

PREA
Implementation
Webinar Series

Considerations for Objective Risk Screening Instruments

PREA Standard 115.41/241/341

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IMPACT/JUSTICE

NATIONAL
PREA
RESOURCE
CENTER



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PRC Mission

The National PREA Resource Center

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.

Logistics

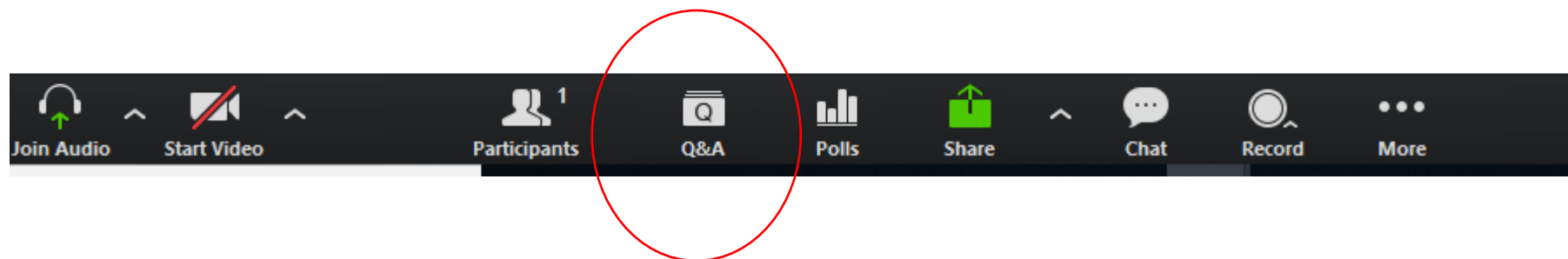
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Logistics

Submitting questions

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- Presenters will address the questions at the end of the presentation.



COVID-19 disclaimer

This webinar is designed to provide guidance related to compliance with **Standard 115.41** 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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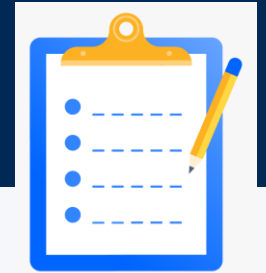


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Objective Screening Instruments



- Standards 115.41/241/341 require facilities to screen for risk of being sexually abused or sexually abusive, using an “**objective screening instrument.**”
- Objectivity requires the application of risk screening factors that do not support bias or subjectivity. Each risk screening factor should be evidence-based.
- Outcomes shouldn't vary depending on the screener.

FAQ Key Points:

- Objective screening instruments lead to a presumptive determination of risk using point systems, decision trees, or software-based algorithms.
- While the Standard requires each instrument to gather information about specific enumerated risk factors, **it doesn't mandate the weight** that should be assigned to each.

Objective Screening Instruments



FAQ continued:

- Develop and implement a uniform list of risk factors and **assign reasonable weights** for each risk factor based on available evidence and reasonably informed assumptions.
- Assign **objective outcome thresholds** based on the totality of weighted risk factors (weighted inputs lead to presumptive outcome determinations).
- Use a **uniform process** to obtain information on the applicability of each risk factor to individual inmates.
- Make an **objective risk determination** based on the aggregate of the inmate's individual weighted risk factors.
- Agencies should attempt to tailor their objective screening instruments to the **unique characteristics (e.g., specialized populations, inmate demographics, program type)** of their various facility types.
- **Overrides** might be necessary but should be **limited**.
- Agencies **may include additional relevant factors** in their screening instrument(s) based on the availability of additional known risk factors.
- Some factors put people at risk of both being sexually abused and being sexually abusive, and some people will fall in both categories. Agencies need a meaningful process to manage those outcomes.

