

NATIONAL  
**PREA**  
RESOURCE  
CENTER

**NCCD** | National Council on  
Crime & Delinquency



# Preventing and Addressing Sexual Abuse in Tribal Detention Facilities: The Impact of the Prison Rape Elimination Act (PREA)

Webinar  
August 14, 2013

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# Mission

## National PREA Resource Center (PRC)

PRC was established through a cooperative agreement between the Bureau of Justice Assistance and NCCD. 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.



New PREA standard interpretive guidance issued from the U.S. Department of Justice.

[Click here to access the new guidance](#)



Faculty, Inmate Education regional training, Just Detention International, Columbia, SC

Search the PREA Library for Articles and Resources:



LEGAL ▶

Information about the Prison Rape Elimination Act of 2003 and related laws and legal issues.



POLICY & PRACTICE ▶

Sample PREA-related policies and PREA policy development guides.



RESOURCES ▶

Tools such as training materials



NEWS COVERAGE ▶

All PREA-related news articles, including news about the law, implementation of standards, and federal and local initiatives.



RESEARCH ▶

Federally funded and academic reports and articles on a range of PREA-related topics.



STANDARDS ▶

Federal PREA standards and information

The PREA Resource Center (PRC) is working to address sexual safety in confinement, and to assist state and local jurisdictions with implementation of the Department of Justice [national PREA standards](#).

### Need Help?

The PREA Resource Center provides training and technical assistance to adult and juvenile corrections and law enforcement agencies seeking to prevent, detect, and respond to sexual abuse in confinement.

[REQUEST ASSISTANCE](#) ▶

Resources for survivors and their families are available [here](#).

### Sign Up for Updates

The PREA Resource Center will provide information on upcoming events, new resources to our library, and PREA-

Targeted TTA

[Request for Assistance](#)

[BJA Demonstration Sites](#)

[PREA in Action](#)

[PREA Essentials](#)

[Upcoming Webinars](#)

[Archived Webinars](#)

[Regional Trainings](#)

## Training & Technical Assistance



The Prison Rape Elimination Act (PREA), which was signed into law by President George W. Bush on September 4, 2003, was created to eliminate sexual abuse in confinement. To learn more about the law and preparing for implementation, visit the [PREA 101](#) page.

In order to achieve its mission to eliminate sexual abuse in confinement facilities nationwide, the PREA Resource Center (PRC) has designed a four-pronged strategy for the development and delivery of training and technical assistance (TTA).

1. **Targeted TTA** – The PRC has implemented a process for identifying the priority needs (i.e., topics) for TTA shared by all types of confinement facilities across the country. This ongoing needs assessment process involves a compilation and review of a variety of PREA-related information sources including reports, articles, recommendations from experienced TTA providers, and surveys of the memberships of professional correctional organizations. Using the results of this assessment process, the PRC will develop and deliver TTA programs and services that address these priority needs.

The announcements and schedules for upcoming targeted TTA events (e.g., webinars, training classes) will be posted on this website so that interested participants can register in advance. Previously held events will also be posted and accessible on this site. The PRC's targeted TTA strategy is intended to make resources available to the widest possible audiences nationwide.

2. **Request for Assistance (Field-initiated TTA)** – In order to respond to the individual needs of agencies and facilities nationwide, the PRC has

Search the PREA  
Library for Articles and  
Resources:

SEARCH

### Sign Up for Updates

The PREA Resource Center will provide information on upcoming events, new resources to our library, and PREA-related issues in the news. Sign up to receive our communications via email.

