

NATIONAL  
**PREA**  
RESOURCE  
CENTER



**NCCD** | National Council on  
Crime & Delinquency



# Untangling the PREA Standards:

Outside Reporting, Confidential  
Support, and Third-Party Reporting

April 16, 2015

***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.*

# Introduction and Welcome

## **Just Detention International**

JDI is a health and human rights organization that seeks to end sexual violence in all forms of detention.

# Introduction and Welcome

## **National PREA Resource Center (PRC)**

PRC was established through a cooperative agreement between the Bureau of Justice Assistance and NCCD. 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.

# Today's Moderator



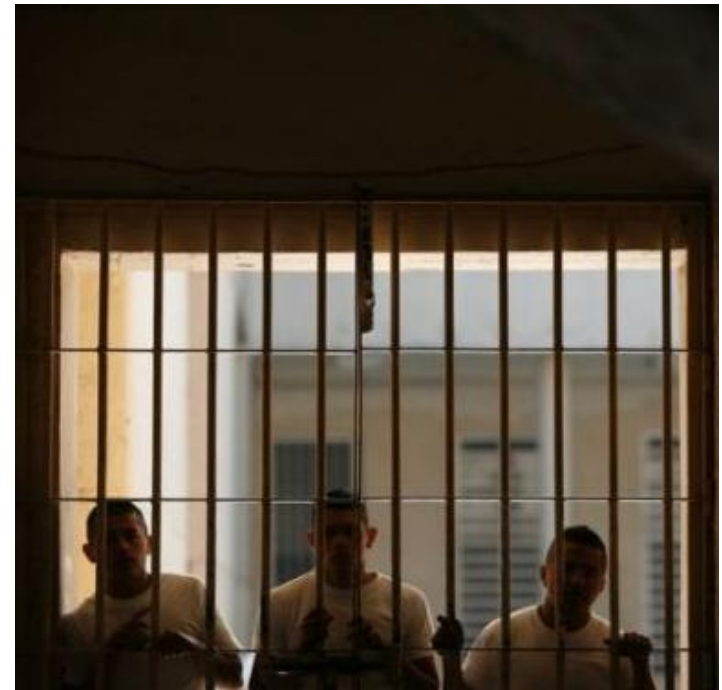
**Carolina Aparicio**

**Program Officer**

Just Detention International

# Webinar Agenda

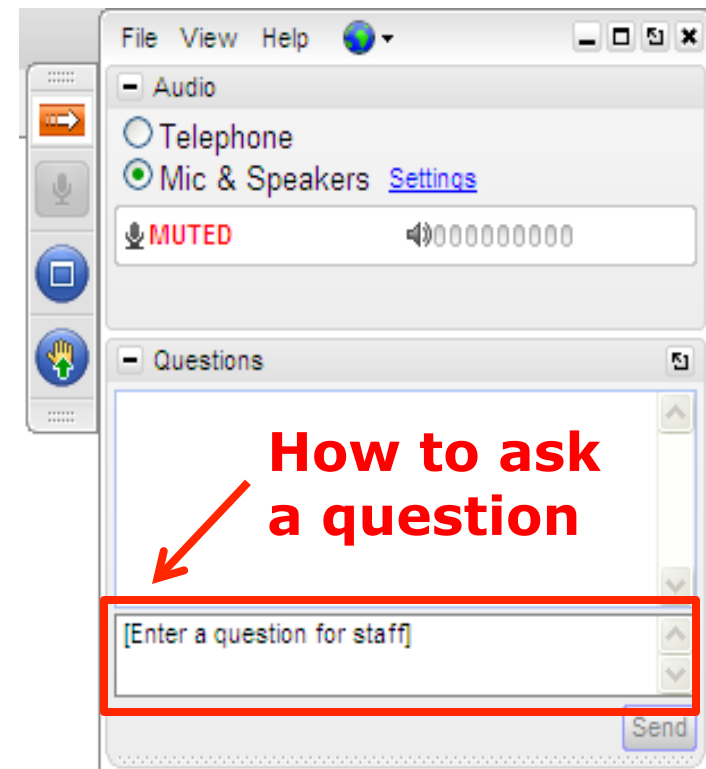
- I. A Deeper Understanding of the PREA Standards
- II. Outside Reporting
- III. Confidential Support
- IV. Third-Party Reporting
- V. Questions and Answers



