



Unit 1: The Prison Rape Elimination Act: Overview of the Law and Your Role

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Introductions

Faculty

- Name, Title
- Work Location
- Experience with PREA and/or training

Participants

- Name, Position



Employee Training Series Outline

This training is part of series of trainings to assist agencies with PREA Standards 115.31, 115.131, 115.231, and 115.331

Unit 1:	The Prison Rape Elimination Act: Overview of the Law and Your Role
Unit 2:	Inmates' Rights to be Free from Sexual Abuse and Sexual Harassment and Staff and Inmate Rights to be Free from Retaliation for Reporting
Unit 3 Part I:	Prevention and Detection
Unit 3 Part II:	Response and Reporting
Unit 4:	Professional Boundaries
Unit 5:	Effective and Professional Communication

Objectives for Unit 1

1. Explain what the Prison Rape Elimination (PREA) is and to whom it applies
2. Explain why PREA was enacted
3. Determine how PREA impacts your role as a corrections professional
4. Understand the PREA Audit process
5. Review and understand local PREA policies and zero-tolerance policies for sexual abuse and sexual harassment
6. Examine the relationship between PREA and organizational culture change to achieve a safe environment

Objective 1: Explain what the Prison Rape Elimination Act (PREA) is and to whom it applies

To meet this objective we will discuss:

- What the law entails
- Who PREA applies to
- Important functions of the law

What is PREA?

The Prison Rape Elimination Act (PREA) is a LAW – enacted September 14, 2003 by President George W. Bush

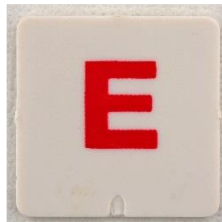


What is PREA? (continued)



PREA supports elimination, reduction and prevention of sexual assault in corrections

Mandates several national data collection activities



Created a national commission to develop standards and accountability measures for all correctional settings

Covers much more than prison sexual assault; it includes a range of behaviors to include sexual abuse and sexual harassment



Who do the PREA Standards Apply to?

- PREA directed the attorney general to promulgate standards for all confinement facilities including, but not limited to, prisons, local jails, police lockups, and juvenile facilities
- DOJ has promulgated standards for prisons and jails, lockups, residential community confinement facilities, and juvenile facilities
- Additionally, on May 17, 2012, the President directed “all agencies with federal confinement facilities that are not already subject to the Department of Justice’s final rule” to develop rules or procedures that comply with PREA

Source: National PREA Resource Center, Frequently Asked Questions, www.prearesourcecenter.org

Important Functions of the Law

Eight (8) Functions:

1. Makes prevention a top priority
2. Sets national standards for detection, prevention, reduction, prosecution and punishment
3. Increases data collection to determine prevalence of sexual abuse and develop applicable responses
4. Standardizes definitions for collecting data

Important Functions of the Law (continued)

5. Increases accountability of officials who fail to detect, prevent, reduce and prosecute prison sexual assault
6. Protects the inmates' Eighth Amendment rights
7. Established requirement for accreditation organizations to adopt accreditation standards (re: PREA)
8. Impacts health care, mental health care, disease prevention, crime prevention, investigation and prosecution; physical plant, maintenance, and operation; race relations; poverty, unemployment and homelessness

Objective 2: Explain why PREA was Enacted

To meet this objective we will discuss:

- The three primary reasons PREA was enacted according to lawmakers
- Other reasons why PREA was passed

PREA Enactment

3 stated reasons why PREA was enacted:

- Public Safety
- Public Health
- Institutional Violence

Can you think of other reasons?

Objective 3: Determine how PREA Impacts your Role as a Corrections Professional

To meet this objective we will discuss:

- PREA Standards and the impact on facility operations
- What we are learning from data to help inform operations
- Legal considerations
- Mandatory reporting laws

