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Crime & Delinquency



How the PREA Standards for Lockups Impact Local Law Enforcement

November 5, 2013
2:00 p.m. – 3:15 p.m. EST

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.

IACP's Elimination of Sexual Abuse in Confinement Initiative

- Sexual abuse in confinement and officer misconduct are serious concerns
- The U.S. Department of Justice (DOJ) developed and released national standards to prevent, detect, and respond to sexual abuse in lockups
- IACP is working to:
 - Conduct a national awareness raising campaign for law enforcement leaders
 - Assist in the development of an audit instrument and measures of compliance for lockups
 - Completed a needs assessment report available on IACP and PRC website.

Presenters

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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.

Webinar Objectives

- Provide information to agencies with lockups so they can make informed decisions on PREA
- Share specific ideas on safety and risk management as related to PREA lockup standards
- Clarify terms and issues mentioned in the lockup standards
- Identify resources and tools that agencies can use to help them comply with the lockup standards

PREA Basics

- Prevent, detect, and respond to sexual abuse in confinement
- Act passed in 2003
- Separate standards for adult prisons and jails, community confinement facilities, juvenile facilities, and lockups
 - Released May 2012
 - Were effective August 20, 2012
 - First audit cycle began August 20, 2013

What Constitutes a “Lockup”

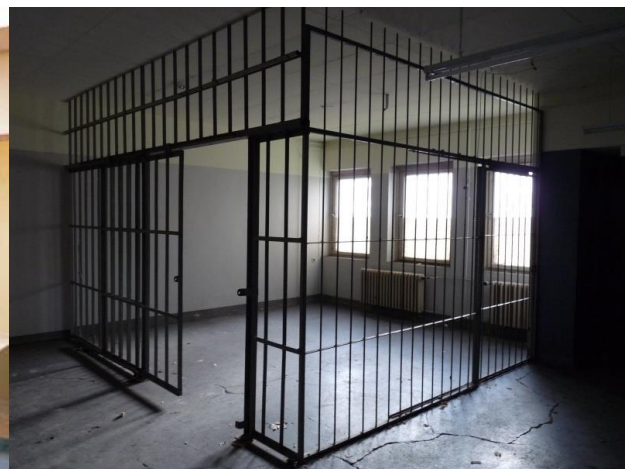
Lockup means a facility that contains holding cells, cell blocks, or other secure enclosures that are:

- (1) Under the control of a law enforcement, court, or custodial officer; and
- (2) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

Standards for the Prevention, Detection, Response, and Monitoring of Sexual Abuse in Lockups (5/17/2012).

<http://www.prearesourcecenter.org/sites/default/files/library/preafinalstandardstype-lockups.pdf>

IACP Needs Assessment Survey on Police Lockups



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Problem

- Detainee-on-detainee sexual abuse
- Staff-on-detainee sexual abuse
- Is this a serious issue?
- Don't think it will happen in your agency?

Need to Know

- According to DOJ, PREA standards apply to all local lockups, even those with one cell used to detain people for only a few hours. However, DOJ also indicates that PREA provides no financial penalties for facilities not operated by the state for non-compliance.
- States are required to ensure that any local facilities they contract with are PREA compliant.
- It is also possible that private litigants may assert that noncompliance is evidence that the facility is constitutionally deficient, which could be an additional liability for the agency.

Keep in Mind

- Increased scrutiny by public, victims, employees, courts
- Potential implications for CALEA and other accrediting agencies
- Possible increased civil liability

Besides...

