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**PREA Employee Training
Notification of Curriculum Utilization
August 2014**

The enclosed *PREA Employee Training* curriculum was developed by The Moss Group, Inc. 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 *PREA Employee Training* curriculum being to satisfy specific PREA standard requirements.

It is recommended that the *PREA Employee Training* curriculum be reviewed in its entirety before choosing which modules to use. Any alterations to the original materials must either be acknowledged during their presentation or have the PRC and The Moss Group, Inc. logos removed.

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 a facility "meets standards." Rather, an auditor will take into consideration the curriculum used as part of their overall determination of compliance.

Notice of Federal Funding and Federal Disclaimer—This project was supported by Grant No. 2010-RP-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice nor those of the National Council on Crime and Delinquency (NCCD), which administers the National PREA Resource Center through a cooperative agreement with the Bureau of Justice Assistance.

PREA EMPLOYEE TRAINING

Unit 2

Inmates' Rights to be Free from Sexual Abuse and Sexual Harassment and Staff and Inmates' Rights to be Free from Retaliation for Reporting

Instructor-Led Training Event

1.5 hour session



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Course Description

This instructor-led training (ILT) experience will educate learners about an inmate's right to be free from sexual abuse and sexual harassment. Additionally the session will discuss an inmate's and an employee's right to be free from retaliation for reporting sexual abuse and sexual harassment.

Objectives

After completing this session, you will be able to:

1. Understand agency policy and PREA requirements related to inmates' right to be free from sexual abuse and sexual harassment
2. Understand agency policy and PREA requirements related to staff and inmates' right to be free from retaliation for reporting
3. Discuss the role of retaliation in contributing to a code of silence

Target Audience

Any employee who may have contact with inmates/residents/detainees in confinement settings.

Capacity

25-35 participants is recommended to foster group discussions and interaction

Trainers

One to two facilitators are recommended for this unit. The training team should include individuals who possess strong facilitative skills and requisite knowledge and experience in the content to be delivered.

Complete Training Package to meet PREA Standards

To meet the employee training elements required to fulfill the PREA Standard 115.31. Each unit has been designed for traditional classroom delivery to be delivered in one session with the exception of Unit 3 which is designed to be delivered in two parts.

Complete Training Package to meet PREA Standards

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Unit	Title	Class Time
Unit 1	The Prison Rape Elimination Act: Overview of the Law and Your Role	1.5 hours
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	1.5 hours
Unit 3 <i>Part I</i>	Prevention and Detection of Sexual Abuse and Sexual Harassment	2.75 hours
Unit 3 <i>Part II</i>	Response and Reporting of Sexual Abuse and Sexual Harassment	1.75
Unit 4	Professional Boundaries	1.75 hours
Unit 5	Effective and Professional Communication with Inmates	2.25 hours
	Total	Hours 11.5

It is recommended each training unit be delivered in sequential order. It is at the prerogative of the agency over what period of time, and in what combination these units are delivered, such as:

- All in one sequence over 2 or more full days of training
- Delivering each unit on scheduled separate training days over an extended period of time (daily, weekly, monthly, etc.)
- Arranged by the agency to fit within specific dates and times of the agency's annual training calendar

Class Preparation

Prior to class:

- Communicate with key staff as necessary
- Schedule class
- Develop an agenda for this training session, remember to include breaks every 60 to 75 minutes in the training
- Send out invitations
- Distribute participant pre-work (if applicable)
- Schedule assignments for training team
- Prepare all course materials
- Arrange a location for the training that has the necessary technology capabilities to present the materials via PowerPoint
- Prepare and print all applicable policies that will be used in the training

Day of class:

- Confirm room set up and logistics for breaks and lunch (if applicable)
- Set-up audio visual equipment
- Pass out agendas, name tents and other materials for start of class
- Check training supplies, chart pads, markers and other needs
- Create a welcome chart or slide for participants to see upon arrival
- Be sure at least one member of your team is available to personally greet participants as they arrive in the classroom
- Have evaluations and certificates of completion available for end of training presentation (if applicable)

Following class:

