

PREA

Fact Bulletin

Inmate Education



NATIONAL
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CENTER

PREA* Fact Bulletin

**The National Prison Rape Elimination Act was passed unanimously by Congress and signed into law by President George W. Bush in September 2003, to prevent, detect and respond to sexual abuse of inmates in confinement facilities. The National PREA standards to prevent, detect and respond to sexual abuse became effective August 20, 2012.*

The PREA Fact Bulletin series is an American Jail Association project funded by the National PREA Resource Center (PRC). Each Bulletin covers a specific topic relative to meeting PREA compliance. The intent of the Bulletins is to be a quick and general guide, and not an all inclusive and comprehensive coverage of the topic. The topics for the Bulletins were selected based on input from the field about the issues that present unique challenges for jails as they work toward PREA compliance, and to clarify issues that present the most questions. More information on these topics can be obtained by using the resources noted at the end of each bulletin.

INMATE¹ EDUCATION

1. What do the PREA Standards say about Inmate Education?

In adult prisons and jails, the standards require:

§ 115.33 Inmate education.

- (a) During the intake process, inmates shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.*
- (b) Within 30 days of intake, the agency shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.*
- (c) Current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.*
- (d) The agency shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.*
- (e) The agency shall maintain documentation of inmate participation in these education sessions.*
- (f) In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.*

There are some slight differences in the standards concerning inmate education in community confinement facilities, lockups, and juvenile facilities when compared to adult prisons and jails. Some agencies operate multiple types of facilities, and the agency should be aware of the differences in the inmate/resident/detainee education requirements in the standards. Below are the portions of the standard that differ for different facility types. See the links below to the standards for other types of facilities.

¹ For the purposes of this document, the term "inmate" includes adults in prisons, jails, and lockups, and residents in community confinement facilities and juvenile detention facilities.

Lockups (For lockups, the inmate education process is contained in §115.132)

§ 115.132 Detainee, contractor, and inmate worker notification of the agency's zero tolerance policy.

- (a) During the intake process, employees shall notify all detainees of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment.
- (b) The agency shall ensure that, upon entering the lockup, contractors and any inmates who work in the lockup are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment.

Community Confinement Facilities (Note: The time requirement for more comprehensive education is absent)

§115.233 Resident education.

- (a) During the intake process, residents shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse or sexual harassment, their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.
- (b) The agency shall provide refresher information whenever a resident is transferred to a different facility.

Juvenile Facilities [Note the unique time requirement in section(b)]

§115.333 Resident education.

- (a) During the intake process, residents shall receive information explaining, in **an age appropriate fashion**, the agency's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
- (b) Within **10 days of intake**, the agency shall provide comprehensive age-appropriate education to residents either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

2. What formats should be used for inmate education?

At Intake in Adult Prisons and Jails, and in Juvenile Facilities:

Posters, video, written formats or any combination of methods would be sufficient at the intake location.

Keep in mind:

- If phone numbers are given for reporting purposes, frequently check to ensure that the phone numbers are working properly.
- Staff should ensure that inmates are aware of information that is provided on posters.
- Staff should ensure that inmates understand the information provided. This includes inmates with disabilities and those who are Limited English Proficient.

Within 30 Days of Intake (or within 10 days of Intake in Juvenile Facilities):

Inmates and residents should receive more comprehensive PREA education after the intake session.

Keep in mind:

- Providing this just in a handbook or on paper is not sufficient for this requirement.

- If showing a video, it is sound practice (though the standard does not require this) that inmates/residents have the opportunity to ask questions of staff or other assigned officials during and after the video.

Some facilities supplement this by looping a video in every housing unit at specific times to assure that all inmates have a chance to see the video, and to reinforce the message and information on a regular basis. If using a looping video, facilities should do this in a thoughtful and conscious way that takes into account the trauma histories of the population. It is also important to recognize that viewing such a video may trigger trauma in some inmates and the facility needs to be prepared to provide support services to these individuals.

Some facilities use peer educators as part of this comprehensive education for inmates. See the next section “Frequently Asked Questions”, for full information concerning limitations and requirements for using inmate peer educators.

2. PREA What You Need to Know Inmate Education Video and Facilitator Guide

The PREA Resource Center, in coordination with Just Detention International, has created an inmate education video that may be uploaded and used by any facility as part of their inmate education program. This is available on the PRC website, which can be accessed via the links below. The following is a description of this video and the related materials.

Authors: Just Detention International, the PREA Resource Center

PREA: What You Need to Know is a 16-minute closed captioned inmate education video. The video and accompanying facilitator’s guide are designed to help adult prisons, jails, and lockups to meet the inmate education requirements of the US Department of Justice’s National Standards to Prevent, Detect, and Respond to Prison Rape (§115.33 and §115.132). The video includes an introductory section that can be used during intake to inform incoming inmates about a facility’s zero-tolerance policy on sexual abuse and how victims can report it. The full video can be used to provide a comprehensive inmate education program and covers:

- The definition of sexual abuse and sexual harassment;
- The absolute right of inmates to be free from such violence;
- Agency policies and procedures for preventing and responding to sexual abuse and sexual harassment; and
- How inmates can get support and medical and mental health care after an incident of sexual abuse.

The closed captioned video features a range of experts, including survivors of prisoner rape, former PREA inmate peer educators, advocates, and corrections officials. Because inmate education should be facility specific, the video has information applicable to all adult detention settings.

