

# POWER HOUR

Chat with a PREA Expert

115.63

Reporting to other  
confinement facilities

August 30, 2022

**IMPACT/JUSTICE**

NATIONAL  
**PREA**  
RESOURCE  
CENTER



# Lisa Capers

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Senior Program Manager

National PREA Resource Center

[lcapers@impactjustice.org](mailto:lcapers@impactjustice.org)

## National PREA Resource Center Mission

The mission of the PRC is to assist adult prisons and jails, juvenile facilities, lockups, community confinement, 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.

# Logistics

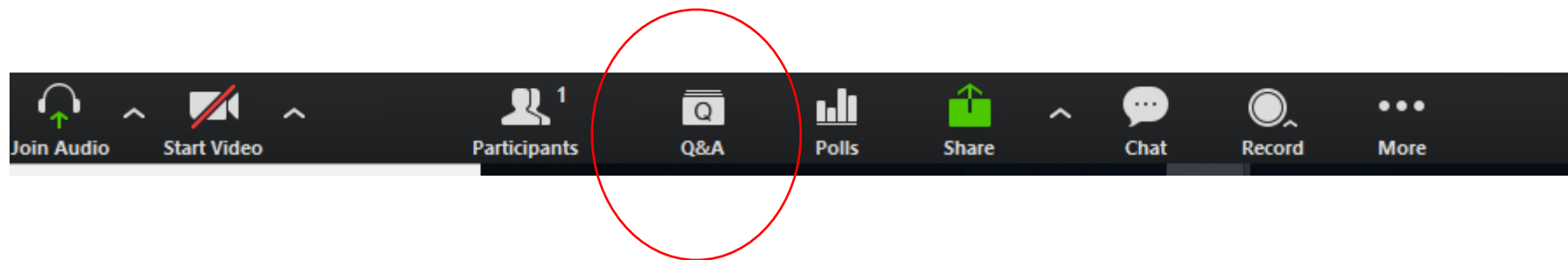
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# Logistics

## Submitting questions

- To submit a question during the webinar, use the Q&A feature on your webinar toolbar, as seen below.
- Presenters will address the questions at the end of the presentation.





**POWER HOUR**  
Chat with a PREA Expert

# Tom Talbot

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PREA Management Office (PMO)  
U.S. Department of Justice

[Thomas.Talbot@ojp.usdoj.gov](mailto:Thomas.Talbot@ojp.usdoj.gov)



# Melissa Rodriguez

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Senior Program Associate

National PREA Resource Center

[mrodriguez@impactjustice.org](mailto:mrodriguez@impactjustice.org)



# Daniel Bean

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Senior Program Associate

National PREA Resource Center

[dbean@impactjustice.org](mailto:dbean@impactjustice.org)





## Standard requirements

§ 115.63, 115.163, 115.263, 115.363

- A. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
- B. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.



## Standard requirements (cont.)

§ 115.63, 115.163, 115.263, 115.363

- C. The agency shall document that it has provided such notification.
- D. The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

## Purpose of the Standard

- To ensure that allegations of custodial sexual abuse that are reported to any facility are timely investigated by the facility where the abuse allegedly occurred.



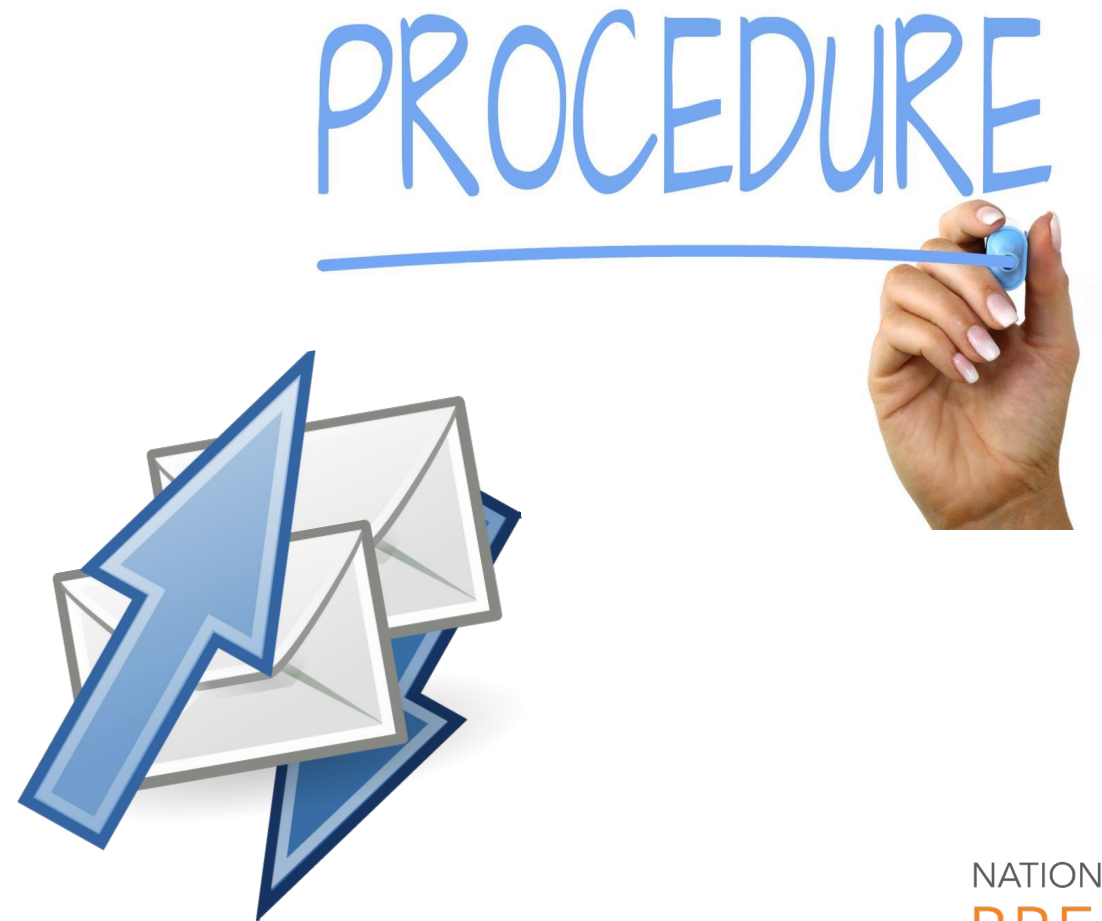
## Purpose of the Standard (cont.)