- Send evaluations (if applicable)
- Record student completions as required to include ensuring staff sign a document stating they comprehend the materials

Instructional Outline

The instructional outline is a blueprint of the entire session. It provides an overview of:

- Session, lesson, and topic names
- Lesson objectives
- Lesson timing and duration

Use the instructional outline to:

- Conduct the session within a predictable timeframe
- Keep track of where you are and where you are going
- Be prepared for what comes next, adding agency-specific points as necessary
- Look ahead to see where you can reduce time, if needed

Supplemental Materials

The following instructional materials support the session. Participants should have access to these materials during the session. Additionally, copies of local PREA policies should be provided by the trainer as they will be reviewed as part of this session. Facilitators should plan accordingly. For this session, participants need:

- (Optional) Handout containing the PowerPoint presentation for participants to follow along
- (Optional) Handout for Training Series Key Terms
- Local PREA policies

Facilitator Guide Organization






Each lesson contains detailed facilitation notes that you can refer to during delivery of the session. During the session, refer to the facilitation guide to stay on track. Do not expect to memorize the session. When participants are doing activities, you can look ahead.

Boxed Text:

- Facilitator speaking points, instructions, and information are written in shaded, boxed text on the LEFT side of the page. Icons are provided to assist you to visually identify tasks and activities.
- Any facilitator directions/notes for your instructor-led training are included alongside the facilitator notes along the RIGHT side of the page in boxed text and contain instructions to assist facilitators in delivery of the instructor-led training session.

Facilitator Icons:

- The facilitation guide enables you to scan each page quickly to see what you need to do and say. The following icons point out each type of activity or action.

Facilitator Icons	
	Instructor Note: Contains general instructor notes about the topic.
	Chart on Pad: Indicates when to chart information on a pad on a chart stand.
	Demonstration: Indicates when to perform a demonstration by displaying an application.
	Multimedia: Indicates when to show a multimedia file.
	Breakout Session: Indicates when to facilitate an activity that involves a breakout session.
	Instant Feedback: Indicates when to ask a question and invite participants to respond.
	Reference: Indicates additional technical or anecdotal information to be referred to as needed.
	Activity: Contains the instructions for completing an activity. Usually paired with other icons, such as breakout session. M
	Value-Laden Discussion: Indicates the opportunity for open discussion around topics that are often grounded in cultural norms or personal values. Usually paired with other icons such as breakout session.

Important! Trainer/Agency Note

The information and activities provided in this lesson are designed to meet intended student performance objectives consistent with required training elements outlined in the PREA Standard, 115.31, 115. 131, 115.231, 115.331.

If your agency is not prepared to provide the lesson in the designed format, you may make the necessary adjustments to conform to your desired delivery platform.

Please understand if modifications are made to the lesson content or format, it is your agency's responsibility to verify that the revised training is consistent with the PREA Standard requirements.

For the purposes of this training we will use the term **inmate** to refer to all confinement populations under the PREA standards including residents of juvenile and community confinement facilities as well as detainees from lockups. It is recommended that the trainer modify the language to fit the appropriate population as necessary. Where applicable, juvenile specific considerations are given **in red text** in the facilitator guide in the notes section.

Instructional Outline

Slide #	Slide Title	Activity	Timing Minutes
1	Training Session Title		Prior to start of the session
2	Introductions	Facilitator/participant share	20
3	Employee Training Series Outline	Facilitator presentation	.5
4	Unit 2 Objectives	Facilitator presentation	1
5	Objective 1	Facilitator presentation	.5
6	Key Terms	Facilitator presentation	1
7	Sexual Abuse – Inability to Consent	Facilitator presentation	1
8	Inmate-on-Inmate Sexual Abuse	Facilitator presentation	1
9	Staff Member/Contractor/Volunteer on Inmate Sexual Abuse	Facilitator presentation	1
10	Staff Member/Contractor/Volunteer on Inmate Sexual Abuse, Continued	Facilitator/discussion	4
11	Sexual Harassment	Facilitator presentation	1
12	Inmate Rights	Facilitator presentation	.5
13	Sexual Abuse in Confinement	Facilitator presentation	.5
14	PREA or Rule Violation	Facilitator presentation	3
15	Consequences of Not Respecting Rights	Facilitator presentation	1
16	Consequences of Not Respecting Rights, Continued	Facilitator presentation	1
17	Policy Review	Participant activity/discussion	7
18	Objective 2	Facilitator presentation	.5
19	Retaliation	Facilitator presentation	1
20	Retaliation, Continued	Facilitator/discussion	2
21	Agency Protection Against Retaliation	Facilitator presentation	1

