

**Specialized Training: Investigating Sexual Abuse in
Correctional Settings
Notification of Curriculum Utilization
December 2013**

The enclosed *Specialized Training: Investigating Sexual Abuse in Correctional Settings* curriculum was developed by The Moss Group, Inc. (TMG) 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: Investigating Sexual Abuse in Correctional Settings* curriculum to satisfy specific PREA standard requirements.

It is recommended that the *Specialized Training: Investigating Sexual Abuse in Correctional Settings* 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 TMG 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.



Module 1: PREA Update and Investigative Standards Overview Guidance for the Field

Time: 9:00 a.m. – 10:15 a.m. (1 hour and 15 min)

Training Objectives:


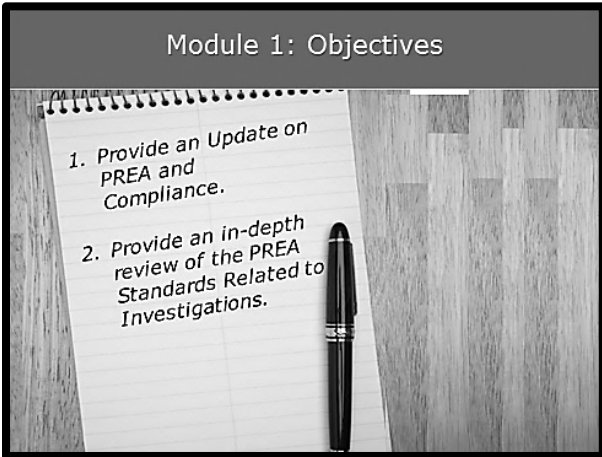


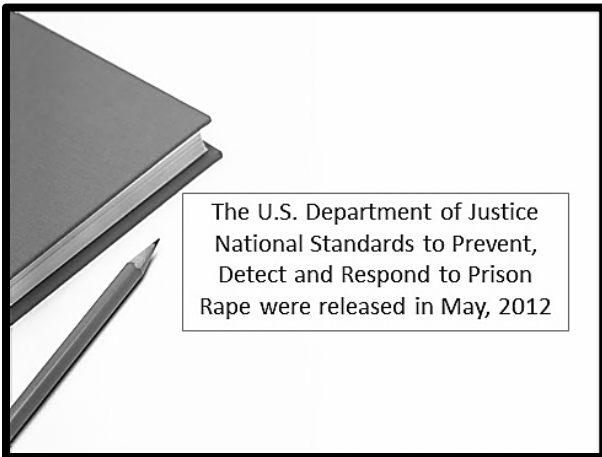


1. Understand a timeline of Public Law 108-79, The Prison Rape Elimination Act
2. Describe the PREA standards relevant to investigations

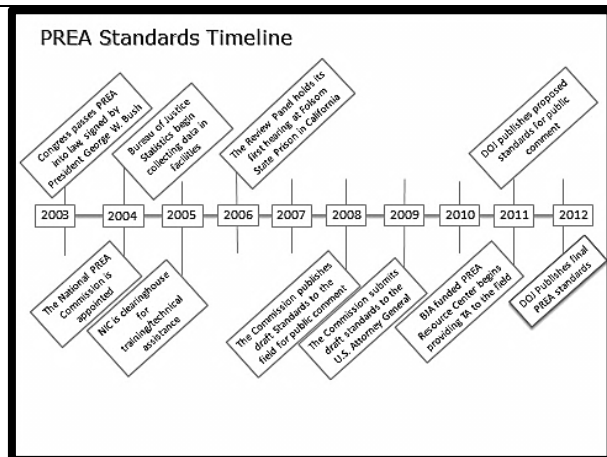
Materials Needed:

1. Easel pad and markers
2. PowerPoint® player/machine (lap top computer and LCD projector)
3. Screen or monitor
4. Handout: United States Department of Justice National Standards to Prevent, Detect, and Respond to Prison Rape (2012). Note that both the Prison and Jails Standards and the Juvenile Standards are provided as handouts. Select the set of standards appropriate to the population of your agency.
5. Handout: Your Words, My Words (optional)

Training Tips:

- The purpose of this module is to ensure participants have a good understanding of the PREA standards relevant to investigations. To do this, a trainer needs to engage the audience. Simply lecturing on these slides will not hold your participants' interest; invite participants to ask questions and encourage discussion on the standards. Engaging participants in discussion will increase retention and ensure a higher interest level.
- This module was designed to address the standards with specific relevance to investigations. As a result, additional PREA standards are not included in this module.

Time	Lecture Notes	Teaching Tips
1 min	Overview of the Prison Rape Elimination Act (PREA)	
	Objectives  <p>In this module, we are going to give you an overview of the PREA standards that impact your agency. The learning objectives are to provide you with an update on PREA and compliance, as well as provide an in-depth review of the PREA standards that relate to investigations.</p>	 Objectives  <p>Provide participants with a full copy of the PREA standards appropriate to the population of their agency. State that you will only be going over select standards, but you encourage them to review the full set of standards.</p>
1 min	PREA Release 2012  <p>The United States Department of Justice National Standards to Prevent, Detect, and Respond to Prison Rape were released in May, 2012. They were published in the Federal Registrar in June, 2012, and they officially became effective in August, 2012.</p>	 PREA Release 2012
3 min	PREA Standards Timeline	





PREA Standards Timeline



This timeline provides a broad idea of the process through which the standards were developed. There were a number of draft versions of the standards.

The PREA law was passed in 2003. Between 2003 and 2008, the first version of the draft standards were developed by the National Prison Rape Elimination Commission. Simultaneous to that development, the Bureau of Justice Statistics was collecting data on the actual incidence of sexual abuse in correctional settings in the United States, since there was no national data in existence. The National Institute of Corrections also began providing technical assistance during that time, and the PREA Review Panel began holding hearings based on the data collected by the Bureau of Justice Statistics.

