

**Preventing & Addressing Sexual Abuse in Tribal Detention  
Facilities: The Impact of the Prison Rape Elimination Act  
(PREA)  
Notification of Curriculum Utilization  
December 2013**

The enclosed *Preventing & Addressing Sexual Abuse in Tribal Detention Facilities: The Impact of the Prison Rape Elimination Act (PREA)* curriculum was developed by the American Probation and Parole Association (APPA) as part of contract deliverables for the National PREA Resource Center (PRC), a cooperative agreement between the National Council on Crime and Delinquency (NCCD) and the Bureau of Justice Assistance (BJA). The PREA standards served as the basis for the curriculum's content and development with the goal of the *Specialized Training: PREA Medical and Mental Care Standards* curriculum to satisfy specific PREA standard requirements.

It is recommended that the *Preventing & Addressing Sexual Abuse in Tribal Detention Facilities: The Impact of the Prison Rape Elimination Act (PREA)* curriculum be reviewed in its entirety before choosing which modules to use. Any alterations to the original materials must be acknowledged during their presentation or requires removal of the PRC and APPA logos.

BJA is currently undergoing a comprehensive review of the enclosed curriculum for official approval at which point the BJA logo may be added.

*Note: Utilization of the enclosed curriculum, either in part or whole, does not guarantee that an auditor will find a facility "meets standard". Rather, an auditor will take into consideration the curriculum used as part of their overall determination of compliance.*

# The Impact of the Prison Rape Elimination Act

**Notice of Federal Funding and Federal Disclaimer**—This project was supported by Grant No. 2010-RP-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice nor those of the National Council on Crime and Delinquency (NCCD), which administers the National PREA Resource Center through a cooperative agreement with the Bureau of Justice Assistance.

# Introductions

- APPA & Partners
- FACILITATORS
- PARTICIPANTS
- LOGISTICS
  - » Materials
  - » Agenda
  - » Ground Rules
  - » Training Expectations

Class EXERCISE:

**WHAT DO  
YOU KNOW?**



## Module One

# Defining the Issue and Understanding the Prison Rape Elimination Act

# Module One Objectives

- Review update on PREA
- Learn definitions
- Understand benefits of compliance
- Discuss Myths & Realities

# Purposes of PREA

- Zero tolerance
- National standards
- Collect data
- Accountability

# Who is covered by PREA?

## Federal, State, Private and Local

- Jails
- Prisons
- Lock-ups
- Juvenile facilities
- Community confinement facilities



# Why now?

## Events over the past 30 years

- Civil rights acts
- National attention
- Key court cases
- Significant reports

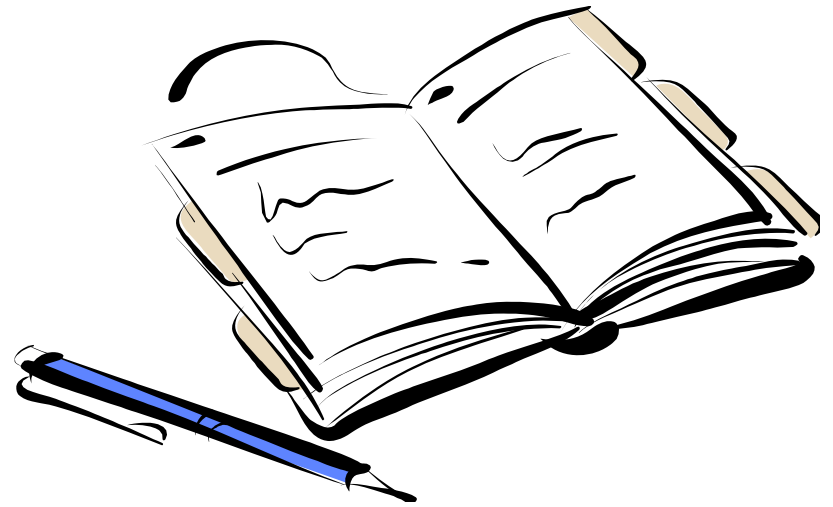
# History of PREA and Development of the Standards