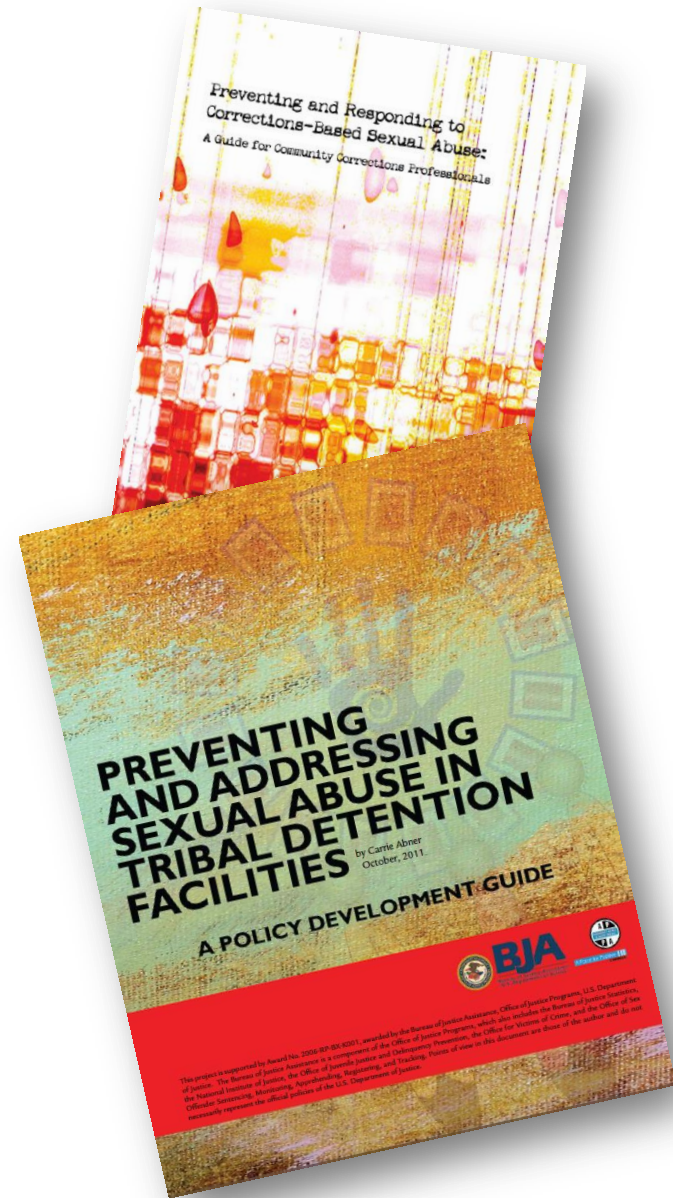
SIGN UP ▶

www.appa-net.org

The screenshot shows the homepage of the American Probation and Parole Association (APPA). At the top left is the APPA logo with the text "COMMUNITY JUSTICE & SAFETY FOR ALL". To the right of the logo is the text "American Probation and Parole Association". Further right is the slogan "A Force for Positive CHANGE." and a navigation menu with links for "HOME", "SITEMAP", and "SEARCH". Below this is a horizontal menu with categories: "ABOUT APPA", "MEMBERSHIP", "TRAINING", "PROJECTS", "RESOURCES", and "APPA SHOP".

The main content area is divided into several sections:

- ACCOUNT PROFILE LOG-IN**: A box containing the text "your information", the name "Tracy Godwin Mullins", the email "tmullins@csg.org", a "Logout" button, and the text "or first time logging in?".
- FEATURES**: A large blue box with the text "Welcome to the leading organization of professionals dedicated to the concerns of probation, parole and community-based corrections." and a link ">> learn more about APPA...".
- RESOURCE SPOTLIGHT**: A box featuring a "FACT SHEET" titled "PROMISING VICTIM-RELATED PRACTICES IN PROBATION AND PAROLE" with a small image of a man and a "FACT SHEET" icon. Below the image is the text "Promising Victim-Related Practices Fact Sheet Series #1-8".
- ANNOUNCEMENTS**: A section with the heading "DC Public Safety Radio Show on Workloads in Parole and Probation" and "Policy Implications of Police-Probation/Parole Partnerships: A Review of the Empirical Literature". It also mentions "DC Public Safety Radio Show on Police-Parole & Probation Cooperation" and "APPA Offers Free eLearning Course: The Rights and Needs of Crime Victims Opportunities for Info Sharing to Enhance Health & Public Safety Outcomes".
- ACTIONS**: A list of four items: "1. Update your Account/Profile!", "2. Be a consultant for APPA", "3. Call for Presenters: Houston", and "4. Get the National Branding Kit!".
- COMMUNITY CORRECTIONS BUYERS' GUIDE**: A box with the text "Community Corrections Buyers' Guide" and the "DISCOVER CORRECTIONS" logo.
- AVAILABLE APPA TRAINING**: A section listing training opportunities: "August 14: Preventing & Addressing Sexual Abuse in Tribal Detention Facilities: The Impact of the Prison Rape Elimination Act | Webinar" and "August 21: Mending the Circle: Challenges and Opportunities in Addressing Sexual Abuse in Tribal Detention Settings | Webinar".
- APPA WEBSITES**: A box listing various resources: "CC Marketing Strategies", "Discover Corrections", "Domestic Violence", "PPPS Week Kit (2013)", and "Project Safe Neighborhoods".



