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Hearing Testimony

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Sexual Assault in U.S. Prisons Two Decades After the Prison Rape Elimination Act
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Thank you for the opportunity to provide testimony at today's important hearing on the Prison Rape Elimination Act, or PREA. It is my belief that sexual abuse is a horrific crime that has no place in any detention facility – and that corrections officials play a critical role in ensuring that every person in their custody is safe and treated with dignity.

For the past seven years, I have been working to help fulfill the promise of PREA, as a PREA Coordinator in both adult and juvenile facilities in the great state of South Carolina. Additionally, I am a certified PREA auditor for both the DOJ PREA Standards for adult and juvenile facilities and for the Department of Homeland Security PREA Standards. I am a board member of the National PREA Coordinator's Working Group, which is an organization of PREA Coordinators from jurisdictions across the nation who work to support their peers in the implementation of the PREA Standards. I am also retired from the South Carolina Army National Guard and served in multiple tours overseas.

I began my career as a Juvenile Correctional Officer at the South Carolina Department of Juvenile Justice (SCDJJ) in 2002, and moved up through the ranks over a 17-year span at the agency. In 2017, I was selected as SCDJJ's first PREA Coordinator to get the agency in compliance with the Juvenile Standards. I swiftly wrote policies directing compliance with the PREA Standards and changed practices and procedures to align with the mandates. I also reached out to all 50 PREA Coordinators from each state in the United States, visited several states to view their processes, attended various conferences on sexual safety in detention facilities, and worked with the PREA Resource Center to bring training and resources to assist with implementation in South Carolina. I was intentional and proactive in this regard because I wanted to educate myself on PREA and hear different perspectives that would help me in my new position.

In 2019, I was hired by the South Carolina Department of Corrections (SCDC) to help bring the agency into compliance with the PREA Adult Prison and Jail Standards. At the time, SCDC had not had a successful audit, even though they were fully invested and actively implementing practices and policies. I am proud to report that, since 2019, all of SCDC's institutions have been audited at least twice and all have passed an audit, with most having multiple "exceeds the standards" ratings. While at SCDC, I was able to work closely with local rape crisis centers to ensure survivors of sexual abuse were provided the resources they needed to heal and

become healthy members of the community, given that emotional support services are an important part of PREA as well. I was able to work closely with Just Detention International (JDI), a nonprofit organization that seeks to end sexual abuse in all forms of detention. With JDI, I brought in projects and programs, like the #PrisonersToo project, which gave incarcerated women the opportunity to share their experiences with one another and voice support to their peers, similar to the #MeToo movement in the larger community. Because of my work, I have been invited to serve on multiple organizations like the South Carolina Attorney General's Human Trafficking Task Force and the National PREA Coordinator's Working Group.

I have also been able to assist several jurisdictions – adult, juvenile, community confinement, and jails – with successful implementation and maintenance of the policies and practices that keep incarcerated people safe, by providing in person and virtual training and consulting. I have presented to my peers and others on PREA in several venues like the American Correctional Association Conference, the National PREA Coordinators Conference, End Violence Against Women International Conferences, the South Carolina Correctional Association's annual conference, and others. Last year, End Violence Against Women International named me a Champion of Change for my efforts to prevent, detect, and respond to sexual abuse and sexual harassment in confinement.

As a member of the National PREA Coordinator's Working Group, I have cultivated close relationships with my peers throughout the nation and have been identified as a trusted advocate of PREA and incarcerated survivors. As a board member of this working group, I have a unique opportunity to hear and see the successes and challenges of colleagues around the nation.

The Positive Impact of PREA

Over my almost 23-year career, I have seen the positive impact of PREA through the changes in the culture of corrections. Early in my career, reporting sexual abuse or sexual harassment of incarcerated persons was taboo, due to the idea that you would “out” a person and create problems for both the alleged victim and the alleged perpetrator. There was a widespread assumption that sexual abuse was not really a problem, or that it was an inevitable part of prison life. Staff often did not know what to do when they learned of sexual abuse, so it went largely ignored. Now, reports of abuse are taken seriously. We are recognizing that one incident of sexual abuse in our facilities is one too many, and that when there is any sexual abuse, the facility is not safe for anyone.

