

## Standard in Focus

**Prevention Planning****§115.33, 115.132, 115.233, 115.333 Inmate/Resident education**

- a) During the intake process, inmates shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
- b) Within 30 days of intake, the agency shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.
- c) Current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.
- d) The agency shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.
- e) The agency shall maintain documentation of inmate participation in these education sessions.
- f) In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

## Purpose

The goal of providing inmate education is to prevent sexual abuse and sexual harassment and to encourage reporting by teaching inmates about their right to be free from sexual abuse and sexual harassment, educating them about the ways they can report it, and making sure they understand what will happen if there is an incident of sexual abuse or sexual harassment, including what services are available to victims. Inmate education can build inmates' trust in staff and the facility's commitment to safety, which may increase reporting and ultimately deter sexual abuse and sexual harassment. Inmate education is only effective if it is provided in ways that inmates understand and remember when they need it, and it must be made understandable to the most vulnerable inmates in the facility, who may face some barriers to accessing written information, spoken information, or information in English.

## Implementation

- The standard requires the facility to provide basic, critical information to every inmate upon intake. This information must include some verbal and/or written statement of the facility's no-tolerance policy toward sexual abuse and sexual harassment and clear information about the ways to report sexual abuse and sexual harassment, both internally and externally, including any phone numbers or addresses they would need to report externally. This information is only useful if it is provided in a manner that all inmates receive and understand, and receipt of the information must be documented for every inmate who enters the facility.

## Implementation Cont'd

- The standard also requires that the facility deliver more complete education about sexual safety, such as the dynamics of sexual abuse in a confinement setting and how to stay safe, and the facility's policies and procedures related to sexual abuse and sexual harassment, with clear information about how to report and what happens with every report of sexual abuse and sexual harassment, within 30 days of intake. This education should also include information about any victim services available to inmates in the facility. The facility must develop a system to document that every inmate receives this comprehensive education within the appropriate time period.
- The standard requires that all information provided to inmates regarding sexual safety and PREA be accessible regardless of ability and language. So, inmates who are limited English proficient, are deaf, visually impaired, disabled, including inmates with mental illness, or have limited reading skills must get both the information provided at intake and the more complete education in a manner they can understand.
  - Staff should be prepared to read written information out loud.
  - Written information should be clear and provided at an appropriate reading-level for most inmates.
  - Translators and interpreters must be available when needed to assist deaf and non-English speaking inmates to learn the information.
  - Written material should be produced in the languages most commonly spoken by inmates.
  - Mental health staff may have to be involved in providing the required information to inmates with serious mental illnesses.
- The standard requires that inmates be provided with inmate education—both critical information at intake and more comprehensive education within 30 days—upon transfer to a different facility, even if it is a different facility in the same agency, to the extent that any policies and procedures are different in the new facility. Even an inmate who is newly admitted to a facility where he or she has been previously incarcerated must get the information again. The purpose of this requirement is to ensure that inmates get up-to-date information about the specific dynamics, policies, and procedures for the facility where they are currently incarcerated and are reminded of it so they can use it if they need it.
  - Finally, critical information must be continuously available in some form—posters, handouts, handbook—so that inmates can access it when they need it. That would include any phone numbers or addresses inmates need to either report an incident of sexual abuse or sexual harassment, and any outside counseling that is available

## Challenges

- Intake can be a stressful time for inmates and can tax staff resources. Adding the delivery of information about PREA into an already busy and stressful intake procedure in a manner that inmates will understand and remember, and in a manner that encourages trust in the facility's plans to protect inmates, may be difficult. It requires thoughtful planning to ensure that there is a period of time during which inmates can absorb the information. It requires thorough training of intake staff, and the development of clear and simple written resources and video or scripted information that will be consistently provided to every inmate who comes through the door.
- It is critical to ensure that staff who is responsible for providing the education fully understand the material, can demonstrate a commitment to the values and objectives of PREA, and are able to convey the information in a manner that is meaningful to inmates. It is particularly important that anyone who provides the more comprehensive education about sexual safety have sensitivity to the subject matter and a deep understanding of the dynamics of sexual abuse in confinement. This means that the facility should identify staff who have the capacity to do this well and ensure they are well trained.