Considerations for PREA Compliant Risk Screening

Three Fundamental Considerations

- **Does the instrument gather all the information required by the Standard** both for risk of being sexually abused and risk of being sexually abusive?
- Does the instrument/screening process ensure that the information is gathered **in a manner designed to meaningfully capture each person's risk factors?**
- Are the factors being considered and the weight given to them **objective?**

Considerations for PREA Compliant Risk Screening

Objectivity

- **Objectivity** means the **information can be gathered free of the subjective biases or views of the screener**. This means both that the wording of the questions and the process for gathering the information do not change the outcome depending on who is seeking the information.
- **Objectivity** also means that the **factors being used to predict risk are evidence-based. There must be research or evidence to support the predictive value of the risk factor**. All the risk factors listed in the Standard were identified by the National Prison Rape Elimination Commission through various forms of research to predict risk of being sexually abused or sexually abusive. **That does not mean that every factor is equally predictive of risks in every facility**, but the Standard requires that every factor, at a minimum, be considered as a predictor of risk.

Considerations for PREA Compliant Risk Screening

Factors That Heighten Risk of Being Sexually Abused: Prisons and Jails and CCFs

1. Whether the inmate/resident has a mental, physical, or developmental disability.

- A compliant tool will find a meaningful way to discover whether an inmate or resident has any disabilities. Each should be gathered and weighed separately. **Simply asking is not an effective way to identify disabilities. Observation is similarly insufficient. Many disabilities are invisible, and many may be unknown to the person who has them.** Assessment tools are recommended wherever possible. The skill and knowledge of the person collecting this information is critical. The relative weight of the information will depend on the population.



Considerations for PREA Compliant Risk Screening

Factors That Heighten Risk of Being Sexually Abused: Prisons and Jails and CCFs

2. The age of the inmate.

- The age range that places someone at heightened risk for being sexually abused must be **based on evidence and will depend on the population in the facility**. BJS data are helpful, but those at risk in any given facility may fall into younger or older categories depending on who is in the facility.

3. The physical build of the inmate.

- The Standard does not define the physical build that presents a risk. **It is impossible to collect this information in an objective manner if it does not involve a metric (height/weight/BMI, etc)**. BJS data and facility-specific evidence should drive the categorization and relative weight given to the risk factor.

Considerations for PREA Compliant Risk Screening

Factors That Heighten Risk of Being Sexually Abused: Prisons and Jails and CCFs

4. Whether the inmate has been previously incarcerated.

- The parameters of “**previous incarceration**” should be defined clearly to be measured the same way by every screener. The relative weight of this factor will, as with others, **depend on the population in the facility**. If most inmates/residents in a facility are incarcerated for the first time, that factor will likely be less significant than it would be in a facility where only a small portion of the population is incarcerated for the first time.

Considerations for PREA Compliant Risk Screening

Factors That Heighten Risk of Being Sexually Abused: Prisons and Jails and CCFs

5. Whether the inmate's criminal history is exclusively non-violent.

- The parameters of “**non-violent**” should be defined clearly to be measured the same way by every screener. The relative weight of this factor will, as with others, **depend on the population in the facility**. If most inmates/residents in a facility have exclusively non-violent histories (e.g., an FBOP camp holding people for primarily financial crimes with no other criminal history), that factor will likely be less significant than it would be in a facility where a smaller portion of the population has an exclusively non-violent criminal history.

Considerations for PREA Compliant Risk Screening

Factors That Heighten Risk of Being Sexually Abused: Prisons and Jails and CCFs

6. Whether the inmate has prior convictions for sex offenses against an adult or a child.

- The BJS data are very clear that all prior sex offenses significantly heighten someone's risk of being sexually abused. **It is not appropriate to only consider prior sex offenses as heightening risk of being sexually abusive. Nor is it appropriate to only consider sex offenses against a child to heighten risk of being sexually abused.** The relative weight of this factor will depend on the population (e.g., very different significance in a facility with a large sex offender treatment program than in a facility with few people with sex offenses). An inmate/resident might score as high risk of being sexually abused AND high risk for being sexually abusive.

