



Corrections and
Community Supervision

Inmate Education & Orientation Film



Facilitator Guide



THE MOSS GROUP, INC.

Experienced Practitioners Committed to Excellence in Correctional Practice

New York Department of Corrections and Community Supervision (DOCCS)

Anthony J. Annucci
Acting Commissioner

Jason D. Effman
Associate Commissioner
PREA Coordinator

Anadora (Andie) Moss
Project Director, The Moss Group, Inc.

TJ Parsell
TMG Contractor

This project was supported by Grant No. FY 2011-BP-BX-0007, 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, the Community Capacity Development Office, 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.

Acknowledgments

It is the intent of The Moss Group, Inc. (TMG), under a Bureau of Justice Administration Prison Rape Elimination Act Demonstration Grant, to ensure that all New York Department of Corrections and Community Supervision (NY DOCCS) inmates are knowledgeable about their rights under the Prison Rape Elimination Act (PREA), Standard 115.33. TMG developed this inmate orientation training and supporting materials specifically for NY DOCCS staff and inmates, to be used as a part of a film training tool kit for inmate orientation and staff training.

We would like to express thanks to TJ Parsell along with his film production and editing crew for their brilliant work and tireless dedication in the development of these inmate orientation films.

A special thank you goes out to Kate Patterson who assisted TMG in guiding the project with her eye for detail and professionalism.

This project would not have been possible without the support of the Department. Thank you to Acting Commissioner Anthony J. Annucci, Superintendents Sabina Kaplan, William Connolly and Ada Perez, PREA Compliance Managers Lucy Buther and Nancy Fernandez, CFOS Antoinette Santos and the supportive staff at Bedford Hills Correctional Facility, Fishkill Correctional Facility and Downstate Correctional Facility for their leadership and dedication of their time in support of this important and meaningful project.

Most importantly, we want to acknowledge the bravery and the contributions of the incarcerated men and women who shaped this project. Their willingness to participate in this process and to share their experiences and suggestions was immensely valuable and will go a long way toward achieving our shared goal of preventing and eliminating sexual abuse in New York's prisons.

Table of Contents

Introduction	4
Before the Film	7
Facilitating the Film	10
Film Topic Areas – Discussion Points	11
After the Film: Questions & Follow Up	17
Additional Resources	18

Introduction

The purpose of this film, *Ending Sexual Abuse Behind the Walls: An Orientation*, is to increase sexual safety for inmates through information that:

- Provides details regarding an inmate's rights under PREA;
- Raises awareness of circumstances in which sexual assault may occur;
- Presents prevention strategies; and
- Identifies the ways in which inmates can report if they are presented with a situation that may involve sexual abuse or sexual harassment.

The approach to this work included a focus group process, with inmate groups as well as staff groups. The films are “by inmates, for inmates” in their own words. Staff highlighted in the film provide information stressing a zero tolerance policy; reporting mechanisms; and services available to inmates.

DOCCS is committed to zero tolerance and providing a correctional environment that is free from sexual abuse and sexual harassment. The *Ending Sexual Abuse Behind the Walls: An Orientation* film, in concert with this guide, provides staff with a useful resource and a forum to answer inmates' questions around sexual abuse and sexual harassment, and fosters a culture that is conducive to sexual safety.

While in compliance with PREA Standard 115.33, this film seeks to contribute to emerging best practices and provides inmates real advice from subject matter experts: their fellow inmates and former offenders. The scenarios and experiences discussed in the film separate fact from fiction, providing relatable information that speaks to the reality of daily life for inmates. This film style was chosen purposefully to conduct a meaningful, comprehensive PREA orientation that helps maintain and support staff and inmate safety.

Facilitator Guide Goals

1. Meet PREA guidelines for inmate orientation (Standard §115.33)
2. Reinforce DOCCS Zero Tolerance Policy
3. Assist staff in responding to inmates' questions and concerns about PREA
4. Ensure staff are providing a safe environment for both staff and inmates through examples of prevention strategies and reporting processes

Inmate Orientation Objectives

1. Understand that they have the right to be free from sexual abuse and sexual harassment
2. Understand how to report sexual misconduct or abuse, and that they have the right to be free from retaliation for reporting such incidents
3. Know who they can talk to about sexual misconduct or abuse
4. Understand DOCCS policies and procedures for responding to such incidents

PREA Standard

§ 115.33 Inmate education (Prisons and Jails)

- a. During the intake process, inmates shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
- b. Within 30 days of intake, the agency shall provide comprehensive education to inmates either in person or through film regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.
- c. Current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.
- d. The agency shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.
- e. The agency shall maintain documentation of inmate participation in these education sessions.
- f. In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

Documenting Inmate Participation in Education Programs

PREA Standard §115.33(e), requires that agencies “maintain documentation of inmate participation in these education sessions”. It is mandatory that a mechanism for recording inmate participation is adopted by facilities; for example, asking inmates to document their attendance by signing for their inmate handbook/pamphlet or signing an attendance sheet prior to showing the film. The Department will provide further direction on recording participation.