22	Agency Protection Against Retaliation	Facilitator presentation	2
23	What Does Policy Say	Group Activity/Discussion	10
24	Objective 3	Facilitator presentation	.5
25	Impact of Retaliation on Reporting	Facilitator/discussion	5
26	Code of Silence	Facilitator presentation	1
27	Code of Silence, Continued	Facilitator presentation	1
28	Indicators of a Reporting Culture	Facilitator presentation	1
29	Indicators of a Reporting Culture, Continued	Facilitator/discussion	1
30	Group Discussion: What Does This Mean for My Agency	Group Activity/Discussion	15
31	Review Objectives for Unit 2	Facilitator/discussion	2
32	End of Unit 2	Facilitator presentation	1
		Grand Total	1 hour 30 minutes

Welcome

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Unit 2: Inmates' Rights to be Free from Sexual Abuse and Sexual Harassment and Staff and Inmates' Rights to be Free from Retaliation for Reporting

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Facilitator	Notes:
<p>Time: Prior to start of the session</p> <p>Do: Welcome participants as they arrive in the classroom.</p> <p>Say: <i>Welcome to the training. Please find a seat and make yourself comfortable. We will begin shortly.</i></p> <p>Start:</p> <p>Say: <i>Hello, and welcome to this the training, Inmates' Rights to be Free from Sexual Abuse and Sexual Harassment and Staff and Inmates Rights to be Free from Retaliation for Reporting. Let's get started!</i></p>	<p>Remember to start on time! Do not delay beginning the session because of late participants.</p> <p>Do: Guide participants to tables, completion of name tents, and ensure each participant has a copy of student materials.</p> <p>Ensure all attendees have signed in and/or completed required attendance documentation.</p>

Introductions

Introductions

Faculty

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

Participants

- Name, Position



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Time: 20 minutes

Facilitator

Say: *First, let's introduce ourselves. As I call on you, please introduce yourself and the position you hold.*

Do: Trainers should introduce themselves first to model the activity for the group.

Say: *I will go first, and introduce myself. I am _____ and I serve as _____. I have worked on PREA and PREA related issues _____.*

Do: Let other trainer introduce himself/herself.

Notes:

If this training is occurring on the same day with other units and the facilitator has already completed introduction then the facilitator may skip this section, saving approximately 20 minutes in training time.

Say: Now, let's hear from you.

Do: Select all participants to introduce themselves. Make any appropriate affirmation or comments as needed.


Employee Training Series Outline

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 with Inmates

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Facilitator

Time: 30 seconds

Say: *This is the 2nd unit in our 5 part training series.*

Notes:

Unit 2 Objectives

Unit 2 Objectives

1. Understand agency policy and PREA requirements related to inmates' right to be free from sexual abuse and sexual harassment
2. Understand agency policy and PREA requirements related to staff and inmates' right to be free from retaliation for reporting
3. Discuss the role of retaliation in contributing to a code of silence

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Time: 1 minute

Facilitator

Do: Introduce the training topic.