- 2003:** PREA legislation passes
- 2004:** First meeting of the National Prison Rape Elimination Commission (NPREC)
- June 2009:** Report and draft standards published by NPREC
- 2009-2012:** Establishment and Convening of DOJ PREA Working Group
- Feb. 3, 2011:** Draft DOJ standards released
- May 17, 2012:** Final DOJ standards released
- June 20, 2012:** Final standards published in the Federal Register

# PREA Compliance Timeline

<b>August 20, 2012:</b>	Standards applicable to state and local facilities
<b>May 1, 2013:</b>	Target date for DOJ to fully implement auditor certification process (estimated)
<b>August 20, 2013:</b>	Three-year audit cycle begins
<b>September 30, 2013:</b>	DOJ publishes a list of noncompliant grant recipients
<b>October 1, 2013:</b>	First date on which federal grant funds may be impacted (FY 2014)
<b>August 19, 2014:</b>	One-third of facilities must be audited
<b>August 19, 2016:</b>	First three-year audit cycle complete

## Class EXERCISE:



**“My words, your words— are we on the same page?”**

# Class Discussion

*In your own words, define:*

- Sexual Abuse
- Sexual Harassment
- Staff Sexual Misconduct

# Definitions

Important to define prohibited behaviors

- Be specific
- Everyone understands
- Data collection purposes

*See Appendix for examples of what is being used now*

# Class EXERCISE:



**Why do I care?**

**What are the benefits?**

# Benefits of PREA

- Safer work environment
- High level of professionalism
- Safety and security in facility
- Integrity and respect
- Reduces embarrassment
- Reduces liability
- Public safety
- Public health



Myths and Realities

# Myths and Realities

## Myth # 1

“We have no reports of this kind, so we don’t have a problem”

AND THE REALITY.....

## Myth # 2

“It is not as much of a problem when inmates consent to these types of relationships with staff.”

AND THE REALITY.....

## Myth # 3

“Employees are clear about their professional boundaries.”

AND THE REALITY.....

## Myth # 4

“It is the rookie employee who is most likely to get involved with misconduct.”

AND THE REALITY.....

## Myth # 5

“The real victims of staff sexual abuse are the employees who are manipulated by the inmates.”

AND THE REALITY.....

## Myth # 6

“Activities between inmates, including some unwanted sexual behavior, are part of what happens normally in jail. Inmates should expect this to happen.”

AND THE REALITY.....

Module Two

**Dynamics of  
Sexual Abuse and  
Harassment  
in  
Custodial Facilities**

NATIONAL  
**PREA**  
RESOURCE  
CENTER



## Module Two Objectives

- Understand why people get involved
- Identify risk factors
- Identify impact of victimization
- Learn to identify RED FLAGS
- Learn to protect from manipulation
- Understand impact of agency culture
- Understand ethics and professional boundaries

## Class Discussion

What Does a Victim Look Like?

## Inmate Characteristics

What makes inmates  
more vulnerable to  
sexual abuse?

## Mental Health

64% in jails have mental health problems

More mentally ill persons in jails and prisons than hospitals

## History of Prior Abuse

Inmates with history or prior sexual victimization are 6 times more likely to be victimized or display predatory behavior

# Tribal Statistics

- 1.2% of those incarcerated in state and federal facilities are American Indian (but only 1% of total USA population)
- 40% in tribal jails are violent offenders
- Victimization rate in Indian country **DOUBLE** that of non-Indian citizens
- 1 in 3 women will be raped

# History of Trauma

- Less equipped to handle stress
- Pessimistic view of world
- More at risk for further victimization
- Less able to distinguish unhealthy and exploitative relationships
- Post-Traumatic Stress Disorder (PTSD)
- Lie to protect their abusers
- More manipulative