*Photo by Carlos Jasso/Reuters*

# Logistics

- Use the **questions box** to ask a question
- An archive of this webinar will be posted on the PREA Resource Center website: [prearesourcecenter.org](http://prearesourcecenter.org)
- Using the term “inmate”



# A Deeper Understanding

**Tom Talbot**

**Senior Policy Advisor**  
U.S. Department of Justice

# Three PREA Standards

1. §115.51(b) Inmate reporting: Outside reporting mechanism
2. §115.53(a) Inmate access to outside confidential support services
3. §115.54 Third-party reporting





# Outside Reporting



**Linda McFarlane**

**Deputy Executive Director**  
Just Detention International

# Case Study: Petra



*Photo by International Bridges to Justice*

# PREA Standard: Outside Reporting

## §115.51(b) Inmate reporting\*

**The agency shall also provide at least one way for inmates to report abuse or harassment to:**

- a public or private entity or office that is **not** part of the agency,
- and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials,
- allowing the inmate to remain anonymous upon request.

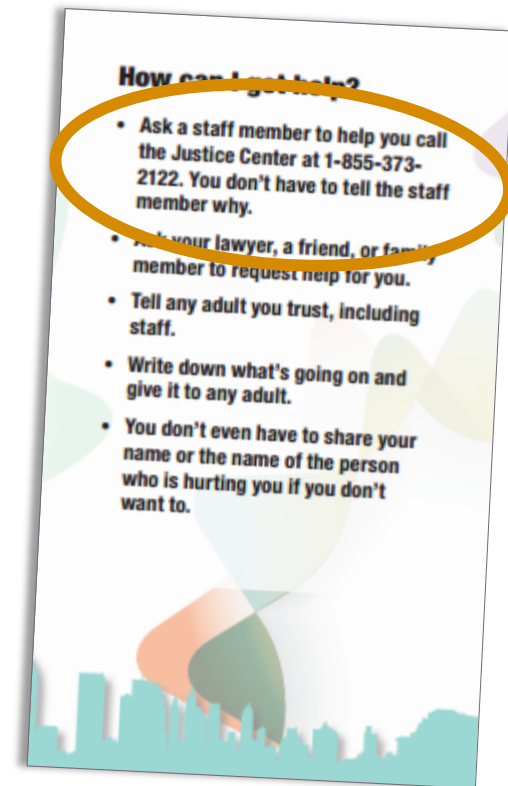
# PREA Standard: Outside Reporting

## What was the intent of this standard?

- Give inmates a place to make a report that does not have custody over them
- Assigns role of the outside entity to ONLY receive and forward reports
- Separate role of outside entity from support services and investigating body

# Key Considerations

- Independence of the entity
- Reliability and trustworthiness of the entity
- Accessibility for inmates
- Consider existing relationships with an agency



# PREA at Work



**Sergeant II Neckole Sterling**

**PREA Liaison**

Los Angeles Police Department

# PREA at Work

## LOS ANGELES POLICE DEPARTMENT

**CHARLIE BECK**  
Chief of Police



**ERIC GARCETTI**  
Mayor

P. O. Box 30158  
Los Angeles, Calif. 90030  
Telephone: (213) 486-01  
TDD: (877) 275-5273  
Ref #: 18.2.2

October 27, 2014

Pat Gannon, Chief of Police  
Los Angeles Airport Police  
6320 West 96<sup>th</sup> Street  
Los Angeles, California 90045

Sir:

On behalf of the Los Angeles Police Department I would like to say thank you for accepting our request to act as our outside reporting agency for the Prison Rape Elimination Act (PREA) incident reports. The PREA Standards require an agency with lockup facilities, which include holding cells, to have an alternative method or agency for citizens to report allegations of abuse and sexual harassment by either fellow inmates, staff, volunteers or contractors within its lockup facilities.