How PREA Impacts Your Job

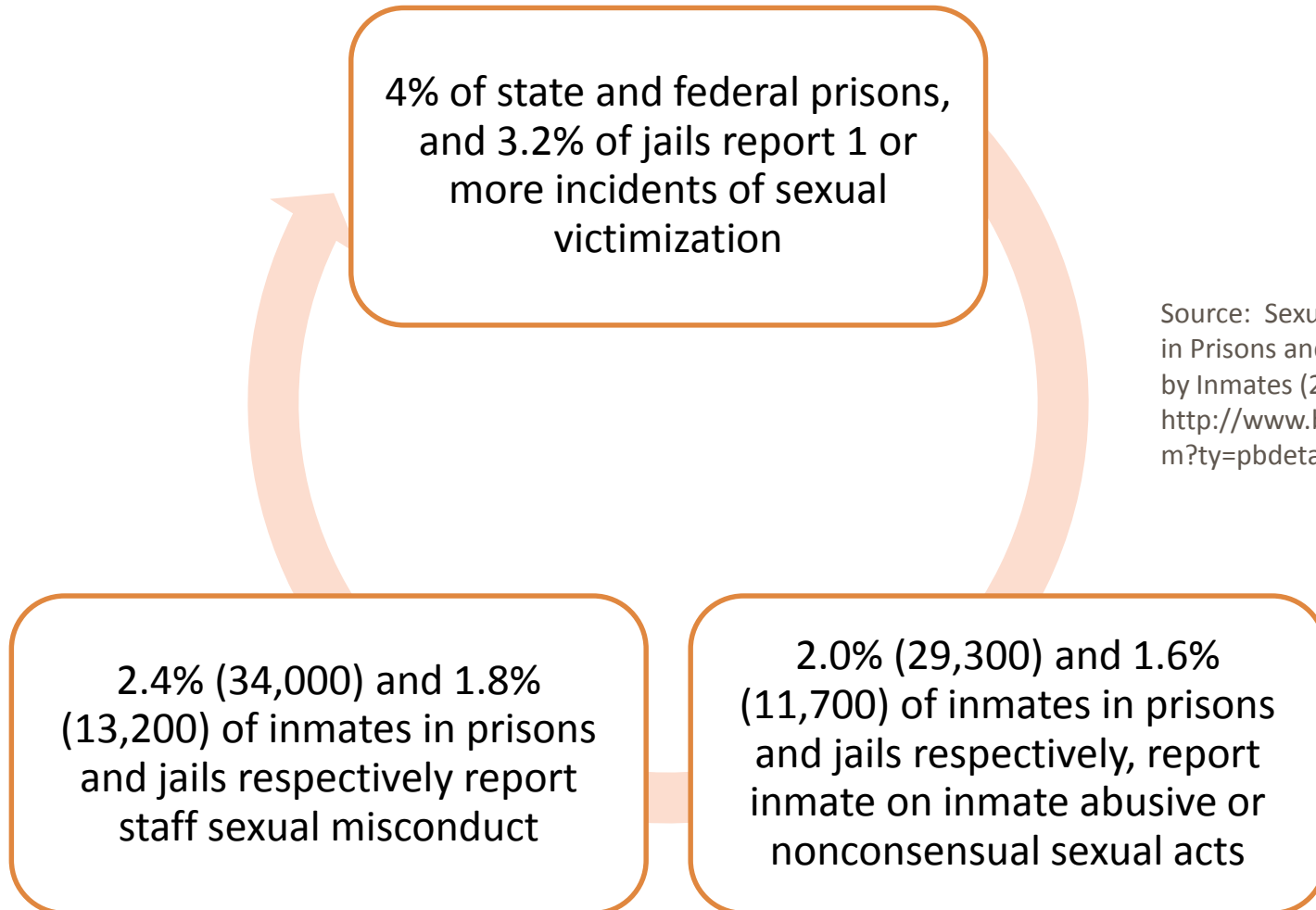
- PREA promotes good operational practices regarding safety and security
- For example, standards give direction to:
 - Staffing
 - Classification
 - Cross-gender supervision
 - Investigations
 - First responder
 - Training

PREA Standards

- To read the Department of Justice's full set of standards go to:
 - www.ojp.usdoj.gov/programs/pdfs/prea_final_rule.pdf
- The standards provide a framework for developing policy, training employees, and preventing, detecting, responding to incidents of sexual abuse and sexual harassment

What are We Learning from the Data: Adult Prisons and Jails

According to the Bureau of Justice Statistics (BJS)



Source: Sexual Victimization in Prisons and Jails Reported by Inmates (2011-12)
<http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4654>

What are We Learning from the Data: Juveniles

According to the Bureau of Justice Statistics (BJS) (2012):

- 9.5% (1,720) adjudicated youth in state and state contracted facilities reported experiencing one (1) or more incidents of sexual victimization
- 2.5% (450 youth) reported youth-on-youth incidents
 - 67.7% reported experiencing physical force or threat of force
 - 25.2% incidents were a result of favors of protection
 - 18.1% were given drugs or alcohol to engage in sexual contact



Source: Sexual Victimization in Juvenile Facilities (2011-12) <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4656>

Juvenile Data, Continued

- 7.7% (1,390 youth) reported staff on youth incidents
 - 3.5% reported sexual contact with staff as a result of force or another form of coercion
- 4.7% (850 youth) reported sexual contact with staff without any force, threat, or explicit form of coercion



Source: Sexual Victimization in Juvenile Facilities (2011-12) <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4656>

Group Activity

In your groups, answer the following:

- Has PREA impacted your job?
- What may be more challenging as a result of PREA?
- How might PREA be helpful in your job?



