

Standard in Focus

Training and Education**§115.32, 115.132, 115.232, 115.332 Volunteer and Contractor Training**

- a) The agency shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.
- b) The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates, but all volunteers and contractors who have contact with inmates shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. The agency shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees.
- c) The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

Purpose

Ensure that volunteers and contractors who have contact with inmates, residents, and detainees are trained on their responsibilities regarding sexual abuse and sexual harassment prevention, detection, response policies and procedures at the agency in which they are working.

Overall, the objective is ensuring that everyone in the facility, including volunteers and contractors, understands the agency's zero-tolerance policy toward sexual abuse and sexual harassment, that the agency prohibits them from engaging in sexual relations with incarcerated people, and that sexual abuse and sexual harassment are always reported. The goal is to prevent abuse and to create an effective reporting process that cultivates a reporting culture among volunteers and contractors while providing appropriate assistance to all survivors.

Implementation

- All volunteers and contractors who have contact with inmates must be notified of the agency's zero tolerance policy regarding sexual abuse and sexual harassment. Additionally, they must be informed that they have a duty to report any knowledge or suspicion or allegation of sexual abuse of an inmate that comes to their attention, and how and to whom to report incidents of sexual abuse and sexual harassment at the facility in which they work.
- Provide training to volunteers and contractors prior to any contact with inmates/detainees/residents.
- The agency must know who qualifies as a contractor or a volunteer according to the PREA standards in order to determine who should receive the required training. Standard 115.5 defines a contractor as a person who provides services on a recurring basis pursuant to a contractual agreement with the agency and a volunteer as someone who donates time and efforts on a recurring basis to enhance the activities and programs of the agency. The Department of Justice has consistently indicated that, for purposes of the PREA Standards, it intends to construe the term "contract" broadly to include, among other things, formal or informal arrangements, intergovernmental services agreements, and other types of agreements to provide services to the agency.

Implementation Cont'd

- The agency must train volunteers and contractors in a manner that is appropriate to the services they provide and the level of contact they have with inmates. For those volunteers and contractors who have rare or consistently supervised contact with inmates, or contractors who only enter the facility on a single occasion and under supervision, the training may consist of the basics—information about the agency's zero tolerance policy, their obligation to report, and how and to whom to report sexual abuse and sexual harassment—and acknowledged with a signed form.
- Volunteers and contractors are obligated to report and disclose any information about possible sexual abuse and/or sexual harassment against inmates/detainees/residents from other inmates/detainees/residents or agency staff if they have suspicion of such activity, even if they do not have proof of the abuse or are unsure. It is not their job to investigate an allegation, but to report it in every instance.
- If a volunteer or contractor works at multiple facilities within the same agency, the reporting responsibilities and process can vary. These volunteers or contractors must have information that is relevant to each of the facilities in which they provide services.
- Contractors and volunteers who have regular contact with inmates that is similar or equivalent to contact that a staff person would have with inmates should receive the same or equivalent training that employees are required to receive in standard 115.31.
- The agency must ensure that it maintains and retains documentation that demonstrates that volunteers and contractors understand the training they received. This may be a signed acknowledgement of the agency's zero tolerance policy, their reporting responsibilities, and acknowledgement of the content of the training they received. Ideally, the agency would retain the training curriculum and the date it was delivered to each volunteer and contractor.

