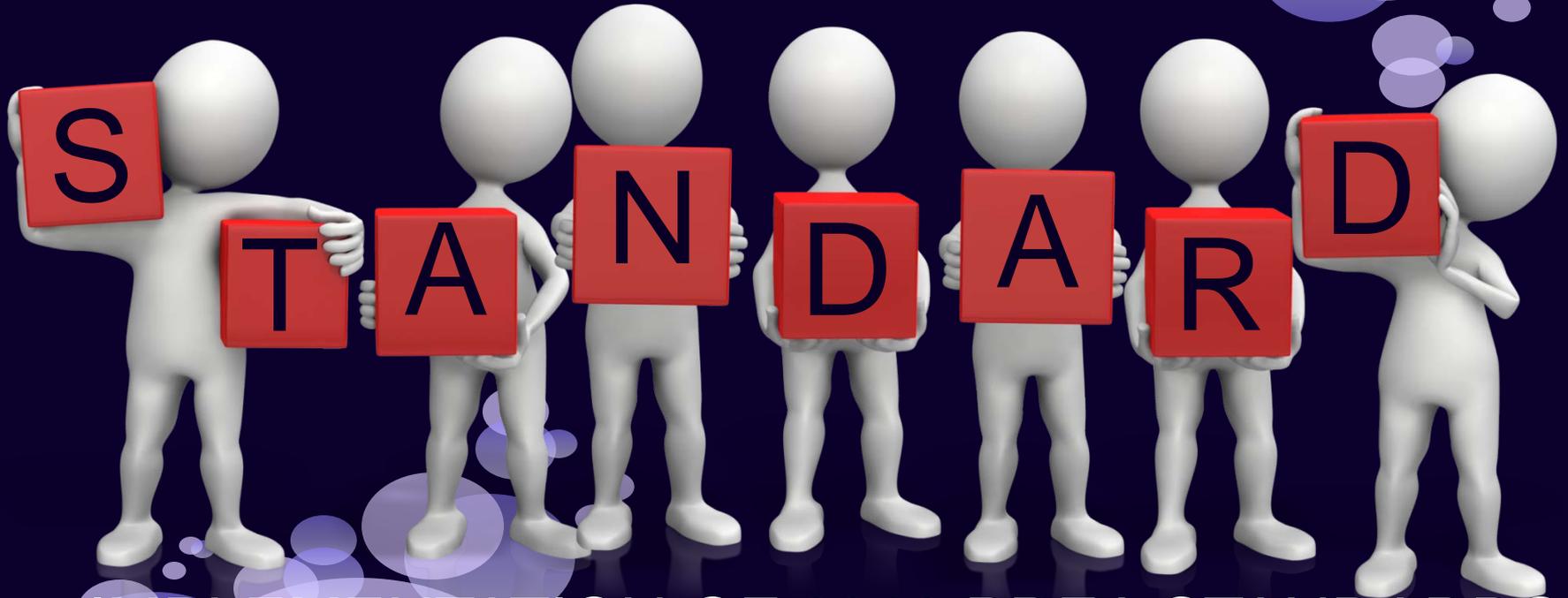


# PREA PLAN



IMPLEMENTATION OF 2012 PREA STANDARDS

<http://vimeo.com/42415016>



# GENERAL PREVENTION PLANNING

## 115.311 Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

- a) An agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct.
  
- a) An agency shall employ or designate an upper-level, agency-wide PREA coordinator
  
- (c) Where an agency operates more than one facility, each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards



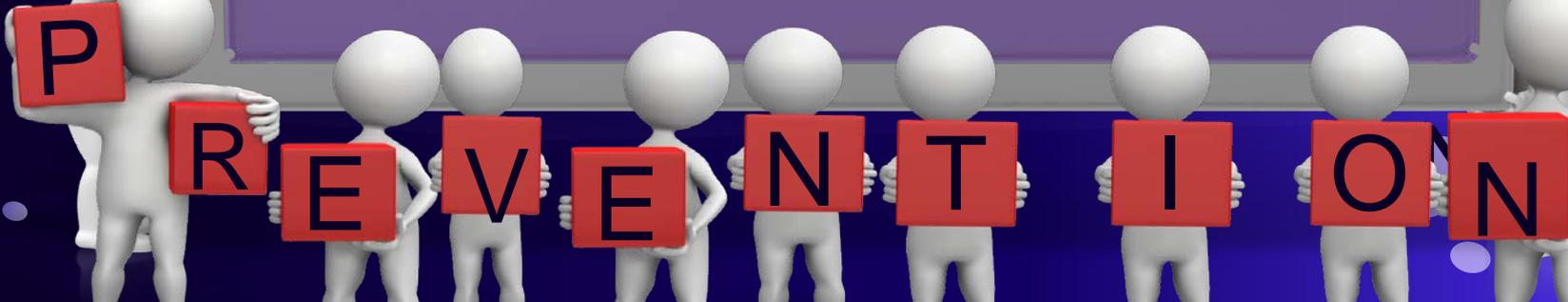
## 115.312 Contracting with other entities for the confinement of residents

- a) A public agency that contracts for the confinement of its residents with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards.



## 115.213 Supervision and monitoring

1. Develop, implement, document staffing plan—including video monitoring
2. Agency will comply with above plan except in exigent circumstances
3. At least once a year review and revise staffing plan
4. Unannounced rounds by intermediate or upper level managers



## 115.315 Limits to cross-gender viewing and searches

No cross gender strip, visual body cavity, or pat-down searches except in exigent circumstances

Implement policies and procedures that enable residents to shower, perform bodily functions, and change clothing without non medical staff of opposite gender viewing their breasts, buttocks, or genitalia,

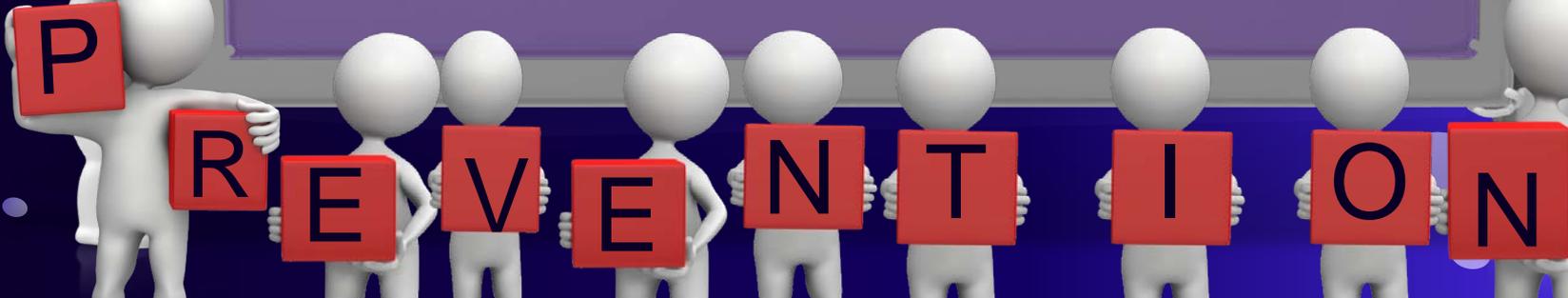
except in exigent circumstances and incidental to routine cell checks



