

POWER HOUR

Chat with a PREA Expert

115.64

Staff first responder duties

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IMPACT/JUSTICE

NATIONAL
PREA
RESOURCE
CENTER



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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

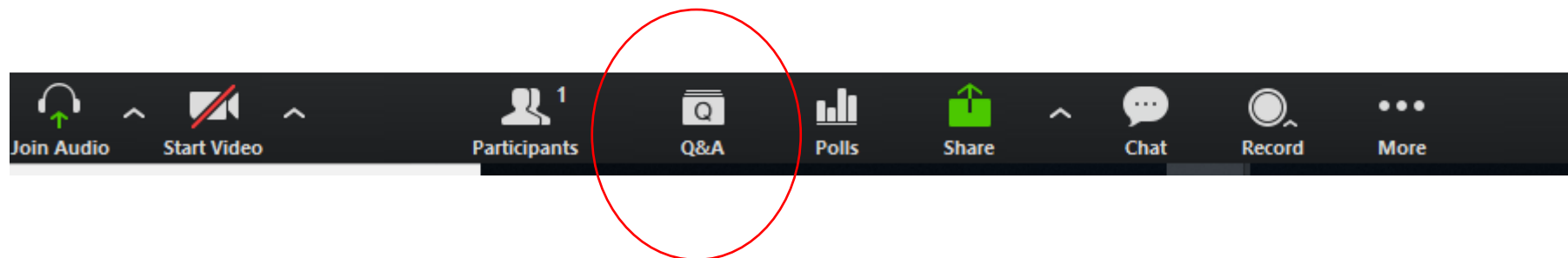
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Logistics

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.





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Purpose of the Standard

To ensure that the first security staff member to respond to an allegation or report of sexual abuse will address the victim's immediate safety and maintain security and control over the crime scene so that any physical evidence is preserved until an investigator arrives. Investigators will then have access to evidence that has not been accidentally or negligently compromised or destroyed, which will safeguard the quality of the investigation.



Standard requirements

§ 115.64, 115.164, 115.264, 115.364

- a) Upon learning of an allegation that an inmate was sexually abused, **the first security staff member** to respond to the report **shall be required** to:
1. **Separate** the alleged victim and abuser;
 2. **Preserve and protect** any crime scene until appropriate steps can be taken to collect any evidence;



Standard requirements (cont.)

§ 115.64, 115.164, 115.264, 115.364

3. If the abuse occurred within a time period that still allows for the collection of physical evidence, **request that the alleged victim** not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
4. If the abuse occurred within a time period that still allows for the collection of physical evidence, **ensure that the alleged abuser** does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.



Standard requirements (cont.)

§ 115.64, 115.164, 115.264, 115.364

b) **If the first staff responder is not a security staff member**, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

Implementation – staff first responders



- All **security staff must be trained** on the required duties of a first responder.
- The first security staff person at the scene of any sexual abuse, either because that person witnessed the abuse or received a report of the abuse, must always:
 - Physically separate the alleged victim and abuser.
 - Preserve and protect the crime scene by closing or blocking off the area as much as possible, prohibiting unauthorized persons from entering, and not touching or removing anything from the scene.
 - Security staff should be trained that evidence should only be collected by a trained investigator in accordance with Standard 115.34.

Implementation – staff responders (cont.)



- If the abuse occurred within a time period that still allows for the collection of physical evidence, the first security staff person at the scene must also take the following steps to ensure that any physical evidence is not destroyed:
 - **Alleged victim:** As appropriate to the abuse that occurred, **request** that the alleged victim not shower/bathe, brush their teeth, change clothes, urinate, defecate, smoke, drink, or eat. Victims may want to engage in these activities after being abused and staff should explain why they are requesting that they not engage in these activities so that evidence may be collected. However, the victim should retain the ability to decide how to proceed.

Implementation – staff responders (cont.)



- **Alleged abuser:** As appropriate to the abuse that occurred, **ensure** that the alleged abuser does not shower/bathe, brush their teeth, change clothes, urinate, defecate, smoke, drink, or eat.
 - Staff must **ensure** that an alleged abuser who is a confined person does not have the opportunity to destroy evidence. For example, this can involve placing an alleged abuser in a “dry cell” without access to a sink or a toilet, and not providing food, drink, or extra clothing to ensure that they do not destroy evidence. If this type of restriction is necessary, trained investigators should endeavor to collect any physical evidence promptly to avoid lengthy restrictions.
 - Alleged abusers who are not confined persons must also be prevented from destroying physical evidence. For example, this can mean escorting the person to an appropriate location and supervising them to prevent the destruction of any evidence.

Implementation – non-security responders



If the first staff responder is **non-security staff**, they must:

- **Request** that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- **Notify** security staff, who will then be required to fulfill the required first responder duties for security staff.