Challenges

- Ensuring that volunteers and contractors that work or provide services to multiple facilities within an agency receive training tailored to each specific facility, so they are able to uphold their responsibilities under the agency's sexual abuse and harassment prevention, detection, and response policies and procedures at each of those facilities. The volunteer and contractor training should be unique to the agency and the facility in which the volunteer and contractor works. If a volunteer and/or contractor works for an agency and provides services to multiple facilities, the zero-tolerance policy should be the same; but the reporting process would likely differ between facilities. The training should be developed based on the agency's zero tolerance policy, procedures, and coordinated response plan, which can vary depending on the jurisdiction and resources available.
- Understanding and determining the type of training needed for volunteers and contractors based on their level of contact with inmates/detainees/residents and the services they are providing. This may require individualized assessments of contractors and volunteers regarding their role in the facility and what they need to know in order to ensure that they can carry out their responsibilities and to ensure the safety of inmates/detainees/residents.
- Providing quality, comprehensive, and meaningful training for volunteers and contractors including their specific responsibilities with regard to preventing, detecting, and responding to sexual abuse and sexual harassment at the facility in which they work.
- Updating training to reflect any changes made to the agency's zero tolerance policy and the responsibilities of the volunteers and/or contractors under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

Challenges Cont'd

- Ensuring agency staff is well trained and understands that volunteers and contractors can report incidents of sexual abuse and/or sexual harassment and understands how to receive those reports and what to do with them
- Safeguarding inmates when a facility has ongoing construction and contractors working in the facility by ensuring that all contractors working in the facility are appropriately notified of the agency's zero tolerance policy and their responsibilities under PREA. The agency will be challenged to identify everyone who enters the facility and will have to work with the contracted construction company to ensure that everyone who should be trained receives that training.

Best Practices

- Ensuring that anyone who enters the facility regardless of their role and may have contact with an inmate is informed of the agency's zero tolerance policy and how to make a report of sexual abuse and/or sexual harassment.
- Updating and modernizing training curriculum to reflect the agency and/or facility sexual abuse and sexual harassment prevention, detection, and response policies and procedures. Conducting an annual review of training materials is one way to ensure that materials remain current.
- Maintaining detailed records of not only the content of training, but the dates it was delivered and to whom.
- Include the state's sexual abuse or sexual assault statute and any law that prohibits corrections staff from having sex with inmates, if these laws differs from the PREA definitions of sexual abuse (Please refer to FAQ dated May 18, 2018 for more guidance).
- Ensure the volunteer and contractor training specifically outlines the volunteer's and contractor's responsibilities and role as a first responder. These responsibilities should include: steps on how to provide immediate protection to the inmates/detainees/residents, notification of the appropriate staff, protection of evidence, and questions to ask and not ask a survivor. It should be made clear that as a first responder, it is not their job to investigate the allegation.
- Make use of various training methods—classroom, scenario, online interactive courses, webinar, handouts, videos, brochures, pamphlets.
- Develop and incorporate a volunteer and contractor first responder handout, card or bookmark (easily carried on a person) of their responsibilities in response to incidents of sexual abuse and/or sexual harassment. It may include a written list of all of the ways they can report sexual abuse and/or sexual harassment to include: verbally to their supervisors, security staff, medical/mental health and civilian staff; in writing; and/or a hotline.
- In addition to annual training for volunteers and contractors, they can be provided with refresher training with updated and new materials, including scenarios and training aids that engage trainees, and which in turn stimulate learning and retention of sexual safety information. Consider online interactive courses, certificates of completion, and an electronic log.
- Maintain documentation of volunteers and contractors training to include:
 - Training curricula and the date each training package was delivered and to whom.
 - Acknowledgment form confirming an understanding of the training received. Consider using written and/or electronic signature and date to verify training was completed.
 - A sign in roster for class/ course participation.

Audit Issues

- Determining whether the training curriculum effectively meets all the training requirements of the standard, and is presented in a manner to ensure volunteers and contractors understand the information. The auditor must assess whether the volunteers and contractors were informed of the agency's zero tolerance policy and how to report such incidents; additionally, whether volunteers and contractors understand the information provided and are able to fulfill their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures in practice. They will learn this by interviewing contractors and volunteers and reviewing training test scores if there are any available.
- Analyzing whether volunteers and contractors have been trained prior to having contact with inmates/detainees/residents as required. If there are exceptions, the auditor must determine if the circumstances are rare and do not pose a risk to inmates/detainees/residents sexual safety.
- Assessing whether training documentation by the facility is sufficiently maintained and demonstrates that volunteers and contractors understand the training they received. Training sign-in sheets are not adequate to demonstrate understanding.
- Through interviews, auditors will assess volunteers' and contractors' knowledge of their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures as well as confirm they were notified of the agency's zero-tolerance policy.

