

NATIONAL
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CENTER

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Power Hour:
Chat with a PREA Expert

*PREA Standard 115.42 – Use of Screening
Information
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Welcome and Introductions



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Act Resource Center (PRC)

The National PREA Resource Center

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.

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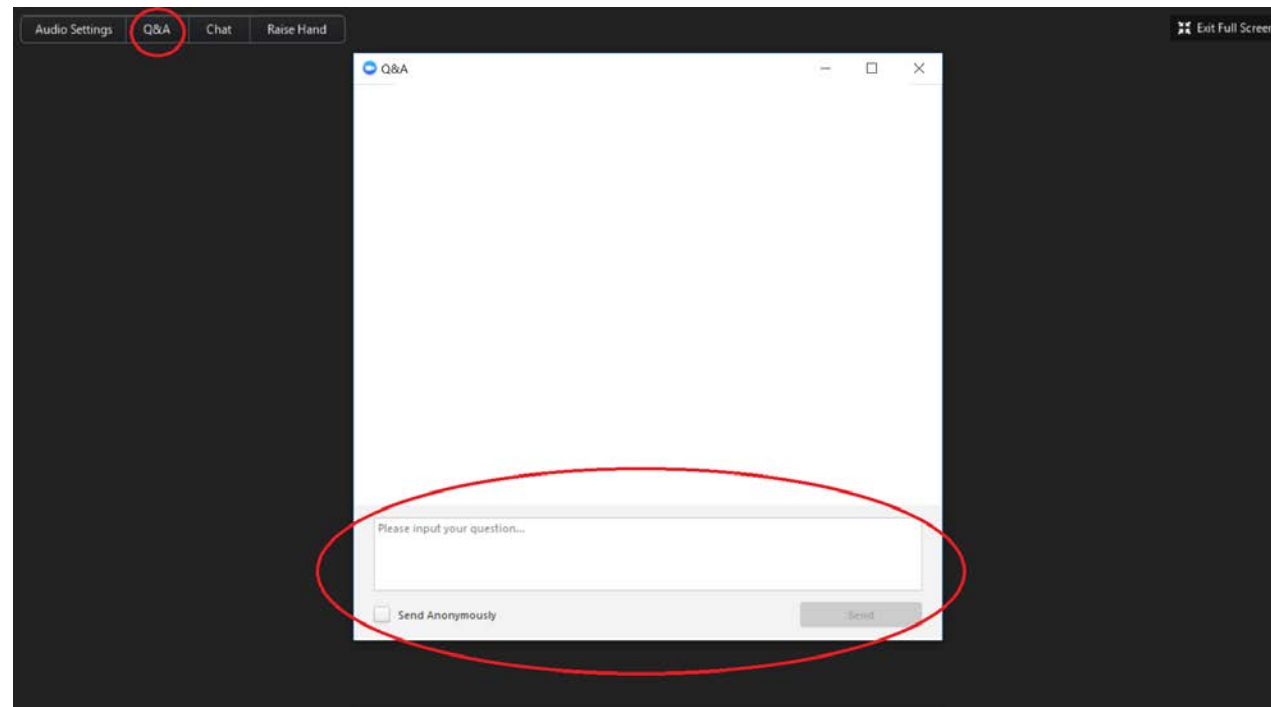
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Presenter



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Purpose of the Standard

To reduce the risk of inmate-on-inmate sexual abuse and sexual harassment by:

- Maintaining separation between inmates at risk of being sexually victimized and inmates at risk of being sexually abusive;
- Using intake screening information from §115.41 to inform all inmate housing, bed, work, education, and program assignments; and
- Providing additional protections for transgender and intersex inmates, based on the unique risks these populations face while incarcerated.

Standard Requirements

- (a) The agency shall use information from the risk screening required by §115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those at high risk of being sexually victimized from those at high risk of being sexually abusive.
- (b) The agency shall make individualized determinations about how to ensure the safety of each inmate.
- (c) The agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

Standard Requirements

- d) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.
- e) A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.
- f) Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.
- g) The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated area established in connection with a consent decree, legal settlement, or legal judgement for the purpose of protecting such inmates.