After field review, the National Prison Rape Elimination Commission submitted their recommended standards to the U.S. Attorney General's Office in 2009, and the Department of Justice (DOJ) PREA Working Group published a second version of the standards in 2011. Those Standards were revised and finalized in 2012.

<p>2 min</p>	<p style="text-align: center;">PREA Standards</p> <div data-bbox="418 226 1019 682" data-label="Image"> <p style="text-align: center;">Standards Development</p> <p><i>The field played an important role in development. The DOJ report released with the standards responds to the comments of the field and explains the reasoning behind the development of the final standards.</i></p> <p><i>Comment.</i> As noted above, § 115.22 of the proposed standards appeared to cause confusion because it covered both agreements regarding outside reporting and agreements regarding support services for victims. In addition, commenters were unclear as to how § 115.22 interacted with § 115.53, given the topical overlap.</p> <p><i>Response.</i> For clarity, the subject matter covered by proposed standard § 115.22 has been moved into §§ 115.51 and 115.53, as appropriate.</p> <p><i>Comment.</i> Numerous nonprofit organizations and some inmates supported the requirement in the proposed standard that agencies maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that could provide inmates with confidential emotional support services related to sexual abuse. These organizations recommended that the agreements between correctional agencies and victim advocacy organizations clarify the services that the organizations can provide and the limits to confidentiality.</p> <p><i>Response.</i> The Department agrees that such clarifications are a best practice and will assist the facilities in meeting their obligation to inform victims of the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. As many</p> </div> <p>After each draft of the standards was released, the field was invited to submit comments on the standards in which they could state their support or request revisions. The final report released with the PREA Standards contains extensive discussion of the comments received from the field, and how they influenced the development of the final standards.</p>	<div data-bbox="1182 193 1274 256" data-label="Image"> </div> <p>PREA Standards</p> <p>Use this slide to emphasize the role played by the field in the development of the standards. The report released by the DOJ in conjunction with the standards responds to the comments from the field, and explains why the PREA Working Group made the decisions they did.</p>
<p>3 min</p>	<p style="text-align: center;">PREA Audit Timeline</p> <div data-bbox="418 1039 1019 1495" data-label="Diagram"> <p style="text-align: center;">PREA: Audit Timeline</p> <p>Standards are published Standards go into effect*</p> <p>June, 2012 August, 2012 August, 2013 August, 2014 August, 2015 August, 2016</p> <p>2012 2013 2014 2015 2016</p> <p>*With some exceptions</p> <p>Audit Cycle #1 Audit Cycle #2 Audit Cycle #3</p> <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>The final rule was</p> <ul style="list-style-type: none"> published on June 20, 2012, and became effective on August 20, 2012. Note the asterisk. Certain standards do not go into effect until a later date (e.g., prohibition on cross-gender pat searches of women offenders which becomes effective in 2015 or 2017 depending on facility size, and juvenile staffing ratios which go into effect in 2017). 	<div data-bbox="1182 1001 1274 1064" data-label="Image"> </div> <p>PREA Audit Timeline</p>

	<p>The first audit cycle begins on Aug. 20, 2013, and, to be in compliance, jurisdictions are required to audit:</p> <ul style="list-style-type: none"> • at least one third of their facilities within the subsequent 12-month period ending August 20, 2014. • another one third of their facilities between August, 2014, and August, 2015, • the final third of their facilities between August, 2015, and August, 2016. 	
2 min	<p>How is compliance determined?</p> <div data-bbox="418 617 1021 1073" data-label="Complex-Block"> <div> <p>How is compliance determined?</p> <ul style="list-style-type: none"> • Governor of each State must certify full compliance with the standards with regard to state entities • Governor certification does not apply to facilities operated by cities, counties, etc. • Full compliance = compliance with all material requirements except for <i>de minimus</i> or temporary violations <ul style="list-style-type: none"> – Short term malfunction that prevents access to a confidential reporting hotline – Small number of instances where a facility fails to meet a deadline by a small number of days </div> <div> <p>NATIONAL PREA RESOURCE CENTER</p> </div> </div> <p>What does “compliance mean?”</p> <p>Governors of each state will certify compliance for all state-level agencies. Full compliance entails meeting all material requirements, which will be identified by the audit instrument. If a facility is temporarily not meeting the requirements, or has minor issues of non-compliance, these facilities can still be considered to be in full compliance. An example of a minor issue of non-compliance would be if a hotline is temporarily malfunctioning or a facility missed a deadline by a small number of days.</p>	 <p>How is Compliance Determined?</p>
2 min	<p>How is compliance determined?</p>	 <p>How is Compliance Determined?</p>

	<div data-bbox="422 193 1023 646" data-label="Complex-Block"> <h3>How is compliance determined?</h3> <ul style="list-style-type: none"> • Compliance is determined at the facility level through audits. • The DOJ and the PREA Resource Center are currently developing the audit tool that will be used to assess compliance. • The instrument: <ul style="list-style-type: none"> – Provides audit methodology – Provides compliance measures for each standard <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>The adult prison/jail instrument was pilot tested in two BOP prisons, and released to the general public in May, 2013. The other three tools (juveniles, community residential facilities, lock-ups) will follow. Exact timeline is still to be determined.</p>	
2 min	<div data-bbox="422 924 1023 1377" data-label="Complex-Block"> <h3>How is compliance determined?</h3> <ul style="list-style-type: none"> • From what date do you need documentation that you have been compliant? • Standard: "PREA auditors shall review, at a minimum, a sampling of relevant documents and other records and information for the most recent one year period." <p><i>Also, remember that facilities who are not found to be compliant will have an additional 180-day corrective action period to remedy the situation!</i></p> <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>The first few years of auditing will be unique as the field comes into compliance. Moving forward, audits will look at the one-year period preceding the audit to determine compliance.</p>	 <p>How is Compliance Determined?</p>
2 min	<p>Sexual Abuse – Statistics</p>	 <p>Sexual Abuse Statistics</p> <p>Only use this slide if your agency has an adult population.</p> <p>Insert agency-specific data.</p>