Say: *By the end of the training session, participants will be able to:*

1. *Understand agency policy and PREA requirements related to inmates' right to be free from sexual abuse and sexual harassment*
2. *Understand agency policy and PREA requirements related to staff and inmates' right to be free from retaliation for reporting*
3. *Discuss the role of retaliation*

Notes:

<i>in contributing to a code of silence</i>	
---	--

Objective 1

Objective 1: Understand agency policy and PREA requirements related to inmates' right to be free from sexual abuse and sexual harassment

To meet this objective we will discuss:

- Key terms and definitions
- Inmates' rights under PREA
- Facility/agency policy related to inmates' rights to be free from sexual abuse

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Time: 30 seconds

Facilitator


Say: *To meet objective one of the training today we will discuss key terms and definitions, inmates' rights under PREA, and facility policy related to inmates' right to be free from sexual abuse.*

Notes:

Key Terms

Key Terms

- Sexual Abuse
- Sexual Harassment
- Reporting
- Retaliation
- Code of Silence



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Time: 1 minute

Facilitator

Say: *As we go through this training we will address and define all of the following terms:*

- *Sexual Abuse*
- *Sexual Harassment*
- *Reporting*
- *Retaliation*
- *Code of Silence*

Notes:

You may choose to print out the key term sheet that is available for all training units to provide to participants.

Sexual Abuse – Inability to Consent

Sexual Abuse – Inability to Consent

- By law inmates cannot consent while in a confinement setting, to staff, volunteers, or contractors
- Any sexual activity between staff and inmates is considered a violation of PREA and zero-tolerance policy
- This is a violation because of the imbalance of power that exists in confinement settings

United State Department of Justice, PREA Final Rule, 2012: https://ojp.gov/programs/pdfs/prea_final_rule.pdf

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Time: 1 minute

Facilitator

Do: Review the slide.

Say: *In your role as a staff member, contractor or volunteer, you are in a position of authority. You are entrusted with ensuring all inmates are free from abuse, and are safe – just as we seek to ensure our staff are safe. It is very important that all staff, volunteers and contractors understand there is no such thing as consensual sex between and inmate or resident or detainee regardless of age, gender or desire.*


Notes:

Inmate-on-Inmate Sexual Abuse

Inmate-on-Inmate Sexual Abuse

Occurs when there is:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation



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United State Department of Justice, PREA Final Rule, 2012, http://ojp.gov/assessments/odjp/prea_final_rule.pdf

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Time: 1 minute

Facilitator

Say: *The PREA standards define inmate-on-inmate sexual abuse when there is (review slide definition)*

There may be sexual acts between inmates that are determined consensual. In that case it would not be a PREA incident but rather a rule violation. These distinctions can sometimes be subtle and different to determine.

Notes:

Staff Member/Contractor/Volunteer on Inmate Sexual Abuse

Staff Member/Contractor/Volunteer on Inmate Sexual Abuse

Occurs when there is actual, attempted, threatened or requested:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

United State Department of Justice, PREA Final Rule, 2012; http://ojs.gov/programs/pdfs/prea_final_rule.pdf

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Time: 1 minute

Facilitator

Do: Review slide content.

Say: *Staff sexual abuse is defined in the PREA standards. (Review the slide)*

Notes:

Staff Member/Contractor/Volunteer on Inmate Sexual Abuse, Continued

Staff Member/Contractor/Volunteer on Inmate Sexual Abuse, Continued

Occurs when there is actual, attempted, threatened or requested:

- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor or volunteer has the intent to abuse, arouse, or gratify sexual desire

United State Department of Justice, PREA Final Rule, 2012; http://ojp.gov/programs/pdfs/prea_final_rule.pdf

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Time: 4 minutes

Facilitator

Say: *It is important to recognize the section on “intent to abuse...”*

Why do you think there is a difference in the definition between inmate on inmate sexual abuse and staff on inmate sexual abuse?

Notes:

Sexual Harassment

Sexual Harassment

Includes:

- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another
- Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures

United State Department of Justice, PREA Final Rule, 2012: https://ojp.gov/programs/pdfs/prea_final_rule.pdf

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Time: 1 minute

Facilitator

Say: *Certain standards reference sexual harassment in order to combat what may be a precursor to sexual abuse. Let's take a look at the definition. (Read the definition)*

Notes:

Inmate Rights

Inmate Rights

Rights Established by PREA Standards

- Inmates have the right to be free from sexual abuse and sexual harassment [115.11 (a); 115.33 (b)]
- Inmates and staff have the right to be free from retaliation for reporting [115.67 (a)]

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United States Department of Justice, PREA Final Rule, 2012; http://oig.pru.org/projects/pdhi/prea_final_rule.pdf
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Time: 30 seconds

Facilitator

Say: *Inmates have the right to be free from sexual abuse and sexual harassment [115.11(a); 115.33 (b)]*

Inmates and staff have the right to be free from retaliation for reporting [115.67 (a)]

Notes:

Sexual Abuse in Confinement

Sexual Abuse in Confinement

Can be perpetrated by a/an:

- Inmate
- Staff Member/Employee
- Contractor
- Volunteer
- Others?