We have designed an Incident Report that will act as a preliminary tool to capture pertinent information in a timely manner. This information will allow us to begin the investigation without delay or loss of potential evidence. We have also developed instructions on how the Incident Report should be completed and how the completed form is to be distributed. We anticipate the posting of this avenue of alternative reporting on December 31, 2014.

The telephone number we will be posting for citizens to contact your

Should further information be required, please contact Sergeant II Neckole Sterling, PREA Liaison, Jail Division, at (xxx) xxx-xxxx.

Very truly yours,  
CHARLIE BECK

DAVID A. LINDSAY, Captain  
Commanding Officer  
Jail Division

**"Thank you for accepting our request to act as our outside reporting agency..."**

**"We have designed an Incident Report that will act as a basic preliminary tool to capture pertinent information in a timely manner."**

**"We anticipate the posting of this avenue of alternative reporting on December 31, 2014."**

**"The telephone number we will be posted for citizens and arrestees to contact your agency is..."**

# PREA at Work

The Los Angeles Police Department has **ZERO TOLERANCE** for sexual abuse and sexual harassment in all of its facilities, in accordance with the Prison Rape Elimination Act (PREA). That means that this behavior is never okay. Abusers can be an arrestee, an LAPD staff member, a volunteer, or anyone else who works at LAPD.

**While you are in LAPD's custody, you have the right to:**

- Be free from sexual abuse and sexual harassment
- Safely and privately report sexual abuse and sexual harassment
- Be protected from punishment for reporting sexual abuse or sexual harassment
- Get medical care if you are sexually abused

**If you believe you are in danger or if you are sexually abused or sexually harassed, you can report it by:**

1. Telling any LAPD employee or volunteer, including medical staff
2. Folding over the corner of your Prisoner's Receipt (pink slip) so the word "PREA" is facing up and hand it to a staff member
3. Writing to Jail Division, when possible, at 100 N. Los Angeles St., Los Angeles, CA 90012

**If you are not comfortable making a report to LAPD directly, you can:**

1. Tell a family member or friend and have them report for you by contacting any LAPD Police Station or Jail Division at (213) 356-3400.
2. Call LAPD's Office of the Inspector General (OIG) at (213) 482-6833. The OIG works to assist the community and LAPD staff with complaints of police misconduct. All reports to the OIG will be forwarded to LAPD for investigation.
3. Call the Los Angeles Airport Police at (424) 646-6100.

**All reports made to the Airport Police will be forwarded to LAPD for investigation.**

All reports will be fully investigated. LAPD is responsible for keeping you safe and free from sexual abuse and sexual harassment while in our custody.



# Confidential Support



**Jesse Lerner-Kinglake**

**Communications Director**  
Just Detention International

# Case Study: Brian



# PREA Standard: Confidential Support

## **§115.53(a) Inmate access to outside confidential support services\***

The facility shall provide inmates with **access to outside victim advocates for emotional support services** related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies.

The facility shall enable reasonable communication between inmates and these organizations and agencies, **in as confidential a manner as possible.**

*\*Also see §115.253/115.353*

# PREA Standard: Confidential Support

## **§115.53(b) Inmate access to outside confidential support services\***

The facility shall inform inmates, prior to giving them access, of **the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded** to authorities in accordance with mandatory reporting laws.

*\*Also see §115.253/115.353*

# PREA Standard: Confidential Support

## **§115.53(c) Inmate access to outside confidential support services\***

**The agency shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers** that are able to provide inmates with confidential emotional support services related to sexual abuse.