# Webinar Recording

NATIONAL  
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CENTER

An archive of this webinar will be posted on  
the PREA Resource Center website:

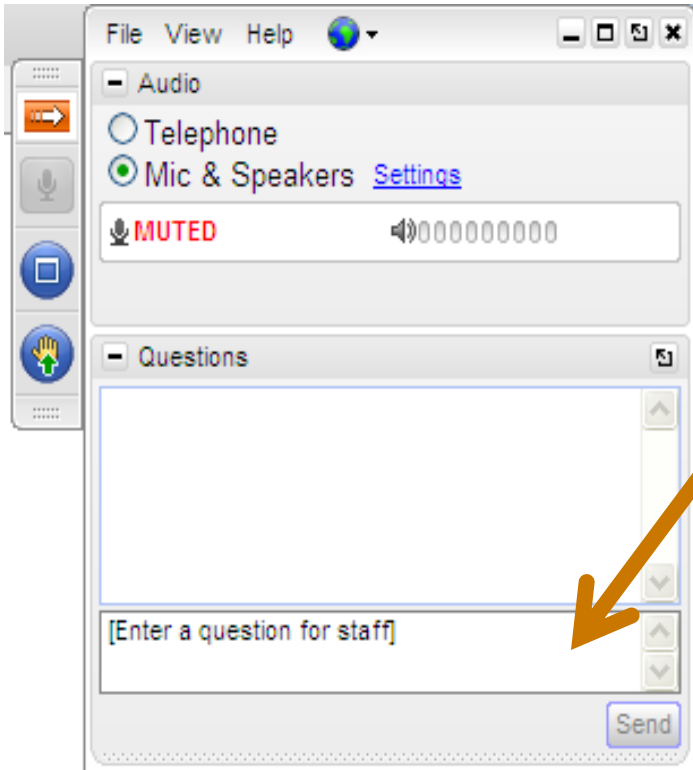
[www.prearesourcecenter.org](http://www.prearesourcecenter.org)

# Webinar Logistics

- Participants' lines are muted



# Webinar Logistics



If you have a question,  
send it to us...

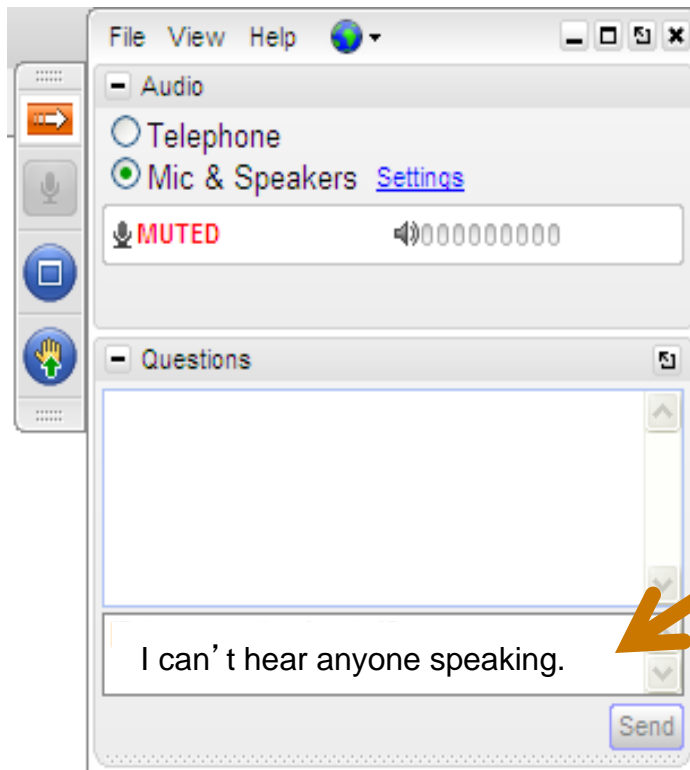


# Webinar Logistics



**Experiencing any  
technical difficulties?**

# Webinar Logistics



## Experiencing any technical difficulties?

- Use the question feature and explain your issue.