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Time: 30 seconds

Facilitator


Say: *Sexual abuse can be perpetrated by inmates, staff (employees) contractors or volunteers. Can you think of others?*

Notes:

PREA or Rule Violation?

PREA or Rule Violation?

- Willing (consensual) sexual relationships among inmates is not a PREA violation but rather a RULE violation
- Whether a relationship is consensual or non-consensual can sometimes be difficult to determine
- What may appear willing behavior may in fact involve sexual pressuring
- Refer to your facility's policy for guidance
- Regardless, all allegations or suspicions of sexual abuse should be reported



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Time: 3 minutes

Facilitator

Say: *Willing sexual relationships among inmates is not considered a PREA violation, but rather a rule violation based on your policy. It can be really difficult to know if a relationship is consensual, even if the inmates may say they are. Sometimes these seemingly willing relationships can be coerced or involve sexual pressuring. That is why it is important that allegations or suspicions of sexual abuse are reported.*

Notes:

Consequences of NOT Respecting Rights

Consequences of NOT Respecting Rights

There are significant consequences if staff do not respect the rights of inmates to be free from sexual abuse/harassment, as well as staff and inmates' rights to be free from retaliation for reporting

- Generally unsafe environment
- Physical/psychological damage to inmates/staff
- Distrust of authority
- Re-traumatization

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Time: 1 minute

Do: Review slide content.

Say: *Failing to respect rights of inmates to be free from sexual abuse leads to an unsafe environment for staff and inmates, creates a distrust or lack of credibility within the system and with authority, and can re-traumatize inmates.*

Notes:

Consequences of NOT Respecting Rights, Continued

Consequences of NOT Respecting Rights, Continued

Consequences (continued):

- Physical health
- Increased vulnerability to future abuse
- Constitutional violations (8th and 14th Amendments)
- Violations of state law
- Violations of agency policy
- Diminished credibility of the corrections profession



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Time: 1 minute

Facilitator

Do: Review slide content

Say: *Other consequences may include impact on physical health, increased vulnerability for inmates and staff, violations of Constitutional rights for inmates, violations of state law, policy and diminished credibility for the correction's profession.*

Notes:

8th Amendment is right to be free from cruel and unusual punishment

14th Amendment is citizenship right and equal protection under the law.

Policy Review

Policy Review

- What does policy state regarding inmates' rights to be free from sexual abuse and sexual harassment?
- How does staff fulfill this requirement?
 - Prevention
 - Detection
 - Response
 - Reporting



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Time: 7 minutes

Facilitator

Do: Have participants discuss the questions on the slide in their table groups. Then reconvene and debrief as a group.

Say: *Take a couple minutes to review your local PREA policies and identify rights and consequences for failing to ensure inmate rights are protected regarding sexual abuse and sexual harassment.*

Notes:

Please provide participants with appropriate policy that outlines inmates' rights to be free from sexual abuse and sexual harassment.

Objective 2

Objective 2: Understand agency policy and PREA requirements related to staff and inmates' right to be free from retaliation for reporting

To meet this objective we will discuss:

- Different types of retaliation
- Inmate and staff rights under PREA from retaliation for reporting
- Applicable policy

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Time: 30 seconds

Facilitator

Say: *To meet this objective we will discuss different types of retaliation, inmate and staff rights under PREA from retaliation for reporting, and applicable policy.*

Notes:

Retaliation

Retaliation

Retaliation occurs when an inmate or staff injures, harms, or intimidates a person who has reported sexual abuse and/or sexual harassment — or attempts to do so — in response to the report