Class EXERCISE:

**RED FLAGS !**





Class EXERCISE:

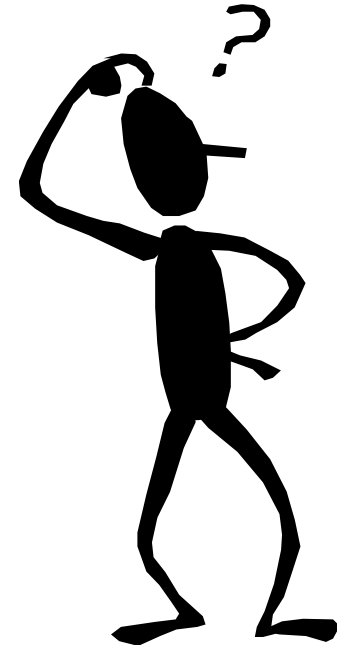


**CODE OF SILENCE –**

**WHY INMATES AND STAFF DON'T REPORT**

# Class EXERCISE:

NOW WHAT DO I DO  
WITH THIS INFORMATION?



# Manipulative Inmates

- Fact of life
- Inmates find ways to gain control
- Fight or flight –a natural response to a stressful environment
- A way to get something they want

# Protecting Ourselves

## *Best Defense.....*

- Know the rules & follow them
- Recognize manipulative attempts
- Understand why inmates attempt to manipulate
- Maintain clear professional boundaries

## Class EXERCISE:



**Protecting Myself.  
How does my Response  
Control the Outcome?**

# Agency Culture

The total of the attitudes, behaviors, beliefs, traditions and practices of present and past employees.

Determines what is acceptable and unacceptable behavior in the workplace.

# Agency Culture Impacts Sexual Abuse in Facility

Lack of respect = *inappropriateness*

Lack of trust = *silence and secrets*

Lack of respect for inmate rights = *failure to protect human rights*

Lack of training = *unprofessionalism*

Lack of dialogue about the issue = *misunderstanding & ignorance*

Module Three

**INVESTIGATIONS  
AND  
LEGAL CONCERNS**



# Module Three Objectives

- Understand the unique nature of sexual abuse and harassment investigations
- Learn First Responder duties
- Understand Rights and Responsibilities of those under investigation
- Learn legal concerns and consequences

# Unique Nature of Sexual Abuse Investigations

- Victims, perpetrators & witnesses in close proximity
- Mental and physical state of victim
- Sensitive and personal issue
- Safety for victims at risk
- Victims responds differently
- Embarrassment
- Complicated physical evidence
- Special training needed
- Medical & mental health needs

# Investigations - *Critical* to Prevention

## Competent investigations

- build trust in the process
- find the truth
- build professionalism
- deter sexual abuse

# First Responders

What we need to do...

1. Render aid
2. Separate victim and abuser
3. Preserve evidence
4. Make notification
5. Document actions
6. Be observant – even later

## #3 – Preserve Evidence

- Could evidence be present?
- Let no one unauthorized near the scene or evidence
- Victim - No washing of person or clothes, depending on time frame
- Don't interview without permission from investigator
- Document everything – statements, comments, potential witnesses

# Class EXERCISE:

What do I do now?

Real events for First Responders



# PREA Standards Related to Investigations

115.21 – *Evidence protocol and forensic medical examinations.*

- SANEs, SAFEs or other qualified
- Offered without cost
- Victim advocate

# PREA Standards Related to Investigations

*115.22 – Policies to ensure referrals of allegations for investigation.*

- Must complete administrative and/or criminal on ALL
- Refer if criminal



# PREA Standards Related to Investigations

## 115.34–*Special Training - Investigations.*

- If agency conducts
- Investigations in confinement settings
- Interviewing Victims
- Garrity & Miranda
- Evidence Collection
- Evidence to Sustain