It is good agency management practice to:

- Effectively prevent, detect, and respond to sexual abuse in confinement facilities
- Voluntarily strive for significant compliance with the PREA standards, which represents strong agency leadership
- Reduce agency exposure to civil liability

Leadership & Liability

Compliance

Pros

- Demonstrates agency values respect, dignity, rights, and safety of detainees AND staff
- Could limit potential liability

Cons

- Will require some effort
- May require some resources

Non-Compliance

Pros

- Don't have to do anything right now

Cons

- If sued, could be found negligent for not complying with a national standard, even though it is voluntary

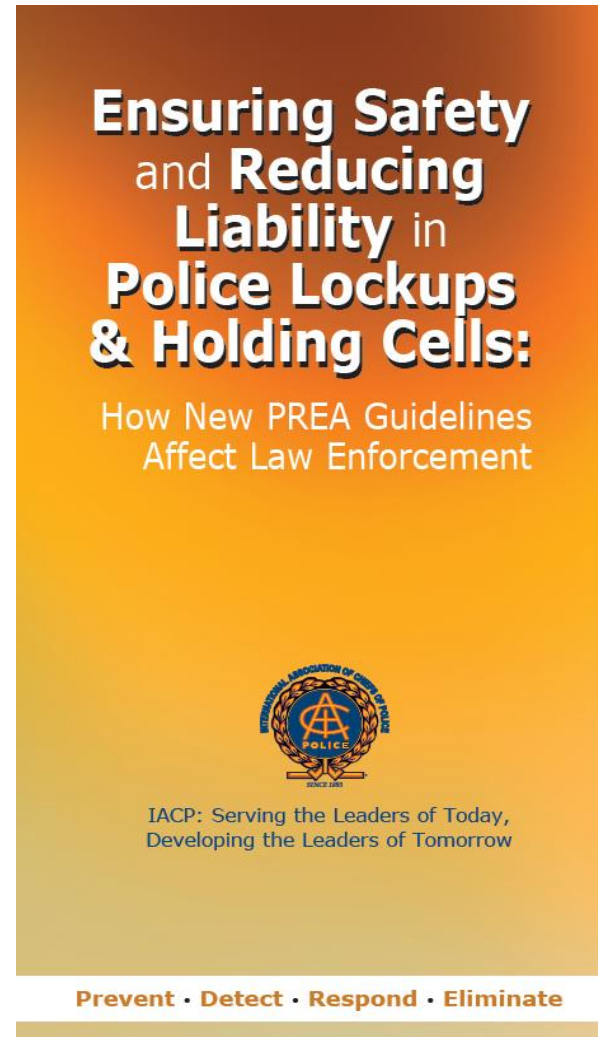
How PREA Helps with Liability

Focus on developing and implementing improved policies and procedures to establish a culture of zero tolerance of sexual abuse



Lockup Standards

- Prevention Planning (8)
- Responsive Planning(2)
- Training and Education (3)
- Screening for Risk of Victimization and Abusiveness (1)
- Reporting (2)



Lockup Standards

- Official Response Following a Detainee Report (7)
- Investigations (2)
- Discipline (3)
- Medical and Mental Care (1)
- Data Collection and Review (4)
- Audits (1)

Prevention Planning

(Standards 115.111 – 115.118)

Major Provisions

- Have a written policy mandating zero tolerance
- Appoint a PREA Coordinator
- Develop a staffing plan for monitoring and supervision
- Limit cross-gender viewing and searches
- Don't hire or promote people who have a history of sexual abuse or sexually predatory behavior
- When upgrading facilities, consider detainee safety and protection from sexual abuse

Responsive Planning

(Standards 115.121 – 115.122)

Major Provisions

- Have standard evidence protocol and provide access to forensic medical exams
- Have policy to investigate all allegations

Training and Education (Standards 115.131 – 115.135)

Major Provisions

- Train employees and volunteers
- Notify detainees, contractors, and inmate workers of the agency's zero-tolerance policy
- Provide specialized training for investigations of sexual abuse in confinement settings

Notification Examples



Screening for Risk of Sexual Victimization and Abusiveness (Standards 115.141 – 115.143)

Major Provisions

- Detainees not housed overnight; staff consider whether a detainee is at high risk of being sexually abused
- Detainees housed overnight; all detainees screened to assess their risk

Reporting

(Standards 115.151 – 115.154)

Major Provisions

- Have multiple ways to privately report abuse: verbally, in writing, anonymously, and from third parties
- Have a method to report abuse to an entity outside of the agency