United State Department of Justice, PREA Final Rule, 2012; http://oig.gov/programs/pdfs/prea_final_rule.pdf

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Time: 1 minute

Facilitator

Say: *Retaliation for reporting can be defined as occurring when inmate or staff injures, harms or intimidates a person who has reported sexual abuse and sexual harassment - or attempts to do in in response to the report.*

Notes:

Retaliation, Continued

Retaliation, Continued

Overt Retaliation	Indirect Retaliation
<ul style="list-style-type: none"> Slashing car tires Verbal or emotional abuse Physical assault 	<ul style="list-style-type: none"> Veiled threats Shunning from a group Sudden change in demeanor without explanation Invisible retaliation

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Time: 2 minutes

Facilitator

Do: Review slide content

Say: *We have identified two types of retaliation: Overt and Indirect. Both represent PREA violations. Staff/ Contractors/ Volunteers who have knowledge of this are responsible for reporting retaliation just the same as they must report the initial incident of sexual abuse.*

Can you think of any additional examples that you may have experienced or witnessed?

Notes:

Agency Protection Against Retaliation (115.67)

Agency Protection Against Retaliation (115.67)

- The facility/agency shall protect inmates and staff who report sexual abuse/harassment or cooperate with an investigation from retaliation
- A staff member should be designated to monitor retaliation
- Protection measures should be used to include:
 - Housing or transfers for inmate victims or abusers
 - Removal of alleged staff or inmate abuser from contact with victims
 - Emotional support services for inmate or staff who fear retaliation

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United States Department of Justice, PREA Final Rule, 2012, http://oig.dhs.gov/prea/prea/pdfs/prea_final_rule.pdf
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Time: 1 minute

Facilitator

Say: *According to the PREA Standard 115.67, “The agency shall establish a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and shall designate which staff members or departments are charged with monitoring retaliation,” and “The agency shall employ multiple protection measures, such as housing changes or transfers for inmate victims or*

Notes:

Additional language from standard 115.67:

(d) In the case of inmates, such monitoring shall also include periodic status checks.

(e) If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.

(f) An agency’s obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

<p><i>abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.”</i></p>	
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Agency Protection Against Retaliation (115.67), Continued

Agency Protection Against Retaliation (115.67), Continued

- For at least 90 days following a report, the agency should monitor the conduct/treatment of staff
- Items to monitor include:
 - Disciplinary reports (inmates)
 - Housing or program changes (inmates)
 - Negative performance reviews (staff)
 - Reassignments of staff
- For inmates, monitoring should include status checks
- Obligation to monitor shall terminate if the agency determines the allegation unfounded

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Time: 2 minutes

Facilitator

Do: Go over information on the slide

Say: *For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy*

Notes:

any such retaliation. Items the agency should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

What Does Policy Say?

What Does Policy Say?

- Does policy designate a staff person to monitor retaliation?
- Based on your policy, what rights as staff do you have to be free from retaliation?
- Who might you go to if you feel that you are being retaliated against?
- Who can the inmates go to if they feel they are being retaliated against?

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Time: 10 minutes

Facilitator

Do: Discuss questions on slide in table groups. Debrief as a group.

Say: *Let take a minute to examine policies regarding retaliation at our facility. Let's answer the questions posed on the slide by reviewing policy.*

Notes:

It is important that you find the answer to each of the questions in policy prior to the lesson being started to ensure you have the proper answers. Ask your PREA coordinator for guidance.

Objective 3: Discuss the role of retaliation in contributing to a code of silence

Objective 3: Discuss the role of retaliation in contributing to a code of silence

To meet this objective we will discuss:

- The definition of code of silence
- Implications of retaliation on reporting culture
- Strategies for staff to support a reporting culture

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Time: 30 seconds

Facilitator

Say: *To meet this objective we will define the code of silence, discuss the implication of retaliation on reporting culture, and discuss strategies for staff to support a reporting culture.*

Notes:

Impact of Retaliation on Reporting

Impact of Retaliation on Reporting

- Contributes to the code of silence by creating barriers to reporting through threats and intimidation
- When people perceive their safety to be at risk, they are less likely to report



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Time: 5 minutes

Facilitator

Do: Continue discussing retaliation


Say: *Impact retaliation has on a reporting culture includes creating a code of silence or barriers to reporting through threat and intimidation. This creates the likelihood of reporting to diminish. Can create an unsafe environment for staff and inmates.*


Notes:

Code of Silence

Code of Silence

An informal institutional or organizational culture that says members of the group will not inform on or give evidence or testimony against other members of the group, even though actions of the other members may involve breaches of policy or even the criminal law. Also referred to as the "Code of Blue."