How to Use this Film Orientation Facilitator Guide

The *Ending Sexual Abuse Behind the Walls: An Orientation* film and Facilitator’s Guide are designed for trainers, PREA Compliance Managers and other correctional staff who may provide orientation or training to incoming inmates.

There are two films:

- 1) Female Inmate Education and Orientation, approximately 20 minutes in length
- 2) Male Inmate Education and Orientation, approximately 25 minutes in length

We recommend that you allow sufficient time for showing the film and answering questions inmates may have after watching the film. This Facilitator’s Guide has a set of inmate FAQ’s (frequently asked questions) and issues that can assist you in answering questions and clarifying information from the films. Using this format, the film/training program provides an opportunity for individual DOCCS facilities to tailor the information based on their institutional policies and time constraints.

This guide is designed to help you, the facilitator, ensure that inmates are knowledgeable of their rights under PREA and for you to use as a resource, consistently and in support of PREA requirements. Included in this guide is a *Reference Worksheet Tool* designed for easy access to facility specific information that should be referenced in the orientation. You can find this guide on page 19 which you can fill in. After you have completed the Reference Worksheet Tool, provide a copy to your supervisor for review and approval by your facility’s Assistant Deputy Superintendent/PREA Compliance Manager or Captain who serves as the PREA Point Person.

Additional resources that may assist staff in facilitation and questions that may arise include:

- Agency and/or facility policies
- PREA Standards
- PREA pamphlets and/or handouts
- Posters

Before the Film

Facilitator's Role

As the facilitator, you play an important role and represent DOCCS, including carrying out the agency mission and values. It may take time for inmates to adapt to the correctional environment, especially understanding the reporting and investigation processes for instances of sexual abuse and sexual harassment. Reinforcing the importance of staff's role is critical in ensuring each inmate's safety and in supporting a culture of sexual safety. In doing so, review these main points:

- Understand there are multiple staff that you can talk to at any time, on any issue, and not just in regards to PREA (line staff, PREA Compliance Manager, supervisory staff, medical/mental health, etc.).
- Emphasize different options of communicating with staff (written, verbal, third parties, etc.).
- Understand that inmates can report to *anyone* who works at the facility (DOCCS staff, OMH staff, volunteers), to Central Office, or to the State Commission of Correction.
- Also, be aware that DOCCS is increasing direct telephone access to community-based Rape Crisis Programs for emotional support services. You should know whether your facility currently offers direct telephone access (#77).
- As advised in the film, while inmates are not expected to trust everyone, they should utilize staff as a resource. This is crucial for a healthy reporting culture.

Preparation

Prior to showing the Inmate Orientation film, the following steps should be taken:

- Be familiar with DOCCS policies and procedures for preventing and responding to sexual abuse and sexual harassment.
- Have a working knowledge of the PREA Standards.
- Familiarize yourself with the film - it is recommended that you watch it multiple times.
- Review institution policies and procedures, as well as Directives on sexual abuse prevention and intervention. Facility specific information is expected to be referenced during orientation, i.e., identification of your Assistant Deputy Superintendent/PREA Compliance Manager, location of grievance boxes, forms, phone numbers, posters, etc.
- Become very familiar with this Facilitator's Guide, particularly in regards to specific definitions (see DOCCS Directives #4027A and #4028A) and preparing for questions inmates may have following the film.
- Prepare materials that the inmates will need if they have not yet received such (i.e., inmate pamphlets, reporting information).
- Utilize the *Reference Worksheet Tool*, filling in facility specific information for your easy reference.

