

Making It Work:
PREA and Victim Services
in Police Lockups
June 27, 2013

Introduction and Welcome



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



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.

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. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.



Today's Moderator



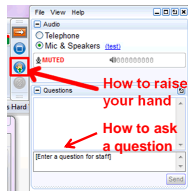
Carolina Aparicio
Communications Officer
Just Detention International



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



Erica, who was sexually abused in a police lockup.

Webinar Faculty

Nicole de la Torre, Program Officer, JDI
Vivian Jojola, Program Director, JDI
Carolina Aparicio, Communications Officer, JDI
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



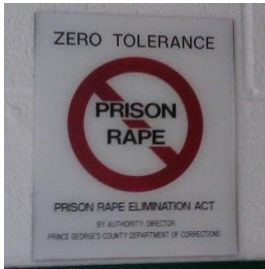
Chief John Letteney
Apex, North Carolina
Police Department



A Call to Action



A Call to Action



A Call to Action



Current PREA Compliance Efforts in Police Lockups



Dianne Beer-Maxwell
Program Manager
International Association of
Chiefs of Police



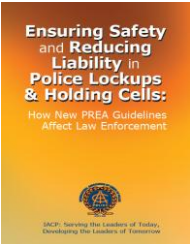
IACP's Elimination of Sexual Abuse in Confinement Initiative

- 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



Tools and Resources

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

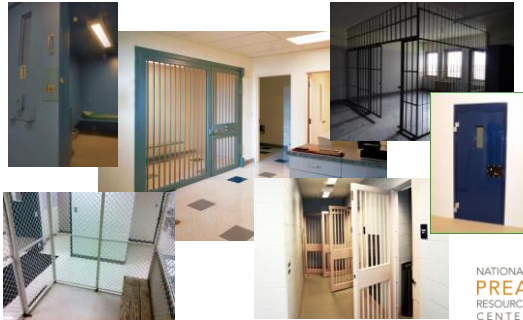


What constitutes a lockup under PREA?

- 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**



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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



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Applicability of PREA to Lockups

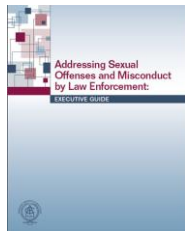
It is good agency management practice to:

- 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.



Prevalence

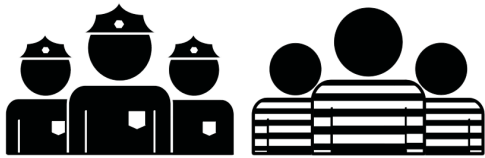


Source: Bureau of Justice Statistics, *Sexual Victimization Reported By Former State Prisoners, 2008, May 12, 2012*. (Approximately 34% of former state prisoners reported one or more incidents of sexual abuse during the most recent period of incarceration in a jail, prison, or post-release community treatment facility.)



Prevalence

STUDY SHOWS NEARLY EQUIVALENT RATES
OF ABUSE BY STAFF AND OTHER INMATES



Source: Bureau of Justice Statistics, *Sexual Victimization In Prisons and Jails Reported By Inmates, 2011-12, May 16, 2013*.



Prevalence



Source: Bureau of Justice Statistics, *Sexual Victimization In Prisons And Jails Reported By Inmates, 2008-09, August 26, 2010*.



Vulnerable Inmates

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

Please submit your answers in the questions box.



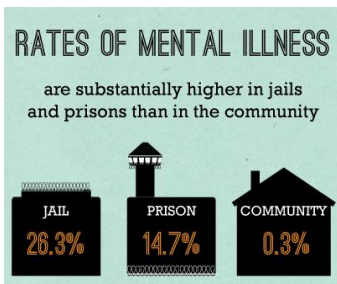
Lesbian, Gay, Bisexual, and Transgender (LGBT)



Source: Bureau of Justice Statistics, *Sexual Victimization In Prisons And Jails Reported By Inmates, 2011-12*, May 16, 2013.



Inmates with Mental Illness



Source: Bureau of Justice Statistics, *Sexual Victimization In Prisons and Jails Reported By Inmates, 2011-12*, May 16, 2013.



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)



Photo: Lea Suzuki, The San Francisco Chronicle



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



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 **Just Detention International**, visit www.justdetention.org. Direct questions to info@justdetention.org.

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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://www.justdetention.org/en/making-it-work-evaluation.aspx>

Please forward it to others who may have joined you.

THANK YOU!