# PREA Standards Related to Investigations

## 115.54 – *Third-party reporting.*

- Must have method to report
- Public must be aware

# PREA Standards Related to Investigations

## *115.71 – Criminal & Administrative Investigations.*

- Investigative Protocols
- Assessing Credibility
- Use of Reports
- Records Retention

# PREA Standards Related to Investigations

*115.72 – Evidentiary Standard for Administrative Investigation.*

Preponderance of Evidence

# PREA Standards Related to Investigations

## 115.73 – *Reporting to Inmates.*

- Notified of outcome
- When/if accused staff is transferred, no longer employed, indicted or convicted.
- When/if accused inmate is indicted and/or convicted.

# Class EXERCISE:

## The Path of an Investigation Do I Know What Happens?



# My Rights and Protections

- To be notified
- During questioning
  - » Miranda – *right against self-incrimination (criminal invest.)*
  - » Garrity – *compelled statements (administrative invest.)*
- Time frames
- Due process – *right to hearing*
- Outcome – *notification & appeal rights*

# Class Discussion:

**CLASS DISCUSSION:  
Real Cases, Real People**





# Prevention Lessons

## TRAINING

Train everyone

- Employees
- Inmates
- Contractors
- Vendors
- Volunteers
- Anyone who has contact with inmates

# Prevention Lessons

## INVESTIGATIONS

- Special training for investigators
- Consistent, fair
- Confidential
- Timely
- Remember – this is a different type of investigation

# Prevention Lessons

## POLICY & PROCEDURE

- Specific to the issue
- Define prohibited behaviors
- Train all on P&P
- Clear expectations
- Clear disciplinary process
- Update regularly

# Module Four

# REVIEW OF PREA STANDARDS

# Module Four Objectives

- Be familiar with PREA standards
- Understand impact on policy and procedure
- Be prepared for national data collection

# What are the Standards?

*46 STANDARDS intended to:*

- Provide guidelines
- Demonstrate best practices
- Achieve consistent level of competency and professionalism

# PREA Data Collection

- Annually to DOJ
- Information on all reported incidents
- Based on definitions of behaviors
- Creates national data base

## 115.11 *Zero Tolerance*

- Written zero tolerance policy
- PREA Coordinator
- PREA Compliance Manager, if more than one facility



## 115.14

### *Youthful Inmates*

- Any inmate in ADULT facility under age of 18
- Sight, sound, physical separation in housing areas
- Separation or constant supervision in other areas

115.15

*Cross-gender viewing and searches*

*Except in exigent circumstances*

- No cross-gender strip, body cavity searches except by medical
- No cross-gender pat down of females
- Document all cross-gender searches

115.15

*Cross-gender viewing and searches*

- Inmates shower, perform bodily functions, change clothes, without non-medical staff of opposite gender viewing breasts, buttocks or genitalia
- Exception – during routine cell checks

115.31

## *Employee Training*

### Zero Tolerance

- Policy and Procedure
- Fulfill Responsibilities
- Inmates Rights to be free from abuse, retaliation
- Dynamics of sexual abuse
- Reactions of victims
- Detect and Respond to signs
- Avoid inappropriate relationships
- Communicate effectively
- Mandatory reporting

115.33

*Inmate Education*

During intake process

More comprehensive after 30 days

Inmates advised of:

- *Right to be free from abuse*
- *Right to be free from retaliation*
- *How to report*
- *Agency policy*

## 115.41

### *Screening Inmates for Risk*

- Inmates screened at intake (within 72 hrs) to determine risk
- Reassess if transferred
- Screened for risk factors listed
- Agency uses standard forms
- Reassess within 30 days
- No discipline for refusal to answer

115.42

*Use of Screening Information*

- Only to inform housing, bed, work, education & program assignments
- Goal – to keep vulnerable separate from predatory
- Individual determinations
- Transgender and intersex reassessed twice per year

