

NATIONAL  
**PREA**  
RESOURCE  
CENTER

**IMPACT JUSTICE**

A national innovation and research center

Power Hour  
Chat with a PREA Expert on PREA Standard 115.16 –  
Inmates with disabilities and  
inmates who are limited English proficient  
May 3, 2018

# Welcome and Introductions



**Michelle Duhart**

**Senior Project Manager  
The National Prison Rape  
Elimination Act Resource  
Center (PRC)**

# The National PREA Resource Center - Mission

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.

# Logistics - Technical Support

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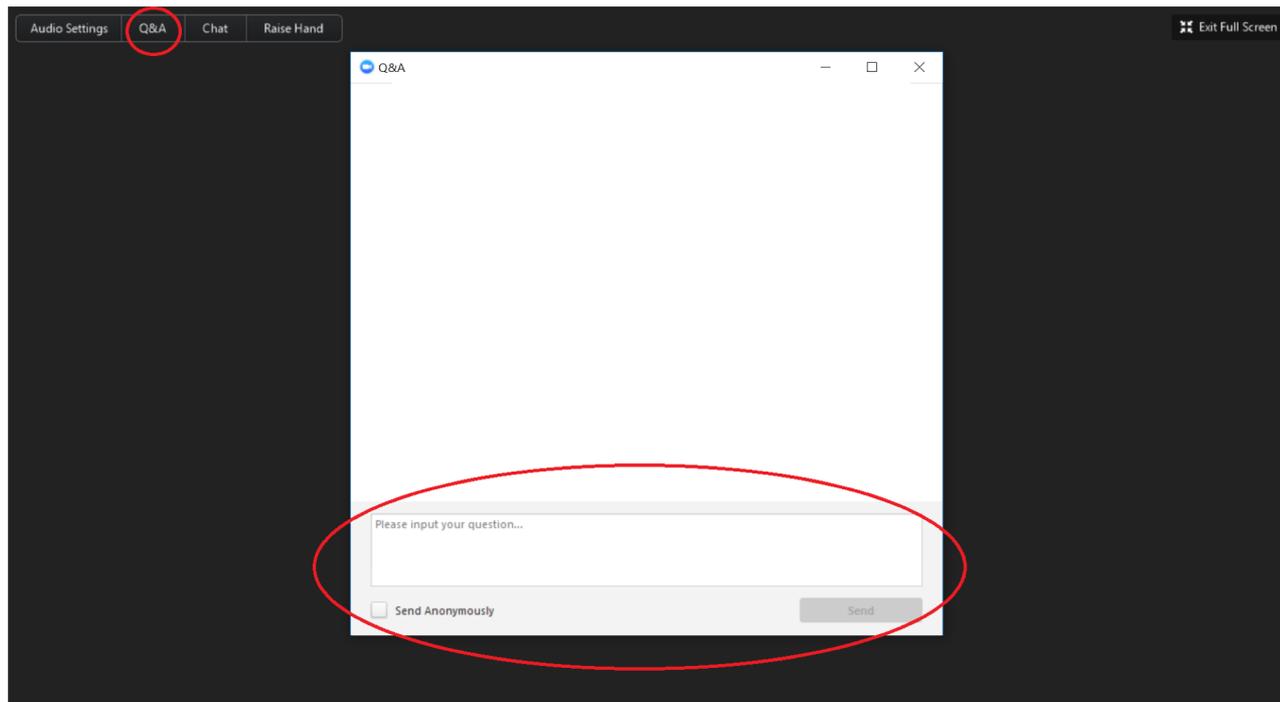
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# Logistics – Submitting Questions

## Submitting Questions

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# Presenter



**Allison Hastings**

**Project Director**

**Vera Institute of Justice**

# Subject Matter Expert Panel



Sandra Harrell | Associate Dir.  
Center on Victimization and  
Safety  
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Sarah True | Program Manager II  
PREA Resource Center

## §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### **Standard Requirements**

- (a) The agency shall take appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with inmates who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

## §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### Standard Requirements

- (a) Continued: In addition, the agency shall ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision. An agency is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.