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Time: 1 minute

Facilitator

Say: *A code of silence can be indicative of a facility and/or agency culture where staff and/or inmates don't feel supported or comfortable in reporting any wrongdoing or inappropriate behavior. Staff may refuse to cooperate in an investigation of critical events, in order to protect fellow staff members. Many staff will risk disciplinary action rather than violate the code of silence within the correctional community.*

Notes:

Code of Silence, Continued

Code of Silence, Continued

In one study, 46% of police officers witnessed misconduct, but did not report it. Why?

- I would be ostracized
- Officer who committed misconduct would be fired
- I would be fired
- I would be "blackballed"
- Administration wouldn't do anything

Neil Trautman, National Institute of Ethics, Study of Code of Silence, 2001

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Time: 1 minute

Facilitator

Say: *There are a multitude of reasons why sexual abuse and sexual harassment aren't reported. Some fear being outcast and seen as a "snitch" while others believe that they are loyal to each other and should not break that loyalty, some think nothing will be done if they do file a report. If staff thinks or feels that way the likelihood of them being proactive about preventing, detecting and reporting abuse is not likely to occur. Often staff believe nothing will be done based*

Notes:

<p><i>on past experiences or leadership's response to reports.</i></p> <p><i>Can you think of some other reasons staff may not feel comfortable reporting?</i></p>	
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What Does This Mean for My Agency?

What Does This Mean for My Agency?

- What happens to those who report misconduct in my agency?
- What happens to those who do not report and should?
- At what stage do staff report?

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Time: 10 minutes

Facilitator

Do: Discuss these questions with the all participants. Ask for their input.

Say *Let's take a moment to look introspectively at your current facility. Have you seen ways in which inmates retaliate against one another? What might retaliation look like in a female facility compared to a male facility for the inmates who report? What about for staff?*

Do: Quickly write staff's ideas on a flip chart. Some examples could be:

Notes:

<p>Female Facility:</p> <ul style="list-style-type: none">• Stealing food and commissary• No one talking to the inmate, shunning <p>Male Facility:</p> <ul style="list-style-type: none">• Threats of or actual physical violence• Inmates asking to be put in segregation for protection <p>Staff:</p> <ul style="list-style-type: none">• Being placed on undesirable shifts• Ignored by coworkers• Parking space taken or car vandalized	
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Indicators of a Reporting Culture

Indicators of a Reporting Culture

- Staff and inmates are willing to report suspected sexual abuse/harassment
- Staff and inmates have a high degree of trust in the investigative process and in administrative follow-up
- Communication and interactions are generally respectful and professional, both between staff and from staff to inmates

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Time: 1 minute

Facilitator

Say: *Indicators of a healthy reporting culture include: a facility that promotes reporting by staff and inmates, responds appropriately, and is transparent AND (Read bullets on the slide).*

Notes:

Indicators of a Reporting Culture, Continued

Indicators of a Reporting Culture, Continued

- Staff and inmates know how to report and know the steps in the investigative process
- Staff and inmates are confident there will be no retaliation for reporting
- Data from grievances, incident reports, and disciplinaries is collected and reviewed by administrators and supervisors, and trends in reporting are identified

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Time: 1 minute

Facilitator

Say: *Other indicators that a reporting culture exist are that both staff and inmates know how to report sexual abuse and the steps in the investigative process that follows a report. Neither staff nor inmates fear retaliation for reporting.*

Best practice is to have posters displayed throughout the facility in both living and program areas for easy reference and to set a tone of expectations and support for reporting.

