



PREA Standards In Focus

Standard in Focus

Training and Education

§ 115.31, 115.131, 115.231, 115.331 Employee Training

(a) The agency shall train all employees who may have contact with inmates on:

- (1) Its zero-tolerance policy for sexual abuse and sexual harassment;
- (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- (3) Inmates' right to be free from sexual abuse and sexual harassment;
- (4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- (5) The dynamics of sexual abuse and sexual harassment in confinement;
- (6) The common reactions of sexual abuse and sexual harassment victims;
- (7) How to detect and respond to signs of threatened and actual sexual abuse;
- (8) How to avoid inappropriate relationships with inmates;
- (9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
- (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

(b) Such training shall be tailored to the gender of the inmates at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa.

(c) All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and the agency shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.

(d) The agency shall document, through employee signature or electronic verification, that employees understand the training they have received.

Purpose

To ensure that staff can prevent, detect, and respond to sexual abuse and sexual harassment and to create a culture of sexual safety in the facility by educating all employees on:

- The agency's zero tolerance policy and methods for reporting incidents or suspicions of sexual abuse or sexual harassment; and
- Creating an environment that prevents and detects sexual abuse and sexual harassment, fosters a robust reporting culture for inmates and staff, and provides meaningful accountability and appropriate assistance to all victims.

Implementation

- The agency must train all facility employees who may have contact with inmates on ten (10) specific topics detailed in the standard. All employees must receive training on these topics prior to having contact with inmates, except in very rare circumstances where a slight delay may be reasonable and the employee will not have unsupervised contact with inmates until the required training occurs. (see FAQ)
- Agencies may utilize pre-service training/orientation that is reinforced and enhanced by on-the-job training where experienced and knowledgeable staff members partner and work with new hires to educate them further about the topics in Standard 115.31.
- Training must be gender-specific to the gender of the inmates at the facility. If an employee is reassigned from one facility to another that houses a different gender, additional training is required.
- After the initial PREA training, refresher training must be provided every two (2) years. In years in which an employee does not receive refresher training, the agency must provide refresher information on sexual abuse and sexual harassment policies. This can take many forms, including handouts, brochures, videos, computer based instruction, in person training, etc.
- The agency must document that employees understand the training they have received. This must be through an employee signature or electronic verification.

Challenges

- Providing quality, comprehensive and meaningful training on PREA to all facility staff on a regular basis while still maintaining ongoing facility operations.
- Updating training curriculum to keep it fresh and consistent with current best practices in the field. Effective training for staff is not simply repeating the same training over and over, but providing refresher training with new materials including scenarios and training aids that engage staff and increase learning and retention of the materials.
- Ensuring that those responsible for delivering the training have a strong understanding of the material, can demonstrate commitment to the values and objectives of PREA, and are able to convey the information in a manner that is meaningful to staff. In particular, providing training on some of the topics that require culture change in an agency—for instance, on the appropriate ways to communicate with people who are LGBTI in their facilities—requires trainers with very specific knowledge and sensitivity to the subject matter.

Best Practices

- Incorporate PREA concepts and PREA training in unique and meaningful ways throughout the facility operations. Think outside the box and talk about PREA at staff meetings, daily briefings, shift change meetings, management meetings, and other opportunities. Classroom training is great, but reinforcing PREA on a daily basis is even better. Be creative to find new, fresh ways to keep PREA at the forefront of staff development. PREA committees composed of staff members can be tasked with creating unique ways to provide refresher training to facility staff such as mock drills, table top exercises, informative bulletin boards, PREA contests testing knowledge, etc. By allowing staff to get creative regarding PREA, they may be more vested in the success of the sexual safety program facility wide.
- Encourage management and supervisory staff to take an active role in providing refresher training on PREA to facility staff. Not only does this show a commitment to PREA by facility leadership, teaching someone else reinforces your own learning. It is a win-win situation.
- Agencies should ensure that the employee verification forms that are signed indicating an understanding of the training are well written and detailed. In litigation, one of the key types of evidence scrutinized is staff training, so a good verification form is essential and protects the agency. It is recommended that forms such as these are reviewed by the agency counsel for legal sufficiency.

Audit Issues

- Determining whether PREA training effectively meets all the training requirements of the standards and is delivered in a manner to ensure employee understanding. The auditor must assess whether staff are putting their PREA knowledge and training into daily practice in the facility.
- Analyzing whether all facility staff have been appropriately trained on PREA prior to having contact with inmates. If there are exceptions, the auditor must determine if the circumstances are rare with only a slight delay in the staff receiving the required training.
- Assessing whether training documentation maintained by the facility is sufficient to demonstrate that employees understand the training they received on PREA. Training sign-in sheets are not adequate to demonstrate understanding.
- Determining the adequacy and appropriateness of gender specific training required by the standards.

Standard Variations

The following variations in standards are noted for Lockups, Community Confinement Facilities and Juvenile Facilities. The variations are discussed in summary fashion below and the reader should consult the full text of the specific set of standards to ensure complete understanding of the differences.

Lockups: The following differences are noted:

- Fewer training requirements generally, specifically no requirement for gender specific training or training on how to communicate effectively and professionally with LGBTI inmates.
- After the initial PREA training, facility required to provide annual refresher information only.

Juvenile: The following differences are noted:

- Training on the common reactions of victims of sexual abuse and sexual harassment must focus on juvenile victims and unique reactions for juveniles.
- Training must be tailored to the unique needs and attributes of residents of juvenile facilities in addition to gender specific training.

- Requires training on the relevant laws regarding the applicable age of consent.
- Training must cover how to distinguish between consensual sexual contact and sexual abuse between residents.

Resources

Frequently Asked Questions (FAQs) on the PREA Resource Center (PRC) Website:

<https://www.prearesourcecenter.org/frequently-asked-questions>

- The Department of Justice has issued extensive guidance that describes which arrangements between public agencies and private entities amount to a contractual agreement under this standard and which do not. Visit the PRC FAQ page and search for guidance under the standard 115.31 for the many related FAQ responses provided by DOJ. The FAQs to date are as follows:
 - September 28, 2015. *Whether teachers are subject to employee training requirements*
<https://www.prearesourcecenter.org/node/3207>
 - October 22, 2014. *Whether employees must have training prior to inmate contact*
<https://www.prearesourcecenter.org/node/3210>
- **PREA Essentials on the National PREA Resource Center Webpage**
www.prearesourcecenter.org/training-technical-assistance/PREA-essentials
- **PREA 101 Webinar Series**
 - **Adult Prisons** <https://www.prearesourcecenter.org/training-and-technical-assistance/webinars/884/prea-101-webinar-series-adult-prisons>
 - **Jails and Lockups** <https://www.prearesourcecenter.org/training-and-technical-assistance/webinars/886/prea-101-webinar-series-jails-and-lockups>
 - **Community Corrections** <https://www.prearesourcecenter.org/training-and-technical-assistance/webinars/887/prea-101-webinar-series-community-corrections>
 - **Juvenile Agencies** <https://www.prearesourcecenter.org/training-and-technical-assistance/webinars/885/prea-101-webinar-series-juvenile-agencies>
- **Additional Training Resources:** 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/>

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