- Information that is provided in a handout form or inmate handbook, such as phone numbers and addresses, as well as policies and procedures, often gets lost. Material should be available in an ongoing way to all inmates in the facility so that they can access it if they need it.
- Inmates and staff often misunderstand the difference between a phone number or address to which inmates can report sexual abuse externally (pursuant to standard 115.51(b)), and a phone number or address an inmate can use to access confidential emotional support externally (pursuant to standard 115.53). It is critical that it is clear when inmate education is delivered which phone numbers or addresses are being made available for the purpose of making an external report that will result in an investigation, and which are available to provide confidential emotional support and do not require an inmate to provide his or her name nor to make a report. Staff must understand this first in order to properly convey the distinction to inmates.
- In the absence of clear information to all inmates about the availability of confidential emotional support services external to the agency (pursuant to standard 115.53), inmates are often not able to access these services unless they have already made a report. However, the purpose of making these services available is to encourage inmates to access them, especially inmates who may need the support before they feel ready to make a report. Inmate education is critical to ensuring that all inmates in the facility know these services are available.

## Best Practices

- It is a recommended practice that a staff member or peer educator present inmate education in person and distribute supplemental materials to inmates, even if a video is part of the intake information or comprehensive education. The facility should designate staff educators. They can be custody staff, case managers, mental health staff, or non-custody staff. Staff educators should become their facility's experts and be responsible for keeping up-to-date on policies and practices related to sexual abuse prevention, detection, and response. They can support the role of the PREA Coordinator or PREA Compliance Manager. The facility staff educator should be a person who has an interest and commitment to providing quality inmate education, a desire to make the facility safer, and is committed to the PREA standards.
- The use of inmate peer educators to provide comprehensive education about sexual abuse and sexual harassment has been highly successful in some facilities and agencies. There is FAQ guidance on the PRC website that describes what the facility must ensure in order to use peer educators—that they are screened, trained, and supervised—and in what circumstances a peer educator who is over 18 can provide education to someone who is under 18. Any facility considering using peer educators to provide PREA-related information should read DOJ's FAQ guidance carefully.
- It can be very difficult to provide understandable education to inmates who are seriously mentally ill or have significant cognitive disabilities. While not specifically required, it is recommended that qualified mental health staff and/or educators be called upon to provide PREA information and education in a manner that is sensitive to these communication barriers in order to ensure that the facility meets its requirements under this standard and standard 115.16.
- Consider using inmate bulletin boards, newsletters, and leadership groups such as inmate advisory councils to distribute new information (e.g. pamphlets or brochures). Make sure inmates have an opportunity to ask questions and know how they can get more information. Additionally, it could be most effective for facilities to develop a stand-alone course on sexual abuse prevention for current inmates based on housing unit, inmate number, and/or intake date.
- Written materials should be in language that is accessible to people with limited literacy.

- Attempt to obtain an agreement or memorandum of understanding (MOU) with local, community-based victim services providers to deliver certain pieces of the comprehensive inmate education. Victim service providers have specialized knowledge on key topics covered in inmate education courses, especially trauma and the dynamics of sexual violence, and are adept at providing prevention education to the community on such topics. Victim services providers are also uniquely qualified to handle disclosures of abuse that may come up during a session. Finally, if the facility has succeeded in establishing an MOU with a victim service provider to handle confidential emotional support services through a hotline or address, that provider is best-positioned to explain the services they provide directly to inmates.
- While the standard only requires that inmates be provided information at intake and then again within 30-days from intake in a more comprehensive manner, there is nothing to prevent a facility from doing more. Facilities may also find it beneficial to offer annual refreshers to inmates who have remained at the same facility for extended periods of time. Such refreshers affirm the facility's commitment to eliminating sexual abuse and sexual harassment, and ensure all inmates have the most up-to-date information.
- One highly effective approach to sexual abuse education is to incorporate it into an overall health education program. PREA education can be incorporated into existing education and programs for chronic illness, medications management, HIV, alcohol and drug addictions.