	<div data-bbox="423 193 1024 646" data-label="Complex-Block"> <div> Sexual Abuse Statistics </div> <div> <p>Bureau of Justice Statistic Data - Adults</p> <ul style="list-style-type: none"> • 4.0% in prison and 3.2% in jails report victimization • 2.4% in prison and 1.8% in jails report victimization by staff • Mentally ill inmates and non-heterosexual inmates were substantially more likely to be victimized by other inmates • Most victims of sexual abuse by staff were male inmates; most perpetrators were female staff <p><i>Percentages indicate that 80,600 incarcerated adults were sexually victimized in custody within the 12 months before the survey</i></p> </div> <div> <small>NATIONAL PREA RESOURCE CENTER</small> </div> </div> <p>This was the data collected in the 2011-2012 National Inmate Survey conducted by the Bureau of Justice Statistics.</p> <p>Note that 6.3% of inmates in prisons with serious psychological distress reported sexual victimization by another inmate, and 3.6% reported in jails.</p> <p>Among non-heterosexual inmates, 12.2% of prisoners and 8.5% of jail inmates reported being sexually victimized by another inmate; 5.4% of prisoners and 4.3% of jail inmates reported victimization by staff.</p>	<p>Beck, Allen Ph.D. et al. Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.</p> <p>http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4654</p> <p>Put your participants into teams of two and have them discuss: What does this data mean? Is it consistent with my own experience? Does anything surprise me/ How can I learn from the data?</p>
2 min	<p>Sexual Abuse – Statistics</p> <div data-bbox="418 1171 1019 1625" data-label="Complex-Block"> <div> Sexual Abuse Statistics </div> <div> <p>Bureau of Justice Statistic Data - Youth</p> <ul style="list-style-type: none"> • 9.5% of youth reported sexual victimization • 2.5% of youth reported victimization by other youth • 10.3% of youth reported sexual victimization by staff • Girls were over 2x as likely to report sexual victimization by other youth than boys • Boys were almost 3x as likely to report sexual victimization by facility staff; 89.1% of youth reporting sexual activity with staff were males reporting activity with female staff <p><i>Percentages indicate that 3,220 incarcerated juveniles were sexually victimized in custody within the 12 months before the survey</i></p> </div> <div> <small>NATIONAL PREA RESOURCE CENTER</small> </div> </div> <p>This was the data collected in the 2011-2012 National Survey of Youth conducted by the Bureau of Justice Statistics.</p>	<div data-bbox="1182 1129 1279 1192" data-label="Image"> </div> <p>Sexual Abuse Statistics</p> <p>Only use this slide if your agency has a juvenile population.</p> <p>Insert agency-specific data.</p> <p>Beck, Allen Ph.D. et al. Sexual Victimization in Juvenile Facilities Reported by Youth, 2012. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.</p> <p>http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4656</p>

		<p>Put your participants into teams of two and have them discuss: What does this data mean? Is it consistent with my own experience? Does anything surprise me/ How can I learn from the data?</p> <p>Note that this exercise is repeated twice. If your agency has both juvenile and adult populations, do not repeat this exercise.</p> <p>It is not unusual for participants to challenge the data. This federal initiative has brought together some of the best thinkers in data collection. However, this is a difficult area in which to collect data and we continue to learn as we move forward.</p>
2 min	<p>Sexual Abuse – Statistics</p> <div data-bbox="417 1192 1015 1648" data-label="Complex-Block"> <div> Sexual Abuse Statistics </div> <div> <p>Bureau of Justice Statistics – Risk Factors</p> <ul style="list-style-type: none"> • Previous history of victimization inside or outside of incarceration • Mental illness • Medical disability • Lesbian, gay, bisexual, transgender, intersex. • College educated or above • History of sexual predator crimes or behavior • Small physical stature • First incarceration </div> <div> <small>NATIONAL PREA RESOURCE CENTER</small> </div> </div> <p>After years of collecting research on sexual abuse in confinement settings, the Bureau of Justice Statistics has identified these most significant risk factors. As investigators, it is both critical to be educated, and critical not to make assumptions because an inmate/resident exhibits any of these characteristics. These factors increase the likelihood of abuse but are not indicators of abuse.</p>	<div data-bbox="1172 1150 1274 1218" data-label="Image"> </div> <p>Sexual Abuse Statistics</p> <p>Continue with the participants in teams of two and have them discuss: Why would these characteristics create greater vulnerability?</p>

3 min	<p>PREA Investigative Standards</p> <div data-bbox="418 231 1019 686" data-label="Image"> </div> <p>The following slides contain summaries of some of the key standards related to investigations. Staff may benefit from reading the full standards; the standards discussed below are focused on the standards relevant to the investigative standards.</p> <p>There are four separate sets of PREA standards:</p> <ol style="list-style-type: none"> 1. Adult Prisons and Jails 2. Juvenile Facilities 3. Community Confinement Facilities 4. Police Lockups <p>During this module, we will only be reviewing some of the key standards from the Adult Prisons and Jails and Juvenile Facilities standards.</p> <p>However, it is important that you have read <i>all</i> of the standards applicable to your agency, as well as the Preamble/Commentary that precedes the standards in the Department of Justice final rule and explains the considerations of the PREA Working Group during development of each standard. The Preamble is available online at the PREA Resource Center website at www.prearesourcecenter.org.</p>	<div data-bbox="1182 191 1276 254" data-label="Image"> </div> <p>PREA Investigative Standards</p> <p>Trainers will benefit from reading the full standards and familiarizing themselves with agency PREA and investigations policies to ensure all key areas relating to their agency's investigation of sexual abuse and sexual harassment processes are addressed.</p> <p>Be sure your module uses the standards that are applicable to your training participants.</p>
3 min	<p>Section 115.5: DEFINITIONS</p>	<div data-bbox="1182 1514 1276 1577" data-label="Image"> </div> <p>Definitions</p> <p>You may wish to insert definitions used by your agency here.</p>

Section 115.5: DEFINITIONS

- Substantiated Allegation: Allegation that was investigated and determined to have occurred
- Unfounded Allegation: Allegation that was investigated and determined not to have occurred
- Unsubstantiated Allegation: Allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

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Optional
Class Exercise: Your
Words, My Words.
See Attachments.

