Preventing and Addressing Sexual Abuse in Tribal Detention Facilities: The Impact of the Prison Rape Elimination Act (PREA)

Webinar
August 14, 2013

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.
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.
New PREA standard interpretive guidance issued from the U.S. Department of Justice.

Click here to access the new guidance

Search the PREA Library for Articles and Resources:

Keyword

Need Help?
The PREA Resource Center provides training and technical assistance to adult and juvenile corrections and law enforcement agencies seeking to prevent, detect, and respond to sexual abuse in confinement.

REQUEST ASSISTANCE

Resources for survivors and their families are available here.

Sign Up for Updates
The PREA Resource Center will provide information on upcoming events, new resources to our library, and PREA-related policy and practice developments.
Training & Technical Assistance

The Prison Rape Elimination Act (PREA), which was signed into law by President George W. Bush on September 4, 2003, was created to eliminate sexual abuse in confinement. To learn more about the law and preparing for implementation, visit the PREA 101 page.

In order to achieve its mission to eliminate sexual abuse in confinement facilities nationwide, the PREA Resource Center (PRC) has designed a four-pronged strategy for the development and delivery of training and technical assistance (TTA):

1. **Targeted TTA** – The PRC has implemented a process for identifying the priority needs (i.e., topics) for TTA shared by all types of confinement facilities across the country. This ongoing needs assessment process involves a compilation and review of a variety of PREA-related information sources including reports, articles, recommendations from experienced TTA providers, and surveys of the memberships of professional correctional organizations. Using the results of this assessment process, the PRC will develop and deliver TTA programs and services that address these priority needs.

   The announcements and schedules for upcoming targeted TTA events (e.g., webinars, training classes) will be posted on this website so that interested participants can register in advance. Previously held events will also be posted and accessible on this site. The PRC’s targeted TTA strategy is intended to make resources available to the widest possible audiences nationwide.

2. **Request for Assistance (Field-Initiated TTA)** – In order to respond to the individual needs of agencies and facilities nationwide, the PRC has established a process for disseminating technical assistance, directly and through a variety of means, to address the requests of state, local, and tribal agencies and facilities.

   The PRC accepts requests for assistance from state, local, and tribal agencies and facilities. As a response to these requests, the PRC will work with requesting entities to identify and identify sources of TTA, adhere to the guidelines established in the request, and make resources available on the website.
Webinar Recording

An archive of this webinar will be posted on the PREA Resource Center website:
www.prearesourcecenter.org
Webinar Logistics

- Participants’ lines are muted
If you have a question, send it to us...
Webinar Logistics

Experiencing any technical difficulties?
Webinar Logistics

Experiencing any technical difficulties?

- Use the question feature and explain your issue.

I can’t hear anyone speaking.
Webinar Logistics

Participate in the polling questions
Your Presenter

Elizabeth Price Layman
President
Price Layman, Inc.
Learning Objectives

- Explain the impact of PREA on tribal detention facilities
- Identify 10 benefits of PREA
- Discuss why inmates are more susceptible to sexual abuse
- Describe practical strategies to enhance the prevention and response to sexual abuse incidents
How Does PREA Impact Tribal Detention Facilities?

PREA is a Federal Law

• Applies to local, state and federal adult and juvenile confinement facilities, including private facilities, and community confinement facilities.

• Law does not specifically include tribal detention facilities.

• BIA is developing a set of standards to prevent, detect, and respond to sexual abuse of inmates in BIA facilities.

• Other tribal facilities may decide to follow the PREA standards.
How Does PREA Impact Tribal Detention Facilities?

If PREA the law does not include tribal detention facilities, are there other laws within Indian Country that relate to the protections under PREA?

Yes

The Indian Civil Rights Act applies in that it protects inmates from cruel and unusual punishment, namely in this instance, sexual abuse.
How Does PREA Impact Tribal Detention Facilities?

If PREA the law does not include tribal detention facilities, are there other laws within Indian Country that relate to the protections under PREA?

Tribal laws prohibiting sexual assaults and sexual harassment may also apply to both inmate-on-inmate sexual abuse and staff-on-inmate sexual abuse.
How Does PREA Impact Tribal Detention Facilities?

