PREA 101 for Adult Prisons

THE PREA RESOURCE CENTER
in collaboration with
THE PROJECT ON ADDRESSING PRISON RAPE

Professor Brenda V. Smith
June 25, 2012
Introduction and Welcome

- **Professor Brenda V. Smith**
  - Director, The Project on Addressing Prison Rape

- **Michela Bowman**
  - Co-Director, The National PREA Resource Center

- **Gary Dennis**
  - Senior Policy Advisor for Corrections, Bureau of Justice Assistance

- **Eric Columbus**
  - Senior Counsel to the Deputy Attorney General, U.S. Department of Justice

- **Josh Delaney**
  - Sr. Trial Attorney, Civil Rights Division, U.S. Department of Justice
Agenda

12:00 pm - 12:15 pm  Introductions and Conventions

12:15 pm - 1:00 pm  PREA 101 presentation

1:00 pm – 1:30 pm  Questions & Answers on Standards
Conventions

• You have received via email a set of conventions for this webinar. They are:
  • Your microphone should be on mute
  • There is a moderator (Jaime Yarussi)
    • You can type your questions to the moderator and she will read them to the presenters for answering.
    • We will not identify the questioner unless specifically requested to do so
  • If you have technology issues you should send a message or call Cynthia Briggs for assistance (202-274-4403)

• If your question is not answered during the webinar, we will respond after the session and make those questions and answers available along with the transcripts of the webinar

• We will prioritize pre-submitted questions during the webinar and post them with answers to the other questions along with the transcripts of the webinar.
Key PREA Milestones

- **2003:** PREA legislation passes
- **2004:** First meeting of the National Prison Rape Elimination Commission appointed (NPREC)
- **2004-2009:** Information gathering and hearings held by the NPREC
- **June 2009:** Report and draft standards published by NPREC
- **2009-2012:** Establishment and Convening of PREA Work Group
- **2010:** DOJ opens public comment period for NPREC standards
Key PREA Milestones

- Feb. 2011: Draft DOJ standards released
- Feb-April 2011: Public comment period for DOJ standards
- May 2012: Final DOJ standards released
- June 20, 2012: Final standards published in the Federal Register
- August 20, 2012: Standards applicable to BOP
- 2013-2014: First audit cycle
Key Principles

- PREA encompasses any federal confinement facility whether run by the government or a private organization on behalf of the government.
- These standards are the floor - they are minimum standards.
- States **can and are encouraged to do more** particularly if your state has set higher requirements.
- Some states already have stronger state laws than the protections the current standards provide:
  - West Virginia: no need to exhaust administrative remedies for claim of sexual abuse in custodial settings.
  - Florida and South Carolina: staff in adult custodial settings are mandatory reporters by law.

- Must protect the constitutional rights of those in custody – standards are one vehicle -- but there are others.
Questions/Concerns:
What we have heard from the Field

- The standards are too long
  - We know, but it's important that you read them
  - There is no blueprint that will fit all agencies—standards are the what and agencies need to do by reading the standards and having an action plan agencies need to decide how they do it.

- Questions from the Field
  - Adequate staffing levels
  - Youthful Inmates
  - Contracting
  - Hiring and Promotion
  - Screening
  - Access to Outside support
  - Searches of LGBTQI inmates
Applicability
What We Currently Know

- One year and 60 days after publication, the first three year audit cycle begins (August 20, 2013)

- Standards are immediately applicable to BOP after publication in the federal register (August 20, 2012)
## Audit

<table>
<thead>
<tr>
<th>Year</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 20, 2012</td>
<td>Publication in federal register—begins compliance clock and public comment period for select standards.</td>
</tr>
<tr>
<td>2012-2013</td>
<td>Develop audit tool; develop audit training; train auditors; and certify auditors</td>
</tr>
<tr>
<td>2013</td>
<td>Audits term begins (one year)</td>
</tr>
<tr>
<td>2014</td>
<td>Complete audits of 1/3 of facilities</td>
</tr>
</tbody>
</table>
What Happens if a Jurisdiction Does Not Comply?