## §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### Standard Requirements

- (b) The agency shall take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
- (c) The agency shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under § 115.64, or the investigation of the inmate's allegations.

## §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### **Purpose of the Standard**

To prevent, detect, and respond to sexual abuse of all inmates by ensuring that all inmates, including those who have disabilities, are Deaf, or who are limited English proficient, have **equal access** to PREA-related educational materials and departmental policies, reporting mechanisms, and available victim services.

## §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### **Purpose of the Standard**

Equal access is achieved by:

- Providing access to qualified interpreters for Deaf inmates and inmates with limited English proficiency who are able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary;
- Ensuring that any written materials are provided in formats or by methods of communication that are accessible to inmates with disabilities, including those with intellectual disabilities, limited reading skills, or who are blind or low vision;

## **§115.16/116/216/316**

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### **Purpose of the Standard**

(Continued)

- Taking accessibility into consideration when devising and reviewing all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including the accessibility of reporting mechanisms (§115.51), outside confidential support services (§115.53), and advocacy, medical, and mental health services (§115.21; §115.81-§115.83); and
- Limiting the use of inmate interpreters and inmate readers, so that inmates with disabilities and Deaf inmates do not have to rely on other inmates to communicate critical information about sexual abuse and sexual harassment.

## §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### **A note about inmate helpers**

To ensure that inmates who are LEP, Deaf, or have difficulty reading have equal access to critical information about sexual abuse prevention, access to reporting mechanisms, and access to victim services, the standard requires that staff only use inmate interpreters, inmate readers, or other types of inmate assistants in extremely limited circumstances – when a delay in obtaining a qualified interpreter would compromise:

- the inmate's safety,
- the performance of first responder duties under § 115.64 (which include separating the alleged victim from the alleged perpetrator, securing the scene, and preserving physical evidence), or
- the investigation of the inmate's allegation.

## §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### Implementation

- Agencies must ensure that any **new or existing policies, inmate educational materials, and facility protocols (particularly related to reporting and access to supportive services and medical/mental health treatment)** are accessible to:
  - inmates with disabilities (including inmates who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities),
  - Deaf or hard of hearing inmates, and
  - inmates who are limited English proficient.

## §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### Implementation – Interpreters and Written Materials

- The standard specifically sets requirements related to interpreters and written materials. To find qualified American Sign Language interpreters, agencies might find it helpful to consult the Registry of Interpreters for the Deaf, Inc. (<https://www.rid.org/>).
- Sign and spoken language interpreters should be independent, qualified, and adhere to strong codes of ethics regarding the information exchanged during communications.
- Regarding written materials, agencies need to take into consideration people with intellectual disabilities, low reading skills, and those who are blind or low vision.

## §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### Language access planning

Facilities need a plan in place to obtain interpretive services for multiple languages, including American Sign Language, regardless of whether the facility currently houses inmates with limited English proficiency or Deaf inmates.

- Cultural responsiveness and cultural relevance are important. Work with interpreters and translators in advance to determine what words or concepts could be misunderstood or inaccurately interpreted/translated and plan accordingly.
- Do not rely solely on technology for meeting interpretation needs.
- Use professional interpreters.

## **§115.16/116/216/316**

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### **How do you make written materials accessible?**

Pay attention to both how materials are designed (e.g., font size and style) and how the content is presented (e.g., reading level).

This also means delivering the material in spoken presentations, and possibly individually with inmates with serious mental illness or intellectual disabilities who may not be able to understand the information unless they receive it directly from a counselor or mental health provider who is qualified to convey the information to them.

## §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### Implementation – Reviewing for Access

- Review all aspects of the agency's PREA efforts to check for accessibility. For example:
  - PREA signage should be posted at a height that people using wheelchairs would be able to see.
  - Methods for reporting should not be located in areas accessible only by stairs.
  - Plans should be in place to ensure that verbal announcements made by opposite gender staff entering housing units are accompanied by flashing lights, signs, or other non-verbal signals when a Deaf inmate is housed in the unit.