## Audit Issues

- Auditors will review all written material that is provided to inmates during intake and during comprehensive education sessions related to PREA, including posters, handouts, and the inmate handbook. In addition, auditors will review written inmate education curricula and view any videos that are shown related to PREA at intake or during comprehensive education.
- Auditors will review written records or logs to verify that the facility has documented that every inmate in the facility received the necessary information during intake and the more comprehensive education within 30 days of intake.
- Auditors will verify that inmates who did not receive education at intake and comprehensive education pursuant to 115.33(c) to ensure they have been educated.
- Auditors will interview staff who provide the information at intake and also the comprehensive education to ensure that they understand the information and have a thorough knowledge of everything they are required to convey.
- Auditors will interview a random sample of line-staff to ensure that they understand enough to be able to answer questions about the facility's no-tolerance policy, reporting mechanisms, including any external hotlines or addresses, and what victim services are available to inmates.
- Auditors will interview a random sample of inmates in the facility to ensure that they received the information and education required in a manner that they were able to understand.
- Auditors will interview inmates who are limited English proficient, deaf, vision impaired, mentally ill, or otherwise disabled to ensure that they were provided with the required PREA information at intake and more comprehensive education in manners that they could understand.
- Auditors will interview inmates in segregation and other special housing units to ensure they also received the required inmate education.
- Auditors will review the agency's policy requiring that inmates transferred from one facility to another be educated regarding their rights to be free from both sexual abuse/harassment and retaliation for reporting such incidents. They will interview inmates who have been transferred when they identify them in the facility to ensure that this information and education was provided as required.

## Standard Variations

In addition to **Prisons and Jails**, the requirements in §115.33 apply to **Community Confinement Facilities** (§115.233), and **Juvenile Facilities** (§115.333).

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.

**There is no equivalent standard for detainee education in the lockup standards.** Instead, standard 115.132 Detainee, contractor, and inmate worker notification of the agency's zero tolerance policy requires that:

- (a) During the intake process, employees shall notify all detainees of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment.
- (b) The agency shall ensure that, upon entering the lockup, contractors and any inmates who work in the lockup are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment.

The following variations in the standard are noted for **Community Confinement Facilities**:

- Requires more information be provided to residents at intake. In addition to providing the agency's zero-tolerance policy toward sexual abuse and sexual harassment and information about how to report sexual abuse and sexual harassment, residents must be informed of their right to be free from sexual abuse and sexual harassment and free from retaliation for reporting it. They must also be informed of the agency's policies and procedures regarding incidents of sexual abuse and sexual harassment.
- Does not require that more comprehensive education be provided to residents within 30 days of entering the facility.

The following variations in the standard are noted for **Juvenile Facilities**:

- Comprehensive education must be provided to residents within 10 days of entry into the facility, rather than 30 days.
- Comprehensive education must be age-appropriate, in addition to the other requirements in the prisons and jails standard.

## Resources

- **Frequently Asked Questions (FAQs) on the PREA Resource Center (PRC) Website:**

<https://www.prearesourcecenter.org/frequently-asked-questions>

The Department of Justice has issued extensive guidance regarding inmate and resident education. Visit the PRC FAQ page and search for guidance under the standard 115.33 for the many related FAQ responses provided by DOJ. The FAQs related to this standard are all dates April 23, 2014:

- *Can inmate peer educators be used to deliver the inmate information and education requirements of standard 115.33? If so, under what circumstances and are there any limitations.*  
<https://www.prearesourcecenter.org/node/3264>
- *In adult prisons and jails, can adult inmates provide inmate peer education to juvenile inmates?*  
<https://www.prearesourcecenter.org/node/3265> -
- *In adult prisons and jails, can inmate over the age of 17 provide inmate peer education to youthful inmates (age 17 and under)?* <https://www.prearesourcecenter.org/node/3266>

