

NATIONAL
PREA
RESOURCE
CENTER

IMPACT/JUSTICE
A National Innovation and Research Center

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 National PREA Resource Center

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.

Technical Support

Please contact the ZoomPro Webinar support line at **(888)-799-9666** – select “2” when prompted to get support with technical difficulties.

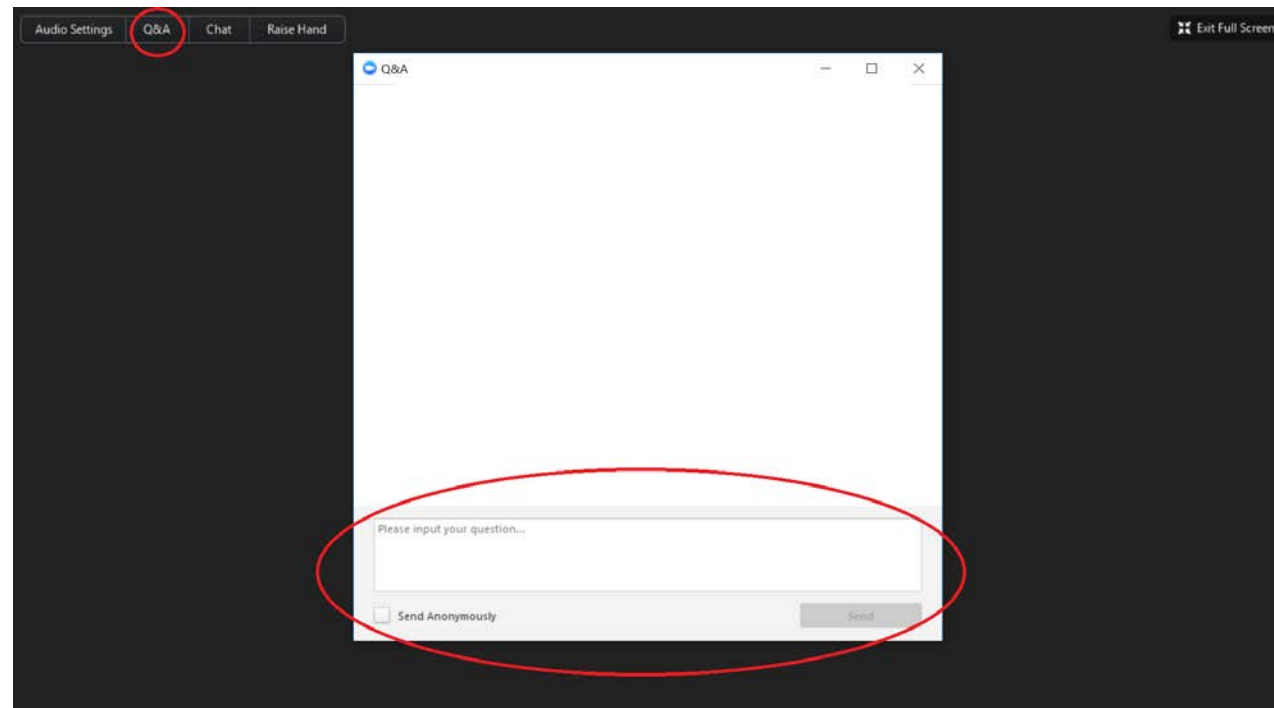
Additionally, when asked provide the Webinar ID **(200-832-219)** so they know which event is associated with your technical issues.

If you have trouble using this function, please contact Kendall LaVine at klavine@impactjustice.org

Submitting Questions

To submit a question during the Webinar, use the Q&A feature at the top of your Webinar screen, as seen below.

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



Presenter



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.

Best Practices

- 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.

Best Practices

- 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.

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:**
 - Keeping Vulnerable Populations Safe under PREA: Alternative Strategies to the Use of Segregation in Prisons and Jails, Hastings et al.(2015)
https://www.prearesourcecenter.org/sites/default/files/library/keepingvulnerablepopulationssafeunderpreaapril2015_0.pdf
 - Screening for Risk of Sexual Victimization and for Abusiveness, Hastings et al., Vera Institute of Justice (2013)
<https://www.prearesourcecenter.org/sites/default/files/library/preascreeningguidelinesvera.pdf>

§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



PRC Library

NATIONAL
PREA
RESOURCE
CENTER


A project of NCCD

ABOUT | LIBRARY | TRAINING & TECHNICAL ASSISTANCE | NEWS & EVENTS | FAQ


Search the PREA Library for Articles and Resources:

Keyword


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](#).



Notice of Federal Funding and Federal Disclaimer – This Web site is funded in part through a grant from the Bureau of Justice Administration, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided).

©2012 National PREA Resource Center. All rights reserved. NCCD | BJA | Contact Us | Sitemap

created by 

NATIONAL
PREA
RESOURCE
CENTER

Field Initiated TTA Request

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.

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

Michela Bowman

PRC Co-Director

mbowman@prearesourcecenter.org

Jenni Trovillion

PRC Co-Director

jtrovillion@prearesourcecenter.org

Michelle Duhart

Sr. Program Manager

Training & Technical Assistance

mduhart@prearesourcecenter.org

Thank you!

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.

Sign up for our [mailing list](#) to be the first to hear about our next
Power Hour: Chat with a PREA Expert!

Bureau of Justice Assistance

Notice of Federal Funding and Federal Disclaimer – This project was supported by Grant No. 2015-RP-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.

The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice or grant-making component.