Power Hour:
Chat with a PREA Expert

PREA Standard 115.41 – Screening for Risk of Sexual Victimization and Abusiveness

November 14, 2019
Welcome and Introductions

Michelle Duhart
Senior Project Manager

The National Prison Rape Elimination Act Resource Center (PRC)
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.
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Submitting Questions

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Presenters will address the questions at the end of the presentation.
Michela Bowman

Vice President and Co-Director

The National Prison Rape Elimination Act Resource Center (PRC)
Purpose of the Standard

The goals of providing screening for risk of sexual victimization and abusiveness are:

• To ensure that the facility has identified those at heightened risk of being sexually victimized and those at heightened risk of being sexually abusive.

• To use the information from the screening to make housing and programming decisions with the goal to prevent sexual abuse.
Standard Requirements

(a) All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.

(b) Intake screening shall ordinarily take place within 72 hours of arrival at the facility.

(c) Such assessments shall be conducted using an objective screening instrument.
Standard Requirements

d) The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

1) Whether the inmate has a mental, physical, or developmental disability;
2) The age of the inmate;
3) The physical build of the inmate;
4) Whether the inmate has previously been incarcerated;
5) Whether the inmate’s criminal history is exclusively nonviolent;
6) Whether the inmate has prior convictions for sex offenses against an adult or child;
7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
8) Whether the inmate has previously experienced sexual victimization;
9) The inmate’s own perception of vulnerability; and
10) Whether the inmate is detained solely for civil immigration purposes.
Standard Requirements

e) The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive.

f) Within a set time period, not to exceed 30 days from the inmate’s arrival at the facility, the facility will reassess the inmate’s risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

g) An inmate’s risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate’s risk of sexual victimization or abusiveness.
Standard Requirements

h) Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section.

i) The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate’s detriment by staff or other inmates.
Challenges

• Ensuring well-trained screening staff conduct effective, quality screenings of inmates to ensure the facility has adequate information upon which to make housing and programming decisions.

• Maintaining fidelity to the screening process; this is especially difficult in large facilities where multiple staff perform the screening. Regular, quality training on the screening process is critical as well as oversight of the process by administration.

• Creating a comprehensive process that fully utilizes the results of the screening to make well-reasoned decisions about an inmate’s placement in housing and programming, as well as implementing a reassessment process that is meaningful and not simply a rote procedure.
Challenges

- Ensuring that the screening process is designed to **encourage inmates to disclose** sensitive information about previous sexual abuse and vulnerabilities they may have, including their sexual orientation and gender identity if they are transgender.

  - This means that screening **should not** take place within earshot of other inmates and sensitive screening questions should be asked by staff who are trained to ask them and who ask in a manner that fosters comfort among inmates.

  - If inmates do not feel safe making such disclosures during the screening process, the facility will be lacking information that is critical to identifying people most vulnerable to sexual abuse in the facility.
While the standards do not require a policy per se, it is recommended that all facilities have a strong policy governing the practice and procedure for screening inmates. A strong policy forms the basis for good training and helps ensure consistency in the application of the screening protocols.

The screening process should occur in a setting that ensures as much privacy as possible given the potentially sensitive information that could be discussed. Screening staff need adequate space, privacy and time to conduct a quality screening of the inmate for the process to effectively yield the desired information.

Screening staff should be well trained on the screening procedures and use of the objective screening instrument. Agencies should regularly assess the fidelity of the screeners to the process and whether the process is producing outputs that allow the facility to make appropriate housing and programming decisions.
• Agencies should conduct regular staff training on effective and professional communication with LGBTI inmates which requires a basic understanding of sexual orientation, gender identity, gender expression, and how sex is assigned at birth.

• It also requires staff to be aware of their own gaps in knowledge and cultural beliefs. Training will encourage open dialogue with staff so that these issues can be addressed in a respectful and nonjudgmental manner, with a focus on encouraging behaviors that support staff members’ ability to meet their professional responsibilities.
Audit Issues

• Determining if the facility screening process is effective, meets the requirements of the standard, and provides information that is ultimately used to make appropriate housing and programming decisions. The auditor will ask to observe an actual screening process if possible; if no inmates are being screened during the audit visit, the auditor may ask staff to walk through the process and do a mock-screening for demonstration purposes.

• Assessing whether the screening instrument used by the facility is objective and tailored to getting the required information in a professional manner.
Audit Issues

• Reviewing inmate files to determine if assessments and reassessments are occurring timely and documented appropriately. Housing decisions will be reviewed by the auditor to determine if screening data is informing the housing decisions.

• The auditor will pay particular attention to the security/confidentiality of screening information to determine if appropriate controls are present to protect the sensitive information.
Standard Variations: Lockups

- The required screening criteria are reduced (6 items compared to 10 for Prisons & Jails; 9 for Community Confinement; and 11 for Juvenile).
- No requirement of rescreening of detainee.
- No timeline for conducting the screening.

Standard Variations: Community Confinement

- Does not require consideration of the criteria regarding whether the inmate is detained solely for civil immigration purposes.
Standard Variations: Juvenile

- Screening criteria are slightly different and tailored more to juvenile offenders and include the level of emotional and cognitive development.

- Requires periodic screening throughout a resident’s confinement and not specifically within 30 days. Specifically requires that information must be ascertained through conversations with the resident during the intake process and medical and mental health screenings; during conversations with the resident during the intake process and medical and mental health screenings; during classification assessments; and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the resident’s files.
§115.41/141/241/341
Screening for Risk of Sexual Victimization and Abusiveness

Resources

- **Frequently Asked Questions** (FAQs) on the PREA Resource Center (PRC) Website

- **PREA Essentials** on the National PREA Resource Center Webpage: https://www.prearesourcecenter.org/training-technical-assistance/PREA-essentials

- **Training and Curriculum:**
  - Screening for Risk of Sexual Victimization and for Abusiveness, Hastings et al., Vera Institute of Justice (2013)
§115.41/141/241/341
Screening for Risk of Sexual Victimization and Abusiveness

Resources

• PREA Standards in Focus
  • §115.41/141/241/341 Screening for Victimization and Abusiveness
    https://www.prearesourcecenter.org/sites/default/files/library/115.41_0.pdf

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
Jurisdictions can request assistance by completing a web form on the PRC website under the Training and Technical Assistance tab and clicking “Request for Assistance” on the sidebar.

https://www.prearesourcecenter.org/
For more information about the National PREA Resource Center, visit [www.prearesourcecenter.org](http://www.prearesourcecenter.org).

To ask a question, please visit our [Contact Us](#) page.

Michela Bowman
PRC Co-Director
[mbowman@prearesourcecenter.org](mailto:mbowman@prearesourcecenter.org)

Jenni Trovillion
PRC Co-Director
[jtrovillion@prearesourcecenter.org](mailto:jtровillion@prearesourcecenter.org)

Michelle Duhart
Sr. Program Manager
Training & Technical Assistance
[mduhart@prearesourcecenter.org](mailto:mduhart@prearesourcecenter.org)
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