Introduction and Welcome

PREA Resource Center

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.

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Today's Moderator

Carolina Aparicio
Communications Officer
Just Detention International

Logistics

Webinar Information

- Raise your hand if you need assistance
- Use the questions box to ask a question
- An archive of this webinar will be posted on the PREA Resource Center website: www.prearesourcecenter.org

Webinar Agenda

I. Call to Action
II. Current PREA Compliance Efforts in Police Lockups
III. Prevalence, Dynamics, and Impact of Sexual Abuse in Detention
IV. Survivor Account
V. Policy in Practice Scenario
VI. Core Components of a Victim Services Program
VII. Building Community Partnerships
VIII. Questions and Answers
Webinar Faculty

Nicole de la Torre, Program Officer, JDI
Vivian Jojola, Program Director, JDI
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Cynthia Totten, Senior Program Director, JDI

Dianne Beer Maxwell, Program Manager, International Association of Chiefs of Police (IACP)

Chief John Letteney, Apex, NC Police Department

A Call to Action

Chief John Letteney
Apex, North Carolina Police Department

A Call to Action

This Agency Has a ZERO TOLERANCE POLICY for Any Form of Detainee Abuse
Esta Agencia Tien una POLITICA DE TOLERANCE CERO Para Cualquiera Forma de Abuso de Detenidos
Current PREA Compliance Efforts in Police Lockups

Dianne Beer-Maxwell
Program Manager
International Association of Chiefs of Police
IACP’s Elimination of Sexual Abuse in Confinement Initiative

- Sexual abuse in confinement and officer misconduct are serious concerns
- DOJ developed and released standards to prevent, detect, and respond to sexual abuse in lockups
- IACP is working to:
  - Conduct a needs assessment on PREA readiness in lockups
  - Conduct a national awareness raising campaign for law enforcement leaders
  - Assist in the development of an audit instrument and measures of compliance for lockups

Ensuring Safety and Reducing Liability in Police Lockups and Holding Cells (www.theiacp.org/PREA)

What constitutes a lockup under PREA?

*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.
Police Lockups

The Prison Rape Elimination Act (PREA)

PREA

- Prevent, detect, and respond to sexual abuse in confinement
- Act passed in 2003
- Mandatory standards released May 2012
- Compliance deadline August 2013

4 separate sets of standards:

- Adult prisons and jails
- Community confinement facilities
- Juvenile facilities
- Lockups

Applicability of PREA to Police Lockups

- The PREA standards apply to all local lockups, even those with one cell used to detain people for only a few hours
- 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
Applicability of PREA to Lockups

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

Tools and Resources

- Addressing Sexual Offenses and Misconduct by Law Enforcement
  (www.theiacp.org)
- Enhancing Law Enforcement Response to Victims
  (www.responsetovictims.org)

Prevalence, Dynamics, and Impact of Sexual Abuse in Detention

Nicole de la Torre
Program Officer
Just Detention International
Definitions Related to Sexual Abuse

Sexual abuse of a resident by another resident includes any of the following acts, if the victim does not consent, is coerced into such act, or is unable to consent or refuse:

1. Contact between the penis and vulva or penis and anus
2. Contact between mouth and penis, vulva, or anus
3. Penetration
4. Intentional Touching

Definitions Related to Sexual Abuse (§115.6)

Sexual abuse of a resident by a staff member includes any of the following acts, with or without consent:

1. Contact between the penis and the vulva or the penis and the anus
2. Contact between the mouth and any body part with the intent to abuse, arouse, or gratify sexual desire
3. Penetration
4. Contact intended to abuse, arouse, or gratify sexual desire
5. Display of genitals, buttocks or breasts in presence of detainee
6. Voyeurism

Definitions Related to Sexual Abuse (§115.6)

Sexual Harassment

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one resident directed toward another.
2. Repeated verbal comments or gestures of a sexual nature to a resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
1 in 10 former adult state inmates reported being sexually abused while in detention.

Prevalence

Study shows nearly equivalent rates of abuse by staff and other inmates.

