PREA 101 for Community Corrections Agencies

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PREA 101 for Community Corrections

THE PREA RESOURCE CENTER

in collaboration with

THE PROJECT ON ADDRESSING PRISON RAPE

Professor Brenda V. Smith
June 26, 2012
Introduction and Welcome

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

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

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

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

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

12:15 pm – 1:00pm  PREA 101 Presentation

1:00 pm – 1:30pm  Questions and 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 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 do** by reading the standards and having an action plan **agencies need to decide how** they do it.

- Questions from the Field
  - Adequate staffing levels
  - “Youthful Inmates”
  - Contracting
  - Hiring and Promotion
  - Screening
  - Searches of LGBTQI residents
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)
Provisions Specific to Community Corrections

- Standards only apply to “community confinement facilities,” defined as:

  - A community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers) in which offenders or defendants reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours. § 115.5

- This definition excludes parole or probation officers in a non-residential setting
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 Jurisdictions Do 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: 115.231-115.232 and 115.234-115.235

- Education for residents
  - In response to final standard: 115.233

- Strengthening community relationships and partnerships
  - In response to final standard: 115.221, 115.251, 115.253-115.254, 115.271, 115.281-115.283
Pre-Standards Preparations: What Have Agencies Done?

- Policy Review
  - In response to final standards: 115.211, 115.215 and 115.222

- Working on the capacity to protect vulnerable populations (LGBTQI, youth adult facilities, immigration detainees)

- Reviewing and strengthening investigative frameworks—administrative and criminal
Pre-Standards Preparations: What Have Agencies Done?

- Vulnerability assessments and screening tools
  - In response to final standards: 115.241-115.242

- Strengthen data collection capabilities
  - In response to final standards: 115.286-115.289

- Staffing Plans
  - In response to final standards: 115.213

- Involvement of medical and mental health resources
  - In response to final standards: 115.235 and 115.282-115.283
Pre-Standards Preparations: What Have Agencies Done?

- Improving reporting mechanisms– agency, staff, inmate and third-party
  - In response to final standards: 115.251-115.252, 115.254, 115.261, 115.263

- 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:
  - http://www.surveymonkey.com/s/WPJW5WH

- Surveys are due in by Tuesday July 3, 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/about/contact-us

• The Project on Addressing Prison Rape
  • Brenda V. Smith, bvssmith@wcl.american.edu
  • Jaime Yarussi, jyarussi@wcl.american.edu
  • 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