

Impact of the Novel Coronavirus (COVID-19) on PREA Audits and PREA Implementation Efforts

Important Message from the Department of Justice's PREA Management Office

March 19, 2020

Ensuring the safety and well-being of everyone in confinement facilities is of the utmost importance to the Department of Justice's PREA Management Office (PMO) and to its partners at the National PREA Resource Center (PRC). The PMO and the PRC understand the significant challenges associated with preventing and responding to communicable diseases in facilities, and are fully committed to supporting their efforts to address the current outbreak of the novel coronavirus.

The PMO and the PRC are receiving important questions about the impact of COVID-19 on inmates and consequently on PREA audits and PREA implementation efforts. These questions are being submitted by stakeholders with obligations under the National PREA Standards who have a strong interest in their successful implementation. The primary purpose of this initial communication is to assure all stakeholders that the PMO and PRC will not take any action that has the effect, either directly or indirectly, of punishing agencies, facilities, DOJ- certified auditors, or others who may be unable to comply in a timely fashion with PREA requirements because of efforts to address, manage, and mitigate the effects of COVID-19.

One immediate concern voiced by staff members from agencies and facilities where PREA audits are planned, and by DOJ-certified PREA auditors, is the possibility that audits will need to be postponed because of COVID-19. The PMO anticipates the current outbreak may necessitate auditing delays, and recognizes that this may impact their ability to uphold requirements in the PREA Standards. For example, if an agency reschedules PREA audits, the agency may not be able to comply with PREA Standard 115.401(b), which states: "During each one-year period starting on August 20, 2013, the agency shall ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited." In such circumstances, the PMO will always support agencies, and take auditing delays resulting from COVID-19 into consideration when reviewing certifications of full compliance with the PREA Standards submitted to DOJ by governors.

The PMO will also support auditors who, in order to maintain their DOJ-issued certification, and be recertified by DOJ every three years, must uphold requirements articulated in the National PREA Standards, the Auditor Certification Agreement, the PREA Auditor Handbook, and DOJ-funded auditor training. The PMO understands that COVID-19 may prevent DOJ-certified auditors from carrying out these obligations. For example, an auditor who becomes ill may not be able to meet the deadlines associated with being recertified by DOJ. In such circumstances, the PMO will always support auditors by

making reasonable accommodations to the recertification process.

The PMO is creating a frequently asked questions (FAQs) document that addresses in more detail the specific inquiries submitted by confinement agencies and facilities, PREA auditors, victim advocates, and others who may be concerned about the impact of COVID-19 on PREA audits and PREA implementation efforts. This FAQ document will soon be made available on the PRC website (www.prearesourcecenter.org) and the PREA page of the Bureau of Justice Assistance website (www.bja.ojp.gov/program/prison-rape-elimination-act-prea/overview), and it will be updated regularly.

For urgent inquiries, please do not “reply” to this statement. Instead, Dee Halley in the PMO is available to receive and coordinate responses to pressing questions. She can be reached directly at Deborah.L.Halley@usdoj.gov or 202-598-7475.