## 115.315 Limits to cross-gender viewing and searches cont...

No searching or physically examining a transgender or intersex resident for sole purpose of determining gender

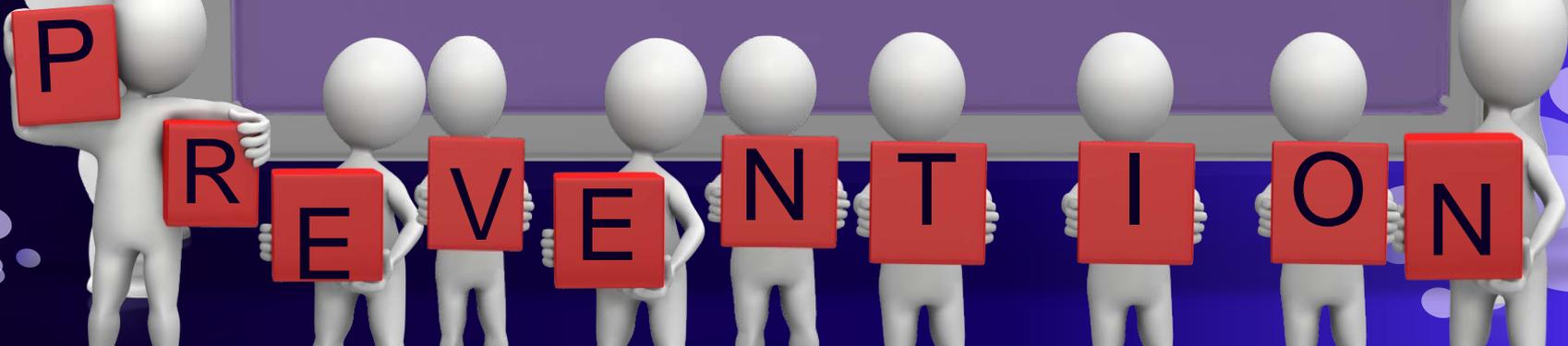
Train security staff in conducting searches of transgender and intersex residents in a professional and respectful manner



PREVENTION

## 115.316 Residents with disabilities and who are limited English proficient

Take appropriate steps ensuring residents with disabilities have an equal opportunity to participate in or benefit from agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment

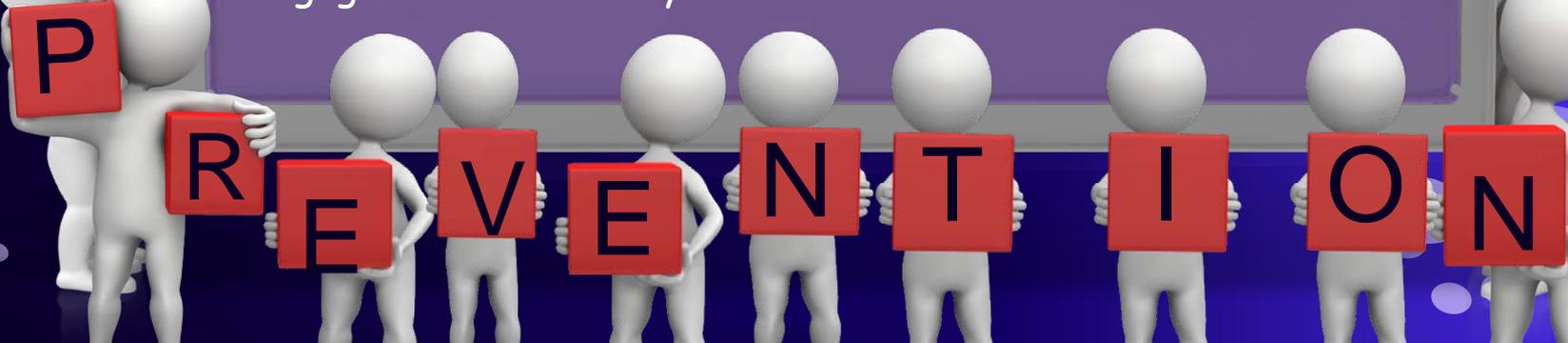


## 115.317 Hiring and promotion decision

Not hire or promote anyone who has engaged in sexual abuse in a prison, jail, community confinement facility juvenile facility or other institution

Or who has been convicted of engaging or attempting to engage in sexual activity, facilitated by force, threats, or coercion, of if the victim did not consent or was not able to consent

Or has been civilly or administratively adjudicated to have engaged in the activity described above.



## 115.317 Hiring and promotion decision cont...

Before hiring a new employee ,or enlisting the services of a contractor , the agency shall;

- perform criminal background check
- consult child abuse registry maintained by state
- make best efforts to contact all former institutional employers for information on any substantiated allegations of sexual abuse or resignation during a pending investigation

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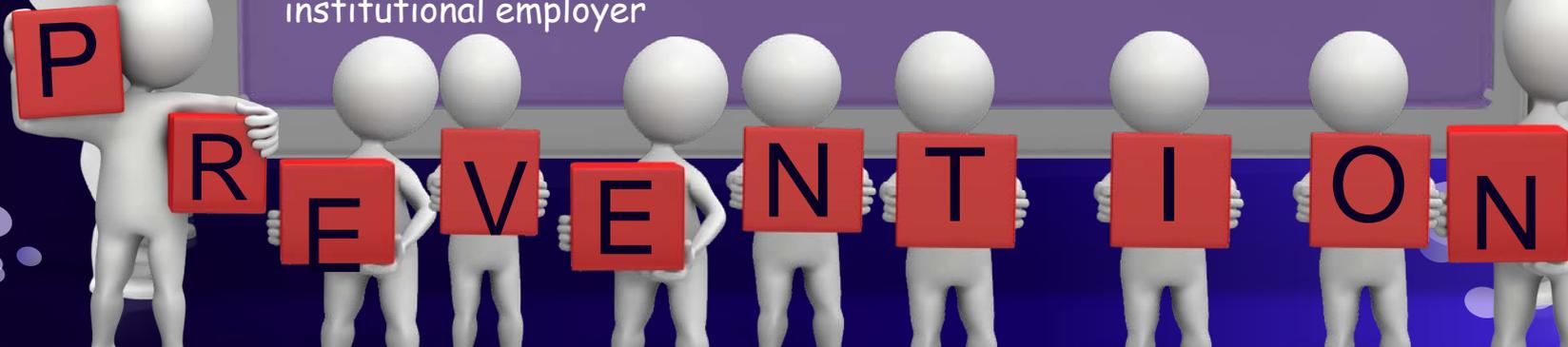
## 115.317 Hiring and promotion decision cont...