Prevalence

1 in 5 male inmates reporting sexual abuse by another inmate were abused within the first 24 hours.

1 in 3 male inmates reporting sexual abuse by staff were abused within the first 24 hours.
**Vulnerable Inmates**

**What groups are most likely to be targeted for sexual abuse?**

*Please submit your answers in the questions box.*

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**Lesbian, Gay, Bisexual, and Transgender (LGBT)**

*1 in 12 jail inmates who identify as lesbian, gay, bisexual, or other were sexually abused by another inmate.*

*1 in 8 prisoners who identify as lesbian, gay, bisexual, or other were sexually abused by another inmate.*


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**Inmates with Mental Illness**

*Rates of mental illness are substantially higher in jails and prisons than in the community.*

Impact of Sexual Abuse

- Rape Trauma Syndrome (RTS)
- Post-Traumatic Stress Disorder (PTSD)
- HIV and other sexually transmitted infections
- Suicidal thoughts
- Symptoms of mental illness

Survivor Account: Erica Hejnar

Implementing the Victim Services Standards in Police Lockups

Cynthia Totten, Esq.
Senior Program Director
Just Detention International
Policy in Practice
Scenario 1: Emergency Response

Staff First Responder Duties

First Responder Duties (§115.164):
1. Immediately separate the victim from suspect(s)
2. Preserve the crime scene
3. Ensure that neither the victim nor the abuser take any actions that could destroy physical evidence

Access to Emergency Medical Services

- Timely, unimpeded access to ER medical treatment (§115.182(a))
- Victim not required to cooperate in investigation or name abuser(s) (§115.182(b))
- Care is free of charge (§115.182(b))
- Access to victim advocate (§115.121(d))
What Happens at the Hospital

- Forensic evidence collection (§115.121)
- Investigatory interviews (§115.121)
- Treatment of injuries (§115.182)
- Victim advocacy services (§115.121)

Core Components of a Victim Services Plan

Core components of a victim services plan include:

1. Uniform Evidence Protocol (§115.121)
2. Institutional coordinated response plan (§115.165)
3. Access to victim advocacy services (§115.121(d))

Developing an Institutional Coordinated Response Plan (§115.165(a))

The agency shall develop:

A written plan to coordinate actions taken in response to a lockup incident of sexual abuse, among first responders, medical and mental health practitioners, investigators and agency leadership.
Developing an Institutional Coordinated Response Plan (§115.165(b))

If a victim is transferred from the lockup to a jail, prison or medical facility, the agency shall...inform the receiving facility of the incident and the victim's potential need for medical or social services.

Developing an Institutional Coordinated Response Plan (§115.165)

THREE STEPS:
1. Review your agency policies related to victim services.
2. Analyze how closely they align with current facility/agency practices.
3. Convene a working group.

Developing an Institutional Coordinated Response Plan

The Institutional Coordinated Response Plan can also be a model for:

- Steps to take when a detainee is at risk (§115.162)
- Protection from retaliation (§115.167)
- Sexual abuse incident reviews (§115.186)
Building Community Partnerships

Vivian Jojola
Program Director
Just Detention International

Collaborating with Community Advocates

Local victim advocates can provide:

- Victim advocacy services
  - as offered at a local hospital (115.121(d)) OR
  - through an agreement with your agency to provide victim accompaniment
- Staff training
  - including on detecting and responding to victims of sexual abuse (115.121(b))
- Ongoing mental health support

Available Resources

Where can I get help?

- National PREA Resource Center (www.prearesourcecenter.org)
- International Association of Chiefs of Police’s (IACP) Elimination of Sexual Abuse in Confinement Initiative (http://www.theiacp.org/PREA). Dianne Beer-Maxwell can be reached at Maxwell@theiacp.org or 703-647-6807
- Commission on Accreditation for Law Enforcement Agencies (http://www.calea.org/)
- Just Detention International (www.justdetention.org)
Questions and Answers

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.


Please forward it to others who may have joined you.

THANK YOU!