

**Preventing & Addressing Sexual Abuse in Tribal Detention
Facilities: The Impact of the Prison Rape Elimination Act
(PREA)
Notification of Curriculum Utilization
December 2013**

The enclosed *Preventing & Addressing Sexual Abuse in Tribal Detention Facilities: The Impact of the Prison Rape Elimination Act (PREA)* curriculum was developed by the American Probation and Parole Association (APPA) as part of contract deliverables for the National PREA Resource Center (PRC), a cooperative agreement between the National Council on Crime and Delinquency (NCCD) and the Bureau of Justice Assistance (BJA). The PREA standards served as the basis for the curriculum's content and development with the goal of the *Specialized Training: PREA Medical and Mental Care Standards* curriculum to satisfy specific PREA standard requirements.

It is recommended that the *Preventing & Addressing Sexual Abuse in Tribal Detention Facilities: The Impact of the Prison Rape Elimination Act (PREA)* curriculum be reviewed in its entirety before choosing which modules to use. Any alterations to the original materials must be acknowledged during their presentation or requires removal of the PRC and APPA logos.

BJA is currently undergoing a comprehensive review of the enclosed curriculum for official approval at which point the BJA logo may be added.

Note: Utilization of the enclosed curriculum, either in part or whole, does not guarantee that an auditor will find a facility "meets standard". Rather, an auditor will take into consideration the curriculum used as part of their overall determination of compliance.

The Impact of the Prison Rape Elimination Act

Notice of Federal Funding and Federal Disclaimer—This project was supported by Grant No. 2010-RP-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice nor those of the National Council on Crime and Delinquency (NCCD), which administers the National PREA Resource Center through a cooperative agreement with the Bureau of Justice Assistance.

Introductions

- APPA & Partners
- FACILITATORS
- PARTICIPANTS
- LOGISTICS
 - » Materials
 - » Agenda
 - » Ground Rules
 - » Training Expectations

Class EXERCISE:

**WHAT DO
YOU KNOW?**



Module One

Defining the Issue and Understanding the Prison Rape Elimination Act

Module One Objectives

- Review update on PREA
- Learn definitions
- Understand benefits of compliance
- Discuss Myths & Realities

Purposes of PREA

- Zero tolerance
- National standards
- Collect data
- Accountability

Who is covered by PREA?

Federal, State, Private and Local

- Jails
- Prisons
- Lock-ups
- Juvenile facilities
- Community confinement facilities

Why now?

Events over the past 30 years

- Civil rights acts
- National attention
- Key court cases
- Significant reports

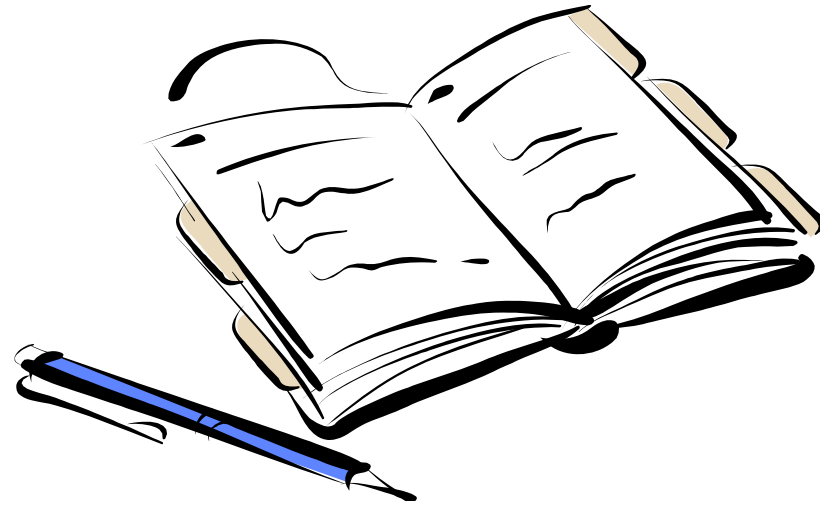
History of PREA and Development of the Standards

| | |
|-----------------------|--|
| 2003: | PREA legislation passes |
| 2004: | First meeting of the National Prison Rape Elimination Commission (NPREC) |
| June 2009: | Report and draft standards published by NPREC |
| 2009-2012: | Establishment and Convening of DOJ PREA Working Group |
| Feb. 3, 2011: | Draft DOJ standards released |
| May 17, 2012: | Final DOJ standards released |
| June 20, 2012: | Final standards published in the Federal Register |