Introducing the Film & PREA

At the beginning of orientation and before the film is shown, the following key points should be mentioned to the inmates:

- DOCCS takes sexual safety seriously and strictly enforces a zero tolerance policy.
- There is a federal law against sexual assault inside correctional systems called the Prison Rape Elimination Act, known as PREA, that upholds our commitment to creating a safe environment free from sexual abuse and sexual harassment.
- Sexual activity between inmates is against DOCCS policy. When such sexual activity is unwanted, it is sexual abuse.
- Any sexual activity between staff and inmates is against DOCCS policy and the law.
- Any sexual harassment of an inmate by another inmate or by staff is against DOCCS policy.
- There are multiple ways to report.
- All reported sexual abuse and sexual harassment incidents are taken seriously and will be documented and investigated.
- The purpose of this film is to inform and educate inmates about sexual encounters during incarceration. Positive, healthy relationships can be developed during incarceration – we are here to talk about the ones that might be harmful.
- Healthy, respectful language creates a safe, positive environment.
- All of the inmates in this film are DOCCS inmates, not actors. They volunteered to be a part of the film and are using their own words.

Facilitating the Film

Instructional Outline

There are multiple ways to facilitate and deliver this film to inmates:

- You may play the entire film and then address points of discussion and answer any questions.
- You may periodically pause the film at the two noted times **below**, to review key points or answer questions, and continue the film. Additional discussion will follow after the film.

Activity	Pause Time
Reporting & Resources: <i>Facility Specific Information</i>	Male Film: 22:33 Female Film: 18:25
Investigations: <i>Facility Specific Information</i>	Male Film: 21:53 Female Film: 17:24

Facilitator Hints

Sexual assault can be an emotionally charged topic and many inmates have experienced past trauma; be prepared for possible reactions such as depression or anger. Keep the following things in mind prior to and during facilitation:

- Be aware of body language and signs of emotional distress from inmates.
- Know your referral source - you should have a plan on how to access additional support needed for an individual if the video or discussion triggers such reaction.
- Speak to different programs that may be helpful to inmates who have potentially experienced past trauma, sexual abuse or sexual harassment.
- Give yourself time for discussion during orientation; this film program and subject matter can be harmful without further discussion.

Film Topic Areas – Discussion Points

Vulnerable Situations & Preventive Measures

Certain people may be *more likely* to be targeted as a victim of sexual abuse or sexual harassment, as discussed in the film.

Put sexual assault in perspective – anyone may be vulnerable to this kind of situation but it is less likely to happen if inmates follow some of the common sense rules discussed in the film. This is not to suggest that being sexual abused is ever the victim’s fault. However, the inmates in the film present a number of common sense strategies that can help an inmate avoid risky situations. Key points should focus on preventative measures inmates can take:

- Pay attention to surroundings and others’ behaviors.
- “Doing your own time” - be involved in programs and structured activities offered at the institution.
- Do not accept gifts, favors, commissary or other items from other inmates or staff – they may want something in return. Also, avoid drugs and gambling. These are ways that someone can get into a debt that they cannot repay.
- Purchase commissary in small amounts on an as needed basis. Large purchases especially upon arrival can draw unwanted attention. Often commissary items are viewed as commodities.

Relationships

It is important to balance the conversation of harmful relationships with positive ones. As some inmates in the film discuss, it is helpful for inmates to find someone they trust. Continue this dialogue with orientation inmates and mention the following key points:

- When you first get here, you may miss the important people in your life, such as your family, your friends or your children. You may want comfort and want to develop relationships with others. All of this is normal – and positive relationships do exist.

- Staff are here to help you, and most inmates want to do their time, like you, without feeling pressure from other inmates. Not all inmates will try to sexually assault you.

While it is true that relationships are important to both men and women, they present differently in male and female facilities.

Female Facilities

- Facilitator should indicate that relationships are an important part of the correctional environment, and it is important to understand healthy boundaries to ensure you are not pressured or fall prey to unhealthy relationships. Refer to film example.

Male Facilities

- Facilitator should reference examples from the film that highlight examples of where relationships evolved into unhealthy situations (i.e., gym scenario, receipt of shower supplies, etc.).

Staff on Inmate and Inmate on Inmate

Differentiating staff on inmate and inmate on inmate sexual abuse and sexual harassment:

- **Staff on Inmate**

By law inmates cannot consent to sexual activity with staff, volunteers, or contractors. Any sexual activity between staff and inmates is illegal. Staff sexual misconduct is distinctive because of the imbalance of power that exists in confinement settings.

- **Inmate on Inmate**

Any sexual activity between inmates where the victim does not consent, is coerced, or is unable to consent or refuse.