Conduct a criminal background records check at least every five years—unless a system is in place to capture such information on current employees

Ask applicants and employees directly about previous misconduct described above—in written applications or interviews

Sign a continuing affirmative duty to disclose any such misconduct  
Material omissions shall be grounds for termination

Agency will provide information on substantiated allegations of sexual abuse or sexual harassment, upon receiving the request from an institutional employer



## 115.318 Upgrades to facilities and technologies

New facilities or substantial expansion shall consider modifications based upon the agency's ability to protect residents from sexual abuse

Updating or installing video monitoring system or other monitoring technology, the agency shall consider how it will enhance the ability to protect residents from sexual abuse



# Training and Education

## 115.331 Employee Training

Train all employees on: Zero tolerance policy for sexual abuse

1. Fulfilling responsibility under prevention, detection, reporting and response policies and procedures
2. Residents right to be free from sexual abuse
3. Rights of residents and employees to be free from retaliation after reporting
4. Dynamics of sexual abuse and harassment in juvenile facilities
5. Common reactions of juvenile victims or sexual abuse and harassment
6. Detecting and responding to signs of threatened and actual sexual abuse



# Training and Education

## 115.331 Employee Training cont...

7. Difference between consensual and sexual abuse
8. Avoiding inappropriate relationships with residents
9. Communicating effectively and professionally with all residents, including LGBTI and gender non conforming residents
10. Complying with relevant laws about mandatory reporting
11. Laws regarding age of consent
12. Training tailored to unique needs and attributes of juvenile facility and gender. Special training for employees who house female and special training for those who house male.
13. Document training through employee signature or electronic verification



**K N O W**

# Training and Education

## 115.332 Volunteer and Contractor Training

All volunteers and contractors, who have contact with residents, are trained on agency's PRMSO policy

Document such training



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# Training and Education

## 115.333 Resident Education

Intake—residents shall receive information about agency's zero tolerance policy and how to report incidents or suspicions of sexual abuse or harassment

Within 10 days of intake, provide education to residents on their rights to be free from sexual abuse and sexual harassment and be free from retaliation for reporting

Current residents shall be educated within one year of August 17, 2012 and when transferred to another facility

Document residents participation in education sessions

Continuously make available this information in posters, handbooks or other written formats



# Training and Education

## 115.334 Specialized Training-Investigators

Investigators receive general training that all employees and volunteers receive

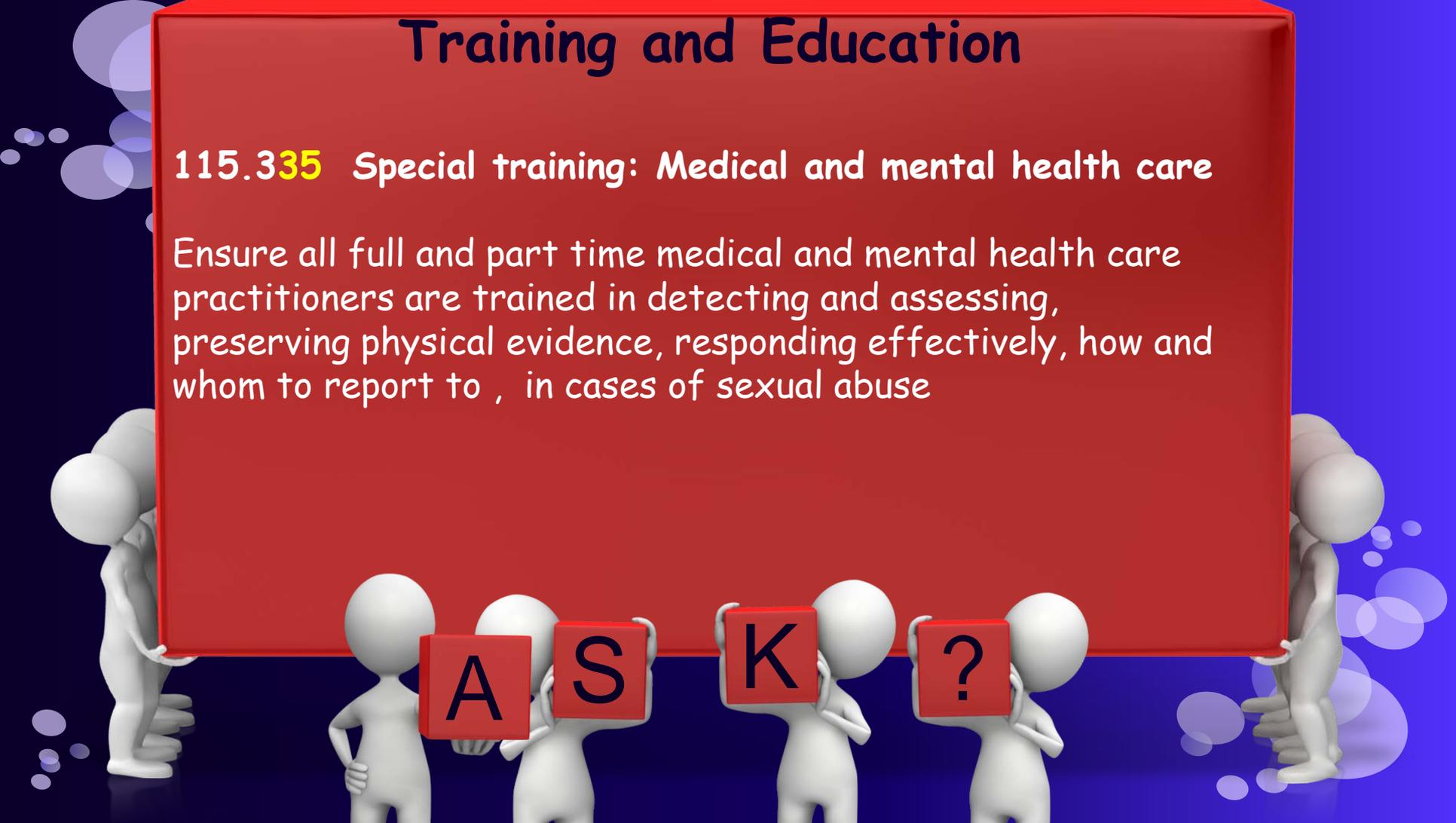
Investigators receive training in investigations in confinement settings and document



# Training and Education

**115.335** Special training: Medical and mental health care

Ensure all full and part time medical and mental health care practitioners are trained in detecting and assessing, preserving physical evidence, responding effectively, how and whom to report to , in cases of sexual abuse

A group of white 3D figures are holding a large red sign. The sign contains the text 'ASK?' in white capital letters. The figures are positioned around the sign, with some holding it from the sides and others from the bottom. The background is a dark blue gradient with light blue circular patterns.