PREA Compliance Timeline

| | |
|----------------------------|--|
| August 20, 2012: | Standards applicable to state and local facilities |
| May 1, 2013: | Target date for DOJ to fully implement auditor certification process (estimated) |
| August 20, 2013: | Three-year audit cycle begins |
| September 30, 2013: | DOJ publishes a list of noncompliant grant recipients |
| October 1, 2013: | First date on which federal grant funds may be impacted (FY 2014) |
| August 19, 2014: | One-third of facilities must be audited |
| August 19, 2016: | First three-year audit cycle complete |

Class EXERCISE:



"My words, your words— are we on the same page?"

Class Discussion

In your own words, define:

- Sexual Abuse
- Sexual Harassment
- Staff Sexual Misconduct

Definitions

Important to define prohibited behaviors

- Be specific
- Everyone understands
- Data collection purposes

See Appendix for examples of what is being used now

Class EXERCISE:



Why do I care?

What are the benefits?

Benefits of PREA

- Safer work environment
- High level of professionalism
- Safety and security in facility
- Integrity and respect
- Reduces embarrassment
- Reduces liability
- Public safety
- Public health

Myths and Realities

Myths and Realities

Myth # 1

“We have no reports of this kind, so we don’t have a problem”

AND THE REALITY.....

Myth # 2

“It is not as much of a problem when inmates consent to these types of relationships with staff.”

AND THE REALITY.....

Myth # 3

“Employees are clear about their professional boundaries.”

AND THE REALITY.....

Myth # 4

“It is the rookie employee who is most likely to get involved with misconduct.”

AND THE REALITY.....

Myth # 5

“The real victims of staff sexual abuse are the employees who are manipulated by the inmates.”

AND THE REALITY.....

Myth # 6

“Activities between inmates, including some unwanted sexual behavior, are part of what happens normally in jail. Inmates should expect this to happen.”

AND THE REALITY.....

Module Two

Dynamics of Sexual Abuse and Harassment in Custodial Facilities

Module Two Objectives

- Understand why people get involved
- Identify risk factors
- Identify impact of victimization
- Learn to identify RED FLAGS
- Learn to protect from manipulation
- Understand impact of agency culture
- Understand ethics and professional boundaries

Class Discussion

What Does a Victim Look Like?

Inmate Characteristics

What makes inmates
more vulnerable to
sexual abuse?

Mental Health

64% in jails have mental health problems

More mentally ill persons in jails and prisons than hospitals

History of Prior Abuse

Inmates with history or prior sexual victimization are 6 times more likely to be victimized or display predatory behavior

Tribal Statistics

- 1.2% of those incarcerated in state and federal facilities are American Indian (but only 1% of total USA population)
- 40% in tribal jails are violent offenders
- Victimization rate in Indian country **DOUBLE** that of non-Indian citizens
- 1 in 3 women will be raped

History of Trauma

- Less equipped to handle stress
- Pessimistic view of world
- More at risk for further victimization
- Less able to distinguish unhealthy and exploitative relationships
- Post-Traumatic Stress Disorder (PTSD)
- Lie to protect their abusers
- More manipulative

Class EXERCISE:

RED FLAGS !



Class EXERCISE:

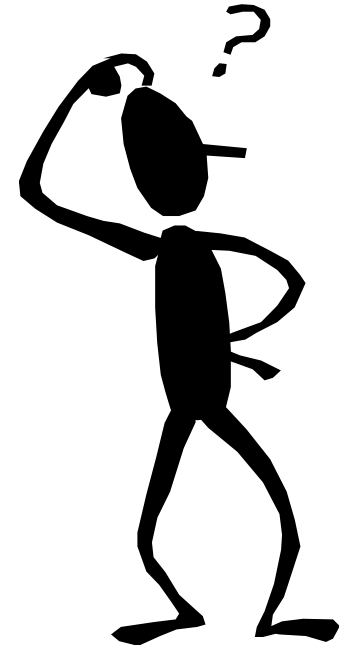


CODE OF SILENCE –

WHY INMATES AND STAFF DON'T REPORT

Class EXERCISE:

NOW WHAT DO I DO
WITH THIS INFORMATION?



Manipulative Inmates

- Fact of life
- Inmates find ways to gain control
- Fight or flight –a natural response to a stressful environment
- A way to get something they want

Protecting Ourselves

Best Defense.....

