

NATIONAL
PREA
RESOURCE
CENTER



BJA
Bureau of Justice Assistance
U.S. Department of Justice

CENTER FOR
INNOVATIVE PUBLIC POLICIES



NCCD | National Council on
Crime & Delinquency

PREA Compliance

American Jail Association

May 4, 2013

Grand Rapids, MI

Do the Standards apply to locally-operated facilities?

Yes, the standards do apply to local facilities.

PREA required the Attorney General to promulgate standards for a wide range of confinement facilities, and Congress specifically mentioned jails, police lockups, and other facilities.

The statute imposes certain financial consequences on non-compliant states.

However, for facilities that are not operated by the state, PREA provides no federal financial penalty for not complying.

If PREA audits begin August 20, 2013, and the standards require the auditor to review one year's worth of data, does this mean that my facility must be fully compliant by August 20th of this year?

No. The Department recognizes that during the initial implementation phase of the PREA standards, agencies may not be able to achieve full system-wide compliance with the standards in the early months of the initial year's audit review period. So an audit conducted toward the beginning of that first year will, as a matter of common sense, take into consideration the fact that facilities will have spent a significant period of time to fully institutionalize the standards.

By contrast, a short period of compliance during the end of the audit review period would not be sufficient to achieve compliance.

- **Automatic 180-day corrective action period**
- **Auditor will work with the agency to develop an action plan to achieve compliance**
- **After correction action period, there is a re-audit**
- **Grievance process if agency believes auditor was incorrect or did not display fairness**

- **Protect inmates from sexual abuse**
- **Mitigate against inmate litigation**
- **Protect staff against frivolous allegations**
- **Safer environment for staff and inmates**
- **Accreditation – most will require PREA compliance**

Incentives for voluntary compliance include:

- May influence the standard that courts will apply in legal and constitutional claims.
- Major accreditation organizations may need to comply with the standards as a condition of accreditation.
- Facilities that contract to hold state or federal inmates risk losing those contracts.

August 20, 2012:	Standards applicable to state and local facilities
May 1, 2013:	Target date for DOJ to fully implement auditor certification process (estimated)
August 20, 2013:	Three-year audit cycle begins
Summer, 2013:	Due date for Governors' certification (TBD)
September 30, 2013:	DOJ publishes a list of noncompliant grant recipients
October 1, 2013:	First date on which federal grant funds may be impacted (FY 2014)
August 19, 2014:	One-third of facilities must be audited
August 19, 2016:	First three-year audit cycle complete

- Determine which standards apply to your facilities.
- If you have more than one type of facility, different standards might apply to each.

Four sets of standards:

(1) Prison/Jails

(2) Lockups

(3) Juvenile Facilities

(4) Community Confinement

- Read the standards.
- Read the preamble – it contains valuable information that help explain certain aspects of the standards.

Create a compliance team –

- PREA Coordinator
- Operations Manager
- Investigator
- HR
- Leadership
- Other

Assess your operations –

- use the TOOLKIT
- TOOLKIT self-assessment
- Review the Audit Instrument
- Develop an Action Plan

- **BJA Funded**
- **Developed by The Moss Group under cooperative agreement with the Center for Innovative Public Policies, Inc.**
- **Access online at www.nicic.org, or www.prearesourcecenter.org**

- Provide basic information about PREA and its implementation
- Self-assessment tool for jail administrators and their staff members to assess priority areas and develop action plans
- Contain resources for further reading and/or information (e.g., national reports and articles, materials developed and used by other jails, etc)
- Provide training curriculum and policy guidance

Self Assessment Checklists in the following areas:

- Administration
- Inmate Management/Services
- Screening
- Reporting
- Investigations
- Training and Education
- Data Collection

Additional content in the following areas:

- General Information about the Law
- Definitions and Terms
- Developing Strategies to Comply with PREA Standards
- PREA Background Information