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# Screening

## 115.341 Screening for Risk of Sexual Victimization and Abusiveness

Within 72 hours--Obtain and update resident information periodically and assess prior sexual victimization, gender nonconforming appearance or manner of identification as LGBTI or if resident may be vulnerable to sexual abuse

Control dissemination of residents personal information

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# Screening

115.342 Placement of residents in housing, bed, program, education and work assignments

Use above information to make housing, bed, program, education and work assignments of residents to keep them safe and free from sexual abuse

Isolation of victim only at last resort to protect

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# Reporting

## 115.351 Resident reporting

Provide multiple ways for residents to report sexual abuse and sexual harassment

Provide at least one way to report abuse or harassment to a public or private entity or office that is not part of the agency

Accept and document third party reporting

Provide a method for staff to report sexual abuse and sexual harassment of inmates/residents/detainees

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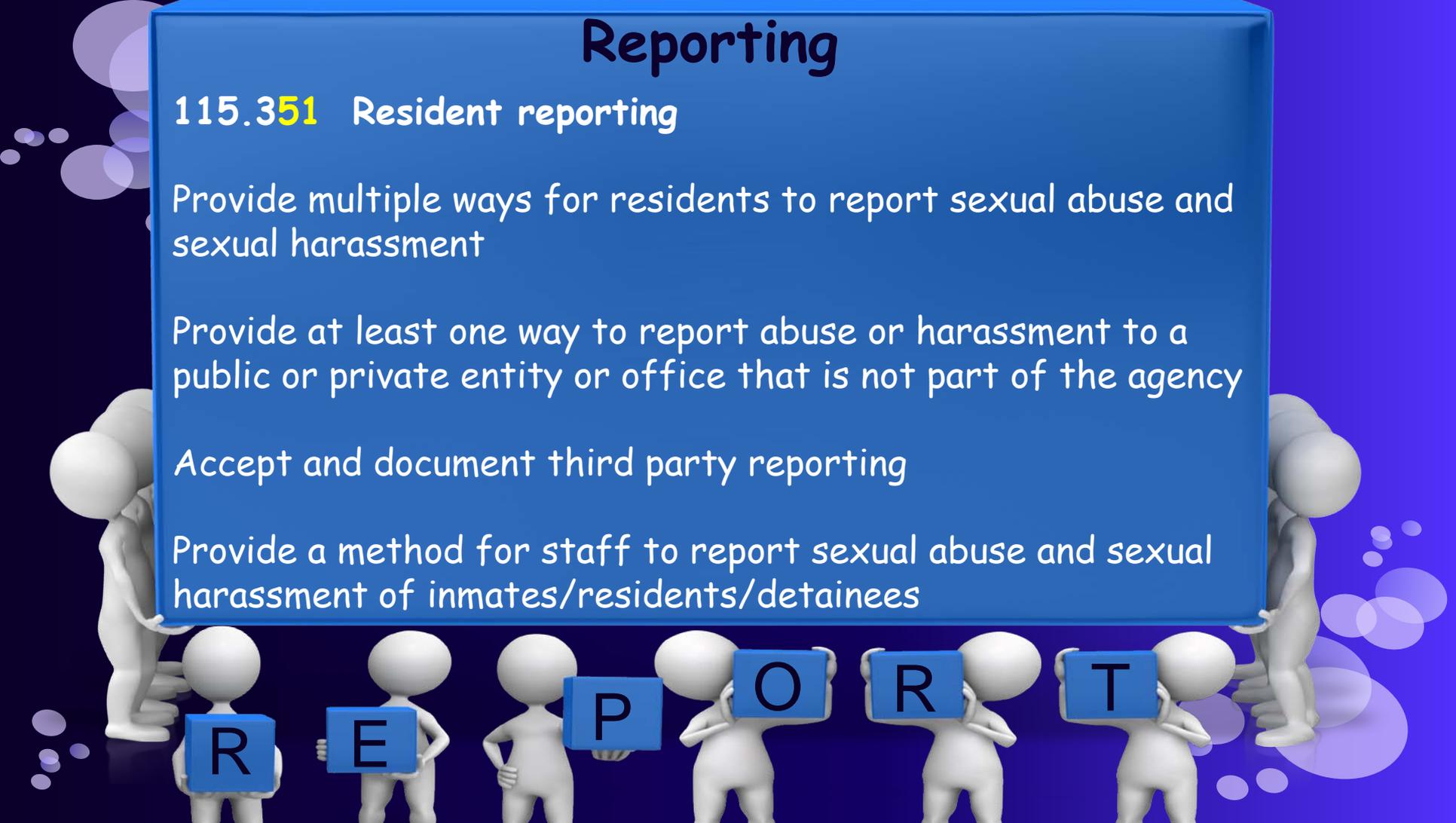
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# Reporting

115.352

Provide grievance procedures, timelines and way for youth to appeal decisions at each level



# Reporting

115.353 Resident access to outside support services and legal representation

Allow resident access to lawyer, advocacy services, parents or legal guardians



# Reporting

## 115.354 Third Party Reporting

Establish a method to receive third party reports of sexual abuse and sexual harassment



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# Official Response Following a Resident Report

## 115.361 Staff and agency reporting duties

Require all staff to report immediately any knowledge, **suspicion**, or information they receive about sexual abuse or sexual harassment

Comply with mandatory child abuse reporting

Prohibited from revealing information regarding the above report



# Official Response Following a Resident Report

## 115.362 Agency protection duties

Immediate action shall be taken to protect residents when agency learns of a substantial risk of imminent sexual abuse



# Official Response Following a Resident Report

## 115.363 Reporting to other confinement facilities

Within 72 hours the facility receiving a report of sexual abuse that happened in another facility must report it to the other facility and document such.



# Official Response Following a Resident Report

## 115.364 Staff first responder duties

Upon learning of an allegation that a resident was sexually abused, the first staff member to respond to the report shall be required to:

Separate the alleged victim and abuser;

Preserve and protect any crime scene .

If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence.



# Official Response Following a Resident Report

## 115.365 Coordinated Response

The facility shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

FAC I-A-10.0 Responding to Sexual Abuse



# Official Response Following a Resident Report

## 115.367 Agency Protection against Retaliation

The agency shall establish a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff and shall designate which staff members or departments are charged with monitoring retaliation.

The agency shall employ multiple protection measures, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations



# Official Response Following a Resident Report

## 115.367 Agency Protection against Retaliation cont...

For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct or treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse

In the case of residents, such monitoring shall also include periodic status checks.

An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded



# Investigations

## 115.371 Criminal and administrative agency investigations

Investigators shall have specialized training in sex abuse investigations

Investigators shall gather and preserve direct and circumstantial evidence and interview alleged victims, suspected perpetrators and witnesses, review prior complaints and reports of sexual abuse involving the suspected perpetrator.



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# Investigations

115.371 Criminal and administrative agency investigations cont...

**No investigation shall be terminated based solely on recanting of the allegation**

If evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether those interviews might be an obstacle for criminal prosecution

A credibility assessment shall be done on an individual basis and shall not be determined by person's status as resident or staff. Cannot require a polygraph as a condition for proceeding with an investigation



# Investigations

115.371 Criminal and administrative agency investigations cont...

Administrative investigations shall include an effort to determine if staff actions or failures to act contributed to the abuse and shall be documented in written reports

Criminal investigations shall be documented thoroughly and substantiated allegations that appear to be criminal shall be referred for prosecution

Departure of alleged abuser or victim from employment or control of facility shall not provide a basis for terminating an investigation