## §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### **Achieving access without undue financial burdens**

Agencies can reduce the financial and administrative burdens of responding to individual requests for accommodations by:

- designing materials and protocols to be accessible for the greatest number of users and
- entering into resource-sharing agreements with local disability providers for assistance with providing auxiliary aids and services to inmates with disabilities.

## §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### Challenges

- Ensuring that staff are knowledgeable about different types of disability and how access needs may vary by disability type.
- Ensuring staff who review accommodation requests are appropriately trained.
- Establishing relationships with qualified interpreters, particularly in rural areas, and ensuring reasonable access to all possible languages spoken by the inmate population.
- Identifying inmates who have disabilities.
- Dedicating staff resources for access reviews.

## §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### Best Practices

- Develop materials and services to be accessible to the broadest range of users.
- Review policies and protocols regarding accessibility at least annually.
- Train employees on disability and accessibility.
- Plan for language access and conduct periodic checks with staff to ensure they know how to arrange for interpretation services.

## §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### Best Practices

#### Printed Materials

- Reading level maximum 5<sup>th</sup> grade
- Sans serif font
- Font size 14pt or larger
- Ample contrast
- Text aligned on left margin
- Limited amount of text on page
- Appropriate hierarchy of information
- Upper and lowercase letters

## §115.16/116/216/316

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### **Best Practices – Individualized access solutions**

Examples:

- Having ASL interpreters and videophones or text telephones (TTY) available for Deaf inmates;
- Having access to a braille transcription company or technology (e.g., screen readers) to accommodate inmates who are blind;
- Using pictures to augment text that is written in plain language for people with intellectual disabilities;

## §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### **Best Practices – Individualized access solutions**

Examples:

- Minimizing distractions in any learning environment, including unnecessary noise and wall decorations for inmates with psychiatric disabilities.
- Delivering information verbally and one-on-one, possibly from a mental health professional, for inmates with severe psychiatric disabilities.
- Translating relevant information in writing to other languages for individual inmates when those translations do not already exist.

## §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### Best Practices – Limited English proficient inmates

To be prepared to meet the language needs of inmates who are limited English proficient, agencies may benefit from entering into agreements with national language lines and transcription service organizations.

- Use professional interpreters who have been vetted and can interpret simultaneously.
- Cultural responsiveness and cultural relevance are important. Work with interpreters and translators in advance to determine what words or concepts could be misunderstood or inaccurately interpreted/translated and plan accordingly.
- Ask inmates if they have a gender preference for their interpreter.

## §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

### Audit issues

- Auditors will review policies, printed materials for inmates, reporting mechanisms; observe methods for reporting during the site review; and interview any inmates with disabilities, Deaf inmates, and those who are limited English proficient.
- Auditors may also find it necessary to interview representatives from outside entities that provide interpretive services or services to inmates with disabilities.
- The auditor will need to describe in sufficient detail the basis for compliance decisions in his or her report, including clear knowledge of what the agency would do should it be in a position to provide services to an inmate with any particular disability, Deaf inmates, or those who are limited English proficient.

# §115.16/116/216/316

Inmates/Detainees/Resident with disabilities and inmates/detainees/residents who are limited English proficient.

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## Making PREA and victim services accessible for incarcerated people with disabilities:

An implementation guide for practitioners on the adult and juvenile standards

Sandra Harrell, Allison Hastings, and Margaret diZerega  
October 2015



Helpful resource available at:

[http://www.prearesourcecenter.org/sites/default/files/library/prea\\_disabilityguide.pdf](http://www.prearesourcecenter.org/sites/default/files/library/prea_disabilityguide.pdf)

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## §115.16/116/216/316

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### Resources

- Frequently Asked Questions (FAQs) on the PREA Resource Center (PRC) Website
- PREA Essentials on the National PREA Resource Center Webpage: [www.prearesourcecenter.org/training-technical-assistance/PREA-essentials](http://www.prearesourcecenter.org/training-technical-assistance/PREA-essentials)
- Making PREA and Victim Services Accessible for People with Disabilities, archived webinar on the PRC's website: <https://www.prearesourcecenter.org/training-and-technical-assistance/webinars/3543/making-prea-andvictim-services-accessible-people>

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### Resources

Always check the following sources for excellent training on PREA.