Implementing The Prison Rape Elimination Act: A Toolkit for Jails

2) Staffing, Personnel, and Facility Considerations

Questions	Yes	No	Standard Reference												
1. Does the agency have a rated bed capacity of more than 1000 inmates?	<input type="checkbox"/> <i>(Go to A)</i>	<input type="checkbox"/> <i>(Go to C)</i>	§115.11												
A. If the answer to (1) is YES, is there a full-time PREA Coordinator?	<input type="checkbox"/>	<input type="checkbox"/>	§115.11												
B. If the answer to (1) is YES, is there a PREA Coordinator designated for each facility within the system? <i>(Go to 2)</i>	<input type="checkbox"/>	<input type="checkbox"/>	§115.11												
C. If the answer to (1) is NO, is there an agency PREA Coordinator that is either full- or part-time?	<input type="checkbox"/>	<input type="checkbox"/>	§115.11												
2. Does agency policy contain a mechanism for the determination of adequate staffing levels and video monitoring (where applicable) to protect inmates against sexual abuse?	<input type="checkbox"/>	<input type="checkbox"/> <i>(Go to 3)</i>	§115.13												
A. If the answer to (2) is YES, does this mechanism take into consideration the physical layout of each facility, the composition of the inmate population, and any other relevant factors?	<input type="checkbox"/>	<input type="checkbox"/>	§115.13												
3. Does each facility conduct an annual assessment to determine whether adjustments are needed to the following:	<table border="1"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> </tr> </thead> <tbody> <tr> <td>A. Established staffing levels</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>B. Prevailing staffing patterns</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>C. The deployment of video monitoring systems and other technologies?</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>			YES	NO	A. Established staffing levels	<input type="checkbox"/>	<input type="checkbox"/>	B. Prevailing staffing patterns	<input type="checkbox"/>	<input type="checkbox"/>	C. The deployment of video monitoring systems and other technologies?	<input type="checkbox"/>	<input type="checkbox"/>	<i>(Select only if A-C are Yes)</i> §115.13
			YES	NO											
A. Established staffing levels			<input type="checkbox"/>	<input type="checkbox"/>											
B. Prevailing staffing patterns			<input type="checkbox"/>	<input type="checkbox"/>											
C. The deployment of video monitoring systems and other technologies?	<input type="checkbox"/>	<input type="checkbox"/>													
	<input type="checkbox"/>	<input type="checkbox"/>													
	<input type="checkbox"/>	<input type="checkbox"/>													
	<input type="checkbox"/>	<input type="checkbox"/>													
4. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, does the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse?	<input type="checkbox"/>	<input type="checkbox"/>	§115.17												
5. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, does the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse?	<input type="checkbox"/>	<input type="checkbox"/>	§115.17												

Create documentation records and methods:

- Training (staff, inmates, contractors & vendors)
- Develop screening tool
- Contracts & MOU's
- Investigations tracking
- Set incident review format, team, and scheduling
- Develop method for data collection
- Other as needed (cross-gender searches, reporting methods, etc.)

AUDITS:

- Decide on an audit time-line (date to be audited for each facility)
- Engage an auditor; set the schedule
- Be ready to prepare requested documents

Using the Audit Tools

- **Map of Audit Process** – informational summary
- **Pre-Audit Questionnaire** – completed by agency prior to auditor arrival.
- **Checklist of Policies/Procedures, Documents** – for agency preparation
- **Auditor Compliance Tool** – 105 page document for auditor
- **Auditor Report Template**
- **Interview Protocols** – for auditor use only
- **Handbook for agencies**

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS		
§115.41 – Screening for risk of victimization and abusiveness.		
115.41 (a)-1 The agency has a policy that requires screening (upon admission to a facility or transfer to another facility) for risk of sexual abuse victimization or sexual abusiveness toward other inmates.	<input type="checkbox"/> Yes <input type="checkbox"/> No	UPLOAD SCREENING POLICY Page/Section: (fill in)

115.41 (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.