# Webinar Logistics

**Participate in the polling questions**

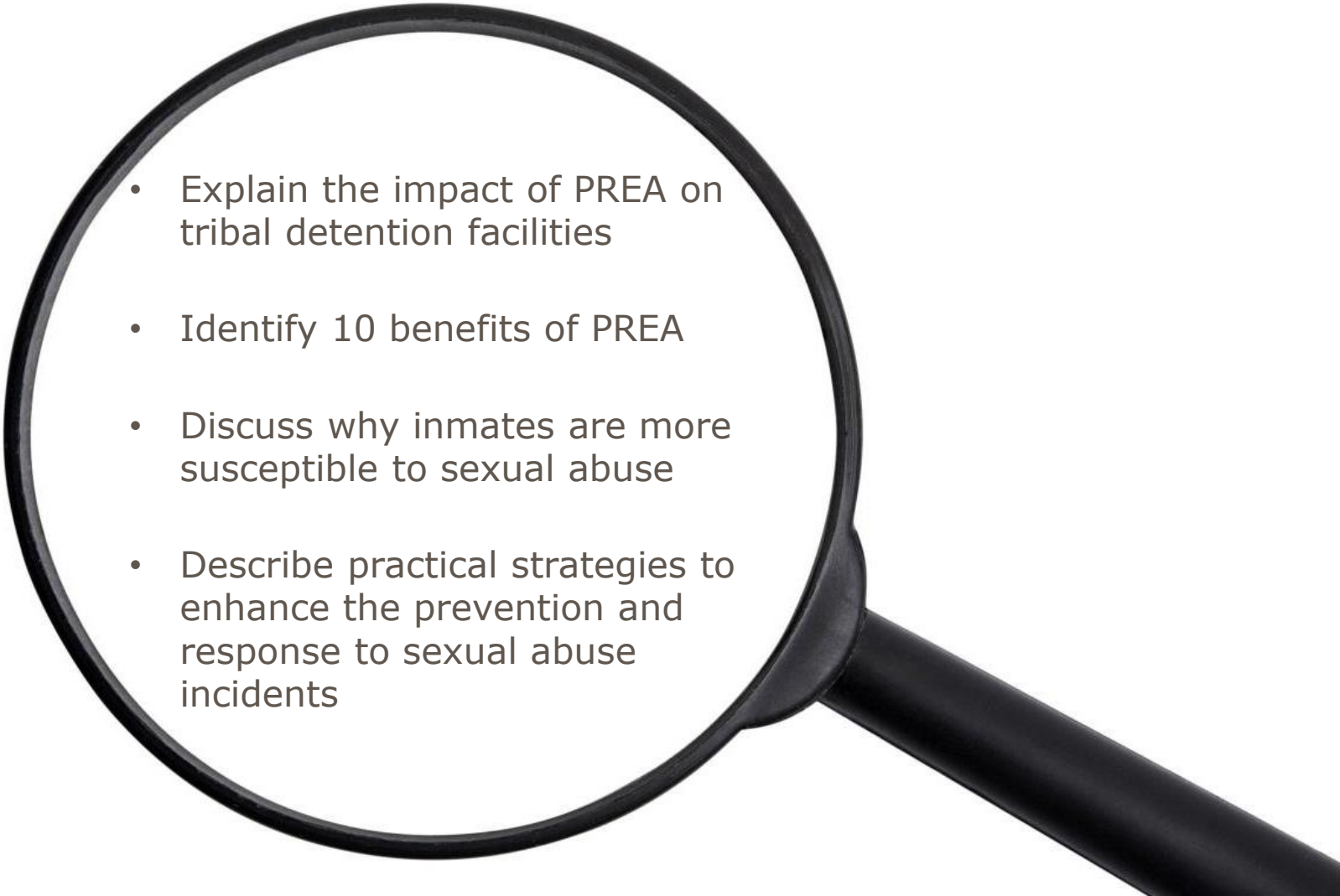


# Your Presenter



**Elizabeth Price Layman**  
**President**  
**Price Layman, Inc.**

# Learning Objectives

- 
- Explain the impact of PREA on tribal detention facilities
  - Identify 10 benefits of PREA
  - Discuss why inmates are more susceptible to sexual abuse
  - Describe practical strategies to enhance the prevention and response to sexual abuse incidents

# How Does PREA Impact Tribal Detention Facilities?

## PREA is a Federal Law



- Applies to local, state and federal adult and juvenile confinement facilities, including private facilities, and community confinement facilities.
- Law does not specifically include tribal detention facilities.
- BIA is developing a set of standards to prevent, detect, and respond to sexual abuse of inmates in BIA facilities.
- Other tribal facilities may decide to follow the PREA standards.