OR

Have a brief
discussion with
participants around
why definitions are
important, both to
investigators and to
line staff.



There are 46 standards, two of which are definitions. It is critical to know the definitions used in the PREA standards. Why?



When PREA was first enacted and the Bureau of Justice Statistics began their work, there were no nationally accepted definitions. This was particularly true in the documentation of investigations. The effort to collect data from the field consistently may be one of the most important contributions to understanding sexual abuse in corrections.


Consistent definitions allow for...



- **Clarity of prohibited behaviors.** One person's definition of sexual abuse will rarely be exactly the same as another's. Stating the agency has a zero-tolerance policy concerning sexual abuse of inmates/residents does not define what is meant by sexual abuse. It is critical that definitions are included in policy so that staff and others are perfectly clear about what specific behavior is prohibited.
- **Data reporting.** While no agency is required to use the PREA definitions of sexual abuse in their policy, agencies must use those definitions when submitting the annual data reporting on all allegations of sexual abuse and sexual harassment.
- **Consistency.** Definitions of prohibited behaviors should be consistent throughout policy, align with state laws, and align with definitions in PREA standards.

The definitions of sexual abuse and sexual harassment will be discussed in greater detail later in the training.


2 min	<p>Section 115.(3)21: Evidence Protocol and Forensic Medical Exams</p> <div data-bbox="420 233 1021 686" data-label="Complex-Block"> <p>Section 115.(3)21: Evidence Protocol and Forensic Medical Exams</p> <ul style="list-style-type: none"> • If the agency investigates allegations, it shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence • The protocol shall be based on the DOJ Office on Violence Against Women published protocol • The agency shall offer a victim access to forensic medical exams performed by qualified medical practitioners, free of charge <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>The agency conducting investigations is required to use a uniform evidence collection protocol to ensure all investigations and the procedures followed therein are standardized to maximize the success of potential prosecutions.</p> <p>The agency is also required to offer victims free access to forensic medical exams performed by qualified medical practitioners, ideally Sexual Assault Nurse Examiners (SANE) or Sexual Assault Forensic Examiners (SAFE).</p> <p>The protocol mentioned in the standard was developed for the community by the Office on Violence Against Women (OVW). The Vera Institute of Justice has worked with OVW to develop a similar protocol that is specific to the corrections environment and is currently pending publication.</p>	 <p>Evidence Protocol and Forensic Medical Exams</p> <p>If you are training Module 5, reference that module here. If you are not including it, mention that the forensic medical exam process is extremely thorough and can be re-traumatizing for the victim. The exam can be used to collect valuable evidence, but an inconclusive exam is not evidence that sexual abuse did not occur. For investigators unfamiliar with the process, recommend that they review the most recent addition of the U.S. DOJ's Office on Violence Against Women publication, <i>A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents</i></p> <p>Insert relevant agency policies here.</p>
2 min	<p>Section 115.(3)21: Evidence Protocol and Forensic Medical Exams</p> <div data-bbox="420 1402 1021 1856" data-label="Complex-Block"> <p>Section 115.(3)21: Evidence Protocol and Forensic Medical Exams</p> <ul style="list-style-type: none"> • A qualified individual shall provide support through the medical exam process – either a victim advocate, qualified staff member or qualified community based organization member <ul style="list-style-type: none"> – If staff the agency provides a staff member, they must receive proper training • If the agency is not responsible for investigating allegations, the agency shall inform the investigating entity of these policies <p>NATIONAL PREA RESOURCE CENTER</p> </div>	 <p>Evidence Protocol and Forensic Medical Exams</p> <p>Insert agency policy regarding victim advocates and current agency agreements with victim advocacy providers.</p>


	This standard requires the presence of a victim advocate or, if a victim advocate is unavailable, a qualified staff member.	
2 min	<p>Section 115.(3)22: Policies to ensure referrals of allegations for investigations</p> <div data-bbox="418 354 1015 808" data-label="Complex-Block"> <p>Section 115.(3)22: Policies to ensure referrals of allegations for investigations</p> <ul style="list-style-type: none"> • The agency shall ensure a criminal or administrative investigation is conducted for all allegations of sexual abuse or harassment • The agency shall have a policy in place to ensure sexual abuse or harassment allegations are referred to an agency with the legal authority to conduct criminal investigations. This policy must be published on website • Any entity conducting criminal or administrative investigations shall have a policy in place governing the conduct of such investigations <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>This is one of the few standards that requires policy. Our policy states...</p>	 <p>Policies to ensure referrals of allegations for investigations</p> <p>Ensure participants understand that this standard requires that there is no screening instrument for allegations; all allegations are referred for investigation. This means no dismissal by the warden, and no judgments based on past allegations.</p> <p>Insert agency policy here.</p>
2 min	<p>Section 115.(3)31: Employee Training</p> <div data-bbox="418 989 1015 1442" data-label="Complex-Block"> <p>Section 115.(3)31: Employee Training</p> <ul style="list-style-type: none"> • Training shall include all topics identified in the standard. These include: <ul style="list-style-type: none"> – Zero tolerance policy – How to respond to signs of threatened and actual sexual abuse – How to comply with mandatory reporting laws • All current employees trained within one year of effective date • Refresher training every two years. In off years refresher information provided <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>The full list of topics required is:</p> <ul style="list-style-type: none"> (1) A zero-tolerance policy for sexual abuse and sexual harassment; (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; (3) Inmates/residents’ right to be free from sexual abuse and sexual harassment; (4) The right of inmates/residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment; 	 <p>Section 115.(3)31: Employee Training</p>