Considerations for PREA Compliant Risk Screening

Factors That Heighten Risk of Being Sexually Abused: Prisons and Jails and CCFs

7. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming.

- These are three separate categories and must be gathered and factored in separately (sexual orientation, gender identity, and gender expression). Furthermore, **the Standard requires both an OBJECTIVE determination about all three (MUST ASK EVERY INMATE REGARDLESS OF APPEARANCE) as well as a SUBJECTIVE determination of perception** (this is the only place in the Standard where subjectivity is not only acceptable but required). It is critical that these questions be asked in a way that is designed to elicit honest responses (language and tone matter). Relative weight will depend on population. Note very specific requirements under 115.42 for people identified as transgender or intersex.

Considerations for PREA Compliant Risk Screening

Factors That Heighten Risk of Being Sexually Abused: Prisons and Jails and CCFs

8. Whether the inmate has previously experienced sexual victimization.

- Collecting this information effectively **requires sensitivity and training for the screener, and a screening environment where disclosure is possible and appropriate.** There is no timeframe or modifier of the prior sexual victimization that should be taken into account, so the facility **MUST ask about ALL prior sexual victimization.** The Standard does not mandate the weight assigned to any factor and so the relative significance/predictive value for risk of prior history may depend on the population and can be adjusted based on facility population-specific evidence.

Considerations for PREA Compliant Risk Screening

Factors That Heighten Risk of Being Sexually Abused: Prisons and Jails and CCFs

9. The inmate's own perception of vulnerability.

- **Every inmate must be asked this question in a manner that is designed to elicit honest answers.** Screeners should be consistent in the way they ask this question, to generate responses that are measurable and that can be weighed objectively. The screening environment should be considered as with the previous factor. This is one factor that can change over time, and an affirmative ask of this question must be part of all 30-day reassessments.

Considerations for PREA Compliant Risk Screening

Factors That Heighten Risk of Being Sexually Abused: Prisons and Jails and CCFs

10. Whether the inmate is detained solely for civil immigration purposes.

- This information should be known to the facility, but there should be a **clear understanding of how the screener gets this information**, if the facility ever holds inmates solely for civil immigration purposes. As always, the relative significance of this factor will **depend on the population in the facility**. This person is not being detained for a crime and may never have been arrested for a crime in his/her lifetime.

Considerations for PREA Compliant Risk Screening

Factors That Heighten Risk of Being Sexually Abusive: Prisons and Jails and CCFs

1. Prior acts of sexual abuse.

- This factor does not use the word “conviction,” “arrest,” or “offense,” so the facility must **determine a method for asking about prior acts as well as reviewing available records**. Language of the ask should be standardized, screeners should be trained, and the environment considered. **The relative weight of this factor will depend on the facility** (again, very different in a facility with a sex offender treatment program versus one with very few people with no history of sexual abuse). Furthermore, if there was a conviction attached to this history, it is a significant risk factor for being sexually abused as well, so the results of the screening must account for the possibility of scoring high on both measures.

Considerations for PREA Compliant Risk Screening

Factors That Heighten Risk of Being Sexually Abusive: Prisons and Jails and CCFs

2. Prior convictions for violent offenses.

- Screeners must have a **standardized definition** for “**violent offense**” and an objective means of determining this history. Using the jurisdiction’s legal definition may be too broad to be predictive. As always, the **relative weight of this factor depends on the population.**

3. History of prior institutional violence or sexual abuse.

- Again, screeners must have a **standardized definition** for “**violence**” and an objective means for determining this history.

Considerations for PREA Compliant Risk Screening: Juveniles

Key Differences in the Juvenile Standard 115.341

1. “**Obtaining information from residents:**” The title change acknowledges the need for an **age-appropriate approach** to gathering the information (see (d)), and the emphasis is less about risk prediction, since past behavior is less predictive of future behavior in youth. The goal is to keep youth safe, and the emphasis is no longer about separating a group of residents who are clearly more likely to commit abuse from those more likely to be abused. Instead, the **emphasis is placed on learning more about each resident to make appropriate decisions for each resident’s safety.**
2. Modified language in the categories and some additions.
3. No factors specifically designated as predictive of risk of abusiveness.

