
30.	Are there scars indicating previous suicide attempts?
31.	Is this a first arrest?
32.	Is the arrestee intoxicated?
33.	Is the offense sexual in nature and involving a minor?
34.	Have there been past attempts of suicide?
35.	Is there a history of alcohol/drug involvement?
36.	Does the arrestee voice a desire for self-harm?
37.	Is the arrestee isolated within the community (no family, friends)?

Medical Screening:	
38.	Is arrestee under current medical care? If yes, what type of care? Name of physician:
39.	Is arrestee pregnant and/or nursing?
40.	Does arrestee indicate he/she is in pain?
41.	Are there signs of swelling? Visible trauma, such as bruises, lacerations, signs of infection, etc.?

[3] For more information on suicide prevention screening guidelines see: "Model Suicide Prevention Programs: Part I", *Jail Suicide/Mental Health Update*, A Joint Project of the National Center for Institutions and Alternatives and the National Institute of Corrections, U. S. Dept. of Justice, Summer 2005, Volume 14, Number 1, page 6.
http://www.ncianet.org/suicideprevention/publications/update/summer2005update.pdf

42.	Is arrestee bleeding?
43.	Is arrestee sweating profusely?
44.	Does the arrestee have sutures, bandages, a cast, or other indication of previous injury or medical concern?
45.	Is the arrestee's skin color such that there may be a medical concern?
46.	Are arrestee's pupils normal?
47.	Are there signs of drug/alcohol withdrawal?
48.	Does arrestee admit to current addiction? If so, what specific substances?
49.	Evidence or complaint of asthma or breathing problems?
50.	Diabetes?
51.	Seizures?
52.	Pregnancy?
53.	Epilepsy?
54.	Cardiac history or issues?
55.	High or low blood pressure?
56.	Hepatitis?
57.	Tuberculosis?
58.	Admits current or past drug use?
59.	Admits current or past alcohol abuse?
60.	Is movement impaired, such as wheelchair, crutches, amputation, etc.?
61.	Current medications? Name of prescribing physician:
62.	Are the required medications in the arrestee's current possession?

Sexual Violence / Victimization	
63.	Is arrestee intoxicated?
64.	Is arrestee fearful?
65.	Does arrestee indicate homosexuality?
66.	Does the arrestee indicate he/she is a transsexual or inter-sexual person?
67.	Does physical stature indicate potential victimization?
68.	Does physical stature indicate potential predator?
69.	Is there a criminal history of sexual offenses?
70.	Is there a history of victimization (rape, assault, etc.)
71.	Is arrestee developmentally disabled?
72.	Does arrestee's mental state indicate potential for victimization?
73.	Does arrestee's age (old, young) indicate potential for victimization?
74.	Does arrestee's physical appearance indicate potential for victimization?
75.	Is arrestee aggressive, angry?

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Appendix B

Physical Plant Assessment

Note: It is recommended that agency's policies require periodic assessment of the physical plant in which arrestees are detained. For the purposes of this assessment, it is assumed that the facility complies with all local fire and health codes. This list is not intended to be all inclusive. Agencies are encouraged to request periodic inspections of the holding facility by the local fire authority.

FIRE SAFETY / LIFE SAFETY	
Fire Extinguishers	
1.	Regularly inspected, date of inspection displayed.
2.	Mounted, clearly marked, and easily accessible.
3.	Appropriate types of fire extinguishers are deployed. (Consult with local fire authority.)
Fire Loads	
4.	Areas have appropriate fire suppression equipment (extinguishers, sprinklers, etc.) for the specific fire load in that area (file rooms, telephone equipment rooms, janitorial closets, other storage areas, etc.)
Combustible materials	
5.	Combustible materials removed and outside of facility and sally port.
6.	Stored in permissible containers.
7.	Smoking prohibited with signs posted.
8.	Cleaning and janitorial supplies are stored properly.
9.	Chemicals and cleaning supplies are properly controlled and the use documented.
Egress	
10.	Agency has a written emergency evacuation plan (CALEA 732.3.2).
11.	Exits are posted, marked (painted), with diagram .
12.	Exits are kept clear and accessible and inspected daily.

13.	Exits are located within code/ordinance requirements.
14.	Emergency lighting in working order and in accordance with local code requirements.
15.	Emergency keys exist and can override electronic releases.
16.	Emergency cell lock releases exist and are in working order.
17.	Staff are familiar with and have access to emergency keys and emergency cell lock releases.
18.	Smoke and fire detectors are placed according to local code.
19.	Smoke and fire detectors are in working order.
20.	Alarm systems exist and are in working order.
21.	Fire drills are carried out and documented based on the requirements of the local fire authority.
Safety Equipment	
22.	First aid kits are visible, accessible.
23.	Breathing apparatus (air masks) are accessible and in proper working order.
24.	Automated External Defibrillator(s) (AED) accessible and in proper working order.
25.	Personal protection equipment (PPE) is available and accessible (gloves, masks, eye wash stations, etc.).
Inspections	
26.	There are weekly, documented inspections of fire equipment (CALEA 72.3.1).

27.	There is daily visual inspection of fire detection devises and alarm systems as required by local code (CALEA 72.3.1).
28.	There is semi-annual testing of all equipment and alarms (CALEA 72.3.1).
Communication	
29.	Staff are able to communicate with arrestees in the cell/holding areas.
30.	Panic alarms are available for staff.
31.	Arrestees have access to call button, intercom, or other means to call for assistance.