## 115.43

### *Protective Custody*

- Involuntary segregated housing for those at risk of victimization ONLY if not alternative
- Must document reasons
- 30 days or less or until alternative available, if sooner
- Reassess every 30 days, if longer



# 115.51

## *Inmate Reporting*

- Multiple reporting paths
- Ability to report to outside entity
- ALL reports accepted – anonymous, third party, etc.
- Reports immediately put in writing by staff

115.81

*Medical & Mental Health Screenings – Prior Abuse*

## KEY POINTS

- If prior victimization revealed, follow-up with medical or mental health within 14 days
- Informed consent from inmate if abuse occurred outside of confinement (unless inmate is under the age of 18)

## Module Five

# PUTTING INTO PRACTICE

## WHAT WE KNOW

## Module Five Objectives

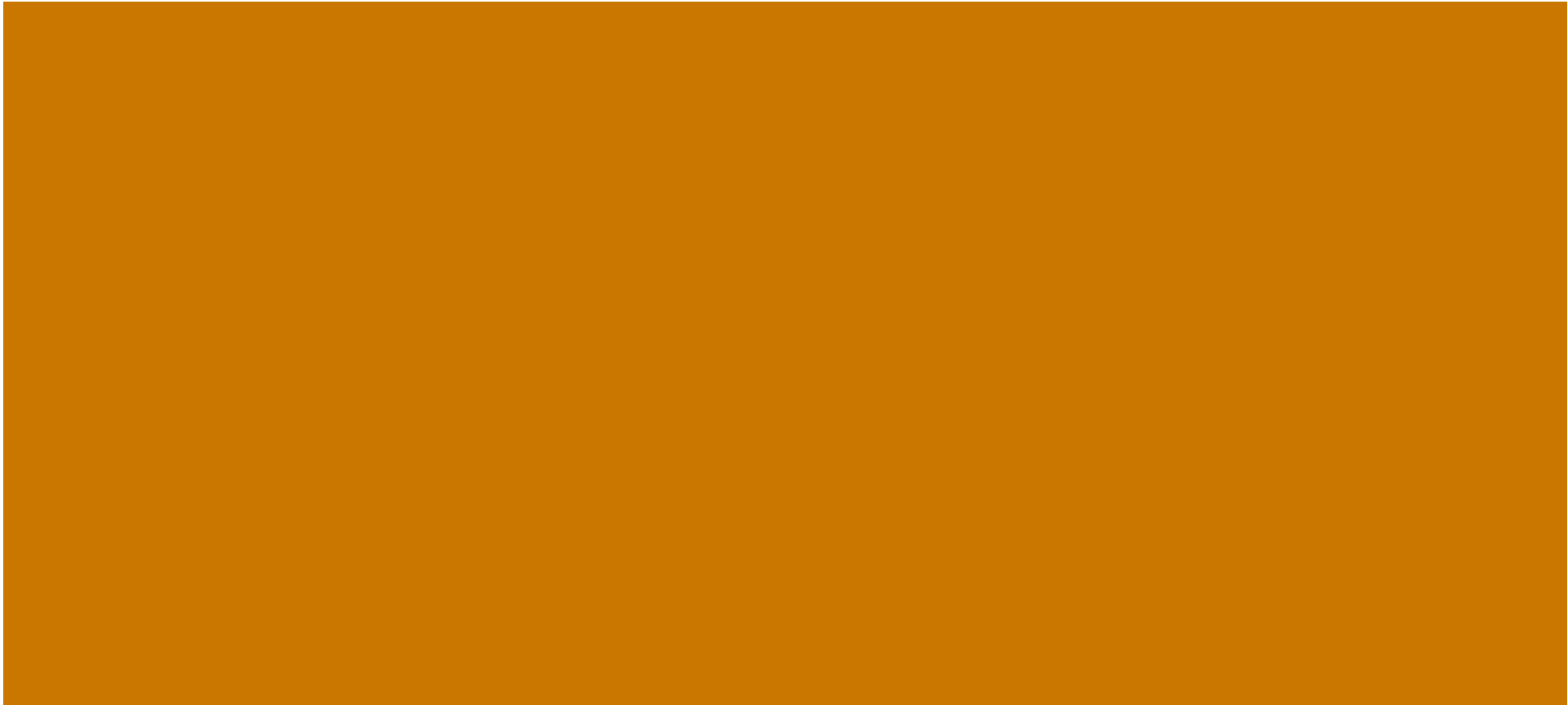
- Demonstrate understanding of information presented
- Complete a useful tool
- Gain confidence in discussing information learned