	<p>(5) The dynamics of sexual abuse and sexual harassment in confinement;</p> <p>(6) The common reactions of sexual abuse and sexual harassment victims;</p> <p>(7) How to detect and respond to signs of threatened and actual sexual abuse;</p> <p>(8) How to avoid inappropriate relationships with inmates;</p> <p>(9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and</p> <p>(10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.</p> <p>The training is also required to be responsive to the gender of the inmates/residents at the facility.</p> <p>Investigators are also required to receive this training, as are all employees who have contact with inmates/residents.</p>	
2 min	<p>Section 115.(3)33: Inmate/Resident Education</p> <div data-bbox="417 1005 1015 1459" data-label="Complex-Block"> <p>Section 115.(3)33: Inmate/Resident Education</p> <ul style="list-style-type: none"> • <u>During intake</u>, inform inmates/residents of zero tolerance standard and how to report • <u>Within 30 (10) days</u> comprehensive education (in person or via video) <ul style="list-style-type: none"> – Right to be free from sexual abuse – Right to be free from retaliation – Agency sexual abuse response policies • Current inmates/residents educated <u>within one year</u> of the PREA standards effective date <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>This is one of a number of PREA standards that outline requirements around educating inmates/residents and ensuring inmates/residents have access to the agency's prevention, detection, and response procedures. Investigators should ensure that inmates/residents with whom they interact are provided with materials or support appropriate to their education level, age, English comprehension, mental health, and/or any disabilities.</p>	 <p>Inmate/Resident Education</p> <p>Trainers should note that the Prison and Jail standards are different in some ways than the standards for juvenile facilities. This standard is one example – the Juvenile standards have a timeline of ten days rather than 30.</p> <p>Trainers should also note the standard requirements for materials to be accessible to all inmates and residents, including those with disabilities, limited English or reading skills, visual impairment, deafness, etc.</p>





1 min	<p>Section 115.(3)34: Specialized Training-Investigations</p> <div data-bbox="420 233 1021 686" data-label="Complex-Block"> <p>Section 115.(3)33: Inmate/Resident Education</p> <ul style="list-style-type: none"> • <u>During intake</u>, inform inmates/residents of zero tolerance standard and how to report • <u>Within 30 (10) days</u> comprehensive education (in person or via video) <ul style="list-style-type: none"> – Right to be free from sexual abuse – Right to be free from retaliation – Agency sexual abuse response policies • Current inmates/residents educated <u>within one year</u> of the PREA standards effective date <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>Historically, there has been very limited investigator training that is corrections-specific. While many experienced investigators have gained valuable skills from law enforcement training, this standard acknowledges the need for training specific to the corrections environment. This training is designed to address the requirements of this standard. Any state and local police involved in these investigations are also included in the requirements of this standard.</p>	 <p>Specialized Training-Investigations</p>
2 min	<p>Section 115.(3)51: Inmate/Resident Reporting</p> <div data-bbox="420 1087 1021 1541" data-label="Complex-Block"> <p>Section 115.(3)51: Inmate Reporting</p> <ul style="list-style-type: none"> • Agency provides multiple internal ways for inmates/residents to report • Agency provides at least one way for inmates/residents to report to an entity that is not part of the agency. Procedures are in place for the outside entity to immediately forward reports to the agency. • Staff accept reports made verbally, in writing, anonymously and from third parties. Reports are promptly documented. • Agency shall provide a way for staff to privately report sexual abuse and sexual harassment of inmates/residents. <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>Accessibility of reporting mechanisms is one of the cornerstones of sexual safety. If inmates/residents do not feel that the agency encourages them to report, they will often assume that no action will be taken if they do report. Therefore, there are a number of standards addressing reporting, reporting mechanisms, and response to reports.</p> <p>Note that this standard also requires the agency to provide staff with a private way to report. This means a way to report that is outside their</p>	 <p>Inmate/Resident Reporting</p> <p>Insert agency policy regarding inmate/resident reporting.</p>




	chain of command. Providing staff with a way to report that is somewhat anonymous will increase the likelihood that they will report unusual behavior.	
2 min	<p>Section 115.(3)61: Staff and Agency Reporting Duties</p> <div data-bbox="418 382 1015 833" data-label="Complex-Block"> <p>Section 115.(3)61: Staff and Agency Reporting Duties</p> <ul style="list-style-type: none"> • Staff shall be required to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse • Except for reporting to agency officials, staff shall not reveal any information other than to the extent necessary • Unless otherwise precluded by law, medical and mental health practitioners shall be required to report sexual abuse and inform inmate's of confidentiality limits • The facility shall report all allegations to designated investigators <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>This standard provides specific requirements to staff for reporting. All allegations must be immediately reported and passed on to investigators. This means that staff cannot choose whether to report based on their own determination of whether an allegation is credible or not, or whether the inmate/resident in question has some other purpose for the allegation. Furthermore, the standard requires staff to report all knowledge or suspicions they have regarding sexual abuse or sexual harassment.</p>	<div data-bbox="1170 338 1268 405" data-label="Image"> </div> <p>Staff and Agency Reporting Duties</p> <p>Ensure this slide includes a discussion of the final bullet – reporting all allegations to investigators. Some agencies conduct initial investigations to determine whether the allegation is serious enough to report to investigators, as discussed earlier. This does not comply with the standard – all allegations must be investigated by investigators who have been appropriately trained.</p> <p>Insert agency policy regarding staff reporting.</p>
2 min	<p>Section 115.(3)66: Preservation of Ability to Protect Inmates/Residents from Contact with Abusers</p> <div data-bbox="418 1369 1015 1822" data-label="Complex-Block"> <p>Section 115.(3)66: Preservation of Ability to Protect Inmates/Residents from Contact with Abusers</p> <ul style="list-style-type: none"> • Cannot enter into any collective bargaining agreement or renew one that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmate pending the outcome of an investigation <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>The PREA standards require agencies to avoid entering into or renewing</p>	<div data-bbox="1170 1287 1268 1354" data-label="Image"> </div> <p>Preservation of Ability to Protect Inmates/Residents from Contact with Abusers</p> <p>Trainers - if your agency does not have collective bargaining, this slide is not relevant to your agency, so it is recommended that you remove this item.</p> <p>Ask if participants have any questions.</p>