The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

*\*Also see §115.253/115.353*

# PREA Standard: Confidential Support

## What was the intent of this standard?

- Give survivors much-needed support and information after an incident of sexual abuse
- Make sure all inmates have access to trained counselors via mail, telephone, or email — **even if they have not made a report**
- Provide services that are as confidential as possible so that inmates who do not feel safe reporting can still get help

# PREA Standard: Confidential Support

## What was the intent of this standard?

- Inform inmates if their communication with support services will be monitored
- Formalize arrangements with service providers through a written agreement



Photo by H. Lorren Au Jr., The Orange County Register

# Key Considerations: Confidentiality Agreements

## MEMORANDUM OF UNDERSTANDING

October \_\_, 2013

This Memorandum of Understanding (MOU) is entered into between **BARNWELL COUNTY DETENTION CENTER (BCDC)**, and **THE CUMBEE CENTER TO ASSIST ABUSED PERSONS (Cumbee Center)**, and is written to facilitate an agreement between the parties for services related to goals and implementation of federal Prison

**5) Provide inmates with confidential, 24-hour access to the Cumbee Center's rape crisis hotline, at no cost, through the inmate telephone system.**

**6) Respect the confidential nature of communication between Cumbee Center advocates and clients detained at BCDC.**

BCDC will also provide Cumbee Center contact information to inmates upon release. This should be done without regard to the status of an investigation.

- 5) Provide inmates with confidential, 24-hour access to the Cumbee Center's rape crisis hotline, at no cost, through the inmate telephone system.
- 6) Respect the confidential nature of communication between Cumbee Center advocates and clients detained at BCDC.
- 7) Ensure that Cumbee Center advocates are cleared to enter the Jail for meetings, training sessions, or to meet with clients. Provide for other logistical needs, such as a private meeting space for counseling sessions.
- 8) Facilitate the placement of informational placards with instructions on how to access the Cumbee Center's rape crisis hotline in areas visible to inmates.

Memorandum of Understanding  
Barnwell County Detention Center and the Cumbee Center to Assist Abused Persons  
Page 2 of 2

- 9) Communicate any questions or concerns to the Cumbee Center staff.

### B. THE CUMBEE CENTER TO ASSIST ABUSED PERSONS (Cumbee Center) agrees to:

- 1) Respond to requests from BCDC to provide advocacy when inmates are brought to Barnwell County Hospital for sexual assault forensic exams.
- 2) Respond to calls from BCDC inmates received on the Cumbee Center's rape crisis hotline.
- 3) Provide follow-up services and crisis intervention contacts to victims of sexual assault at BCDC, as resources allow.
- 4) Work with designated BCDC officials to obtain security clearance and follow all facility guidelines for safety and security, as necessary.
- 5) Maintain confidentiality of communications with clients detained at BCDC.
- 6) Communicate any questions or concerns related to the MOU to BCDC.

### II. TERM OF MOU:

This MOU shall begin October \_\_, 2013 and continue until either party provides written notice to the other party.

**5) Maintain confidentiality of communications with clients detained at BCDC.**

Otherwise, any modification must be agreed to and signed by both parties and attached to this MOU as a modification.

\_\_\_\_\_  
Barnwell County Detention Center Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cumbee Center Representative

\_\_\_\_\_  
Date



# Key Considerations: Phone Lines



*Photo: Associated Press, Elaine Thompson*

# Key Considerations: Accessibility



*Photo: Michael Stravato for The New York Times*

# Key Considerations: Emergency Response Plans



*Photo: California Department of Corrections and Rehabilitation*

# PREA at Work: Confidential Support



**Deana Buril**  
**Deputy Director, Client Services**  
The Rape Crisis Center  
San Antonio, TX



**Monica Lugo**  
**PREA Coordinator**  
Bexar County Sheriff's Office



# Case Study: Lamar



# PREA Standard: Third-Party Reporting

## **§115.54 Third-party reporting\***

The agency shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.

# PREA Standard: Third-Party Reporting

## What was the intent of this standard?

- Offer a reporting mechanism for members of the public that is easy to find and use
- Treat third-party reports as seriously as any other report
- Increase transparency and build communication with community members
- Provide another reporting method for who are not comfortable reporting directly to staff

# Key Considerations: Staff Reporting Protocols

## Example of a Staff Reporting Protocol for Third-Party Reports

**1**

**Mother of inmate calls jail saying her son was sexually abused in custody**

**2**

**Officer takes report using the agency's Incident Report Form**

**3**

**Report is immediately sent to agency's PREA Coordinator**

**4**

**PREA Coordinator initiates investigation**



# Key Considerations: Staff Training



*Photo by Jennifer Whitney for the Texas Tribune*

# Key Considerations: Community Accessibility

Colorado.gov  
Colorado Department of Corrections  
HOME CONTACT US ABOUT CORRECTIONS OPERATIONS FACILITIES INMATES VISITING CLEMENCY  
FAQ Human Resources Victim Services Links News Media Social Media Jobs