# How Does PREA Impact Tribal Detention Facilities?

**If PREA the law does not include tribal detention facilities, are there other laws within Indian Country that relate to the protections under PREA?**

Yes

The Indian Civil Rights Act applies in that it protects inmates from cruel and unusual punishment, namely in this instance, sexual abuse.

# How Does PREA Impact Tribal Detention Facilities?

**If PREA the law does not include tribal detention facilities, are there other laws within Indian Country that relate to the protections under PREA?**

Tribal laws prohibiting sexual assaults and sexual harassment may also apply to both inmate-on-inmate sexual abuse and staff-on-inmate sexual abuse.



# How Does PREA Impact Tribal Detention Facilities?

**If PREA the law does not include tribal detention facilities, are there other laws within Indian Country that relate to the protections under PREA?**



- Other Federal laws may apply.
- State criminal laws may apply.
- Know your laws and what applies in your specific tribes.

# Why Comply with the USDOJ PREA Standards?



- Based on promising correctional practices that address sexual abuse of inmates.
- Provides a comprehensive guide to prevent, detect and respond to sexual abuse of inmates.
- Protects the rights of inmates (Indian Civil Rights Act) to be free from cruel and unusual punishment.
- Guides us to create a safe and secure environment within confinement facilities.

# Benefits of PREA

## *Creates a high level of professionalism*

- Staff and inmates understand and practice appropriate behaviors and interactions
- Fewer fights and conflicts
- Reduces manipulation by inmates
- Staff have pride in their job



# Benefits of PREA

## *Improves the safety & security of facility*



- Staff and inmates not in unauthorized areas
- Staff more aware of ‘red flags’ that can be early indicators of abuse
- Protects staff and inmates from an unsafe environment
- Improves respect between staff & inmates, and inmates & inmates

# Benefits of PREA

## ***Reduces embarrassment and fear***

- Creates open dialogue about sexual abuse
- Provides a non-judgmental atmosphere to identify and report abuse
- Protects those who report from retaliation

## ***Public health***

- Prevents spread of sexually transmitted infections (STI), and addresses proper treatment and detection.

# Dynamics of Sexual Abuse in Confinement



What makes inmates more vulnerable to sexual abuse?

# What are the Factors that Increase the Risk for Sexual Victimization?



- Prior sexual victimization (at any time)
- Mental, physical or developmental disability
- Age
- Physical build
- Previous incarceration
- History of only non-violent offenses
- Prior sex offenses
- Lesbian, gay, bisexual, transgender or Intersex (LGBTI)
- Inmate's own perception of vulnerability

# History of Prior Abuse

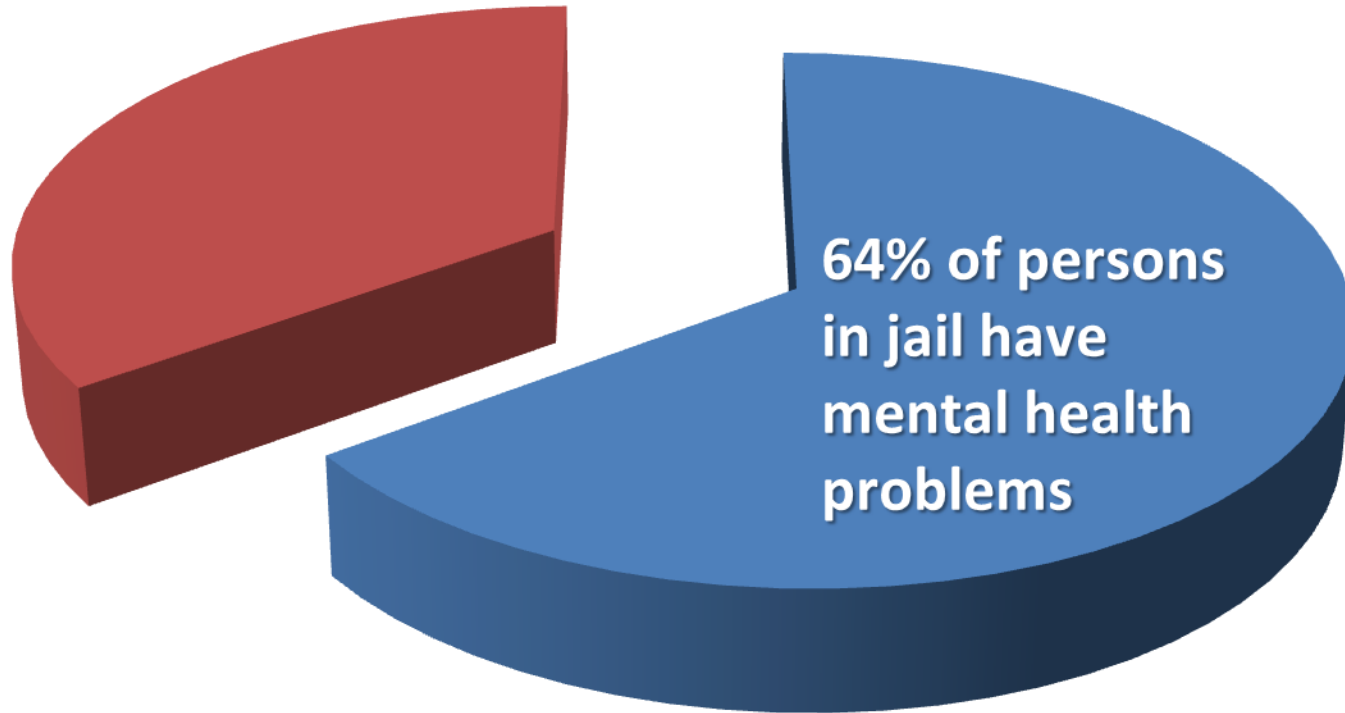
Persons with history of prior sexual victimization are