Official Response Following a Detainee Report

(Standards 115.161-115.168)

Major Provisions

- Staff must report immediately if they know, suspect, or have info about an incident of sexual abuse
- Agency must take steps to protect a detainee at risk of imminent sexual abuse
- First responder must separate victim and abuser; protect crime scene; protect physical evidence to be collected

Official Response Following a Detainee Report

(Standards 115.161-115.168)

Major Provisions

- Have a coordinated response plan
- Preservation of ability to protect detainees from contact with abusers
- Have a policy to protect detainees and staff from retaliation for reporting abuse

Investigations

(Standards 115.171-115.173)

Major Provisions

- If you conduct your own investigations, do so promptly, thoroughly, and objectively
- Use investigators who have received special training
- Credibility shall not be determined by person's status as detainee or staff (cannot use polygraph or other truth-telling device as a condition for proceeding the investigation)
- Departure of alleged abuser or victim shall not provide basis for terminating the investigation

Discipline

(Standards 115.176 – 115.178)

Major Provisions

- Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse
- Contractors or volunteers who engage in sexual abuse shall be prohibited from contact with detainees
- When there is probable cause to believe a detainee was sexually abused by another detainee, refer the matter to the appropriate prosecuting authority

Medical and Mental Care (Standards 115.181 – 115.183)

Major Provisions

- Provide victims of sexual abuse with prompt access to emergency medical treatment (at no cost to the victim, regardless of whether they cooperate with an investigation or name an abuser)

Data Collection and Review

(Standards 115.186 – 115.189)

Major Provisions

- Conduct an incident review after every sexual abuse investigation
- Collect data for every allegation using a standardized instrument and set of definitions
- Review data for areas for improvement
- Store data collected for at least 10 years

Audits

(Standard 115.193)

Major Provisions

- Conduct an audit every 3 years*
- Make the audit report available to the public
- Only need to conduct audits if you house detainees overnight

Audits

(Standards 115.401-115.405)

- Audit process
- Checklist of documentation
- Pre-Audit questionnaire
- Finding an auditor
- Becoming an auditor

www.prearesourcecenter.org/audit

Implementation Tips

- This doesn't have to be hard
- Review the final PREA standards and the commentary (Executive Summary is very helpful)
- Go to www.theiacp.org/PREA and www.prearesourcecenter.org for additional resources
- Ask Questions!

Next Steps

- Designate a PREA Coordinator
- Assemble a PREA team
- Develop a PREA implementation plan
- Draft a zero-tolerance policy
- Conduct training of appropriate personnel

Tools and Resources

- Implementation:
 - Audit Compliance Measures
 - Jail Implementation Toolkit
- Training & Other:
 - PREA Resource Center (PRC)
 - Sexual Assault Guidelines materials available from IACP website.

National PREA Resource Center (PRC)

- Central repository for the best research in the field on trends, prevention, and response strategies, and best practices in corrections
- Technical assistance and resources are available through the PRC
- Sign up for their newsletter

Field Initiated TTA Requests

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. A sidebar on the left lists various resources: Targeted TTA, Request for Assistance, BJA Demonstration Sites, PREA in Action, PREA 101, Upcoming Webinars, and Archived Webinars. The main content area features a 'Request for Assistance' form with the following sections: 'Name of jurisdiction/agency making request', 'Name and position/title of person making request', 'Contact Information of Requester' (with fields for Address, City/Town, State, ZIP, Email, and Phone), 'Point of contact for the jurisdiction/agency', 'Statement of Problem', 'Previous Efforts', 'Training and Technical Assistance', and 'Targeted Audience/Recipients'. To the right of the form is a search box for the PREA Library and a 'Sign Up for Updates' section.

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

For More Information

For more information about the **National PREA Resource Center**, visit www.prearesourcecenter.org. Direct questions to info@prearesourcecenter.org

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For more information about **International Association Chiefs of Police**, visit www.theiacp.org/PREA.

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