	any collective bargaining agreements that limit the agency's ability to remove alleged staff perpetrators from contact with inmates/residents.	Insert any relevant information re: agency plans to address this standard.
2 min	<p>Section 115.(3)67: Agency Protection Against Retaliation</p> <div data-bbox="418 407 1015 861" data-label="Complex-Block"> <div> Section 115.(3)67: Agency Protection Against Retaliation </div> <div> <ul style="list-style-type: none"> Agency shall protect all inmates/residents and staff from retaliation for reporting sexual abuse or cooperating with investigations Agency shall have multiple protection measures such as housing changes, transfers, removal of staff, etc. </div> <div>  <div> NATIONAL PREA RESOURCE CENTER </div> </div> </div> <p>This standard requires the agency to protect those who report or cooperate with investigations against retaliation.</p> <p>This is extremely important for a number of reasons. Inmates/residents and staff may be more likely to report if they know that the agency has protection measures in place. Other inmates/residents and staff will witness those protection measures and likely have more confidence in the system. This can also work as a prevention measure as reporting becomes more common, and it acts as a deterrent to potential aggressors.</p> <p>Invisible retaliation is retaliation that is felt by an individual but usually not seen by anyone else. For example, if a staff member reported on another staff member and was fired, that would be (an extreme form of) visible retaliation. Most retaliation is not visible; most retaliation is subtle – shunning by peers, loss of promotions, etc. In the participants' experience, have they observed invisible retaliation?</p>	<div data-bbox="1182 365 1276 432" data-label="Image"> </div> <p>Agency Protection Against Retaliation</p> <p>Insert agency policy for inmates/residents and insert policy for staff.</p>
2 min	Section 115.(3)67: Agency Protection Against Retaliation (continued)	<div data-bbox="1182 1587 1276 1654" data-label="Image"> </div> <p>Agency Protection Against Retaliation</p> <p>Insert agency policy here regarding individuals in charge of monitoring and the processes in</p>


	<div data-bbox="420 191 1021 644" data-label="Complex-Block"> <p>Section 115.(3)67: Agency Protection Against Retaliation (continued)</p> <ul style="list-style-type: none"> Agency shall monitor the treatment of inmates/residents and staff who report or cooperate with investigations <u>for at least 90 days</u> following reporting or cooperation. Continued if needed.  <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>The standard also requires a monitoring function to ensure that the protection measures are working or to establish if protection measures are needed.</p>	<p>place for that monitoring. Discuss major components.</p>
2 min	<div data-bbox="420 867 1021 1320" data-label="Complex-Block"> <p>Section 115.(3)71: Criminal and Administrative Agency Investigations</p> <ul style="list-style-type: none"> Investigations into allegations of sexual abuse are prompt, thorough, objective, and conducted by investigators who have received special training in sexual abuse investigations. Investigators gather direct and circumstantial evidence, including physical and DNA evidence when available; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse. When outside agencies investigate sexual abuse, the facility has a duty to keep abreast of the investigation and cooperate with outside investigators. <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>The standards have some basic requirements for investigations, including that they be prompt; that they include interviews with alleged victims, suspects, and witnesses; that the investigator review prior complaints and reports of sexual abuse; and that the investigator gather direct and circumstantial evidence where available. Note that since the standards also require all allegations be investigated, this means that these steps must be taken for all reported allegations.</p> <p>Additionally, investigators have a responsibility to stay informed on any investigations being conducted by outside agencies and to cooperate with those investigations.</p>	<div data-bbox="1182 827 1274 890" data-label="Image"> </div> <p>Criminal and Administrative Agency Investigations</p> <p>This is the main investigative standard. Ensure participants understand that the agency must not only be in compliance with this standard, but they must be in compliance in such a way that they can demonstrate that compliance to auditors.</p> <p>Insert agency policies if applicable regarding collaboration with outside law enforcement.</p>
2 min	<p>Section 115.(3)71 (continued)</p>	<div data-bbox="1182 1814 1274 1877" data-label="Image"> </div>