## Resources Cont'd

## ➤ National PREA Resource Center Library

- **June 1, 2016.** [AJA Fact Bulletins](#)
- **May 6, 2016.** [PREA and Inmate Education: A Resource Guide](#)
- **May 6, 2016.** [PREA Brochure Templates](#)  
*Note: This brochure was created to allow facilities to modify it to make it facility-specific*
- **October 2, 2015.** [New York State Department of Corrections and Community Supervision Inmate Facilitator's Guide](#)
- **April 9, 2015.** [New Mexico Association of Counties \(NMAC\) Resident Education and Staff Training Materials.](#)
- **October 29, 2014.** Ending Silence: Demanding Safety from Sexual Assault
  - **Book 1:** [I Reported](#)
  - **Book 2:** [Don't Touch Me](#)
  - **Book 3:** [The Barter](#)
- **September 1, 2014.** [An End to Silence: Inmates' Handbook on Identifying and Addressing Sexual Abuse, 3<sup>rd</sup> Edition.](#)
- **February 2, 2014.** [PREA: What You Need to Know](#) is a 16-minute closed captioned inmate education video. The video and accompanying [facilitator's guide](#) are designed to help adult prisons, jails, and lockups to meet the inmate education requirements of the US Department of Justice's National Standards to Prevent, Detect, and Respond to Prison Rape (§115.33 and §115.132).
- **January 23, 2014.** [Webinar Slides - New Inmate Education Video: Introducing a Tool for PREA Implementation.](#)
- **December 01, 2013.** [Texas Juvenile Justice Department Resident Education: Safeguarding Your Sexual Safety Resident orientation video](#) (English version and Spanish version ) developed by Texas Juvenile Justice Department as well as the accompanying [instructor's guide](#).
- **August 1, 2013.** [Miami-Dade Corrections & Rehabilitation Department PREA Inmate Education Video.](#)
- **February 1, 2007.** [Inmate PREA Brochure Example \(in English\)](#) provided by Miami-Dade Corrections and Rehabilitation Department.
  - [Inmate PREA Brochure - Creole](#)
  - [Inmate PREA Brochure - Spanish](#)

## ➤ Archived Webinars on the PRC Website:

- **May 28, 2013.** [Webinar Slides - Crafting Your Program: PREA and Inmate Education in Jails, Pt. II.](#)
- **November 27, 2012.** Laying the Groundwork: PREA and Inmate Education in Prisons Sessions I and II.
  - **Session 1:** [Laying the Groundwork](#)
  - **Session 2:** [Crafting Your Program](#)

## ➤ Additional Resources:

- **February 9, 2010.** [Summary of the State PREA Coordinators' Conference](#) held December 14 – 16, 2009,. Center for Innovative Public Policies.
- **January 1, 2010.** [Would They Officially Report an In-Prison Sexual Assault? An Examination of Inmate Perceptions.](#) The Prison Journal, Janet L. Mullings, James W. Marquart, Ashley G. Blackburn, Shannon K. Fowler.

*This exploratory study examined inmates' intentions to report their own sexual victimization and recommend others to officially report their assaults.*

## Resources Cont'd

- **February 1, 2009.** [Evaluation of the Colorado Department of Corrections' Prison Rape Elimination Program.](#)  
*Results from an assessment of the Colorado Department of Corrections implementation of its PREA (Prison Rape Elimination Act) program are presented.*
- **October 1, 2008.** [Strategies to Prevent Prison Rape by Changing the Correctional Culture.](#)  
John Blackmore, Janine M. Zweig, "Successful strategies and programs for addressing the problem of sexual violence in state prisons" are presented (p. ii). Innovative practices in 11 states.

➤ **Additional Training Resources:**

Always check the following sources for excellent training on PREA.

- National Institute of Corrections (NIC) - <http://nicic.gov/training/prea>
  - NIC's [PREA What You Need to Know](#)
  - NIC's [PREA Inmate Education Video in English](#)
- [End Silence: The Project on Addressing Prison Rape](#)

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