- The Attorney General will publish a list each fiscal year of those grant programs that may be at risk for failure to comply with the standards. [42 U.S.C. § 15607(c)(1)(B)]

- If the Governor **DOES NOT** certify compliance - could lose 5% of DOJ grant funding e.g.
  - Edward Byrne Memorial Justice grant program
  - The Juvenile Justice and Delinquency Prevention Act formula grant program
  - The Juvenile Accountability Block Grant program.

- Do not lose 5% if governor can assure that that 5% will be used to meet standards
Pre-Standards Preparations: What Have Agencies Done?

- Self-audit
  - In response to final standards: 115.401-115.405 and 115.501

- Education and training for staff (including volunteers and contractors) and PREA partners
  - In response to final standards: 115.31-115.32 and 115.34-115.35

- Education for inmates
  - In response to final standards: 115.33

- Strengthening community relationships and partnerships
  - In response to final standards: 115.21, 115.51, 115.53-115.54, 115.71, 115.81-115.83
Pre-Standards Preparations: What Have Agencies Done?

- Policy Review
  - In response to final standards: 115.11, 115.15 and 115.22

- Working on the capacity to protect vulnerable populations (LGBTQI, youth adult facilities, immigration detainees)
  - In response to final standards: 115.15-115.16, 115.31, 115.41-115.42

- Reviewing and strengthening investigative frameworks—administrative and criminal
  - In response to final standards: 115.18, 115.21-115.22, 115.34-115.35, 115.64-115.65, 115.71-115.73
Pre-Standards Preparations: What Have Agencies Done?

- Vulnerability assessments and screening tools
  - In response to final standards: 115.41-115.42

- Strengthen data collection capabilities
  - In response to final standards: 115.86-115.89

- Staffing Plans
  - In response to final standards: 115.13

- Involvement of medical and mental health resources
  - In response to final standards: 115.35 and 115.81-115.83
Pre-Standards Preparations: What Have Agencies Done?

- Improving reporting mechanisms—agency, staff, inmate and third-party
  - In response to final standards: 115.51-115.52, 115.54, 115.61, 115.63

- Work being done in agencies to support PREA Standards as a whole:
  - Reviewing legal framework and state criminal laws
    - Examples: KY and AZ
  - Addressing culture
    - Example: Culture assessments
How to Proceed Now: A General Blueprint

• Understand that everyone has work to do, don’t get discouraged if you are just beginning

• Get the right people at the table as you would when any other big issue to address comes up
  • Critical to have buy in from top to bottom

• Have an understanding of what PREA does and does not do and what your obligations are
How to Proceed Now: A General Blueprint

- Read the standards and go through them carefully
  - List the standards
  - Compare to your current practice
  - What if anything do you need to do
  - Note any questions

- Get guidance from other experts in your agency and field
Where You Can Get Help

- Grants and cooperative agreements from BJA

- National PREA Resource Center
  - [http://www.prearesourcecenter.org](http://www.prearesourcecenter.org)
  - Training, technical assistance, regional meetings, PREA institute(s), webinars, general information, office hours

- Work of other agencies in this area
Where You Can Get Help

- Other Work
  - Posters
  - Curricula
  - Pamphlets
  - Handbooks

- NOTE OF CAUTION: before you pay for something see what is already out there or what you can do in house
What To Do

- Do your own work— you know your agency best
- Reach out for help
  - PRC will triage you to resources and people
- Get started— don’t be frozen
QUESTIONS?
Evaluation

- We would like your feedback!!! An evaluation survey is posted at:

- Surveys are due in by Monday July 2, 2012 at 5pm EST.

- A link to this survey will be emailed to you immediately following this webinar. If you watched this webinar in a group, please forward the link for evaluation to the whole group.
Contact Information

• The National PREA Resource Center
  • http://www.prearesourcecenter.org/
  • http://www.prearesourcecenter.org/about/contact-us

• The Project on Addressing Prison Rape
  • Brenda V. Smith, bvs smith @ wcl.american.edu
  • Jaime Yarussi, jyarussi @ wcl.american.edu
  • www.wcl.american.edu/endsilence
Thank You for Your Participation!

- All PREA 101 webinar transcripts and questions and answers will be available on our website 24 hours following the webinar.

- Transcripts located at: 
  http://www.wcl.american.edu/endsilence/preastandards.cfm