If PREA the law does not include tribal detention facilities, are there other laws within Indian Country that relate to the protections under PREA?

- Other Federal laws may apply.
- State criminal laws may apply.
- Know your laws and what applies in your specific tribes.
Why Comply with the USDOJ PREA Standards?

- Based on promising correctional practices that address sexual abuse of inmates.
- Provides a comprehensive guide to prevent, detect and respond to sexual abuse of inmates.
- Protects the rights of inmates (Indian Civil Rights Act) to be free from cruel and unusual punishment.
- Guides us to create a safe and secure environment within confinement facilities.
Benefits of PREA

*Creates a high level of professionalism*

- Staff and inmates understand and practice appropriate behaviors and interactions
- Fewer fights and conflicts
- Reduces manipulation by inmates
- Staff have pride in their job
Benefits of PREA

*Improves the safety & security of facility*

- Staff and inmates not in unauthorized areas
- Staff more aware of ‘red flags’ that can be early indicators of abuse
- Protects staff and inmates from an unsafe environment
- Improves respect between staff & inmates, and inmates & inmates
Benefits of PREA

Reduces embarrassment and fear
- Creates open dialogue about sexual abuse
- Provides a non-judgmental atmosphere to identify and report abuse
- Protects those who report from retaliation

Public health
- Prevents spread of sexually transmitted infections (STI), and addresses proper treatment and detection.
Dynamics of Sexual Abuse in Confinement

What makes inmates more vulnerable to sexual abuse?
What are the Factors that Increase the Risk for Sexual Victimization?

- Prior sexual victimization (at any time)
- Mental, physical or developmental disability
- Age
- Physical build
- Previous incarceration
- History of only non-violent offenses
- Prior sex offenses
- Lesbian, gay, bisexual, transgender or Intersex (LGBTI)
- Inmate’s own perception of vulnerability
History of Prior Abuse

Persons with history of prior sexual victimization are **6X** more likely to be victimized or display predatory behavior.
Mental Health

64% of persons in jail have mental health problems
Tribal Statistics

- 1.2% of those incarcerated in state and federal facilities are American Indian (but only 1% of total USA population)*
- 40% in tribal jails are violent offenders*
- Victimization rate in Indian country DOUBLE that of non-Indian citizens**
- 1 in 3 women will be raped**

History of Trauma

• Less equipped to handle stress
• Pessimistic view of world
• Less able to distinguish unhealthy and exploitative relationships
• Post-Traumatic Stress Disorder (PTSD)
• Victims may lie to protect their abusers – fear, manipulation by perpetrator
• Victims may be more manipulative
  – how they learn to survive
What Should We do to Protect Inmates, Staff and the Facility?

Know and implement the PREA standards

Even if you are not legally bound to implement PREA standards, they provide an excellent guide for good correctional practice.
What Should We do to Protect Inmates, Staff and the Facility?

Create a positive culture within the facility

From leadership to line staff, provide training and foster understanding of sexual abuse of inmates and how it impacts safety, professionalism, and liability.
What Should We do to Protect Inmates, Staff and the Facility?

Create an open dialogue with staff and inmates about the agency zero-tolerance for sexual abuse.
What Should We do to Protect Inmates, Staff and the Facility?

Be aware of the signs of potential problems concerning interactions between inmates, and between staff & inmates.
What Should We do to Protect Inmates, Staff and the Facility?

Respond consistently, promptly, and competently to all allegations.
Key Elements of the PREA Standards

Prevention Planning

Zero-tolerance [§ 115.11]

Have a written policy.
Prevention Planning

Know and use the definitions of sexual abuse
[§ 115.5 and § 115.6]

Incorporate into policy and training.
Key Elements of the PREA Standards

Prevention Planning

Have a PREA Coordinator [§ 115.11(b)]

Oversight and point of contact.
Key Elements of the PREA Standards

Prevention Planning

Assess staffing regularly
[§ 115.13]

Assure that you are providing sufficient supervision to prevent sexual abuse.
Prevention Planning