# Investigations

115.372 Evidentiary standard for administrative investigations

The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated

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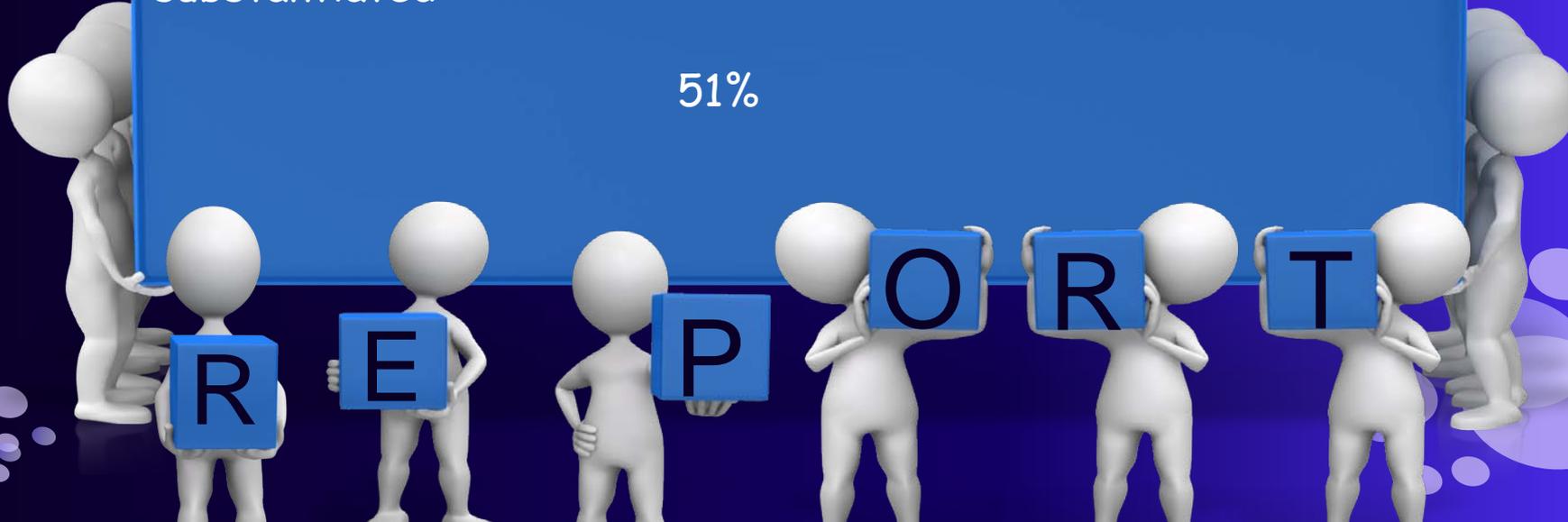
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# Investigations

## 115.373 Reporting to residents

Following an investigation into a resident's allegation of sexual abuse suffered in an agency facility, the agency shall inform the resident of the disposition of the allegation.

If not conducting the investigation, request relevant information from investigative agency in order to inform resident

Agency will inform resident if a staff member is no longer posted within the residents unit and if the staff member is no longer employed at the facility.



# Discipline

## 115.376 Disciplinary sanctions for staff

Staff will be subject to disciplinary sanctions up to termination for violating agency sexual abuse or sexual harassment policies

Termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse

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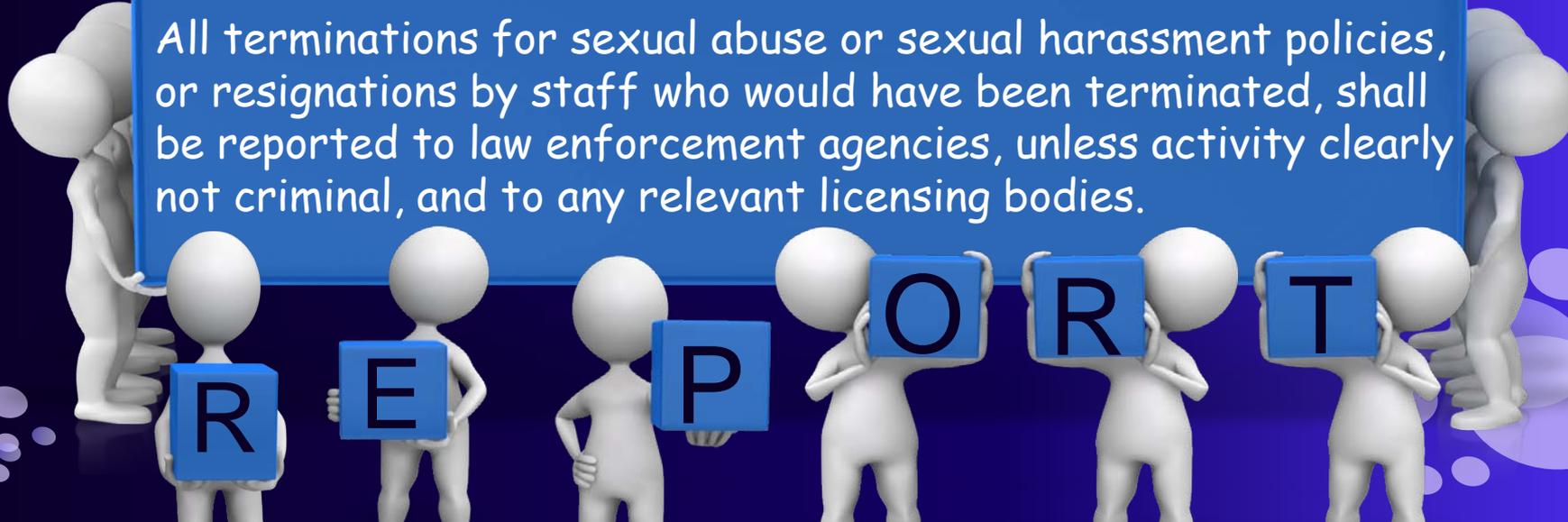


# Discipline

## 115.376 Disciplinary sanctions for staff cont...

Sanctions will be commensurate with the nature and circumstances of the acts committed, staff's disciplinary history and sanctions imposed for comparable offences by staff with similar histories.

All terminations for sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated, shall be reported to law enforcement agencies, unless activity clearly not criminal, and to any relevant licensing bodies.



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# Discipline

## 115.377 Corrective action for contractors and volunteers

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with residents, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.



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# Discipline

## 115.378 Interventions and disciplinary sanctions for residents

Only after an administrative finding of resident on resident sexual abuse or following a criminal finding of guilt can a resident be subject to disciplinary sanctions.

Such sanctions shall be commensurate with nature and circumstances of the abuse committed, resident's disciplinary history, and sanctions imposed for comparable offenses of other residents with similar histories.