Class EXERCISE:

Let's Get to Work!



NATIONAL  
**PREA**  
RESOURCE  
CENTER



# Mission

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.

# Targeted Training & Technical Assistance -- Methods of Delivery

- Webinars
- Publications
- Regional Trainings
- FAQs
- Field-initiated Training and Technical Assistance
- Audit toolkit/support & Auditor training



# Field Initiated TTA

The screenshot displays the National PREA Resource Center website. The header includes the logo and navigation links: ABOUT | LIBRARY | TRAINING & TECHNICAL ASSISTANCE | NEWS & EVENTS | FAQ. The main content area is titled 'Request for Assistance' and contains a form with the following sections:

- Request for Assistance:** Fill out the form below in order to request PREA-related training and/or technical assistance for your jurisdiction or agency.
- Name of jurisdiction/agency making request:** [Text input field]
- Name and position/title of person making request:** [Text input field]
- Contact Information of Requester:**
  - Address: [Text input field]
  - City/Town: [Text input field]
  - State: [Dropdown menu, currently set to '- None -']
  - ZIP: [Text input field]
  - Email: [Text input field]
  - Phone: [Text input field]
- Point of contact for the jurisdiction/agency:** [Text input field]
- Statement of Problem:** [Text area with a small 'x' icon in the bottom right corner]
- Previous Efforts:** [Text area with a small 'x' icon in the bottom right corner]
- Training and Technical Assistance:** [Text area with a small 'x' icon in the bottom right corner]
- Targeted Audience/Recipients:** [Text input field]

On the right side of the form, there is a search box titled 'Search the PREA Library for Articles and Resources:' with a 'Keyword' input field and a 'SEARCH' button. Below the search box is a 'Sign Up for Updates' section with a brief description and a 'SIGNUP +' button.

Jurisdictions can request assistance by completing web form on the PRC website ([www.prearesourcecenter.org](http://www.prearesourcecenter.org)) under the Training and Technical Assistance tab and clicking "Request for Assistance on the sidebar"

# BJA PREA Jail Toolkit

## Providing PREA Resources Online to Jail Practitioners

- BJA Funded
- Developed by The Moss Group under cooperative agreement with the Center for Innovative Public Policies, Inc.

# The Toolkit

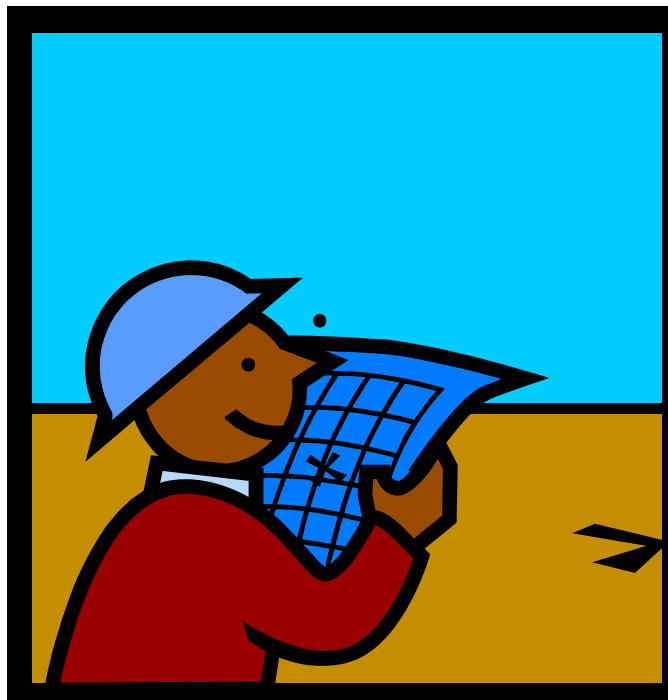
- Basic information about PREA and Implementation;
- Self-assessment tool for to assess priority areas of implementation and develop action plans for PREA implementation;
- Resources for further reading and/or information (e.g., national reports and articles, materials developed and used by other jails, etc);
- Training curriculum and policy guidance.