Challenges

- Creating a comprehensive process that fully and continually utilizes the results of inmate screening and, with transgender and intersex inmates, reassessments to make well-reasoned decisions about each inmate's housing, bed, work, education, and program assignments.
- Ensuring that appropriate staff are trained on established procedures to use screening information and reassessments to make housing, bed, work, education, and program decisions that protect potentially vulnerable inmates.
- Implementing appropriate controls on the dissemination of screening and reassessment information, to guarantee that this information is not used to the inmate's detriment (see NATIONAL §115.41 (i)).

Challenges

- Ensuring that facilities do not place potentially vulnerable inmates in involuntary restrictive housing, unless a determination has been made that no alternative means of separation is available (see §115.43) and even then, only under specified conditions and with periodic reassessment.
- Determining how to make initial housing and programming decisions for transgender and intersex inmates that are not based solely on genital status.
- Ensuring that staff in both male and female facilities are sufficiently trained and prepared to house transgender women and transgender men safely.
- Educating transgender and intersex inmates about the opportunity they have to shower separately from other inmates, and how to access this opportunity.

Best Practices

- While the standards do not specifically require a policy, agencies and facilities are encouraged to develop and implement a clear policy that governs how inmate screening and information is used.
- Beyond the key staffing topics enumerated in §115.31, such training should ideally provide a basic understanding of sexual orientation, gender identity, gender expression, and how sex is assigned at birth. Staff training should also identify gaps in knowledge and cultural beliefs, and how these factors may impact the ability of staff to conduct effective inmate interviews, screenings, and reassessments of transgender and intersex inmates, and to use this information to guide individualized placement and programming assignments. Effective training will encourage open dialogue among staff with a focus on encouraging behaviors that support staff members' ability to meet their professional responsibilities under the PREA Standards.

Best Practices

- Some agencies use multi-disciplinary, collaborative teams to make decisions about housing and programming assignments for transgender and intersex inmates on an individualized, case-by-case basis. These teams may include agency and/or facility administrators, screening and security staff, medical and mental health professionals, and community advocates. Importantly, the inmate should also be involved in the decision-making process and the inmate's own views with respect to his or her safety must be given serious consideration.
- Educating inmates about sexual orientation, gender identity, and gender expression, as well as respectful treatment of people who are LGBTI, can significantly alleviate tension when transgender people are placed in housing and programming that align with their gender identities.

Implementation

- Housing and programming decisions for transgender and intersex inmates must not be based primarily on the complaints of other inmates or staff when those complaints are based on gender identity.
- Facilities must adopt procedures that will afford transgender and intersex inmates the opportunity to disrobe, shower, and dress apart from other inmates.
- Agencies cannot house LGBTI inmates in a dedicated facility, housing unit, or wing unless it was established in connection with a consent decree, legal settlement, or legal judgement for the purpose of protecting such inmates. However, some agencies and facilities have had success establishing housing units or wings reserved for inmates who are designated as potentially vulnerable through the screening process.

Audit Issues

- Determining if the screening information is effectively and consistently used to make appropriate housing, bed, work, education, and program assignments on an individualized, case-by-case basis.
- Reviewing inmate files to determine if reassessments of transgender and intersex inmates' housing and programming assignments are occurring at least twice each year and being documented appropriately.
- Determining if appropriate controls are present to protect the sensitive information that is collected during inmate screenings and reassessments.
- Examining documentation of reassessment of housing and programming assignments for each transgender or intersex inmate.

Audit Issues

- Examining a facility's actual practices, in addition to reviewing official policy. The auditor must conduct a comprehensive review of the agency's screening and reassessment processes, and examine specific inmates' records/files to determine if individualized, case-by-case housing and programming assignments of transgender and intersex inmates are being made. Interviewing transgender/intersex inmates to determine whether they were consulted before being housed.
- Touring living units and observing accommodations made for transgender and intersex inmates to shower separately from other inmates.
- Reviewing the title, status, and findings of any consent decree, legal settlement, or legal judgment requiring a facility to establish a dedicated facility, unit, or wing for LGBTI inmates, and examining documentation of housing assignments of LGBTI inmates pursuant to the consent decree, legal settlement, or legal judgement.

Standard Variations: Lockups

- The Lockup standards do not contain a standard regarding the use of screening information.