The accompanying facilitator’s guide explains how facilities can customize the video for their individual inmate education programs. The guide also supports staff facilitators and inmate peer educators who will screen the video, describing how and where to include information about facility policies, reporting channels, available victim services, and how to make inmate education accessible to inmates with limited English proficiency or disabilities.

Intended audience

The closed captioned video is intended for lockup detainees and inmates at adult prisons and jails. The video and facilitator’s guide are intended for representatives from adult prisons, jails, and lockups who will facilitate the inmate education sessions. PREA coordinators and compliance managers are also

encouraged to review the materials and attend the inmate education sessions. Other recommended attendees include community-based victim service organizations.

Expected length of training

Intake Education (10 minutes)

- Three minutes for viewing the video introduction.
- Seven minutes to present additional information.

Comprehensive Inmate Education (25 minutes)

- Sixteen minutes to view the video.
- Nine minutes to present facility-specific information.

Links on the PREA Resource Center website for the materials are given below. On the website there are some additional resources, as well closed-captioned versions of each video.

- Facilitator's Guide: http://www.prearesourcecenter.org/sites/default/files/content/prc_inmate_ed_facilitators_guide.pdf
- English Language Inmate Education Video: <https://vimeo.com/146415464>
- Spanish Language Inmate Education Video: <https://vimeo.com/138337984>
- Hmong Language Inmate Education Video: <https://vimeo.com/138337639>

3. Frequently Asked Questions

The following interpretive guidance issued by the Department of Justice PREA Working Group is from the FAQ section on the PRC Website. These are summarized, but it is important that you read the entire answer. You can read the full text by following this link: <http://www.prearesourcecenter.org/faq>. Check the FAQ section frequently for new information and guidance as questions and answers are added regularly.

Can inmate peer educators be used to deliver the inmate information and education requirements of § 115.33? If so, under what circumstances and are there any limitations?

<http://www.prearesourcecenter.org/node/3264>

Peer education models have been successful in certain confinement settings because sensitive information may be more readily accepted when presented by someone that inmates can identify with, such as a fellow inmate.

The PREA standards provide some limitations on an agency's use of inmate assistants. Specifically, in the context of sexual abuse allegations, incident response, and investigations, the standards prohibit the reliance on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under § 115.64, or the investigation of the inmate's allegations. See 28 C.F.R. § 115.16(c).

However, DOJ has determined that a properly developed and executed inmate peer education program does not violate this provision for purposes of providing the inmate education required by § 115.33. Inmate peer educators must be effectively screened, for appropriateness, be effectively trained in the requirements of the standard, utilize an effective inmate education curriculum, and be effectively supervised by qualified staff.

Last updated April 23, 2014.

In adult prisons and jails, can adult inmates provide inmate peer education to juvenile inmates?

<http://www.prearesourcecenter.org/node/3265>

No. Under the Juvenile Justice and Delinquency Prevention Act (JJDP), juveniles may not have sight or sound contact with adult inmates *in any institution*. See 42 USC 5601 et seq. Moreover, in any facility that houses juvenile residents, adult inmate trustees may not have sight or sound contact with residents in a juvenile facility. Thus, should an agency that oversees adult and juvenile commitments for a given state decide to utilize peer educators from its adult prison system, such peer educators could not educate juvenile residents, in either a juvenile facility or an adult facility. Even where a state agency does not have jurisdiction over adult and juvenile corrections, a program whereby adult inmates are transported to a juvenile prison to provide face-to-face peer education on any topic would violate the JJDP. *Last updated April 23, 2014.*

In adult prisons and jails, can inmates over the age of 17 provide inmate peer education to youthful inmates (age 17 and under)? <http://www.prearesourcecenter.org/node/3266>

Under certain defined parameters, yes. In adult prisons and jails, *youthful inmates* are generally prohibited from having contact with inmates over the age of 17. See 28 C.F.R. §115.14. However, *youthful inmates* may have contact with inmates over the age of 17 outside of housing units if there is *direct staff supervision*. This peer education must occur outside inmate housing units and there is *direct staff supervision* during the education process. *Last updated April 23, 2014.*

4. Resources

To achieve compliance with the PREA standards, it is extremely helpful to use all of the tools available. This Fact Bulletin is a quick guide, but does not present the complete language of the PREA standards, and does not include all of the available resources developed to assist with PREA implementation. See the links to various resources below.

The following link to the PRC library will take you to a list of other examples of inmate education handbooks, information, and videos used by other agencies:

<http://www.prearesourcecenter.org/library/search?keys=inmate+education&cat=All>

General PREA Implementation Resources:

Toolkit for Jails: <https://s3.amazonaws.com/static.nicic.gov/Library/026880.pdf>

Audit Instrument: <http://www.prearesourcecenter.org/node/1754>

Archived webinars: <http://www.prearesourcecenter.org/training-and-technical-assistance/archived-webinars>

Full Standards:

<http://www.prearesourcecenter.org/sites/default/files/library/preafinalstandardstype-communityconfinement.pdf>

<http://www.prearesourcecenter.org/sites/default/files/library/preafinalstandardstype-juveniles.pdf>

<http://www.prearesourcecenter.org/sites/default/files/library/preafinalstandardstype-lockups.pdf>

Latest interpretive guidance and information in the FAQ section of the PREA Resource Center website <http://www.prearesourcecenter.org/faq>.

For more information and assistance please visit

www.prearesourcecenter.org

www.aja.org