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# Discipline

115.378 Interventions and disciplinary sanctions for residents cont...

Discipline for sexual contact with staff may only happen if the staff member did not consent to such contact

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# Medical and Mental Care

115.381 Medical and mental health screenings; history of sexual abuse.

When the screening indicates that a resident has experienced prior sexual victimization, there will be a follow-up meeting with mental health within 14 days of intake screening

When screening indicates previously perpetrated sexual abuse, there will be a follow-up meeting with mental health within 14 days

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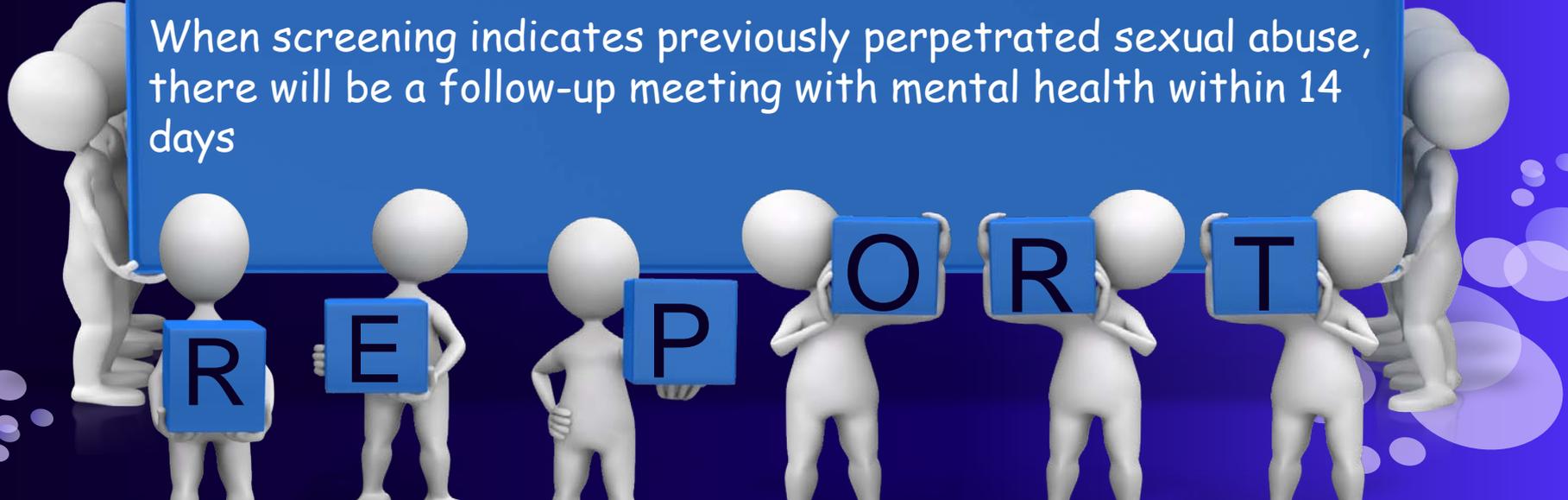
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# Medical and Mental Care

**115.381** Medical and mental health screenings; history of sexual abuse cont...

Information related to sexual victimization or abusiveness, occurring in an institutional setting, shall be limited to medical and mental health practitioners and other staff as necessary for treatment plans, security and management decisions—including housing, bed, work, education and program assignments.

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# Medical and Mental Care

115.382 Access to emergency medical and mental health services

Unimpeded and timely access to emergency medical treatment and crisis intervention services—the nature and scope determined by medical and mental health practitioners.

Staff first responders, if no medical or mental health practitioners on duty, will take preliminary steps to protect the victim and immediately notify appropriate medical and mental health practitioners

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# Medical and Mental Care

115.382 Access to emergency medical and mental health services cont...

Information about emergency contraception and sexually transmitted infections will be offered in a timely manner

No cost to victim—even if they do not name abuser or cooperate with investigation

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# Medical and Mental Care

115.383 Ongoing medical and mental health care for sexual abuse victims and abusers

The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility

The facility shall provide such victims with medical and mental health services consistent with the community level of care

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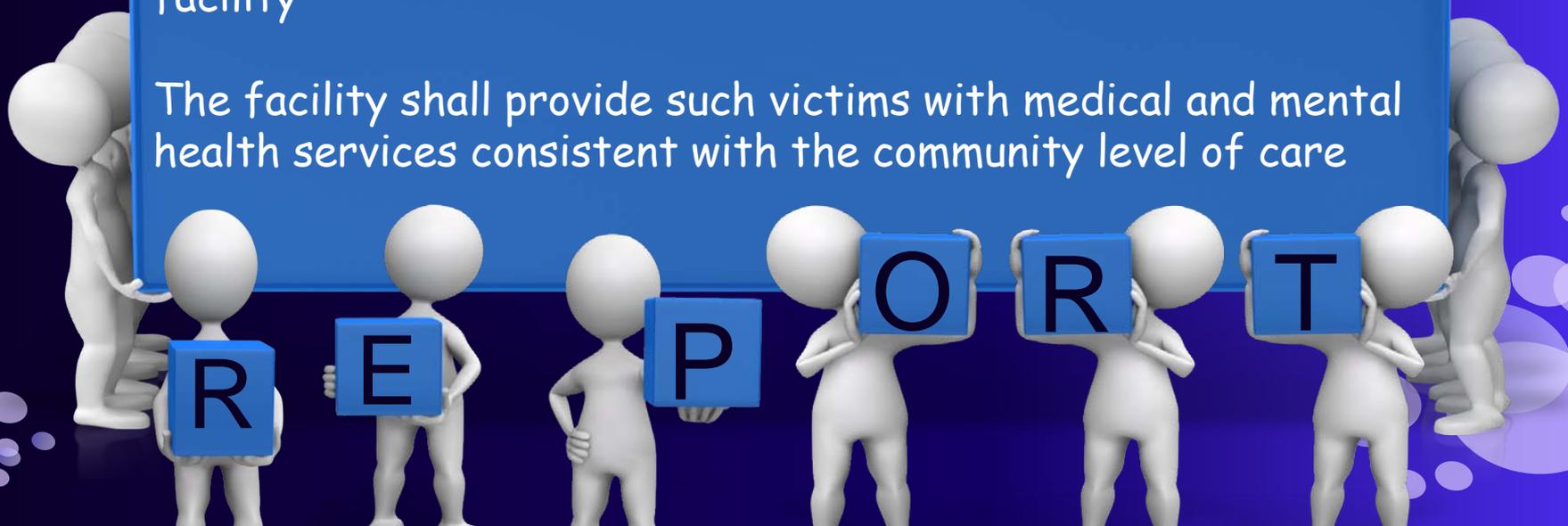
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# Medical and Mental Care

115.383 Ongoing medical and mental health care for sexual abuse victims and abusers cont...

The facility shall attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

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# Data Collection and Review

## 115.386 Sexual abuse incident reviews

At the conclusion of every sexual abuse investigation, and within 30 days of conclusion of investigation, the facility will conduct a sexual abuse incident review—unless unfounded-by upper level management, with input from line supervisors, investigators, and medical or mental health practitioners.

Critical incident review process



# Data Collection and Review

## 115.386 Sexual abuse incident reviews cont...

The team shall consider:

- a) If a policy or practice change is needed; if the allegation was motivated by race; ethnicity, gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status or perceived status; or gang affiliation; or by other group dynamics at the facility
- b) If physical barriers may enable abuse, adequacy of staffing levels, monitoring technology

Prepare a report and recommendations and implement recommendations or document its reasons for not doing so

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# Data Collection and Review

## 115.387 Data collection

Collect accurate, uniform data for every allegation of sexual abuse

Aggregate the incident based sexual abuse data at least annually

The data must at a minimum answer all questions on the BJS Survey of Sexual Violence

Maintain and review and collect data from all available incident based documents

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# Data Collection and Review

## 115.388 Data review for corrective action

Review data collected in order to assess and improve effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training.

Identify problem areas, corrective actions, making an annual report of findings and corrective actions for each facility as well as the agency as a whole.