Implementing The Prison Rape Elimination Act: A Toolkit for Jails

2) Staffing, Personnel, and Facility Considerations

Questions	Yes	No	Standard Reference												
1. Does the agency have a rated bed capacity of more than 1000 inmates?	<input type="checkbox"/> <i>(Go to A)</i>	<input type="checkbox"/> <i>(Go to C)</i>	§115.11												
A. If the answer to (1) is YES, is there a full-time PREA Coordinator?	<input type="checkbox"/>	<input type="checkbox"/>	§115.11												
B. If the answer to (1) is YES, is there a PREA Coordinator designated for each facility within the system? <i>(Go to 2)</i>	<input type="checkbox"/>	<input type="checkbox"/>	§115.11												
C. If the answer to (1) is NO, is there an agency PREA Coordinator that is either full- or part-time?	<input type="checkbox"/>	<input type="checkbox"/>	§115.11												
2. Does agency policy contain a mechanism for the determination of adequate staffing levels and video monitoring (where applicable) to protect inmates against sexual abuse?	<input type="checkbox"/>	<input type="checkbox"/> <i>(Go to 3)</i>	§115.13												
A. If the answer to (2) is YES, does this mechanism take into consideration the physical layout of each facility, the composition of the inmate population, and any other relevant factors?	<input type="checkbox"/>	<input type="checkbox"/>	§115.13												
3. Does each facility conduct an annual assessment to determine whether adjustments are needed to the following:	<input type="checkbox"/> <i>(Select only if A-C are Yes)</i>		§115.13												
<table border="1"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> </tr> </thead> <tbody> <tr> <td>A. Established staffing levels</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>B. Prevailing staffing patterns</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>C. The deployment of video monitoring systems and other technologies?</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>					YES	NO	A. Established staffing levels	<input type="checkbox"/>	<input type="checkbox"/>	B. Prevailing staffing patterns	<input type="checkbox"/>	<input type="checkbox"/>	C. The deployment of video monitoring systems and other technologies?	<input type="checkbox"/>	<input type="checkbox"/>
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C. The deployment of video monitoring systems and other technologies?	<input type="checkbox"/>	<input type="checkbox"/>													
	<input type="checkbox"/>	<input type="checkbox"/>													
	<input type="checkbox"/>	<input type="checkbox"/>													
4. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, does the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse?	<input type="checkbox"/>	<input type="checkbox"/>	§115.17												
5. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, does the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse?	<input type="checkbox"/>	<input type="checkbox"/>	§115.17												

# Action Plan



## Quick Fire

**When I get back to my facility, one thing that I want to do or to change is \_\_\_\_\_**

Post-Test  
Evaluations  
Resources



# For More Information

For more information about the **National PREA Resource Center**, visit [www.prearesourcecenter.org](http://www.prearesourcecenter.org). Direct questions to [info@prearesourcecenter.org](mailto:info@prearesourcecenter.org)

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For more information about the **American Probation & Parole Association**, visit [www.appa-net.org](http://www.appa-net.org). Direct questions to [tmullins@csg.org](mailto:tmullins@csg.org).

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