- National Institute of Corrections (NIC)  
<http://nicic.gov/training/prea>
- End Silence: The Project on Addressing Prison Rape -  
<https://www.wcl.american.edu/endsilence/>

# Questions & Answers



Search the PREA Library for Articles and Resources:

#### LEGAL



In this section of the library you will find information about the Prison Rape Elimination Act of 2003 and related laws and legal issues.

[See all Legal articles](#) ▶

#### NEWS COVERAGE



In this section of the library you will find all PREA-related news articles, including news about the law, implementation of standards, and federal and local initiatives.

[See all News Coverage articles](#) ▶

#### POLICY & PRACTICE



In this section of the library you will find sample PREA-related policies and PREA policy development guides.

[See all Policy & Practice articles](#) ▶

#### RESEARCH



In this section of the library you will find federally funded and academic reports and articles on a range of PREA-related topics.

[See all Research articles](#) ▶

#### RESOURCES



In this section of the library you will find tools such as training materials, handbooks, policy development toolkits, and a list of resources for survivors.

[See all Resources articles](#) ▶

#### STANDARDS



In this section of the library you will find the federal PREA standards and information about the development, implementation, compliance with, and enforcement of the standards.

[See all Standards articles](#) ▶



**BREAKING NEWS:** The Department of Justice's national PREA standards were released on May 17, 2012. Read the final standards [here](#).

#### Welcome!

The PREA Resource Center (PRC) is working to address sexual safety in confinement, and to assist state and local jurisdictions with implementation of the Department of Justice [national PREA standards](#). Visit the library for research and guidance on implementation of the standards; the Training and Technical Assistance section of the website to learn about the PRC's four strategies for assisting the field with PREA implementation; and **sign up for upcoming webinars [here](#)**.

#### 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](#).



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# Field Initiated TTA Request

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Targeted TTA

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BJA Demonstration Sites

PREA in Action

PREA 101

Upcoming Webinars

Archived Webinars

## Request for Assistance

Fill out the form below in order to request PREA-related training and/or technical assistance for your jurisdiction or agency.

Name of jurisdiction/agency making request:

Name and position/title of person making request:

Contact Information of Requester

Address:

City/Town:

State:

ZIP:

Email:

Phone:

Point of contact for the jurisdiction/agency:

Statement of Problem:

Describe, as specifically as possible, the condition or issue for which the TTA is requested.

Previous Efforts:

Have there been any previous attempts to address the condition or issue for which the TTA is requested? If so, what action(s) were taken and what were the results?

Training and Technical Assistance:

Describe what type of training or technical assistance you would like to receive.

Targeted Audience/Recipients:

Search the PREA  
Library for Articles  
and Resources:

Keyword

SEARCH

## Sign Up for Updates

The PREA Resource Center will provide information on upcoming events, new resources to our library, and PREA-related issues in the news through its newsletter. Sign up to receive our newsletter via email.

Email

SIGNUP

Jurisdictions can request assistance by completing a web form on the PRC website ([www.prearesourcecenter.org](http://www.prearesourcecenter.org)) under the Training and Technical Assistance tab and clicking "Request for Assistance on the sidebar"

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# Upcoming Events to find PRC

**Compliance and Accreditation Managers' Association  
Conference, May 19-22 – Louisville, KY**

[www.mycama.org/2018](http://www.mycama.org/2018)

**American Correctional Association Congress of  
Correction, August 2-7 – Minneapolis, MN**

[www.aca.org](http://www.aca.org)

**Southern States Correctional Association Conference  
July 20-25, 2018 – Baton Rouge, LA**

[www.sscaweb.org](http://www.sscaweb.org)

# For More Information

For more information about the **National PREA Resource Center**, visit [www.prearesourcecenter.org](http://www.prearesourcecenter.org). Direct questions to [info@prearesourcecenter.org](mailto:info@prearesourcecenter.org)

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# Thank you!

**Thank you** for taking time to attend this webinar.



An email will be sent to you following this event with a link to provide feedback. Your input is important and will help to plan and coordinate future events and resources.

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