PREA 101 for Community Corrections

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

Professor Brenda V. Smith
June 26, 2012
Introduction and Welcome

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

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

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

- **Joshua Delaney**
  - Sr. Trial Attorney, Civil Rights Division, U.S. Department of Justice
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<th>Time</th>
<th>Session</th>
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<tr>
<td>12:00 pm-12:15 pm</td>
<td>Introductions and Conventions</td>
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<td>12:15 pm – 1:00pm</td>
<td>PREA 101 Presentation</td>
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<td>1:00 pm – 1:30pm</td>
<td>Questions and Answers on Standards</td>
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Conventions

- You have received via email a set of conventions for this webinar. They are:
  - Your microphone should be on mute
  - If you are joining us by phone and internet please be sure the telephone button is checked under the audio section of the webinar tool box
  - If you are only joining by phone you are on mute— you will not be able to ask questions but if you email your question to jyarussi@wcl.american.edu we can address it.
  - There is a moderator (Jaime Yarussi)
    - Type your questions in the chat box and she will read them to the presenters for answering.
    - If you have technology issues you should send a message or call Cynthia Briggs for assistance (202-274-4403 or cbriggs@wcl.american.edu)

- 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 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
  - Searches of LGBTQI residents
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)
Provisions Specific to Community Corrections

- Standards only apply to “community confinement facilities,” defined as:

- A community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers) in which offenders or defendants reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours. § 115.5

- This definition excludes parole or probation officers in a non-residential setting
<table>
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<tr>
<th>Year</th>
<th>Event Description</th>
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<tr>
<td><strong>2012</strong></td>
<td>- Audit tool development and training for auditors, followed by certification of auditors.</td>
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<td><strong>June 20, 2012</strong></td>
<td>Publication in the Federal Register—begins compliance clock and public comment period for select standards.</td>
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<tr>
<td><strong>2013</strong></td>
<td>- Audits term begins (one year)</td>
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<td><strong>2014</strong></td>
<td>- Complete audits of 1/3 of facilities</td>
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What Happens if Jurisdictions Do 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.

- 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: 115.231-115.232 and 115.234-115.235

- Education for residents
  - In response to final standard: 115.233

- Strengthening community relationships and partnerships
  - In response to final standard: 115.221, 115.251, 115.253-115.254, 115.271, 115.281-115.283
Pre-Standards Preparations: What Have Agencies Done?

- Policy Review
  - In response to final standards: 115.211, 115.215 and 115.222

- Working on the capacity to protect vulnerable populations (LGBTQI, youth adult facilities, immigration detainees)

- Reviewing and strengthening investigative frameworks–administrative and criminal
Pre-Standards Preparations: What Have Agencies Done?

- Vulnerability assessments and screening tools
  - In response to final standards: 115.241-115.242

- Strengthen data collection capabilities
  - In response to final standards: 115.286-115.289

- Staffing Plans
  - In response to final standards: 115.213

- Involvement of medical and mental health resources
  - In response to final standards: 115.235 and 115.282-115.283
Pre-Standards Preparations: What Have Agencies Done?

- Improving reporting mechanisms—agency, staff, inmate and third-party
  - In response to final standards: 115.251-115.252, 115.254, 115.261, 115.263

- 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
  - Training, technical assistance, regional meetings, PREA institute(s), webinars, general information, office hours
- Work of other agencies in this area
  - NIC http://nicic.gov/
  - OJJDP http://www.ojjdp.gov/
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 Tuesday July 3, 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/)
  - [http://www.prearesourcecenter.org/about/contact-us](http://www.prearesourcecenter.org/about/contact-us)

- The Project on Addressing Prison Rape
  - Brenda V. Smith, [bvs smith@wcl.american.edu](mailto:bvs smith@wcl.american.edu)
  - Jaime Yarussi, [jyarussi@wcl.american.edu](mailto:jyarussi@wcl.american.edu)
  - [www.wcl.american.edu/endsilence](http://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.cf m