Screen inmates for risk factors

[§ 115.41,
§ 115.42,
§ 115.43]
Prevention Planning

Separate those under 18 years of age from adults. [§ 115.14]
Key Elements of the PREA Standards

Prevention Planning

No cross-gender strip or body cavity searches. [§ 115.15]
Key Elements of the PREA Standards

**Prevention Planning**

No male officers conducting pat-searches of female inmates. [§ 115.31]
Key Elements of the PREA Standards

Prevention Planning

Use specific measures to manage transgender and intersex inmates. [§ 115.15(e),(f)
§ 115.42]
Key Elements of the PREA Standards

Prevention Planning

Do not hire or promote if convictions or sanctions for sexual abuse. [§ 115.17]
Key Elements of the PREA Standards

Training and Education

Provide specific training for:

- Staff [§ 115.31]
- Inmates [§ 115.33]
- Volunteers who have contact with inmates [§ 115.32]
- Contractors who have contact with inmates [§ 115.32]
- Investigators [§ 115.34]
- Medical & Mental Health practitioners [§ 115.35]
Key Elements of the PREA Standards

**Reporting**

Mandatory reporting by staff of suspicions, knowledge of sexual abuse [§ 115.61]

Multiple ways for staff to report [§ 115.61]

Multiple ways for inmates to report (including one external) [§ 115.51]

Way for third-parties to report [§ 115.54]
Key Elements of the PREA Standards

Agency Response To Sexual Abuse Reports

Provide medical, mental health interventions for victims of sexual abuse. [§ 115.81, § 115.82, § 115.83]

Assure first responders know their responsibilities. [§ 115.64]

Forensic medical exams conducted appropriately. [§ 115.21]

Appropriate sanctions for perpetrators of sexual abuse, sexual harassment. [§ 115.76, § 115.77, § 115.78]
Have a Question?

Type your question in the question/answer box.
Mending the Circle: Challenges and Opportunities in Addressing Sexual Abuse in Tribal Detention Settings

Date / Time: Aug 21, 2013 - 02:00pm - 03:00pm EDT
Webinar Host: The American Probation and Parole Association

Presenter(s): Bonnie Clairmont, Victim Advocacy Specialist, Tribal Law and Policy Institute
Darwin Long, Administrator, Oglala Sioux Tribal Jail

Content of the Webinar:
The American Probation and Parole Association and the National PREA Resource Center are pleased to offer a webinar session that will discuss the impact of sexual abuse victimization on inmates in tribal detention facilities, and the unique challenges and opportunities that exist in the prevention and response to inmates who are sexually abused in Indian Country facilities. The expert presenters will discuss specific strategies that can be used to enhance the safety and security of detention facilities in native communities.

A question and answer session will be held at the end of this webinar.

Who Should Attend:
Detention professionals from tribal detention facilities and confinement facilities operated by the Bureau of Indian Affairs, tribal law enforcement officers, and victim advocates.

Link to Registration is on the PRC website
Upcoming Regional Training...

Preventing and Addressing Sexual Abuse in Tribal Detention Facilities: The Impact of the Prison Rape Elimination Act

Date/Time: September 12, 2013, 8:00 – 5:00 pm (MDT)

Event Host: The American Probation and Parole Association & Pueblo of Laguna Detention Facility

Event Location: Route 66 Casino & Hotel, 14500 Central Avenue, SW, Albuquerque, NM
Welcome

Welcome to the PREA Toolkit for Jails! This folder contains introductory information and instructions on how to use the Toolkit.
For More Information

For more information about the National PREA Resource Center, visit www.prearesourcecenter.org. Direct questions to info@prearesourcecenter.org

Michela Bowman  
PRC Co-Director  
mbowman@nccdglobal.org

Jenni Trovillion  
PRC Co-Director  
jtrovillion@nccdglobal.org

Tara Graham  
Sr. Program Specialist  
tgraham@nccdglobal.org

For more information about the American Probation & Parole Association, visit www.appa-net.org. Direct questions to tmullins@csg.org.

Connect with APPA:

https://www.facebook.com/APPAinfo

https://twitter.com/APPAinfo