Consensual sex between inmates is not sexual abuse and is not covered by PREA guidelines, however, it is strictly against institutional policy.

*Source: USDOJ PREA Final Rule

Reporting & Resources

During review of reporting and resources, facility specific information should be discussed. *Utilize Worksheet Reference Tool here as needed, and cite the Inmate Pamphlet.*

- You are encouraged to report threats of sexual abuse or sexual harassment immediately; however, reports at any time are appropriate.
- Anyone who has been victimized will not be punished for not reporting; staff however, are mandatory reporters.
- Preservation of evidence in sexual abuse instances is crucial – retain sheets or clothing involved in the incident, and do not use the toilet, brush teeth, shower or change clothes.
- If you decide to undergo a SANE medical exam, certain types of evidence can be collected up to 120 hours after an incident.
- You may choose to report in multiple ways and any staff member can take your report.

Describe various methods of reporting such as:

- Facility designated PREA Compliance Manager
 - PREA point person
 - Any S.O.R.C. or O.R.C.
 - Chaplain
 - Security staff
 - Medical Staff
 - OMH Staff
 - Inmate Grievance Program Supervisor
 - Writing to the Superintendent, a member of the facility Executive Team, S.O.R.C., O.R.C., chaplain, security supervisor, Central Office, PREA Coordinator or the Office of Special Investigations (OSI)
 - Outside Agency –the New York State Commission of Correction has specifically agreed to accept PREA complaints from inmates
 - You may also have a family member or friend report on your behalf including by calling the Office of Special Investigations (OSI) at (518) 457-2653 or contacting OSI by e-mail at SpecialInvestigations@doccs.ny.gov.
- Regardless if you choose to report or not, multiple facility specific resources are available.
 - The goal is to create a safe reporting culture. If you do not feel safe reporting:
 - Seek out someone you trust to talk to;

- Engage in programmatic offerings addressing or related to issues of abuse;
- Contact family or other external support.

Investigations

It is important for staff facilitators to understand that during the review of the investigation process, facility specific information should be discussed. *Utilize Worksheet Reference Tool here as needed, and cite the Inmate Pamphlet*. The Orientation facilitator should discuss/cover the following points regarding investigations:

- Whether an internal or external investigations team will be used. Reports of sexual abuse are referred to OSI. Other matters may be subject to a preliminary review at the facility level.
- Which staff will be involved in the investigations process.
- How medical care in a sexual abuse or sexual harassment situation is provided and the role of victims assistance – in particular, when medically or evidentiary appropriate, a victim will be transported to a hospital for a forensic medical examination by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE), and the victim will also have access to services provided by the victim advocate at the hospital.
- What kind of psychological and other mental health care services can be provided and available to victims and alleged inmate abusers. In many facilities, this includes access to community-based rape crisis programs for emotional support services.
- How OSI will notify an inmate of the results of the investigation. PREA requires the agency to inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded, following its investigation. Current policy is that an OSI investigator sees the inmate to advise him or her of the case outcome and other specified information which may include: whether an abuser has been indicted on a charge related to sexual abuse; whether an inmate abuser has been convicted on a charge related to sexual abuse; whether the named staff member is no longer posted within the inmate's unit; whether the staff member is no longer employed at the facility; whether the staff member has been indicted on a charge related to sexual abuse within the facility; or

whether the staff member has been convicted on a charge related to sexual abuse within the facility.

Fear of Reporting & Retaliation

To promote a healthy reporting culture, PREA has specific standards to protect staff and inmates when reporting sexual abuse or sexual harassment. While inmates in the film expressed some fear of reporting, and there may be hesitancy to report by some inmates, this was reflected in the standards to support reporting. Reemphasize that staff are trained in receiving reports. There are agency policies in place to protect and support a reporting culture.

The facilitator should describe steps inmates can take if they believe retaliation may be occurring. Explain facility and agency specific directives and policies that ensure protection against retaliation (i.e. PREA Standard §115.67, 90 day monitoring period following report of sexual abuse or sexual harassment, availability of emotional support services, housing transfers, etc.). Reiterate that an inmate who believes he or she is suffering retaliation for reporting sexual abuse may contact the ADS PREA Compliance Manager, PREA Point Person, or OSI.

*Source: Bureau of Justice Statistics, "Sexual Victimization Reported By Former State Prisoners, 2008," May 12, 2012.