- The Standard recognizes that confined persons may be reluctant to report sexual abuse during their confinement in the facility where the abuse occurred but may feel safer disclosing the prior abuse once they are housed in a different facility.

# Implementation

- Facilities must refer **and** receive reports.
- Full investigations must be conducted.
- Reports must be handled in accordance with established facility procedures.



# Implementation

- Facilities must be able to identify and accept reports of alleged sexual abuse that occurred in other facilities as in their own facilities = reporting requirements (**§§ 115.51, 115.54, and 115.61**).
- Facility receives notification of an alleged sexual abuse incident from another facility = investigation (**§§ 115.71 and 115.72**).

## Notification requirements: Facility head responsibilities

### NOTIFICATION REQUIREMENTS

**Who makes the notification:** The facility head. This notification must be made either:

1. Directly by the facility head; or
2. At the direction of the facility head in a manner that appears to have originated with the facility head. For example, the facility head could instruct an administrative assistant to send the notification on the facility head's letterhead and with the facility head's signature, or to send the notification from the facility head's email address. It is not sufficient for the facility head to be copied, or "cc'd" on a notification. **(See FAQ dated 5-9-2017)**

**Who receives the notification:** The head of the facility or of the appropriate office of the agency where the alleged abuse occurred. The "appropriate office" is one that will ensure that the facility where the alleged sexual abuse occurred takes immediate steps to investigate the allegation appropriately and promptly in accordance with §§ 115.71 and 115.72.

Notifications made to the facility head where the alleged sexual abuse occurred, this facility's PREA Compliance Manager, the agency's PREA Coordinator, and the Office of the Agency Head would be presumptively valid recipients. **(See FAQ dated 5-9-2017)**

**When must the notification be made:** As soon as possible, but no later than 72 hours after receiving the allegation.

**How must the notification be made:** The standard does not specify how to provide notifications. Facilities may use in-person meetings, phone calls, fax, email, or regular mail to provide notifications. Regardless of how the initial notification is made, facilities must ensure that the notifications are fully documented.

**Document the notification:** The referring facility must be able to document that the referral was made.

# Challenges



- Staff understanding their role when an allegation is made regarding another agency.
- Timely notification and documentation.
- Investigation follow-up.



# Best practices

- Have a written policy:
  - Effective way for staff and leaders to be aware of their obligations.
- Provide written notification:
  - In-person or phone call, followed by an email.
  - Notification within 72 hours.



# Best practices

- PREA training should cover the requirement of how to:
  - Accept reports of abuse from other confinement facilities.
  - Transmit reports of abuse to other confinement facilities.
- PCs and PCMs should:
  - Receive reports of abuse in other facilities to the same extent that they are made aware of allegations in their own agency/facility.
  - Receive notification when another facility reports alleged abuse to their agency/facility.

# Best practices



Facility heads must be aware of their obligations under this standard.

- Making a referral about alleged abuse to another facility.
- Receiving allegations of abuse from another facility head.

A PREA coordinator may be in the best position to educate facility heads on these protocols.

# Audit issues

Determining if the facility has **institutionalized** practices for:

- Notifying other facility heads of alleged sexual abuse that occurred in another facility.
- Receiving allegations of sexual abuse from another facility.

Sources of **evidence**:

- Written policy – not required.
- Interviews.
- Other facility documentation.