Notes:

<i>Other indicators include using relevant data to inform operational practice and address any trends that may enhance or diminish reporting (disciplinary, incidents, grievances).</i>	
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Group Discussion: What Does This Mean for My Agency?

Group Discussion: What Does This Mean for My Agency?

- What happens to those who report misconduct in my agency?
- What happens to those who do not report and should?
- What characteristics at my facility support reporting?
- What characteristics at my facility may be a barrier to reporting?



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Time: 15 minutes

Facilitator

Say: *Take 10 minutes in small groups to discuss the following questions from the slide. We will ask for volunteers to share and debrief for about 5 minutes.*

Notes: Roam the room and listen to discussion and provide guidance as needed.

Review: Unit 2 Objectives

Review: Unit 2 Objectives

1. Understand agency policy and PREA requirements related to inmates' right to be free from sexual abuse and sexual harassment
2. Understand agency policy and PREA requirements related to staff and inmates' right to be free from retaliation for reporting
3. Discuss the role of retaliation in contributing to a code of silence

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Time: 2 minutes

Facilitator

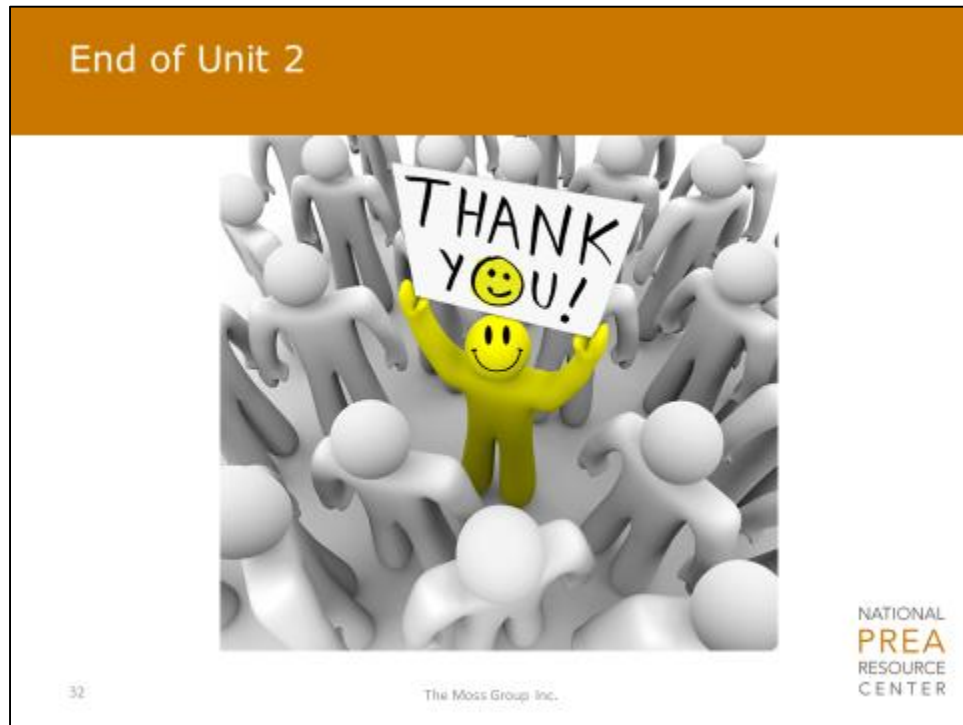
Do: Review the performance objectives for today's lesson. Solicit verbal agreement from group whether the objectives were attained.

Say: *What have we accomplished today? Let's review the objectives. Do you have any final comments or questions?*

Do: Affirm responses and comment as appropriate.

Notes:

End of Unit 2



<p>Time: 1 minute</p> <p>Facilitator</p> <p>Do: Wrap up and adjourn</p> <p>Say: <i>Thank you for participating.</i></p>	<p>Notes:</p>
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Supplemental Materials

Supplemental Materials

PowerPoint Handouts (3 slides per page)

Key Terms (optional)

PREA and related policies addressing sexual abuse,
inmate and staff rights to be free from retaliation for
reporting sexual abuse