Medical & Mental Health Treatment

During review of medical and mental health treatment processes, facility specific information should be discussed. *Utilize Worksheet Reference Tool here as needed, and cite the Inmate Pamphlet.*

- Medical and mental health staff have policies governing their responses to the needs of victims of sexual abuse as required by PREA.
- Medical response is provided without financial cost in a sexual assault situation (i.e., HSPM 1.60 and PREA Standard §115.21, SANE exam, performed by qualified medical practitioner).
- Mental health care can be provided to victims of sexual abuse. Inmates also have access to community-based emotional support services through rape crisis programs and there are confidentiality policies that apply to those services.
- The purpose of medical treatment: to treat any immediate injuries, provide support, and evidence collection. Inmate victims of sexual abuse will be provided with ongoing medical services consistent with the community

standard. As appropriate, this will include follow-up services, treatment plans, and, when necessary, continuing care upon transfer. Pregnant inmate victims will receive timely and comprehensive information about and timely access to all appropriate pregnancy related services.

The purpose of mental health treatment: upkeep of health care for the inmate and to provide support. Inmate victims of sexual abuse will be referred to the Office of Mental Health for evaluation and services consistent with the community standard and according to their mental health practitioner's professional judgment. Where the facility offers specialized programs, such as trauma programs, these should also be discussed.

Summary

Review the major points of the discussion:

- We want this to be a safe environment for staff and inmates.
- There is zero tolerance for sexual abuse and sexual harassment. Inmates and parolees have the right to be free from sexual abuse and sexual harassment.
- We take reports of sexual abuse and sexual harassment seriously.
- We will make every attempt to protect sexual abuse victims from further harm and retaliation.
- There are multiple ways inmates can receive more information following orientation.
- There are ways you can protect yourself from unhealthy relationships.
- Participating in programs may provide productive avenues to feel safe in the correctional environment.
- Healthy relationships can offer support and create greater trust in the environment.

After the Film: Questions & Follow Up

FAQ from Inmates

1. Can I report anonymously?
2. Will I be moved from my cell?
3. What happens if I choose to report?
4. If I don't want to report what can I do?

Prompting Questions for Inmates

The goal in asking inmates follow up questions is to further clarify their rights under PREA and ensure that they understood the material that was provided. In addition to asking some open ended questions, make a reference to PREA posters and pamphlets around the facility where information is available to them.

Let them know where they can continue this discussion and ask additional questions in their next steps of being processed (i.e., meetings with counselors, screening, case managers, etc.)

1. Why do you think the Prison Rape Elimination Act exists?
2. What are different ways you can report instances of sexual abuse or sexual harassment?
3. Who can report on your behalf?
4. Is it against Department policy for someone to retaliate against you for reporting?

Additional Resources

Definitions

- **Sexual Abuse** of an inmate, detainee, or resident, by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 2. Contact between the mouth and the penis, vulva, or anus;
 3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

- **Sexual abuse** of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:
 1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 2. Contact between the mouth and the penis, vulva, or anus;
 3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
 7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
 8. Voyeurism by a staff member, contractor, or volunteer.

- **Voyeurism** by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official

duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

- **Sexual harassment includes —**
 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 inmate, detainee, or resident directed toward another; and*
 2. *Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or 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.*
- **Zero Tolerance:** *No sexual abuse or sexual harassment is tolerated, including abuse by inmates and staff.*
- **Reporting:** *When an inmate, employee, contractor, volunteer or third party reports actual or suspected sexual abuse to a person with the authority to respond.*
- **Retaliation:** *Occurs when an inmate or staff injures, harms or intimidates a person who has report sexual abuse and/or sexual harassment – or attempts to do so – in response to the report.*
- **Code of Silence:** *An informal or organizational culture that says members of the group will not inform on or give evidence or testimony against other members of the group, even though actions of the other members may involve breaches of policy of even the criminal law.*
- **Consent:** *When someone is completely willing and is able to freely agree to be a part of the activity.*

*Source: USDOJ PREA Final Rule

PREA Information

- Final PREA Rule can be found at the following website:

http://ojp.gov/programs/pdfs/prea_final_rule.pdf

Trainings

- PREA Resource Center Employee Curriculum, *Unit 5: Effective and Professional Communication with Inmates*

http://www.prearesourcecenter.org/sites/default/files/content/unit_5_lesson_plan.pdf

***** (*Worksheet Reference Tool* to be added to Final PDF version, currently as separate word doc)**