# Audit issues

- If no allegations were received, the auditor will need to rely on other evidence to show compliance, which could include:
  - Detailed policy or operation protocol.
  - Staff training.
  - Strong staff interview evidence supporting the facility's practice.
- For allegations of sexual abuse received from other facilities, the auditor must:
  - Ensure that the facility has conducted investigations in accordance with their policy, and with the Standards.

## Standard variations

The following variations in the Standard are noted for **juvenile facilities**. The variations are discussed in summary fashion below, but readers are encouraged to consult the full text of the specific set of Standards to ensure a complete understanding of the differences.

**Juvenile:** The juvenile Standards require that the head of the facility that received the allegation **must also notify the appropriate investigative agency because of mandatory child abuse reporting laws.**

**Lockups:** No differences.

**Community Confinement:** No differences.

## Resources

- Frequently Asked Questions (FAQs) on the PREA Resource Center (PRC) website:  
<https://www.prearesourcecenter.org/frequently-asked-questions>
- The Department of Justice has issued extensive guidance regarding housing youthful inmates in adult facilities. Visit the PRC FAQ page and search for guidance under the Standard 115.63 for the many related FAQ responses provided by DOJ. The FAQs to date are as follows:
  - **May 9, 2017.** Facility-to-facility notifications of alleged abuse that occurred at an inmate's prior facility pursuant to Standard 115.63(a) must be made to "the head of the facility or appropriate office of the agency where the alleged abuse occurred." What constitutes "an appropriate office at the agency?"  
<http://www.prearesourcecenter.org/node/5285>

## Resources

- **May 9, 2017.** Does Standard 115.63(a) require that notification of an incident of sexual abuse that took place at a prior facility be made directly from the head of the facility receiving the allegation, or can some other designated person make the notification? <http://www.prearesourcecenter.org/node/5284>

### Additional training resources:

Always check the following sources for excellent training on PREA:

- National Institute of Corrections (NIC) - <http://nicic.gov/training/prea>
- End Silence The Project on Addressing Prison Rape  
<https://www.wcl.american.edu/endsilence/>



# Questions & Answers



# PRC library

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- Juvenile Facility
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### Documentation Requirements - Juvenile PREA Standards

**STANDARDS:**  
All

FACILITY:	TERMS:
Juvenile Facility	Audit
	Audit Instrument (+1)

**TOOL: AUDIT**

### Documentation Requirements - Prisons and Jail PREA Standards

**STANDARDS:**  
All

FACILITY:	TERMS:
Prisons and Jails	Compliance
	Audit (+1)

**FEATURED RESOURCE**

**WEBINAR**

### Power Hour: Chat with a PREA Expert on Standard 115.32

**STANDARDS:**  
115.32

FACILITY:	TERMS:
Community Confinement	Volunteers
Juvenile Facility (+2)	Contractors (+2)

**WEBINAR**

### PRC Website Revision: Overview and Q&A

**STANDARDS:**  
None

**FEATURED RESOURCE**

**WEBINAR**

### Developing a PREA-Compliant Language Access Plan for Incarcerated...

**STANDARDS:**  
115.16, 115.21, 115.51, 115.53

FACILITY:	TERMS:
Community Confinement	Accessibility
Juvenile Facility	Limited English proficient

**TOOL: AUDIT**

### Audit Report Template - Juvenile Facilities

**STANDARDS:**  
115.401

FACILITY:	TERMS:
Juvenile Facility	Audit
	Audit Instrument (+2)

## Implementation

Implementation | Training | Request for assistance

PREA Standards

PREA toolsets

PREA in action

Training

PREA Academy

Field training audit

Webinars

Upcoming events

Request for assistance

Request Assistance

### Request for assistance

Please fill out the form below in order to request PREA-related training and/or technical assistance for your jurisdiction or agency. The more detail provided in your request will improve the PREA Resource Center's (PRC) ability to meet your needs. For jurisdictions less familiar with PREA, the PRC would encourage you to browse the resources on the [Where to begin page](#). If your jurisdiction has general questions or comments for the PRC you can communicate those through the [Contact us form](#).

To submit information on complaints or concerns about the conduct of a DOJ-certified PREA auditor, please refer to the [Auditor feedback form](#).

The PRC collects the information below in order to efficiently route and respond to inquiries. While all fields are not required, please fill out as much information as possible so that we may better assist you.

# Request assistance

Jurisdictions can request assistance by completing a web form on the PRC website under the “Implementation” tab and clicking “Request for assistance” under “Training.”

# Dana Shoenberg

## PRC Director

[dshoenberg@prearesourcecenter.org](mailto:dshoenberg@prearesourcecenter.org)

For more information about the National PREA Resource Center, visit [www.prearesourcecenter.org](http://www.prearesourcecenter.org).

To ask a question, please visit our [Contact us](#) page.

**Thank you!**



**Good luck!**

# Notice of federal funding and federal disclaimer

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