Standard Variations: Community Confinement

- No requirement to reassess placement and programming assignments for each transgender or intersex resident at least twice each year to review any threats to safety experienced by the resident.

Standard Variations: Juvenile

- Placement of LGBTI juveniles in dedicated facilities, units, wings solely on the basis of such identification or status is not allowed at all in juvenile facilities. No exception exists for placements in connection with consent decrees or other legal settlements.
- Residents may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of keeping all residents safe can be arranged. During any period of isolation, agencies shall not deny residents daily large-muscle exercise and any legally required educational programming or special education services. Residents in isolation shall receive daily visits from a medical or mental health care clinician. Residents shall also have access to other programs and work opportunities to the extent possible.

Critical FAQs

- What does “separate” mean for the purposes of requiring that people who are vulnerable to sexual abuse be separated from people who are at risk of being sexually abusive?
- Is there a time frame for making individualized housing and programming placements for transgender and intersex inmates?
- Does a policy that houses transgender or intersex inmates based solely on their external genital anatomy violate standard 115.42 (c) and (e)?
- What constitutes “separate” for the purposes of complying with the requirement that transgender and intersex inmates be allowed to shower separately?

Resources

- **Frequently Asked Questions** (FAQs) on the PREA Resource Center (PRC) Website
- **PREA Essentials** on the National PREA Resource Center Webpage:
<https://www.prearesourcecenter.org/training-technical-assistance/PREA-essentials>
- **Archived Webinars on the PRC Website**
 - August 13, 2018. *Understanding Lesbian, Gay, Bisexual, Transgender and Intersex Inmates, Residents, and Detainees* <https://www.prearesourcecenter.org/training-and-technicalassistance/webinars/5804/understanding-lesbian-gay-bisexual-transgender-and>
 - April 21, 2015. *Keeping Vulnerable Populations Safe Under PREA: Alternative Strategies to the Use of Segregation in Prisons and Jails* <https://www.prearesourcecenter.org/training-and-technicalassistance/webinars/2907/keeping-vulnerable-populations-safe-under-prea>
 - September 25, 2014. *PREA in Action—Committing to Safety and Respect for LGBTI Youth and Adults in Correctional Settings: Lessons From the Field* <https://www.prearesourcecenter.org/training-andtechnical-assistance/webinars/2572/prea-action-committing-safety-and-respect-lgbti>

Resources

- **PREA Standards in Focus**
 - §115.42/142/242/342 Use of Screening Information
https://www.prearesourcecenter.org/sites/default/files/library/115.42%20SIF_0.pdf

Always check the following sources for excellent training on PREA.

- **National Institute of Corrections (NIC)**
 - <http://nicic.gov/training/prea>
- **End Silence: The Project on Addressing Prison Rape**
 - <https://www.wcl.american.edu/endsilence/>

Questions & Answers



PRC Library

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RESOURCES

 In this section of the library you will find tools such as training materials, handbooks, policy development toolkits, and a list of resources for survivors.
[See all Resources articles >](#)

STANDARDS

 In this section of the library you will find the federal PREA standards and information about the development, implementation, compliance with, and enforcement of the standards.
[See all Standards articles >](#)



BREAKING NEWS: The Department of Justice's national PREA standards were released on May 17, 2012. Read the final standards [here](#).

Welcome!

The PREA Resource Center (PRC) is working to address sexual safety in confinement, and to assist state and local jurisdictions with implementation of the Department of Justice [national PREA standards](#). Visit the library for research and guidance on implementation of the standards; the Training and Technical Assistance section of the website to learn about the PRC's four strategies for assisting the field with PREA implementation; and [sign up for upcoming webinars here](#).

Need Help?

The PREA Resource Center provides training and technical assistance to adult and juvenile corrections and law enforcement agencies seeking to prevent, detect, and respond to sexual abuse in confinement.

[REQUEST ASSISTANCE >](#)

Resources for survivors and their families are available [here](#).



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Field Initiated TTA Request

Jurisdictions can request assistance by completing a web form on the PRC website under the Training and Technical Assistance tab and clicking "**Request for Assistance**" on the sidebar.

<https://www.prearesourcecenter.org/>

For more information about the
National PREA Resource Center,
visit www.prearesourcecenter.org.

To ask a question, please visit our
[Contact Us](#) page.

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