Standard Variations

In addition to **Prisons and Jails**, the requirements in §115.32 apply to **Lockups** (§115.132), **Community Confinement Facilities** (§115.232), and **Juvenile Facilities** (§115.332).

The following variations in the standard are noted for **Lockup Facilities**. The variations are discussed in summary fashion below and the reader should consult the full text of the specific set of standards to ensure complete understanding of the differences.

- § 115.132, attorneys, contractors, and any inmates who work in the lockup must be informed of the agency's zero-tolerance policy regarding sexual abuse. §115.131 governs training of lockup volunteers.

Resources

- **Frequently Asked Questions (FAQs) on the PREA Resource Center (PRC) Website:**
www.prearesourcecenter.org/frequently-asked-questions

The Department of Justice has issued extensive guidance regarding volunteer and contractor training. Visit the PRC FAQ page and search for guidance under the standard 115.32 for the many related FAQ responses provided by DOJ. The FAQs to date are as follows:

- **July 20, 2018.** *Are there training requirements for individuals who have regular contact with inmates/residents/detainees?* www.prearesourcecenter.org/node/3211
- **September 28, 2015.** *Whether PREA-related contractor or volunteer training is needed for public defenders or other attorneys before they may enter a confinement facility.* www.prearesourcecenter.org/node/3212
- **September 28, 2015.** *Whether a PREA-covered facility is subject to contractor training requirements.* www.prearesourcecenter.org/node/3207

Resources Cont'd

- **September 28, 2015.** *Inmate or residents in an employment settings off-site and these employers having significant contact with inmates or residents.* www.prearesourcecenter.org/node/3205
 - **September 28, 2015.** *Would medical and mental health providers who provide services to inmates or residents off-site be subject to contractor training requirements.* www.prearesourcecenter.org/node/3204
- **Resources on the National PREA Resource Center Webpage**
- PREA Essentials:** www.prearesourcecenter.org/training-technical-assistance/PREA-essentials
- Sample Resources**
- New York State Division of Juvenile Justice and Opportunities for Youth Volunteer PREA Training Acknowledgement Example
www.prearesourcecenter.org/sites/default/files/library/nyvolunteerpreatrainingandacknowledgement.pdf
 - North Carolina Department of Correction PREA Brochures for Staff and Volunteers
www.prearesourcecenter.org/sites/default/files/library/northcarolinadocstaffbrochure.pdf
www.prearesourcecenter.org/sites/default/files/library/northcarolinavolunteerbrochure.pdf
- Training and Information**
- PREA Employee Training by The Moss Group, Inc.
www.prearesourcecenter.org/sites/default/files/content/notification_of_curriculum_utilization.pdf
 - Anti-fraternization: A Case Law Survey by The Project on Addressing Prison Rape, American University Washington College of Law.
www.prearesourcecenter.org/sites/default/files/library/anti-fraternizationmemo.pdf
 - Prison and Jails Standards Documentation Requirements
www.prearesourcecenter.org/sites/default/files/library/preaprisonandjailsstandardsdocumentationrequirements.pdf
 - Juvenile Standards Documentation Requirements
www.prearesourcecenter.org/sites/default/files/library/preajuvenilestandardsdocumentationrequirements.pdf
 - Recommendations for Administrators of Confinement Facilities for Adapting the US DOJ National Protocol for Sexual Assault Medical Forensic Examinations (Guide for developing coordinated response plan).
www.prearesourcecenter.org/sites/default/files/library/preapdf.pdf
- **Always check the following sources for excellent training on PREA**
- *National Institute of Corrections (NIC).* www.nicic.gov/training/prea
 - *End Silence: The Project on Addressing Prison Rape* www.wcl.american.edu/endsilence/

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