Legal Considerations

- The climate within corrections agencies has changed significantly over the last two decades
- Correctional administrators have been addressing staff sexual misconduct as a correctional management issue requiring a multiple strategy approach since the early 1990's. Before then, it was addressed on a case-by-case basis by administrators
- All 50 states, the federal government and D.C. have laws specifically covering the sexual abuse of persons in custody
- For more information on legal considerations and PREA visit American University, Washington College of Law, An End to Silence: The Project on Addressing Prison Rape



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Legal Considerations, Continued

What LOCAL laws should you know?



Mandatory Reporting Laws

What MANDATORY REPORTING laws impact reporting sexual abuse to outside authorities?

- Are there specific considerations for juvenile justice?
- Lockups?
- Jails?
- Community Confinement?
- Prisons?



Objective 4: Understand the PREA Audit Process

To meet this objective we will discuss:

- The three primary stages in the audit and compliance process
- How staff may be involved in the process at the facility-level

PREA Audits

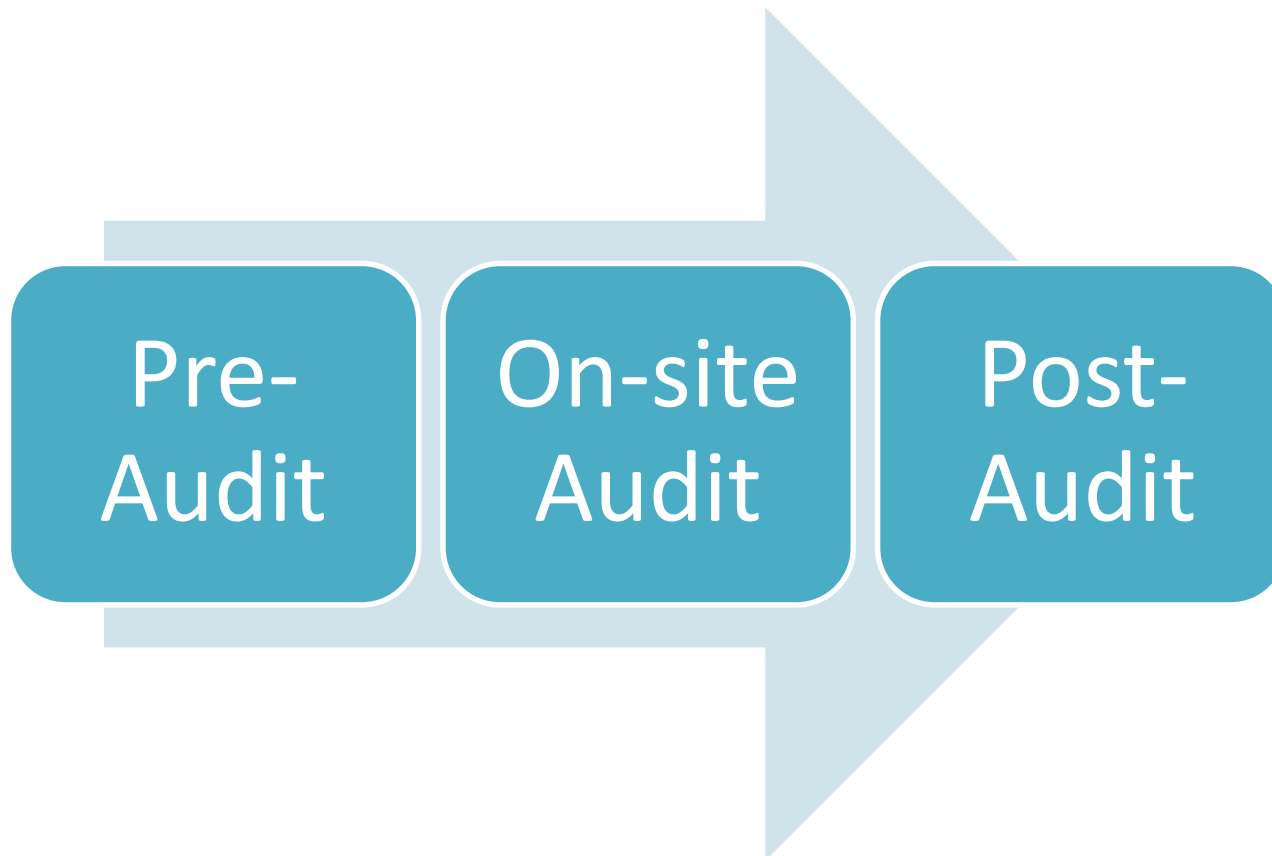
Scope

- Facility-level, not Agency-level; Localized
- Occur every 3 years
- Agencies with multiple facilities will be required to provide information for the audit that facilities cannot provide (i.e., agency-wide and human resources information)



PREA Audit Process

You may play a role in the process!