CAPACITY AND CONDITIONS	
32.	Cells, holding areas have a specified capacity.
33.	There are emergency provisions for holding arrestees when capacity of cells and/or the facility is reached.
34.	Single cells are available and usable.
35.	All arrestees are properly assessed for potential risk factors, and placed in appropriate cells/holding areas based on the arrestee risk assessment.
36.	Cells are designed to allow arrestees to lie down when necessary.
Americans with Disabilities Act (ADA) Accessibility	
37.	Agency has a plan to safely house disabled arrestees.
38.	There are holding cells which are accessible (toilet, etc.).
Food/Meal Service	
39.	If food is served, proper storage methods are used (temperature control monitoring, prevention of tampering with food, logs etc.).

40.	There is proper recording and control over culinary equipment and tools (CALEA 72.4.7).
Pharmaceuticals Control	
41.	Medications/pharmaceuticals are properly stored and controlled.
42.	Keys and access to pharmaceuticals are controlled and logged.
43.	Arrestees are provided with prescribed medications according to medical prescription and at prescribed times.

MAINTENANCE	
Inspections	
44.	Weekly sanitation inspections are conducted (CALEA 72.3.3).
45.	Vermin and pest control inspections are conducted (CALEA 72.3.3).
46.	Inspection checklists are available.
47.	Sinks and toilets (including those in holding areas) are clean, sanitized and in working order.
Requests for repairs/maintenance	
48.	Requests are responded to promptly and documented.
49.	Maintenance and repairs are completed by competent person(s) and according to local code/ordinances.
Miscellaneous	
50.	Access to tools is controlled and logged.
51.	Tools are inventoried prior to and after use and access.
52.	Provisions exist to relocate arrestees when holding areas must be closed for maintenance or repairs.

SUICIDE HAZARDS / OPPORTUNITIES FOR HARM OR INJURY	
Visibility	
53.	Lighting is sufficient for proper observation of arrestees by employees.
54.	Holding areas have surveillance equipment that is monitored by trained staff.
55.	Any areas out of surveillance view is checked frequently and regularly by staff, and logs of checks are maintained.
56.	Privacy is provided for toileting, showering and dressing.
57.	Towel bars and grab bars are installed and maintained so that they cannot be removed or utilized for harm.
58.	Safety while in privacy areas is maintained by presence of appropriate gender staff, or frequent checks.
59.	Areas are analyzed for any potential blind spots or unobservable areas.
60.	Blind spots and unobservable areas are either eliminated or checked regularly.
Furniture and fixtures	
61.	Lighting fixtures and furniture are designed so that arrestees cannot use them to harm themselves or others
62.	Fixtures are as flame retardant as possible.
63.	Window coverings cannot be used for harm (blinds, curtains, etc).
64.	Pipes, bars, and heating equipment, etc. are designed and protected so that arrestees cannot use them for harm, and cannot sustain injury
65.	Air vents are properly secured and designed so that arrestees have no access for escape, and cannot use them for harm.
66.	Broken equipment, materials, and fixtures are immediately removed and repaired.

Miscellaneous	
67.	Appropriate clothing items (no belts, shoe laces, etc.) are provided to prevent potential suicide attempts.

About the Authors

Elizabeth Layman is President of Price Layman, Inc., a criminal justice consulting firm. Ms. Layman was a police officer/detective for 9 years in Arlington, Virginia, working in patrol and in the detective bureau investigating major crimes. Subsequently Ms. Layman spent 16 years with the State of Florida in Department of Corrections, and the Parole Commission. For 9 years of those years, Ms. Layman was the Regional Director for the Florida Parole Commission, managing agency operations in the eight-county region of South Florida. Ms. Layman also conducted clemency investigations for the Office of the Governor of Florida during her tenure at the Parole Commission.

Since 1997, Ms. Layman has worked with the U.S. Department of Justice, National Institute of Corrections and Bureau of Justice Assistance on numerous cooperative agreements including on-site technical assistance and training in corrections agencies, law enforcement agencies, and community corrections agencies; curriculum development, including: Training for Investigators of Staff Sexual Misconduct; Managing a Multi-Generational Workforce; FutureForce:Developing a 21st Century Workforce for Community Corrections; co-authorship of A Resource Guide for New Wardens, and *Staff Sexual Misconduct with Offenders*: A Policy Development Guide for Community Corrections; and co-authorship of publications on the issue of Staff Sexual Misconduct and Workforce Development in various periodicals, including *American Jails*, *Perspectives*, and *Sheriff* magazines.

Ms. Layman has a Bachelor's Degree in Sociology from Virginia Tech. Ms. Layman is a member of the American Probation and Parole Association, and the American Correctional Association. Layman can be reached at eplayman@bellsouth.net

Susan W. McCampbell has worked in corrections and law enforcement for 30 years. She is President of the Center for Innovative Public Policies, Inc., (CIPP) a not-for-profit company specializing in public policy consulting, established in 1999. McCampbell serves as the Special Master in the matter of the USA v. the Territory of the Virgin Islands, et. al., appointed by the Federal Court in April 2006; and works as an expert witness in corrections and law enforcement litigation. McCampbell has worked with the National Institute of Corrections (NIC) including: developing strategies for community corrections to address recruitment, retention and preparation of first line supervisors; creating curriculum on managing multi-generational workforces; providing technical assistance to state and local correctional agencies regarding staff sexual misconduct and PREA; and revising the curriculum for the National Sheriffs' Institute. Prior to founding CIPP, McCampbell was the Director, Department of Corrections, Broward County, Florida, Sheriff's Office for four (4) years overseeing the daily operations of a jail system with 4,200 inmates, three facilities, and a staff of 1,600. While with BSO, Ms. McCampbell served as Chief Deputy/Acting Sheriff for six (6) months following the death of the Sheriff. Prior to coming to BSO, Ms. McCampbell was Assistant Sheriff , City of Alexandria, Virginia, Sheriff's Office for eleven (11) years, a Program Director for Police Executive Research Forum in Washington, D. C., and a regional criminal justice planner in Northern Virginia. She can be reached at cippinc@aol.com