Today, we are seeing how much more comfortable incarcerated people feel coming forward to report abuse. In 2011, the year before the PREA Standards were released, there were just two allegations of sexual abuse or harassment made in the entire South Carolina prison system.¹ In

¹ Ramona R. Rantala, BJS Statistician, Jessica Rexroat, BJS Intern, and Allen J. Beck, Ph.D., BJS Statistician, *Survey of Sexual Violence in Adult Correctional Facilities, 2009–11 - Statistical Tables* (Bureau of Justice Statistics, January 2014), table 1, <https://bjs.ojp.gov/content/pub/pdf/ssvacf0911st.pdf>

2020, there were 378 such allegations.² This does not mean that more people are being sexually abused – but rather that people feel far more safe speaking out than they did before.

Another important change is the treatment of lesbian, gay, bisexual, transgender and intersex (LGBTI) people in prison. Early in my career, LGBTI individuals and those who were perceived to be LGBTI were often bullied and targeted. Since the implementation of the PREA Standards, these groups of vulnerable individuals have been provided additional support, including by using objective tools to make individualized housing and placement decisions that are informed by research and experience. Prior to PREA, these groups lived on the margins, were ignored, and suffered sexual abuse in silence. Challenges remain, however, specifically around how to ensure the safety and dignity of transgender people.

As a correctional officer, an ideal day was to have nothing happen during your shift so that you could go home on time. Since the robust enforcement of the PREA Standards, staff now understand that not only is staying silent about abuse illegal, but it also causes further harm. Additionally, prior to the PREA Standards, there was little training on what sexual abuse was, its impact, the signs that someone had been sexually abused, and what to do if you learned of abuse. Since the enactment of PREA and the robust training and resources provided by the PREA Resource Center, the National Institute of Corrections, JDI, The Moss Group, and others, correctional practitioners now know the prevalence of sexual abuse, best practices to respond to it, and how to comply with mandated responses to allegations of sexual abuse and sexual harassment. This has greatly helped the corrections profession.

I want to acknowledge that none of this progress could have been accomplished without the overwhelming support for safe correctional environments from former and current Governors of South Carolina. Additionally, none of this would have been possible if not for the leadership of the Directors of both the South Carolina Department of Juvenile Justice, Eden Hendrick, and the South Carolina Department of Corrections, Bryan Stirling. The importance of good leadership in corrections and beyond cannot be understated.

What hurts the profession is the constant negative exposure, stories, and media attention the corrections profession receives. Although correctional officers monitor, protect, and keep detained the individuals that the community has rejected for violating the laws of society, correctional officers are not celebrated, envied, or looked up to like their sister organizations including police, EMS, fire fighters or medical personnel. Evidence of this dynamic can be found in our television shows. There are countless television shows displaying the bravery of the first responders noted above, but not one that conveys the positive side of corrections. Recently, incidents like what occurred at the Federal Correctional Institution in Dublin, California, and others put the correctional profession in the public eye. Correctional professionals sacrifice family time, put their lives in danger, and live under stressful conditions, particularly today when we are in the midst of a staffing crisis. Correctional officials across the nation work hard to

² Emily D. Buehler, PhD, and Shelby Kottke-Weaver, *Sexual Victimization Reported by Adult Correctional Authorities, 2019–2020 – Statistical Tables* (Bureau of Justice Statistics, July 2024), tables 21 and 22 <https://bjs.ojp.gov/document/svraca1920st.pdf>

perform a critically important public service that is often not recognized. If corrections officials do not have the support and resources they need, it harms everyone, including the broader community. Although there are thousands of prisons, jails, juvenile justice facilities, and other incarceration facilities across the nation, the actions of a few individuals have painted a profession – one that already lacks sufficient recognition for the amazing work that's done to keep the nation safe – in a negative light.

Since 2014, Congress has provided modest funding to those agencies that needed help with implementation of the PREA Standards. Those grants, like the Justice Assistance Grant, the Edward Byrne Memorial Prison Rape Elimination Act (PREA) grant, and the Implementation of the PREA Standards, Protecting Inmates, and Safeguarding Communities grant, have been instrumental in helping institutions with limited resources implement the PREA Standards. SCDC received three of these federal grants to support standards implementation. One of these grants allowed the department to completely overhaul its risk screening process and make significant improvements to its investigations process. Another grant allowed the department to partner with rape crisis centers to create the Pathfinders Project, whereby incarcerated people are trained to provide emotional support and guidance - similar to a rape crisis advocate. Unfortunately, these grants were competitive, and therefore not all jurisdictions were able to receive these funds, or only received small amounts that only put a small dent in the needs of the agency.

Recommendations

While great strides have been made in the two decades since the passage of PREA, there is more that we need to do. To fully implement the PREA Standards and honor the intent of the law, it must be understood that the Act was created over 20 years ago and our society and culture have evolved and changed. Some of the issues and cultural changes we see today were not discussed between 2003 and 2009, when the National Prison Rape Elimination Commission held community meetings, town halls, and discussions about ending prison rape.

