

Responding to Sexual Abuse of Inmates in Custody: Addressing the Needs of Men, Women, and Gender Nonconforming Populations
Notification of Curriculum Use
April 2014

The enclosed Responding to Sexual Abuse of Inmates in Custody: Addressing the Needs of Men, Women, and Gender Nonconforming Populations curriculum was developed by the Project on Addressing Prison Rape at American University, Washington College of Law 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 Prison Rape Elimination Act (PREA) standards served as the basis for the curriculum's content and development with the goal of the Responding to Sexual Abuse of Inmates in Custody: Addressing the Needs of Men, Women, and Gender Nonconforming Populations curriculum being to satisfy specific PREA standards requirements.

It is recommended that the Responding to Sexual Abuse of Inmates in Custody: Addressing the Needs of Men, Women, and Gender Nonconforming Populations curriculum be reviewed in its entirety before choosing which modules to use. Any alterations to the original materials require either acknowledgement during their presentation or removal of the PRC and Project on Addressing Prison Rape 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: Use of the enclosed curriculum, either in part or whole, does not guarantee that an auditor will find that a facility "meets standards." Rather, an auditor will take into consideration the curriculum used as part of their overall determination of compliance.

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**Training Curriculum:
Responding to Sexual Abuse of Inmates in Custody:
Addressing the Needs of Men, Women and Gender Non-Conforming
Populations**

**Module 9:
Policy**

**The Project on Addressing Prison Rape
February 2014**

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Objectives

Identify and discuss the role policy plays in the field of corrections.

Discuss why gender matters when making policy.

Identify and discuss the factors that contribute to an agency's organizational context for policy development and implementation.

Identify key elements of good PREA policies.

Conduct a review of elements of your jurisdiction's policy.

What role does policy play in corrections?

Policy:

- Provides a clear statement of the agency's mission, goals and values
- Gives direction to staff
- Helps to manage risk and keep staff and inmates safe and secure
- Helps to avoid costly litigation

Why should we address the needs of men, women and gender non-conforming populations in PREA policy?

Why Continued

From a safety and security lens:

- We know from the BJS data that the LBGTI population's rate of sexual victimization while in custody is higher than the rates of heterosexual men and women.
- We know sexual assault of transgender individuals is 13 times more prevalent among transgender women compared to men- 59% reported assaults. (Center for Evidence Base Corrections, 2009)
- From the BJS data we know gender is a factor in the rate of prison-based sexual victimization
- Addressing offenders' needs can increase their safety and improve security.

Why Continued

From a human rights perspective:

- These incidents account for untold personal costs ...physical and emotional harm...to victims and their families.
- We have an ethical, professional obligation to keep those committed to our custody safe from sexual abuse.

Why Continued

From a practical perspective:

- These incidents can result in costly litigation.
- Implementation of PREA standards generates a sense of urgency and opportunity to address these issues more proactively.
- Policies can increase staff comfort level

From a personal perspective:

- It is the right thing to do.

Agency Policy Context

- Agency culture
- Role of leadership
- Data
- Legal requirements
- Implementation barriers

Policy Process: Considerations

Assessment of Current Agency/Facility Norms, Written Policies, Informal Practice and Norms and Training that address Gender Issues.

- Identify Gaps

Structural Preference

- Going forward, will you have one policy or embed specifics in each policy?

Role of Stakeholders

- Which staff members should be at the table?
- Should external stakeholders be invited, if any?

Implementation Issues

- Determine the desired level of transparency
- Is a pilot necessary?
- Monitor/oversight mechanisms

Key Elements of Good PREA Policy

Includes clear language regarding:

- Intent
- Definitions
- **Staff responsibilities**
- Scope of applicability
- Prohibited activities
- Consequences of failure to follow requirements

Addresses:

- Addresses the needs of men, women and gender non-conforming individuals
- References relevant procedures
- Training, reporting, documentation and confidentiality requirements, if any
- Need for periodic review of policy by interdisciplinary group

POLICY “MUST HAVES”

Support of all management supervisory staff

Consistent application of policies/ practices/ sanctions.

Training, training and more training...

Reinforcement

Key Policies to Revisit: Are They Gender Responsive?

Policies that are relevant to or address specific activities should be reviewed with an eye to addressing the needs of men, women and gender non-conforming inmates.

What policies/ topics areas should be included in this review?

Group Activity: Review Elements of Your Current Policies

- Assess your current relevant department policy(ies) and determine if the requirements of the standard and the associated needs of men, women and gender non-conforming populations are addressed in your department's policy instrument.
- Identify gaps in your policy and places for improvement
- Assess whether your agency has any promising practices
- Identify what key decisions need to be made at the agency level
- Identify any barriers you may have in your policy development process.

Group Activity Assignments

- § 115.15 Limits to cross-gender viewing and searches.
- § 115.21 Evidence protocol and forensic medical examinations
- § 115.31 Employee training.
- § 115.33 Inmate education.
- § 115.34 Specialized training: Investigations.
- § 115.35 Specialized training: Medical and mental health care.
- § 115.41 Screening for risk of victimization and abusiveness.
- § 115.42 Use of screening information.
- § 115.43 Protective custody.
- § 115.64 Staff first responder duties.
- § 115.67 Agency protection against retaliation.
- § 115.71 Criminal and administrative agency investigations.
- § 115.78 Disciplinary sanctions for inmates.
- § 115.81 Medical and mental health screenings; history of sexual abuse.
- § 115.82 Access to emergency medical and mental health services
- § 115.83 On-going medical and mental health care for sexual abuse victims and abusers.

Summary

Where do we go from here?