	<div data-bbox="420 191 1021 646" data-label="Complex-Block"> <div>Section 115.(3)71 (continued)</div> <div> <ul style="list-style-type: none"> When the evidence supports prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors to determine whether they will be an obstacle. The credibility of a victim, suspect or witness shall be assessed on an individual basis and shall not be determined on the basis of status as an inmate/resident or staff. </div> <div>  <div>NATIONAL PREA RESOURCE CENTER</div> </div> </div> <p>Compelled interviews will be discussed in more depth in Module 2: Legal Issues and Agency Liability. The standards also require that investigators demonstrate that they have conducted credibility assessments of victims, suspects and witnesses on an individual basis, rather than determining credibility based on the individuals' status as inmate/resident or staff.</p>	<div data-bbox="1182 191 1333 306" data-label="Section-Header"> <p>Criminal and Administrative Agency Investigations</p> </div> <p>Compelled interviews will be discussed in more depth in Module 7. Participants should discuss how to document these.</p> <p>Insert agency directive to investigators regarding compliance with the standard.</p>
2 min	<div data-bbox="285 951 646 982" data-label="Section-Header"> <p>Section 115.(3)71 (continued)</p> </div> <div data-bbox="420 991 1021 1446" data-label="Complex-Block"> <div>Section 115.(3)71 (continued)</div> <div> <p><u>Administrative Investigations:</u></p> <ul style="list-style-type: none"> Shall include an effort to determine whether staff actions or failures to act facilitated the abuse; Shall document in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative findings. </div> <div>  <div>NATIONAL PREA RESOURCE CENTER</div> </div> </div> <p>The standards address both administrative and criminal investigations. For administrative investigations, the standards require investigators to determine whether there were actions taken by staff that facilitated the abuse. This will be helpful during the incident reviews that we'll be discussing later in this module in assisting the agency in determining whether there are policies or practices that should be changed to further enhance sexual safety. The standards additionally require a report including the items on the slide. Every allegation must have an associated report on the investigation. The final module in this training</p>	<div data-bbox="1182 951 1276 1014" data-label="Image"> </div> <div data-bbox="1182 1018 1333 1129" data-label="Section-Header"> <p>Criminal and Administrative Agency Investigations</p> </div> <p>Ensure participants understand that every allegation needs a report.</p>


	addresses best practices in report writing.	
1 min	<p>Section 115.(3)71 (continued)</p> <div data-bbox="418 298 1015 749" data-label="Complex-Block"> <p>Section 115.(3)71 (continued)</p> <p><u>Criminal Investigations:</u></p> <p>Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.</p>  <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>Criminal investigations also require a report that must include specific items. Reports are important to ensure that investigations have appropriate oversight, to assist in demonstrating compliance with the standards, and to ensure investigators are able to potentially testify and speak knowledgeably and credibly regarding any incident that may eventually be prosecuted.</p>	 <p>Criminal and Administrative Agency Investigations</p>
2 min	<p>Section 115.(3)71 (continued)</p> <div data-bbox="418 1110 1015 1564" data-label="Complex-Block"> <p>Section 115.(3)71 (continued)</p> <p><u>Prosecutions/Records:</u></p> <ul style="list-style-type: none"> • Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution • The agency shall retain investigative records for as long as the alleged abuser is incarcerated or employed by the agency, plus five years  <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>All substantiated allegations of conduct that appear to be criminal are referred to prosecution. Agency investigators or administrators do not determine whether a case can be prosecuted; this will be determined by the local prosecutor.</p> <p>The standards also provide requirements around retaining records. All records are retained for the entire period of time that the alleged abuser</p>	 <p>Criminal and Administrative Agency Investigations</p> <p>Ensure participants understand that this standard requires that prosecutors decide whether to prosecute, not the investigators or the agency. Therefore, all investigated allegations are referred to prosecution.</p> <p>Mention if a</p>

	is incarcerated or employed by the agency, plus an additional five years.	prosecutor is coming to speak for the prosecutorial module.
1 min	<p>Section 115.(3)71 (continued)</p> <div data-bbox="418 348 1015 802" data-label="Complex-Block"> <p>Section 115.(3)71 (continued)</p> <p><u>Continuing investigations and cooperation:</u></p> <ul style="list-style-type: none"> • The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation. • Any outside entity investigating shall also follow the provisions of this standard. <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>So, if CO John Smith is alleged to be a perpetrator of sexual abuse and he resigns, is the investigation is over? No. It may be more difficult, but the investigation must be completed regardless of whether the alleged abuser or victim leaves the employment or control of the facility or agency. If the suspect/victim is an inmate/resident and they are transferred, agency policy dictates that...</p> <p>This also links into the standard requirements for reporting to other confinement facilities, which will be discussed later in this module.</p>	 <p>Criminal and Administrative Agency Investigations</p> <p>Insert agency policy here.</p>
2 min	<p>Section 115.(3)72: Evidence Standard for Administrative Investigations</p> <div data-bbox="418 1234 1015 1688" data-label="Complex-Block"> <p>Section 115.(3)72: Evidence Standard for Administrative Investigations</p> <p>The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse are substantiated.</p>  <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>What does “preponderance of the evidence” mean?</p> <p>It’s typically defined as more than 50% of the evidence. This standard requires that an allegation of sexual abuse be considered substantiated</p>	 <p>Evidence Standard for Administrative Investigations</p> <p>Note that this standard sets the bar for the highest level that can be required, but not the lowest. Discuss to ensure understanding.</p>

	if more than 50% of the evidence indicates that the incident occurred.	
1 min	<p>Section 115.(3)73: Reporting to Inmates/Residents</p> <div data-bbox="417 302 1024 762"> <p>Section 115.(3)73: Reporting to Inmates/Residents</p> <ul style="list-style-type: none"> • Following an investigation, the agency shall inform the inmate/resident as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded • If the agency did not conduct the investigation, it shall request the information from the investigative agency to inform the inmate/resident <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>This standard is meant to ensure that inmates/residents who report sexual abuse are informed of the results of the investigations. This will deter inmates/residents from believing that reports are ignored or dismissed without an investigation, which would discourage reporting.</p>	 <p>Reporting to Inmates/Residents</p> <p>Ask: What is the agency currently doing? Discuss.</p>
2 min	<p>Section 115.(3)73: Reporting to Inmates/Residents</p> <div data-bbox="417 1024 1024 1484"> <p>Section 115.(3)73: Reporting to Inmates/Residents</p> <ul style="list-style-type: none"> • Unless the allegation is unfounded, the agency shall subsequently inform the inmate/resident whenever: <ul style="list-style-type: none"> – The staff member is no longer posted within the inmate's unit; – The staff member is no longer employed at the facility; – The agency learns the staff member is indicted or convicted on a charge of sexual abuse in the facility. This information shall also be provided when an inmate/resident makes an allegation against another inmate/resident. <p>NATIONAL PREA RESOURCE CENTER</p> </div>	 <p>Reporting to Inmates/Residents</p> <p>Ask: Do participants currently do this?</p> <p>Insert agency policy regarding reporting to inmates/resident and the role investigators play in the process.</p>
2 min	<p>Section 115.(3)76: Staff Discipline</p>	 <p>Staff Discipline</p> <p>Ask: Do investigators believe staff members are currently subject to</p>