**6X** more likely

to be victimized or  
display predatory  
behavior



# Mental Health



# Tribal Statistics



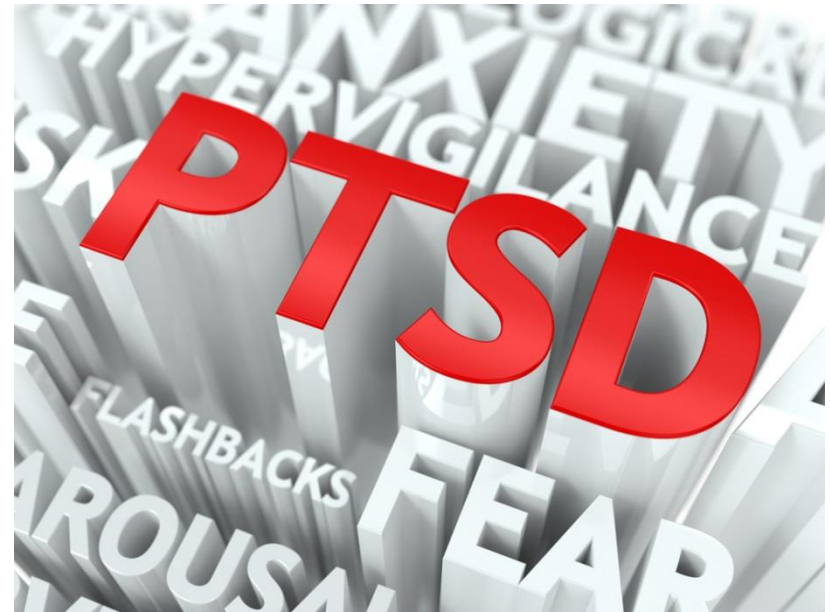
- 1.2% of those incarcerated in state and federal facilities are American Indian (but only 1% of total USA population)\*
- 40% in tribal jails are violent offenders\*
- Victimization rate in Indian country **DOUBLE** that of non-Indian citizens\*\*
- 1 in 3 women will be raped\*\*

\*United States Dept. Of Justice, Office of Justice Programs, Bureau of Justice Statistics. "Jails in Indian County 2008". Dec. 2009 NCJ 228271.

\*\*Tjaden, Patricia, and Thoennes, Nancy. "Stalking America: Findings from the National Violence Against Women Survey, National Institutes of Justice, Centers for Disease Control. April 1998.

# History of Trauma

- Less equipped to handle stress
- Pessimistic view of world
- Less able to distinguish unhealthy and exploitative relationships
- Post-Traumatic Stress Disorder (PTSD)
- Victims may lie to protect their abusers – fear, manipulation by perpetrator
- Victims may be more manipulative
  - how they learn to survive



# What Should We do to Protect Inmates, Staff and the Facility?



## **Know and implement** the PREA standards

Even if you are not legally bound to implement PREA standards, they provide an excellent guide for good correctional practice.