It would be my suggestion and hope that Congress would take a bipartisan look at ways to support corrections agencies in implementing those PREA standards that continue to pose a challenge for corrections agencies seeking to comply; examine the law's intention; and bring it up to date with our current culture and values. The PREA Standards are a great step toward keeping incarcerated people safe, healthy, and provide incarcerated people an opportunity to return to society better than they were when they were sentenced. However, the work on sexual abuse and trauma could be advanced to give practitioners better resources to assist facilities with helping individuals become better citizens.

With the above in mind, I offer the following recommendations for this Committee's consideration:

- 1. Support states with PREA implementation challenges.**

By reviewing specific standards that have given jurisdictions the most challenges and bringing in experts and stakeholders, Congress can help corrections become stronger in preventing sexual abuse of incarcerated people. Assistance could come in the form of guidance or provisions that support prosecutions of perpetrators of sexual abuse in detention, strengthening consequences for bad-faith reporting, helping survivors get further assistance with trauma after incarceration, and increased funding for work dedicated to culture change and the promotion of staff safety and wellness, as well as assistance with recruiting additional, high-quality correctional staff.

2. Support training and education on sexual abuse in detention.

Additionally, It is my professional opinion that Congress could help by supporting training and education to help prosecutors, judges, law enforcement, and the greater community understand the prevalence of sexual abuse in correctional facilities and the need to provide substantial consequences to perpetrators in order to deter the behavior, such as pursuing criminal cases and penalties. A recent study by the Bureau of Justice Statistics found that roughly 12 percent of incarcerated people who were determined to have victimized another incarcerated person were referred for prosecution, and fewer than two percent were convicted. When it comes to known staff perpetrators, 19 percent were referred for prosecution and roughly 4 percent were convicted.³

3. Increase funding for PREA implementation.

The advances that the Act sought to make needed funding and support to be fully implemented and additional funding is needed to continue this work. For example, some prisons, jails, and juvenile justice facilities were built up to 100 years ago; basic facility infrastructure such as showers and restrooms cannot be converted to be compliant with the Standards. The grants that are currently provided allow for development of programs and purchasing of equipment, but do not allow for building up-to-date incarceration facilities with the intent of keeping inmates safe from sexual abuse. Congress can provide funding to help bring correctional facilities up to date with physical plant expectations. Moreover, with the impending sunset of the assurance option that allows states to continue to receive funding if they demonstrate they are attempting to comply with PREA, funds that supported the implementation may soon be taken away from jurisdictions who need the funding to fully implement the standards.

4. Include state and local corrections in the DOJ PREA Working Group.

I believe that the Department of Justice's PREA Working Group, which is comprised of representatives from multiple DOJ components,⁴ should include stakeholders from state and local jurisdictions who are working in correctional agencies, understand the correctional setting

³Ibid, tables 10 and 17

⁴ These are the following: The Office of Justice Programs' (OJP's) Office of the Assistant Attorney General; Bureau of Prisons, Civil Rights Division; National Institute of Corrections; Office on Violence Against Women; Federal Bureau of Investigation; OJP's Bureau of Justice Assistance; OJP's Office for Victims of Crime; OJP's Office for Civil Rights; OJP's Office of the General Counsel; and OJP's Office of Juvenile Justice and Delinquency Prevention

and the myriad challenges correctional agencies face implementing PREA. One easy way to do this is to draw on the expertise of the National PREA Coordinators Working Group, which has previously offered to assist the PREA Working Group to ensure that state and local jurisdictions have a seat at the table in critical discussions that result in guidance for the field around the implementation of and compliance with the PREA standards.

5. Pass S. 1422, the Sexual Abuse Services in Detention Act.

A key part of PREA compliance is ensuring that correctional agencies provide emotional support services for incarcerated survivors of sexual abuse. While some correctional agencies have been able to provide such services, like I did in South Carolina, others struggle with doing so for various reasons, including lack of capacity. This bill would provide resources for both community rape crisis centers and corrections agencies to facilitate bringing these resources into prisons and jails.

Conclusion

In closing, there are hundreds of dedicated correctional professionals, like myself, across the nation working hard to not only implement the PREA Standards, but to keep people in custody safe. There have been significant strides made since the passage of PREA in 2012, but the reality is that it is not the time for the government to let its foot off the gas - rather, we should be looking to increase funding and support needed to maintain and further improve the safety of facilities. I urge this Committee to join us in doing so.