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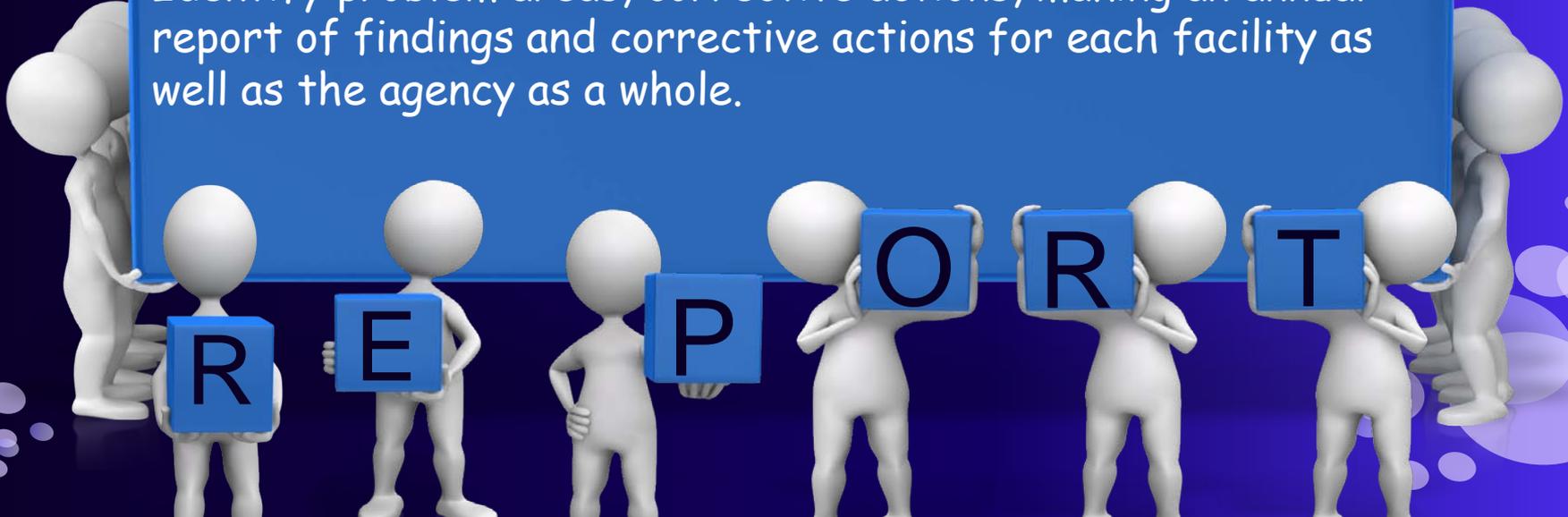
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# Data Collection and Review

115.388 Data review for corrective action cont...

Compare current data and corrective actions to those of prior years and assess agency's progress in addressing sexual abuse and the report shall be approved by the agency head and made readily available to the public



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# Data Collection and Review

## 115.389 Data storage, publication, and destruction

Securely retain data collected; make all aggregated sexual abuse data from facilities and private facilities—that it contracts with—readily available to the public, at least annually

Assure all personal identifiers are removed

Maintain data for at least 10 years

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# Data Collection and Review

115.393 Audits of standards

The agency shall conduct audits pursuant to §§ 115.401-405

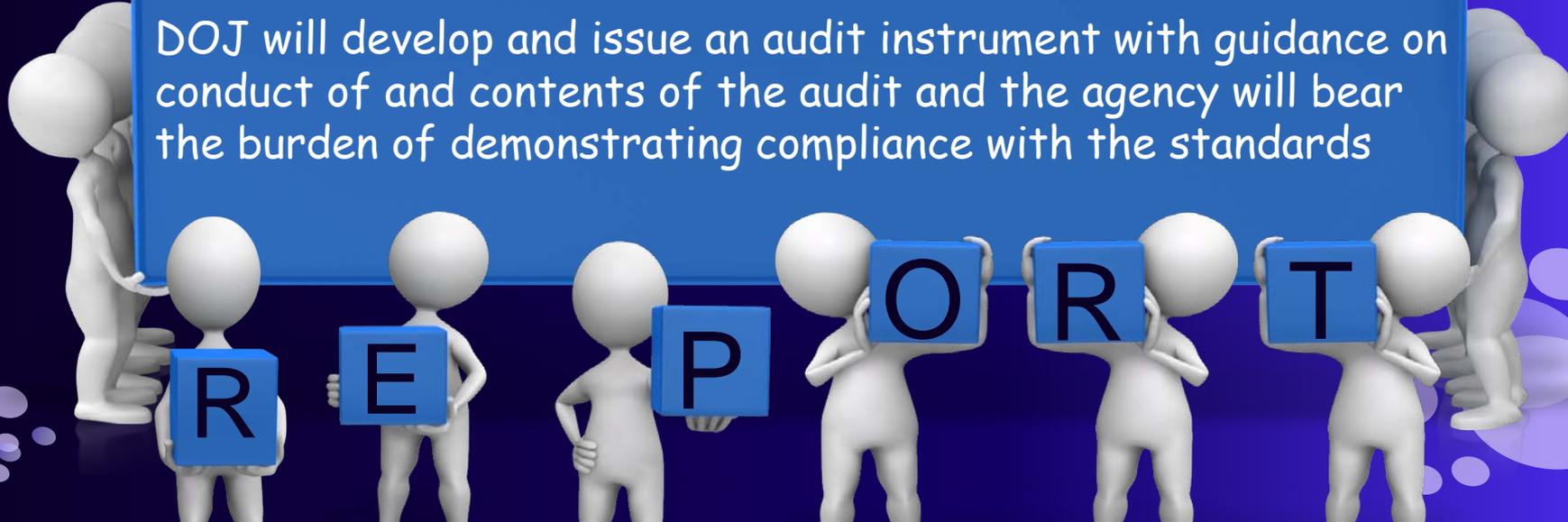


# Audits

## 115.401 Frequency and scope of audits.

Every three year period, starting August 20, 2013, an audit of each facility operated by the agency or by a private organization, will be conducted with 1/3 being audited each year of the three year period

DOJ will develop and issue an audit instrument with guidance on conduct of and contents of the audit and the agency will bear the burden of demonstrating compliance with the standards



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# Audits

## 115.402 Auditor qualifications

A member of a correctional monitoring body that is not a part of, under the authority of, the agency.

All auditors shall be certified by the Department of Justice. The Department of Justice shall develop and issue procedures regarding the certification process, which shall include training requirements.

The agency shall not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the agency's retention of the auditor, with the exception of contracting for subsequent PREA audits.