- Know the rules & follow them
- Recognize manipulative attempts
- Understand why inmates attempt to manipulate
- Maintain clear professional boundaries

Class EXERCISE:



**Protecting Myself.
How does my Response
Control the Outcome?**

Agency Culture

The total of the attitudes, behaviors, beliefs, traditions and practices of present and past employees.

Determines what is acceptable and unacceptable behavior in the workplace.

Agency Culture Impacts Sexual Abuse in Facility

Lack of respect = *inappropriateness*

Lack of trust = *silence and secrets*

Lack of respect for inmate rights = *failure to protect human rights*

Lack of training = *unprofessionalism*

Lack of dialogue about the issue = *misunderstanding & ignorance*

Module Three

INVESTIGATIONS AND LEGAL CONCERNS

Module Three Objectives

- Understand the unique nature of sexual abuse and harassment investigations
- Learn First Responder duties
- Understand Rights and Responsibilities of those under investigation
- Learn legal concerns and consequences

Unique Nature of Sexual Abuse Investigations

- Victims, perpetrators & witnesses in close proximity
- Mental and physical state of victim
- Sensitive and personal issue
- Safety for victims at risk
- Victims responds differently
- Embarrassment
- Complicated physical evidence
- Special training needed
- Medical & mental health needs

Investigations - *Critical* to Prevention

Competent investigations

- build trust in the process
- find the truth
- build professionalism
- deter sexual abuse

First Responders

What we need to do...

1. Render aid
2. Separate victim and abuser
3. Preserve evidence
4. Make notification
5. Document actions
6. Be observant – even later

#3 – Preserve Evidence

- Could evidence be present?
- Let no one unauthorized near the scene or evidence
- Victim - No washing of person or clothes, depending on time frame
- Don't interview without permission from investigator
- Document everything – statements, comments, potential witnesses

Class EXERCISE:

What do I do now?

Real events for First Responders



PREA Standards Related to Investigations

115.21 – *Evidence protocol and forensic medical examinations.*

- SANEs, SAFEs or other qualified
- Offered without cost
- Victim advocate

PREA Standards Related to Investigations

115.22 – Policies to ensure referrals of allegations for investigation.

- Must complete administrative and/or criminal on ALL
- Refer if criminal

PREA Standards Related to Investigations

115.34–*Special Training - Investigations.*

- If agency conducts
- Investigations in confinement settings
- Interviewing Victims
- Garrity & Miranda
- Evidence Collection
- Evidence to Sustain

PREA Standards Related to Investigations

115.54 – *Third-party reporting.*

- Must have method to report
- Public must be aware

PREA Standards Related to Investigations

115.71 – *Criminal & Administrative Investigations.*

- Investigative Protocols
- Assessing Credibility
- Use of Reports
- Records Retention

PREA Standards Related to Investigations

115.72 – Evidentiary Standard for Administrative Investigation.

Preponderance of Evidence

PREA Standards Related to Investigations

115.73 – *Reporting to Inmates.*

- Notified of outcome
- When/if accused staff is transferred, no longer employed, indicted or convicted.
- When/if accused inmate is indicted and/or convicted.

Class EXERCISE:

The Path of an Investigation Do I Know What Happens?



My Rights and Protections

- To be notified
- During questioning
 - » Miranda – *right against self-incrimination (criminal invest.)*
 - » Garrity – *compelled statements (administrative invest.)*
- Time frames
- Due process – *right to hearing*
- Outcome – *notification & appeal rights*

Class Discussion:

CLASS DISCUSSION: Real Cases, Real People



Prevention Lessons

TRAINING

Train everyone

- Employees
- Inmates
- Contractors
- Vendors
- Volunteers
- Anyone who has contact with inmates

Prevention Lessons

INVESTIGATIONS

- Special training for investigators
- Consistent, fair
- Confidential
- Timely
- Remember – this is a different type of investigation

Prevention Lessons

POLICY & PROCEDURE

- Specific to the issue
- Define prohibited behaviors
- Train all on P&P
- Clear expectations
- Clear disciplinary process
- Update regularly

Module Four

REVIEW OF PREA STANDARDS

Module Four Objectives

- Be familiar with PREA standards
- Understand impact on policy and procedure
- Be prepared for national data collection

What are the Standards?

