

NATIONAL
PREA
RESOURCE
CENTER

PREA and Victim Services: A Trauma-Informed Approach
Notification of Curriculum Utilization
October 2014

The enclosed *PREA and Victim Services: A Trauma-Informed Approach* curriculum was developed by Just Detention International (JDI) 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 and Victim Services: A Trauma-Informed Approach* curriculum being to satisfy specific PREA standard requirements.

It is recommended that the *PREA and Victim Services: A Trauma-Informed Approach* 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 JDI 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.

Collaborating with Prosecuting Authorities

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Acknowledgement

Just Detention International (JDI) developed this training and materials in partnership with the National PREA Resource Center (PRC).

JDI is a health and human rights organization that seeks to end sexual abuse in all forms of detention.

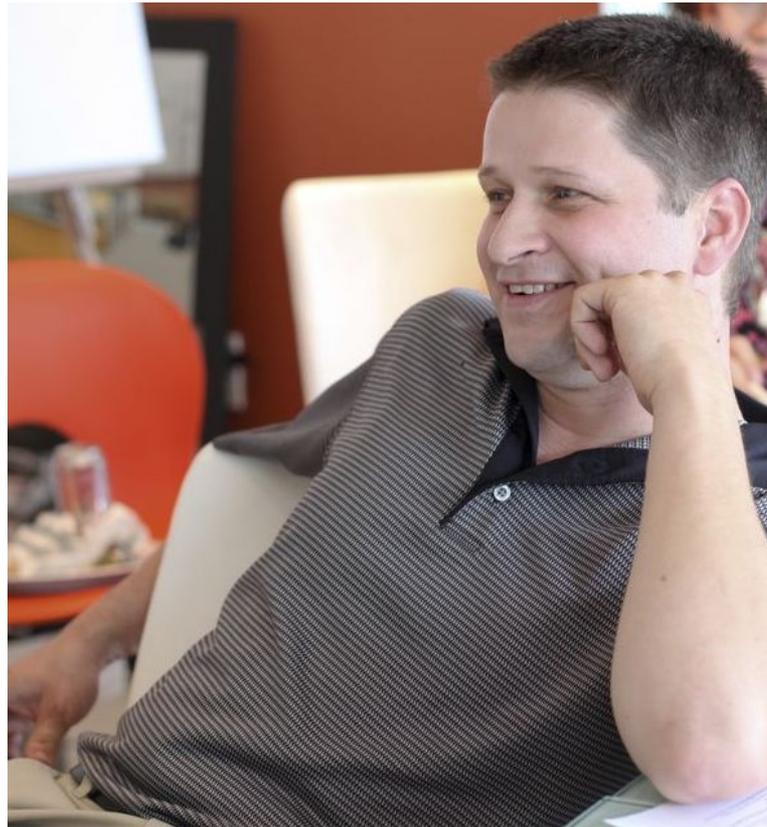
*The mission of the **PRC** is to assist adult prisons and jails, juvenile facilities, lockups, community corrections and tribal facilities in their efforts to eliminate sexual abuse by increasing their capacity for prevention, detection, monitoring, responses to incidents and services to victims and their families.*

Module Objectives

- Review the PREA standards regarding agreements with investigating and prosecuting agencies
- Understand the role of investigating bodies in cases of sexual abuse of incarcerated people
- Plan for working with the prosecuting authority on investigations

Survivor Story

Garrett



<http://www.justdetention.org/en/survivortestimony/audio/Garrett.mp3>

Responding to Sexual Abuse

PREA Standards and Prosecution

- What is the role of the prosecutor in responding to sexual abuse?
- What is the tie-in to zero tolerance?
- Why is working with prosecutors an important part of your victim services plan?

PREA Standards

§115.21 Evidence Protocol and forensic medical examinations

(a) To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions

§115.34 Specialized training: Investigations

(b) Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral

PREA Standards

§115.71 Criminal and administrative agency investigations

- (c) Investigators shall gather and preserve direct and circumstantial evidence, shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator

- (d) When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution

PREA Standards

§115.71 Criminal and administrative agency investigations

- (g) 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

- (h) Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution

PREA Standards

§115.22 Policies to ensure referrals of allegations for investigations

- (a) The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment
- (b) The agency shall have a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior
- (c) If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity

Group Discussion

Collaborating with Prosecutors

- What can facility sexual assault response team members do to support survivors?
- What are the duties of the first responder? What should they ask? How can they get information without compromising the investigation?
- What can be done about witness intimidation?

Group Discussion

Collaborating with Prosecutors

- Can a case be prosecuted without a victim's participation?
- What kinds of evidence are presented at a trial involving sexual abuse in detention?
- How can we approach outside law enforcement or prosecutors who do not take these cases seriously because the victim is an inmate?

Points to Remember

PREA and Criminal Prosecution

- PREA is a civil law that did not create any new crimes
- Prosecutors can educate staff about the different kinds of evidence they use
- Prosecutors may need education about the importance of prosecuting institutional sexual abuse
- The Prosecutor is a key member of the victim services plan and response team

Small Group Exercise

Meet the Prosecutor

- Divide into group of 3-5
- Choose a reporter and a note taker
- Prepare talking points for an initial meeting with a local prosecutor's office
- Report back

Additional Resources

AEquitas: The Prosecutors' Resource on Violence Against Women

<http://www.aequitasresource.org/contact.cfm>

Direct questions to info@aequitasresource.org.

Webinars:

[AEquitas and the PREA Resource Center](#)

Prosecuting Sexual Abuse In Confinement:

<http://www.prearesourcecenter.org/training-and-technical-assistance/webinars/1873/prosecuting-sexual-abuse-in-confinement-a-case-study>

Investigating and Prosecuting the Intimidation of Victims of Sexual Abuse in Confinement

<http://www.prearesourcecenter.org/training-and-technical-assistance/webinars/1660/investigating-and-prosecuting-the-intimidation-of-vi>

For More Information

For more information about the **National PREA Resource Center**, visit www.prearesourcecenter.org. Direct questions to info@prearesourcecenter.org

For more information about **Just Detention International**, visit www.justdetention.org. Direct questions to info@justdetention.org.

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