Considerations for PREA Compliant Risk Screening: Juveniles

Key Differences in the Juvenile Standard 115.341

1. Prior victimization and abusiveness;
2. Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to sexual abuse;
3. Current charges and offense history;
4. Age;
5. Level of emotional and cognitive development;
6. Physical size and stature;
7. Mental illness or mental disabilities;

Considerations for PREA Compliant Risk Screening: Juveniles

Key Differences in the Juvenile Standard 115.341

8. Intellectual and developmental disabilities;
9. Physical disabilities;
10. The resident's own perception of vulnerability; and
11. Any other specific information about individual residents that indicates heightened need for supervision, additional safety precautions, or separation from certain other residents.

Considerations for PREA Compliant Risk Screening: Adults and Juveniles

Additional Factors

The Prison and Jail, CCF, and Juvenile Facilities versions of the Standard all state that the risk factors enumerated are the “minimum” that must be considered. Additional factors may be considered, but they must be “objective.”

Review: **What does objective mean?**

- **Objectivity** means the **information can be gathered free of the subjective biases or views of the screener**. So, this means both that the wording of the questions and the process for gathering the information do not change the outcome depending on who is seeking the information.
- **Objectivity** also means that the **factors that are being used to predict risk are evidence-based. There must be research or evidence to support the predictive value of the risk factor. Be cautious of evidence produced from biased systems.** All the risk factors listed in the Standard were identified by the National Prison Rape Elimination Commission through various forms of research to predict risk of being sexually abused or sexually abusive. **That does not mean that every factor is equally predictive of risk in every facility**, but the Standard requires that every factor, at a minimum, be considered as a predictor of risk.

Considerations for PREA Compliant Risk Screening: Adults and Juveniles

Scoring Considerations

- Whether the instrument produces a score, uses a decision-tree model, or an automated algorithm to predict risk, **the relative weight of each risk factor should be tailored to the specific population in the facility.**
- Screening instruments that over- or under-predict risk will be significantly less effective. Typically, **screening instruments aim to identify the 10-15% of the population at the highest risk**, though there can obviously be some variability.
- **Using the risk screening information to inform not only housing, but bed, programming, and work assignments** appropriately is critical. Pay special attention to the requirement in 115.42 that case-by-case determinations be made about whether to house transgender and intersex people in men's/boy's or women's/girl's facilities or housing units.
- Some people will score at high risk of being both sexually abused and sexually abusive. It is **not appropriate to ignore the dual risk in favor of one or the other if someone clearly falls in both categories** (weighing the relative risks may be appropriate); so housing, programming, and work decisions should be made carefully for these individuals.

Questions and Answers



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Power Hour: Chat with a PREA Expert on Standard 115.32

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115.32

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PRC Website Revision: Overview and Q&A

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Developing a PREA-Compliant Language Access Plan for Incarcerated...

STANDARDS:

115.16, 115.21, 115.51, 115.53

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115.401

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Request for assistance

Please fill out the form below in order to request PREA-related training and/or technical assistance for your jurisdiction or agency. The more detail provided in your request will improve the PREA Resource Center's (PRC) ability to meet your needs. For jurisdictions less familiar with PREA, the PRC would encourage you to browse the resources on the [Where to begin page](#). If your jurisdiction has general questions or comments for the PRC you can communicate those through the [Contact us form](#).

To submit information on complaints or concerns about the conduct of a DOJ-certified PREA auditor, please refer to the [Auditor feedback form](#).

The PRC collects the information below in order to efficiently route and respond to inquiries. While all fields are not required, please fill out as much information as possible so that we may better assist you.

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!

Notice of federal funding and federal disclaimer

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