- Yes
- No

Pre-Audit:

QUESTIONNAIRE:

The agency has a policy that requires screening (upon admission to a facility or transfer to another facility) for risk of sexual abuse victimization or sexual abusiveness toward other inmates. *YES or NO (FROM 115.41(a)-1)*

POLICY:

SCREENING POLICY (FROM 115.41(a)-1)

Refer to page/section: *(FROM 115.41(a)-1)*

AUDITOR NOTES:

Audit:

INTERVIEW GUIDE(S):

Staff Responsible for Risk Screening – Q: 1

Random Sample of Inmates – Q: 7

AUDITOR NOTES:

REPORTING

§115.51 – Inmate reporting.

115.51 (b)-1

The agency provides at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency.

Yes

No

UPLOAD ANY
RELEVANT POLICIES
Page/Section:

UPLOAD
DOCUMENTATION OF
AGREEMENT WITH
OUTSIDE PUBLIC OR
PRIVATE ENTITY
RESPONSIBLE FOR
TAKING REPORTS

115.51 (b) - The agency shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.

- Yes
- No

Pre-Audit:

QUESTIONNAIRE: The agency provides at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency. *YES or NO (FROM 115.51(b)-1)*

The agency has a policy requiring inmates detained solely for civil immigration purposes be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security. *YES or NO (FROM 115.51(b)-2)*

POLICY:
RELEVANT POLICY (FROM 115.51(b)-1)
Refer to page/section: *(FROM 115.51(b)-1)*

RELEVANT POLICY (FROM 115.51(b)-2)
Refer to page/section: *(FROM 115.51(b)-2)*

OTHER DOCUMENTATION:
DOCUMENTATION OF AGREEMENT WITH OUTSIDE PUBLIC OR PRIVATE ENTITY RESPONSIBLE FOR TAKING REPORTS (FROM 115.51(b)-1)

AUDITOR NOTES:

Audit:

INTERVIEW GUIDE(S):
PREA Compliance Manager – Q: 7, 8
Random Sample of Inmates – Q: 9, 10

AUDITOR NOTES:

Standard	PRE-AUDIT	DURING AUDIT
<p>§115.41 – Screening for Risk of Victimization and Abusiveness</p>	<ul style="list-style-type: none"> <li data-bbox="330 258 1221 635">❑ Agency policy governing screening of inmates (upon admission to a facility or transfer to another facility and reassessments). <li data-bbox="330 635 1221 863">❑ Screening instrument used to determine risk of victimization or abusiveness. <li data-bbox="330 863 1221 1360">❑ Records of initial assessment and reassessment for risk of sexual victimization or abusiveness. 	<ul style="list-style-type: none"> <li data-bbox="1221 258 1910 635">❑ Records for inmates admitted to the facility within the past 12 months for evidence of appropriate screening. <li data-bbox="1221 635 1910 1360">❑ Records of reassessment within the past 12 months for risk of sexual victimization or abusiveness.

Mission and Methods

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.

- Training and Technical Assistance
- Auditor Training
- Website and Resource Library

Search the PREA Library for Articles and Resources:

SEARCH

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](#) ▶

Library Sections

- Recently Additions
- Legal
- News Coverage
- Policy & Practice
- Research
- Resources
- Standards

Methods of Delivery

- Webinars
- Publications
- Regional Trainings
- Field-initiated Training and Technical Assistance
- Regional Auditor Training
- BJA PREA Demonstration Sites
- Other technological platforms (such as e-Learning Courses)

To request training or technical assistance from the **National PREA Resource Center**, visit www.prearesourcecenter.org. For questions about training and technical assistance, contact:

Dave Gaspar
dgaspar@nccdglobal.org

Peg Ritchie
PRitchie@nccdglobal.org

- Jurisdictions can request assistance by completing web form on the PRC website (www.prearesourcecenter.org) and clicking “Request for Assistance on the sidebar”

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

Presenters:

Michael McCampbell, President
Center for Innovative Public Policies, Inc.

mmccampbell@cipp.org

(239) 597-5906

Elizabeth Layman, President

Price Layman, Inc.

elizabethlayman@cipp.org

CENTER FOR
INNOVATIVE PUBLIC POLICIES



Questions & Answers

