PREA 101 for Adult Prisons

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

Professor Brenda V. Smith
July 18, 2012
Introduction and Welcome

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

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

- **Gary Dennis**
  - Senior Policy Advisor for Corrections, Bureau of Justice Assistance

- **Elissa Rumsey**
  - Compliance Monitoring Coordinator, Office of Juvenile Justice and Delinquency Prevention (OJJDP)

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

- **Josh Delaney**
  - Sr. Trial Attorney, Civil Rights Division, U.S. Department of Justice
Agenda

12:00 pm - 12:15 pm  
Introductions and Conventions

12:15 pm - 1:00 pm  
PREA 101 presentation

1:00 pm – 1:30 pm  
Questions & Answers on Standards
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 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 decide how they do it.

- Questions from the Field
  - Adequate staffing levels
  - Youthful Inmates
  - Contracting
  - Hiring and Promotion
  - Screening
  - Access to Outside support
  - Searches of LGBTQI inmates
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)
Audit

- **June 20, 2012**  
  Publication in federal register—begins compliance clock and public comment period for select standards.

- **2012-2013**  
  Develop audit tool; develop audit training; train auditors; and certify auditors

- **2013**  
  Audits term begins (one year)

- **2014**  
  Complete audits of 1/3 of facilities
What Happens if a Jurisdiction Does 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: 115.31-115.32 and 115.34-115.35

- Education for inmates
  - In response to final standards: 115.33

- Strengthening community relationships and partnerships
  - In response to final standards: 115.21, 115.51, 115.53-115.54, 115.71, 115.81-115.83
Pre-Standards Preparations: What Have Agencies Done?

- Policy Review
  - In response to final standards: 115.11, 115.15 and 115.22

- Working on the capacity to protect vulnerable populations (LGBTQI, youth adult facilities, immigration detainees)
  - In response to final standards: 115.15-115.16, 115.31, 115.41-115.42

- Reviewing and strengthening investigative frameworks—administrative and criminal
  - In response to final standards: 115.18, 115.21-115.22, 115.34-115.35, 115.64-115.65, 115.71-115.73
Pre-Standards Preparations: What Have Agencies Done?

- Vulnerability assessments and screening tools
  - In response to final standards: 115.41-115.42

- Strengthen data collection capabilities
  - In response to final standards: 115.86-115.89

- Staffing Plans
  - In response to final standards: 115.13

- Involvement of medical and mental health resources
  - In response to final standards: 115.35 and 115.81-115.83
Pre-Standards Preparations: What Have Agencies Done?

- Improving reporting mechanisms—agency, staff, inmate and third-party
  - In response to final standards: 115.51-115.52, 115.54, 115.61, 115.63

- 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](http://www.prearesourcecenter.org)
  - Training, technical assistance, regional meetings, PREA institute(s), webinars, general information, office hours
- Work of other agencies in this area
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 Friday July 27, 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, [bvsmith@wcl.american.edu](mailto:bvsmith@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.cfm