PREA Audit Process: Pre-Audit Phase

Step 1: Pre-Audit Phase

1. Pre-audit questionnaire completed by facility PREA Coordinator/Compliance Manager responsible for PREA
2. Agency selected PREA Auditor reviews questionnaire and communicates with PREA Coordinator with questions and process explanation
3. Auditor will notify the facility at least 60 days prior to the on-site visit
4. Facility will post notice for staff and inmates making them aware of when the PREA Auditor will be on-site

PREA Audit Process: On-site Audit

Step 2: The Audit

1. A tour is conducted at the facility
2. Additional documentation is reviewed
3. Interviews conducted with staff and inmates
 - Specialized staff (specific function related to audited area)
 - Random selection of staff
 - Random selection of inmates

PREA Audit Process: Post-Audit

Step 3: Post-Audit

1. Auditor completes a summary report, outlining findings regarding the extent to which the facility does/does not meet each PREA standard. Recommendations for corrective action are provided if needed
2. Measures used to determine compliance include: review of policies/procedures, documentation, data, interviews and tour; additional info as needed
3. Findings are listed as: Exceeds Standard, Meets Standard, or Does Not Meet Standard; justification for decisions are provided

Objective 5: Review and Understand Local PREA Policies and Zero-Tolerance Policies for Sexual Abuse and Sexual Harassment

To meet this objective we will discuss:

- Facility/agency zero-tolerance policy and what that means for staff in their role to address sexual abuse

Zero-tolerance, 115.11

PREA Standards states:

- The agency shall have a written policy mandating zero-tolerance toward all forms of sexual abuse and sexual harassment, outlining the agency's approach to preventing, detecting, and responding to such conduct
- What does this mean for staff?
- What does our policy say?

Objective 6: Examine the Relationship Between PREA and Organizational Culture Change to Achieve a Safe Environment

To meet this objective we will discuss:

- The definition of organizational culture
- The role of organizational culture in PREA implementation
- Staff's role in promoting a healthy culture

Define Organizational Culture

- The values, assumptions, and beliefs the people in an organization hold that “drive the way they think and behave within the organization” (Cooke, 1989)
 - Organizational culture is clear to those who work within it, although it often is not overtly defined
 - In a correctional facility, the organizational culture encompasses both the culture of the staff and that of the inmates
 - Culture can be seen in many ways, including the way staff and inmates interact, who has what kinds of power and how they use it, how people work through the chain of command in communicating and decision-making, and who is rewarded and promoted

Source: Flaherty-Zonis, Carol, “Building a Culture Strategically: A Team Approach for Corrections” February 2007. Cooperative agreement numbers 02/03–PO9GIW1 and 04P33GJCI from the National Institute of Corrections, U.S. Department of Justice.

PREA and Organizational Culture

Culture can play a Positive Role or be a Barrier:

- Formal policies, systems & practice
- Informal practice and symbolic actions
- Beliefs, values and attitudes

Think about your facility

- What are the positive characteristics in your facility culture?
- What can be improved?
- How can this impact PREA implementation?

PREA and Organizational Culture, Continued

Success depends on:

- Effective agency and facility leadership
- Development of an agency culture that prioritizes efforts to combat sexual abuse
- A change in culture by institutionalizing policies and practices through adherence to standards
- Simply checking off the PREA Standard compliance list does not ensure your facility is sexually safe

Role of Leadership and Culture to Promote Sexual Safety

From the Department of Justice Final Rule:

The success of the PREA standards in combating sexual abuse in confinement facilities will depend on effective agency and facility leadership, and the development of an agency culture that prioritizes efforts to combat sexual abuse. Effective leadership and culture cannot, of course, be directly mandated by rule. Yet implementation of the standards will help foster a change in culture by institutionalizing policies and practices that bring these concerns to the fore.

Source: Department of Justice, 28 CFR Part 115; National Standards To Prevent, Detect, and Respond to Prison Rape; Final Rule. August 2012

PREA and Organizational Culture, What Role Can You Play?

Ways you can promote a culture of safety:

- Adhere to facility/agency zero-tolerance policy
- Take note of physical plant vulnerabilities
- Maintain respectful communication among fellow staff and inmates
- Accept reports from inmates respectfully and take all reports seriously
- Hold yourself and co-workers accountable by promoting a safe environment (respectful language, good operations and security practices, follow policies, professionalism)
- Others?

Review Objectives for Unit 1

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End of Unit 1