	<div data-bbox="422 193 1021 646" data-label="Complex-Block"> <div>Section 115.(3)76: Staff Discipline</div> <ul style="list-style-type: none"> • Staff subject to discipline, including termination, for violating sexual abuse policies • Termination shall be the presumptive disciplinary sanction for staff engaging in sexual abuse • All terminations of staff, or resignations in lieu of termination, shall be referred to law enforcement if behavior is potentially criminal and to appropriate licensing bodies <div>NATIONAL PREA RESOURCE CENTER</div> </div> <p>As a deterrent to staff, and as a demonstration of the agency's commitment to sexual safety, the standards require the agency to make termination the disciplinary sanction for staff engaging in sexual abuse. Any other violations of sexual abuse policies such as assisting another staff member in engaging in sexual abuse or choosing not to report any knowledge or suspicion of sexual abuse will also result in discipline, up to and including termination. Any terminations or resignations of staff who would have been terminated had they not resigned will be referred to law enforcement if their behavior was potentially criminal and to any appropriate licensing bodies.</p>	<p>discipline if they do not report knowledge or suspicion of sexual abuse or harassment?</p> <p>Insert agency policy regarding staff discipline for sexual abuse and sexual harassment.</p>
1 min	<div data-bbox="285 1117 1166 1856" data-label="Complex-Block"> <div>Section 115.(3)77: Corrective Action for Contractors and Volunteers</div> <div>Section 115.(3)76: Staff Discipline</div> <ul style="list-style-type: none"> • Staff subject to discipline, including termination, for violating sexual abuse policies • Termination shall be the presumptive disciplinary sanction for staff engaging in sexual abuse • All terminations of staff, or resignations in lieu of termination, shall be referred to law enforcement if behavior is potentially criminal and to appropriate licensing bodies <div>NATIONAL PREA RESOURCE CENTER</div> <p>Similarly, the standards require corrective action for contractors and volunteers. Those engaging in sexual abuse are prohibited from having contact with inmates/residents and are reported to law enforcement and appropriate licensing bodies. Other violations of policy will result in other remedial measures.</p> </div>	<div data-bbox="1182 1117 1399 1856" data-label="Complex-Block">  <p>Section 115.(3)77: Corrective Action for Contractors and Volunteers</p> <p>Insert appropriate agency policies here.</p> </div>

4 min	<p>Section 115.(3)78: Inmate Discipline/Interventions and Disciplinary Sanctions for Residents</p> <div data-bbox="420 275 1021 728" data-label="Complex-Block"> <p>Section 115.(3)78: Inmate Discipline / Interventions and Disciplinary Sanctions for Residents</p> <ul style="list-style-type: none"> • May discipline for sexual contact with staff only if the staff member did not consent • <u>False Reporting</u>. A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if the subsequent investigation does not establish evidence sufficient to substantiate the allegation <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>The standards specifically require that agencies do not discipline inmates/residents for sexual contact with staff unless the staff member did not consent. This means that inmates/residents are disciplined only if they assaulted or raped the staff member, and inmates/residents are not disciplined for other sexual contact.</p> <p>Why do you think the standards included this requirement? What could happen if an agency disciplines an inmate/resident who is the victim of staff sexual misconduct for not cooperating with the investigation? For being in an area of the facility where they're not supposed to be at the time of the abuse?</p> <p>This could be perceived as retaliation, which will discourage reporting and can create legal liability for the agency.</p> <p>False reporting is always of concern in this area, and it is inevitable that some level of false reporting will occur in this and all other areas. However, while agencies are free to discourage false reporting, it is important that the agency doesn't simultaneously discourage reporting of legitimate sexual abuse concerns. Therefore, the standards require that agencies define false reporting to specifically exclude reports that are made in good faith based upon a reasonable belief that the alleged conduct occurred, even if they are determined to be unfounded.</p>	<div data-bbox="1182 193 1276 254" data-label="Image"> </div> <p>Inmate Discipline/ Interventions and Disciplinary Sanctions for Residents</p> <p>Facilitate a discussion on this topic before answering. This is a sensitive topic. Be prepared for varying opinions.</p> <p>Insert agency policies regarding disciplining inmates/residents.</p> <p>Insert agency policies regarding false reporting.</p>
1 min	<p>Section 115.(3)86: Sexual Abuse Incident Reviews</p>	<div data-bbox="1182 1654 1276 1715" data-label="Image"> </div> <p>Sexual Abuse Incident Reviews</p>

	<div data-bbox="422 193 1021 646"> <p>Section 115.(3)78: Inmate Discipline / Interventions and Disciplinary Sanctions for Residents</p> <ul style="list-style-type: none"> • May discipline for sexual contact with staff only if the staff member did not consent • <u>False Reporting</u>. A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if the subsequent investigation does not establish evidence sufficient to substantiate the allegation <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>The standards require agencies to conduct sexual abuse incident reviews after every allegation. These reviews are conducted by teams that include investigators, and they are designed to ensure any lessons learned from the investigative process are taken into account in agency revision of practice and policy.</p>	<p>Insert agency policies regarding incident reviews.</p>
2 min	Questions?	 <p>Questions?</p> <p>Ask if the audience has any questions and wrap up the module.</p>