Challenges



- Ensuring that all security staff are prepared to perform the required first responder duties.
- Ensuring that security staff are regularly trained on and understand the time period that allows for the collection of physical evidence, specifically DNA evidence which has a finite time frame of viability in which to collect the evidence.

Challenges (cont.)



- Ensuring that staff effectively explain to alleged victims why it is important to refrain from doing activities that they would otherwise want to do, such as washing, urinating, or defecating.
- Ensuring that any physical evidence is collected by trained investigators or other qualified individuals as quickly as possible from both the alleged victim and the alleged abuser.

Best practices



- Facilities often include additional duties for first responders after they have fulfilled the specified duties. These include requiring first responders to notify a supervisor or request that another staff member notifies a supervisor; and completing an incident report once the scene is secured and steps have been taken to preserve physical evidence.
- Some facilities have provided all staff with laminated pocket cards that list the first responder duties to ensure that all steps are followed in what can often be a stressful or chaotic situation following a sexual assault in the facility. **Such cards should not be relied upon, however, when being interviewed by the PREA auditor; staff should be able to describe to an auditor their first responder duties without referencing cards such as these.**

Best practices (cont.)



- Security staff first responders should be provided with regular refresher training regarding their role and duties under Standard 115.64. **Mock drills or tabletop exercise scenarios are effective training tools** to help ensure that staff can respond quickly and appropriately to abuse situations.

Audit issues



- The auditor will review any **written policies** regarding first responders.
- The auditor will rely on **staff interviews** to ensure that each staff member understands and is prepared to fulfill the duties of a first responder.
- The auditor may **interview incarcerated individuals** who have reported sexual abuse about how the first security staff on the scene responded.

The following variations in the standard are noted for **Lockups, Community Confinement Facilities, and 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.

- **Lockups:** No differences.
- **Community Confinement:** No differences.
- **Juvenile:** No differences.

Resources

Frequently Asked Questions:

<https://www.prearesourcecenter.org/frequently-asked-questions>

The Department of Justice has issued extensive guidance regarding first responder duties. Visit the PREA Resource Center's FAQ page and search under Standard 115.64 for the many related FAQ responses provided by the Department of Justice. The FAQs to date are as follows:

- **August 23, 2014.** Can inmate peer educators be used to deliver the inmate information and education requirements of Standard 115.33? If so, under what circumstances and are there any limitations?

<https://www.prearesourcecenter.org/frequently-asked-questions/can-inmate-peereducators-be-used-deliver-inmate-information-and>

PRC Library

PREA refresher

- “Prisons & Jails PREA Refresher #9 – Reporting Knowledge, Suspicion, or Information” (also available for community confinement and juvenile facilities):
<https://www.prearesourcecenter.org/training-and-technical-assistance/prea-refreshers>

PRC Library

- “PREA employee training notification of curriculum utilization”
 - Unit 3, part II on response and reporting of sexual abuse and sexual harassment:
https://www.prearesourcecenter.org/sites/default/files/content/unit_3.2_lesson_plan.pdf

PRC Library

- First responder & victim of abuse role play activity facilitator sheet
 - [https://www.prearesourcecenter.org/sites/default/files/content/first_responder_role_pla_y_activty_-facilitator_sheet.pdf](https://www.prearesourcecenter.org/sites/default/files/content/first_responder_role_play_activity_facilitator_sheet.pdf)
- Module 6: First response and evidence collection: the foundation for successful investigations curriculum | PREA (prearesourcecenter.org)
 - [https://www.prearesourcecenter.org/sites/default/files/content/investigatio ns_presentation_mod_6_first_response_evidence_collection.pdf](https://www.prearesourcecenter.org/sites/default/files/content/investigations_presentation_mod_6_first_response_evidence_collection.pdf)

PRC Library

- Providing a coordinated, victim-centered response to reports of corrections-based sexual assault | PREA (prearesourcecenter.org)
 - <https://www.prearesourcecenter.org/resource/providing-coordinated-victim-centeredresponse-reports-corrections-based-sexual-assault>

Additional Training Resources

Always check the following sources for excellent training on PREA:

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

Questions & Answers



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FEATURED RESOURCE

WEBINAR

Power Hour: Chat with a PREA Expert on Standard 115.32

STANDARDS:

115.32

FACILITY: Community Confinement
Juvenile Facility (+2)

TERMS: Volunteers
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: Community Confinement
Juvenile Facility

TERMS: Accessibility
Limited English proficient

TOOL: AUDIT

Audit Report Template - Juvenile Facilities

STANDARDS:

115.401

FACILITY: Juvenile Facility

TERMS: Audit
Audit Instrument (+2)

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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.”

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Sign up for our PRC Newsletter

Jurisdictions can sign up for the PRC Newsletter by completing a web form on the PRC website under the “How to use this site” tab and going to “Frequently Asked Questions” and clicking “Subscribe to our newsletter.”

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For more information about the National PREA Resource Center, visit www.prearesourcecenter.org.

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

Thank you!

Notice of federal funding and federal disclaimer

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