46 STANDARDS intended to:

- Provide guidelines
- Demonstrate best practices
- Achieve consistent level of competency and professionalism

PREA Data Collection

- Annually to DOJ
- Information on all reported incidents
- Based on definitions of behaviors
- Creates national data base

115.11 *Zero Tolerance*

- Written zero tolerance policy
- PREA Coordinator
- PREA Compliance Manager, if more than one facility

115.14

Youthful Inmates

- Any inmate in ADULT facility under age of 18
- Sight, sound, physical separation in housing areas
- Separation or constant supervision in other areas

115.15

Cross-gender viewing and searches

Except in exigent circumstances

- No cross-gender strip, body cavity searches except by medical
- No cross-gender pat down of females
- Document all cross-gender searches

115.15

Cross-gender viewing and searches

- Inmates shower, perform bodily functions, change clothes, without non-medical staff of opposite gender viewing breasts, buttocks or genitalia
- Exception – during routine cell checks

115.31

Employee Training

Zero Tolerance

- Policy and Procedure
- Fulfill Responsibilities
- Inmates Rights to be free from abuse, retaliation
- Dynamics of sexual abuse
- Reactions of victims
- Detect and Respond to signs
- Avoid inappropriate relationships
- Communicate effectively
- Mandatory reporting

115.33

Inmate Education

During intake process

More comprehensive after 30 days

Inmates advised of:

- *Right to be free from abuse*
- *Right to be free from retaliation*
- *How to report*
- *Agency policy*

115.41

Screening Inmates for Risk

- Inmates screened at intake (within 72 hrs) to determine risk
- Reassess if transferred
- Screened for risk factors listed
- Agency uses standard forms
- Reassess within 30 days
- No discipline for refusal to answer

115.42

Use of Screening Information

- Only to inform housing, bed, work, education & program assignments
- Goal – to keep vulnerable separate from predatory
- Individual determinations
- Transgender and intersex reassessed twice per year

115.43

Protective Custody

- Involuntary segregated housing for those at risk of victimization ONLY if not alternative
- Must document reasons
- 30 days or less or until alternative available, if sooner
- Reassess every 30 days, if longer

115.51 *Inmate Reporting*

- Multiple reporting paths
- Ability to report to outside entity
- ALL reports accepted – anonymous, third party, etc.
- Reports immediately put in writing by staff

115.81

Medical & Mental Health Screenings – Prior Abuse

KEY POINTS

- If prior victimization revealed, follow-up with medical or mental health within 14 days
- Informed consent from inmate if abuse occurred outside of confinement (unless inmate is under the age of 18)

Module Five

PUTTING INTO PRACTICE WHAT WE KNOW

Module Five Objectives

- Demonstrate understanding of information presented
- Complete a useful tool
- Gain confidence in discussing information learned

Class EXERCISE:

Let's Get to Work!



NATIONAL
PREA
RESOURCE
CENTER

CENTER FOR
INNOVATIVE PUBLIC POLICIES



A Force for Positive 
CHANGE.

Mission

The mission of the PRC is to assist adult prisons and jails, juvenile facilities, lockups, community corrections and tribal facilities in their efforts to eliminate sexual abuse by increasing their capacity for prevention, detection, monitoring, responses to incidents and services to victims and their families.

Targeted Training & Technical Assistance -- Methods of Delivery

- ☐ Webinars
- ☐ Publications
- ☐ Regional Trainings
- ☐ FAQs
- ☐ Field-initiated Training and Technical Assistance
- ☐ Audit toolkit/support & Auditor training

Field Initiated TTA

NATIONAL
PREA
RESOURCE
CENTER

A project of NCCD

ABOUT | LIBRARY | TRAINING & TECHNICAL ASSISTANCE | NEWS & EVENTS | FAQ

Targeted TTA
Request for Assistance
BJA Demonstration Sites
PREA in Action
PREA 101
Upcoming Webinars
Archived Webinars

Request for Assistance

Fill out the form below in order to request PREA-related training and/or technical assistance for your jurisdiction or agency.

Name of jurisdiction/agency making request:

Name and position/title of person making request:

Contact Information of Requester

Address:

City/Town:

State: - None -

ZIP:

Email:

Phone:

Point of contact for the jurisdiction/agency:

Statement of Problem:

Describe, as specifically as possible, the condition or issue for which the TTA is requested.