**PREA Incident Report Form**  
PREA Administration & Compliance Services Program  
If you would like to report an incident of sexual assault, sexual abuse or sexual harassment involving an offender in a DOC or private prison or community corrections, please complete the following.  
\*\*If you would like to be contacted, please fill in your contact information at the bottom of the form.\*\*

Name of Offender: \_\_\_\_\_  
DOC #, if known: \_\_\_\_\_

Type of Incident (check all that apply):  
 Sexual Assault  
 Sexual Abuse  
 Sexual Harassment  
 Retaliation for Reporting or Being Involved in a PREA Incident  
 Other PREA (explain)

Details: \_\_\_\_\_  
Facility Where Incident Occurred, if Known: \_\_\_\_\_  
Date of Incident, if Known: Year Month Day

Ohio Department of Youth Services  
THE DIVISION OF FACILITY PROGRAMS AND OPERATIONS and  
THE DIVISION OF THE CHIEF INSPECTOR

## Youth Safety—Speak Out Break the Silence—Tell Someone

There is **NO** excuse for sexual abuse or sexual harassment

You have the right to be safe at all times.  
No one has the right to ask you for sex or sexual favors.  
You do not have the right to ask anyone for sex or sexual favors while in custody.  
Any sexual contact between youth, or between youth and staff, youth and volunteers, and youth and contractors, is against the law.  
Your report of sexual abuse and sexual harassment will be private and only shared with people who need to know.

If you are a third-party and wish to report an alleged incident of sexual abuse, sexual assault or sexual harassment on behalf of a youth, go to [dys.ohio.gov](http://dys.ohio.gov), click on the PREA tab and complete the third-party reporting form.

# PREA at Work

## **Examples of Third-Party Reporting Mechanisms:**

- A phone number is made available to the public
- A community reporting form is posted on the department/agency's website
- A staff member takes a report in person or over the telephone from a family member, friend, the inmate's attorney, or another community member

# Successful Implementation

- Staff training is key
- Inmate education is critical
- Solid agreements with community partners increase success
- These standards represent a trauma-informed approach



*Photo by Sakhorn*

# Fact Sheet

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***Untangling the PREA Standards:  
Outside Reporting, Confidential Support,  
and Third-Party Reporting  
Fact Sheet***

Download at [bit.ly/1FMdVvk](https://bit.ly/1FMdVvk)

**JUST DETENTION**  
INTERNATIONAL  
RAPE IS NOT PART OF THE PENALTY

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# Questions and Answers



# For More Information

For more information about the **National PREA Resource Center**, visit [www.prearesourcecenter.org](http://www.prearesourcecenter.org).

To request assistance, visit:

<http://www.prearesourcecenter.org/training-technical-assistance/request-for-assistance>

Direct questions to: <http://www.prearesourcecenter.org/about/contact-us>

## PRC Staff

Jenni Trovillion, Co-Director  
Tara Graham, Targeted TTA  
Marion Morgan, Auditor Training  
Peg Ritchie, Field-Initiated TTA  
Margaret Chiara, Coaching  
Celia Johnson, Program Support

Michela Bowman, Co-Director  
Scott Catey, Quality Improvement  
Dave Gaspar, Field-Initiated TTA  
Kathy Dennehy, Coaching  
Sarah True, Program Support

For more information about **Just Detention International**, visit [www.justdetention.org](http://www.justdetention.org).

Direct questions to [info@justdetention.org](mailto:info@justdetention.org).



Thank you for joining us today!

## Evaluation

We would like to ask you to please complete a brief evaluation. Your feedback is extremely important to us.

Here is a link to the evaluation. We will also email it to you shortly.

<http://bit.ly/1CVGfJW>

Please forward it to others who may have joined you.

**THANK YOU!**