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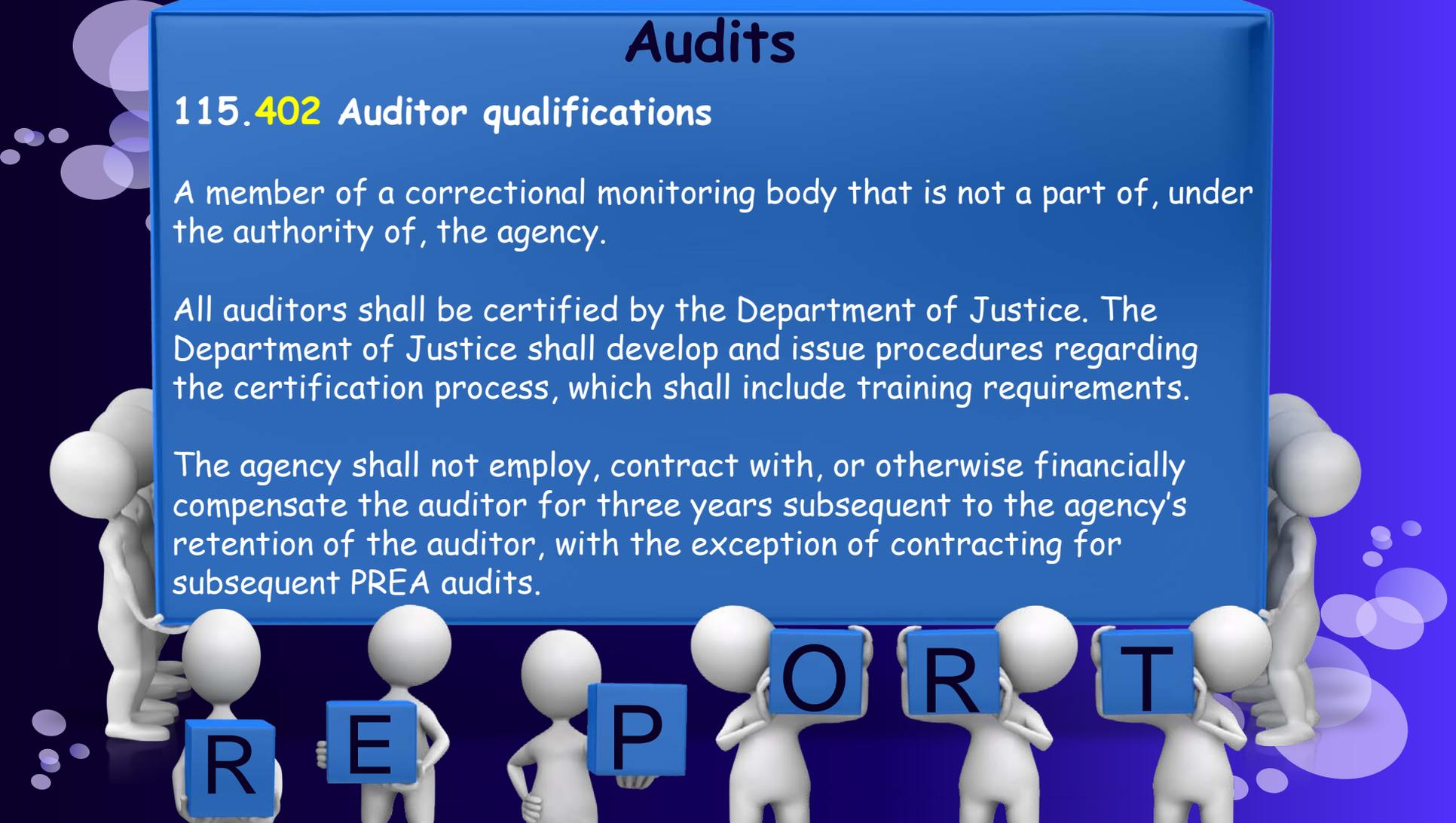
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# Audits

## 115.403 Audit contents and findings

Each audit shall include a certification that no conflict of interest exists, whether agency wide policies and procedures comply with PREA standards, if agency exceeds, meets, or does not meet the standards and a summary of provisions the facility has achieved at each grade level

The agency shall ensure that the auditor's final report is published on the agency's website if it has one, or is otherwise made readily available to the public.

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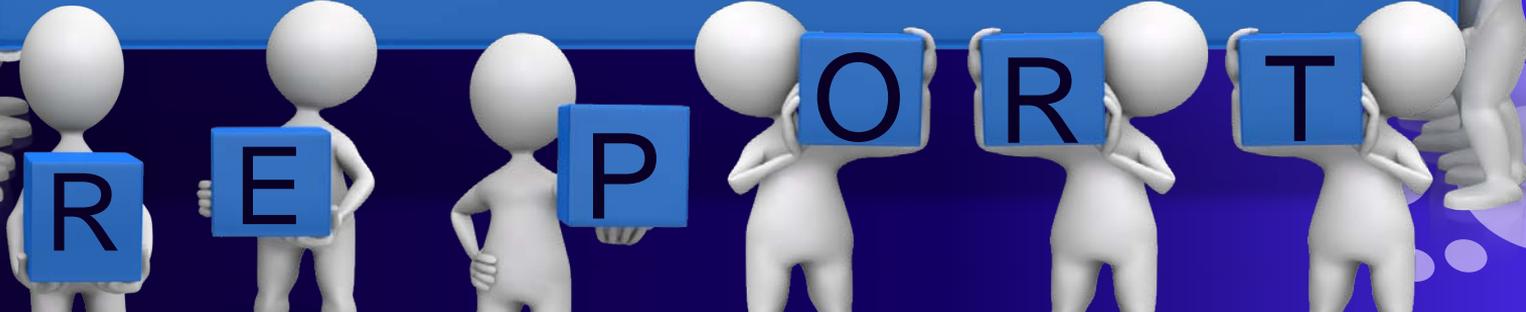
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# Audits

## 115.404 Audit corrective action plan

Finding of "Does not Meet" will trigger a 180 day corrective action period and joint meeting to develop a corrective action plan for compliance

After the 180-day corrective action period ends, the auditor shall issue a final determination as to whether the facility has achieved compliance with those standards requiring corrective action.

If the agency does not achieve compliance with each standard, it may (at its discretion and cost) request a subsequent audit once it believes that it has achieved compliance.



# Audits

## 115.405 Audit appeals

An agency may lodge an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect. Such appeal must be lodged within 90 days of the auditor's final determination.

If the Department determines that the agency has stated good cause for a re-evaluation, the agency may commission a re-audit by an auditor mutually agreed upon by the Department and the agency. The agency shall bear the costs of this re-audit.

The findings of the re-audit shall be considered final.



# State Compliance

## 115.501 State determination and certification of full compliance

In determining pursuant to 42 U.S.C. 15607(c)(2) whether the State is in full compliance with the PREA standards, the Governor shall consider the results of the most recent agency audits.

The Governor's certification shall apply to all facilities in the State under the operational control of the State's executive branch, including facilities operated by private entities on behalf of the State's executive branch.



(Facility Superintendent or Camp Director)

# SARP

Sexual Abuse Response and Prevention Plan

PCM Guide

SARRT Coordinator  
**Sexual Assault Response and  
Resource Team Coordinator**

SAPT

Sexual Assault  
Prevention Team

Prevention  
Response  
Preparation

Victim  
Alleged Offender  
Facility

SARRT

**Sexual Assault Response and Resource  
Team**  
**Medical; Mental Health; Management;  
Security; Advocate**

Line staff  
Managers  
Maintenance  
Security  
Education

FAC I-A-10.0

**Responding to Sexual Abuse  
and Assault**  
**Procedure Statement (rollout  
January 2013)**

# STANDARDS

