POWER HOUR
Chat with a PREA Expert

115.11
Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

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The mission of the PRC is to assist adult prisons and jails, juvenile facilities, lockups, community confinement, 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.
Technical support

• Please contact the ZoomPro webinar support line at (888) 799-9666 – select “2” when prompted to get support with technical difficulties.

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Submitting questions

• To submit a question during the webinar, use the Q&A feature on your webinar toolbar, as seen below.

• Presenters will address the questions at the end of the presentation.
This webinar is designed to provide guidance related to compliance with Standard 115.11 in general and will not specifically address concerns or answer questions related to COVID-19.

The PREA Resource Center (PRC) recognizes that coming into compliance or maintaining compliance with this Standard and others during the COVID-19 crisis presents specific challenges that you may not have faced before. If you have questions related to compliance during this crisis, please direct them to the PRC via “Contact Us,” and they will be shared with the PREA Management Office (PMO).

Or you may contact the PMO directly at PREACompliance@usdoj.gov.
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§ 115.11, 115.111, 115.211, 115.311

(a) An agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency’s approach to preventing, detecting, and responding to such conduct.

(b) An agency shall employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities.

§ 115.11, 115.311

(c) Where an agency operates more than one facility, each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility’s efforts to comply with the PREA standards.
Purpose of the Standard

• Ensure the sexual safety of facility inmates and staff through a comprehensive agency-wide approach to prevention, detection and response to sexual abuse and sexual harassment in all facilities operated by the agency.

• Ensure a zero-tolerance philosophy and culture permeates the entire organization from the highest levels of the organization; from management to the front-line staff in each facility.
Policy and procedure

Policy and Procedure Manual

How we actually do things when we're really busy and short staffed

Manual

RIDDLE © 2008

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Implementation

• Develop a robust zero tolerance policy that forms the foundation of an agency’s comprehensive approach to prevent, detect, and respond to sexual abuse and sexual harassment of those in confinement. The development and implementation of the policy should be a collaborative process involving all pertinent agency/facility departments as well as applicable external stakeholders to obtain a collective understanding and buy-in from all parties.

National Institute of Corrections (NIC)
Correctional Policy and Procedure
Implementation

• Provide agency staff with a concise roadmap to implement specific and detailed procedures and practices that ensure the sexual safety of confined persons and staff in the facility.
• What, why, when, who, how
• Documents
Implementation (cont.)

• Designate an agency-wide PREA Coordinator who has the time, authority and resources to oversee the design and implementation of the agency’s PREA program for all facilities under the agency umbrella.

• For agencies operating multiple facilities, designate a PREA Compliance Manager in each facility to work collaboratively with the PREA Coordinator who has the time, authority and resources to implement, oversee and sustain the agency’s PREA compliance for a specific facility.

NOTE: For community confinement facilities and lockups, the subsection requiring a PREA Compliance Manager does not apply.
Implementation (cont.)

• Ensure that the PREA Coordinator has direct access to the head of the agency and regular communication with the agency’s senior leadership, and likewise that the PREA Compliance Manager has similar access and communication with the head and senior leadership of the facility.

ability to affect meaningful and effective change
Sufficient time and authority

What constitutes “sufficient time and authority” for the purpose of meeting this requirement with regard to both PREA Coordinators and PREA Compliance Managers pursuant to standard 115.11?

• FAQ Dec 18, 2015: https://www.prearesourcercenter.org/frequently-asked-questions/what-constitutes-sufficient-time-and-authority-purpose-meeting
Full access to relevant information related to the facility’s compliance with the PREA Standards (e.g., PREA policies and procedures, data collected regarding sexual abuse and sexual harassment in the facility, investigative files, relevant portions of training and personnel files, etc.)
Can the Standard 115.11/311 require that an agency with more than one facility designate a PREA Compliance Manager for each facility be met by the designation of regional PREA Compliance Managers who have responsibility for more than one facility, or must each facility designate its own individual PREA Compliance Manager who has no corresponding responsibilities at another facility?

• FAQ March 25, 2015
  https://www.prearesourcecenter.org/frequently-asked-questions/can-standard-11511-311-requirement-agency-more-one-facility-designate
Challenges

• Creating a robust zero tolerance policy that provides sufficient detail, practical guidance, and procedural direction to ensure sexual safety in all areas of the facility.
Challenges

• Designating individuals as PREA Coordinator and PREA Compliance Managers who have sufficient time and authority to perform the roles envisioned by the standards when many of these individuals have other agency or facility responsibilities and may not be in positions that typically report directly to the head of their agency or facility.
Challenges (cont.)

• Successfully creating a facility culture that values sexual safety, embraces zero tolerance, and fully implements the agency’s PREA program with fidelity toward its purpose and goals.

• Maintaining momentum and commitment after initial implementation of the PREA program to ensure continued engagement from all levels of the organization regarding ongoing PREA sustainability.
Best practices

• PREA implementation and sustainability is most successful using a team approach bringing in all levels of the organization and key stakeholders in relevant ways to ensure a culture of sexual safety.

• The PREA Coordinator should have regular communication with the head of the agency and the support of agency leadership so that he or she can manage resistance to the institutionalization of both policy and practice.
• Collaboration with community services providers (e.g., local law enforcement, prosecutors, rape crisis organizations, SANE/SAFE medical personnel, etc.) in an ongoing manner is vital to a robust PREA program.
Best practices (cont.)

• Create a process to gather and use comprehensive data on the agency’s PREA implementation for future decision making related to progress and change management.
Audit issues

• Assessing whether the agency’s PREA policies, procedures and practices are detailed, comprehensive and effective in creating a culture of sexual safety in the facility.

• Assessing whether the PREA Coordinator and the PREA Compliance Manager have sufficient time and authority to successfully perform their role and functions.
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 policies to ensure referrals of allegations for investigations. Visit the PRC FAQ page and search for guidance under the Standard 115.11 for the many related FAQ responses provided by DOJ. The FAQs to date are as follows:

  • December 18, 2015 - What constitutes “sufficient time and authority” for the purpose of meeting this requirement with regard to both PREA Coordinators and PREA Compliance Managers pursuant to standard 115.11?
    https://www.prearesourcecenter.org/frequently-asked-questions/what-constitutes-sufficient-time-and-authority-purpose-meeting

  • March 25, 2015 - Can the standard 115.11/311 requirement that an agency with more than one facility designate a PREA Compliance Manager for each facility be met by the designation of regional PREA Compliance Managers who have responsibility for more than one facility, or must each facility designate its own individual PREA Compliance Manager who has no corresponding responsibilities at another facility?
    https://www.prearesourcecenter.org/frequently-asked-questions/can-standard-11511-311-requirement-agency-more-one-facility-designate
Resources

Archived Webinars on the PRC Website:

• November 16, 2017- Taking Your First Steps: Guidance for Jail PREA Coordinators and Compliance Managers
  https://vimeo.com/243740917?embedded=true&source=video_title&owner=56725924

• March 19, 2015 – Specific Challenges for the Jail PREA Coordinator

• January 27, 2015 – The Making of a Jail PREA Coordinator

• PREA Compliance Manager Orientation Guide
  https://www.prearesourcecenter.org/resource/prea-compliance-manager-orientation-guide
Questions & Answers
PRC library
Request assistance

Jurisdictions can request assistance by completing a web form on the PRC website under the “Implementation” tab and clicking “Request for assistance” under “Training.”
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For more information about the National PREA Resource Center, visit www.prearesourcecenter.org.

To ask a question, please visit our Contact us page.
Thank you!

Good luck!
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