Previous Efforts:

Have there been any previous attempts to address the condition or issue for which the TTA is requested? If so, what action(s) were taken and what were the results?

Training and Technical Assistance:

Describe what type of training or technical assistance you would like to receive.

Targeted Audience/Recipients:

Search the PREA Library for Articles and Resources:

Keyword

SEARCH

Sign Up for Updates

The PREA Resource Center will provide information on upcoming events, new resources to our library, and PREA-related issues in the news through its newsletter. Sign up to receive our newsletter via email.

Email SIGNUP

Jurisdictions can request assistance by completing web form on the PRC website (www.prearesourcecenter.org) under the Training and Technical Assistance tab and clicking "Request for Assistance on the sidebar"

BJA PREA Jail Toolkit

Providing PREA Resources Online to Jail Practitioners

- BJA Funded
- Developed by The Moss Group under cooperative agreement with the Center for Innovative Public Policies, Inc.

The Toolkit

- Basic information about PREA and Implementation;
- Self-assessment tool for to assess priority areas of implementation and develop action plans for PREA implementation;
- Resources for further reading and/or information (e.g., national reports and articles, materials developed and used by other jails, etc);
- Training curriculum and policy guidance.

Implementing The Prison Rape Elimination Act: A Toolkit for Jails

2) Staffing, Personnel, and Facility Considerations

| Questions | Yes | No | Standard Reference | | | | | | | | | |
|--|---|---------------------------------------|--------------------|-----|----|--------------------------------|--------------------------|--------------------------|---------------------------------|--------------------------|--------------------------|---|
| 1. Does the agency have a rated bed capacity of more than 1000 inmates? | <input type="checkbox"/> (Go to A) | <input type="checkbox"/> (Go to C) | §115.11 | | | | | | | | | |
| A. If the answer to (1) is YES, is there a full-time PREA Coordinator? | <input type="checkbox"/> | <input type="checkbox"/> | §115.11 | | | | | | | | | |
| B. If the answer to (1) is YES, is there a PREA Coordinator designated for each facility within the system? (Go to 2) | <input type="checkbox"/> | <input type="checkbox"/> | §115.11 | | | | | | | | | |
| C. If the answer to (1) is NO, is there an agency PREA Coordinator that is either full- or part-time? | <input type="checkbox"/> | <input type="checkbox"/> | §115.11 | | | | | | | | | |
| 2. Does agency policy contain a mechanism for the determination of adequate staffing levels and video monitoring (where applicable) to protect inmates against sexual abuse? | <input type="checkbox"/> | <input type="checkbox"/> (Go to 3) | §115.13 | | | | | | | | | |
| A. If the answer to (2) is YES, does this mechanism take into consideration the physical layout of each facility, the composition of the inmate population, and any other relevant factors? | <input type="checkbox"/> | <input type="checkbox"/> | §115.13 | | | | | | | | | |
| 3. Does each facility conduct an annual assessment to determine whether adjustments are needed to the following: | <div> <div>(Select only if A-C are Yes)</div> <div> <input type="checkbox"/> <input type="checkbox"/> </div> </div> | | §115.13 | | | | | | | | | |
| <table border="1"> <thead> <tr> <th></th><th>YES</th><th>NO</th></tr> </thead> <tbody> <tr> <td>A. Established staffing levels</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr> <td>B. Prevailing staffing patterns</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr> <td>C. The deployment of video monitoring systems and other technologies?</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> </tbody> </table> | | | | YES | NO | A. Established staffing levels | <input type="checkbox"/> | <input type="checkbox"/> | B. Prevailing staffing patterns | <input type="checkbox"/> | <input type="checkbox"/> | C. The deployment of video monitoring systems and other technologies? |
| | YES | NO | | | | | | | | | | |
| A. Established staffing levels | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | |
| B. Prevailing staffing patterns | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | |
| C. The deployment of video monitoring systems and other technologies? | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| 4. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, does the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? | <input type="checkbox"/> | <input type="checkbox"/> | §115.17 | | | | | | | | | |
| 5. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, does the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? | <input type="checkbox"/> | <input type="checkbox"/> | §115.17 | | | | | | | | | |

Action Plan



Quick Fire

When I get back to my facility, one thing that I want to do or to change is_____

Post-Test
Evaluations
Resources



For More Information

For more information about the **National PREA Resource Center**, visit www.prearesourcecenter.org. Direct questions to info@prearesourcecenter.org

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