# What Should We do to Protect Inmates, Staff and the Facility?



## **Create a positive culture** within the facility

From leadership to line staff, provide training and foster understanding of sexual abuse of inmates and how it impacts safety, professionalism, and liability.

# What Should We do to Protect Inmates, Staff and the Facility?



**Create an open dialogue** with staff and inmates about the agency zero-tolerance for sexual abuse.

# What Should We do to Protect Inmates, Staff and the Facility?



**Be aware of the signs** of potential problems concerning interactions between inmates, and between staff & inmates.

# What Should We do to Protect Inmates, Staff and the Facility?



**Respond** consistently, promptly, and competently to all allegations.



# Key Elements of the PREA Standards

## Prevention Planning

Zero-tolerance  
[ § 115.11 ]

Have a written policy.

# Key Elements of the PREA Standards

## Prevention Planning

Know and use  
the definitions  
of sexual  
abuse

[ § 115.5 and  
§ 115.6]

Incorporate into  
policy and  
training.

# Key Elements of the PREA Standards

## Prevention Planning

Have a PREA  
Coordinator  
[ § 115.11(b) ]

Oversight and point  
of contact.

# Key Elements of the PREA Standards

## Prevention Planning

Assess staffing  
regularly  
[ § 115.13]

Assure that you are  
providing sufficient  
supervision to prevent  
sexual abuse.

# Key Elements of the PREA Standards

## Prevention Planning

Screen inmates  
for risk factors

[ § 115.41,  
§ 115.42,  
§ 115.43]

# Key Elements of the PREA Standards

## Prevention Planning

Separate those  
under 18 years of  
age from adults.  
[ § 115.14]

# Key Elements of the PREA Standards

## Prevention Planning

No cross-gender  
strip or body  
cavity searches.  
[ § 115.15]

# Key Elements of the PREA Standards

## Prevention Planning

No male officers  
conducting pat-  
searches of  
female inmates.  
[ § 115.31 ]



# Key Elements of the PREA Standards

## Prevention Planning

Use specific measures to manage transgender and intersex inmates.  
[ § 115.15(e),(f)  
§ 115.42]

# Key Elements of the PREA Standards

## Prevention Planning

Do not hire or promote if convictions or sanctions for sexual abuse.  
[ § 115.17 ]

# Key Elements of the PREA Standards

## Training and Education

### **Provide specific training for:**

- ✓ Staff [ § 115.31]
- ✓ Inmates [ § 115.33]
- ✓ Volunteers who have contact with inmates  
[ § 115.32]
- ✓ Contractors who have contact with inmates  
[ § 115.32]
- ✓ Investigators [ § 115.34]
- ✓ Medical & Mental Health practitioners [ §  
115.35]

# Key Elements of the PREA Standards

## Reporting

Mandatory reporting by staff of suspicions, knowledge of sexual abuse [ § 115.61]

Multiple ways for staff to report [ § 115.61]

Multiple ways for inmates to report (including one external) [ § 115.51]

Way for third-parties to report [ § 115.54]



# Key Elements of the PREA Standards

## Agency Response To Sexual Abuse Reports

Provide medical, mental health interventions for victims of sexual abuse. [ § 115.81, § 115.82, § 115.83]

Assure first responders know their responsibilities. [ § 115.64]

Forensic medical exams conducted appropriately. [ § 115.21]

Appropriate sanctions for perpetrators of sexual abuse, sexual harassment. [ § 115.76, § 115.77, § 115.78]



# Question/Answer



## Have a Question?

Type your question in the question/answer box.

# Upcoming Webinar...August 21, 2013

## Mending the Circle: Challenges and Opportunities in Addressing Sexual Abuse in Tribal Detention Settings

**Date / Time:** Aug 21, 2013 - 02:00pm - 03:00pm EDT  
**Webinar Host:** The American Probation and Parole Association

**Presenter (s):** Bonnie Clairmont, Victim Advocacy Specialist, Tribal Law and Policy Institute  
Darwin Long, Administrator, Oglala Sioux Tribal Jail

### **Content of the Webinar:**

The American Probation and Parole Association and the National PREA Resource Center are pleased to offer a webinar session that will discuss the impact of sexual abuse victimization on inmates in tribal detention facilities, and the unique challenges and opportunities that exist in the prevention and response to inmates who are sexually abused in Indian Country facilities. The expert presenters will discuss specific strategies that can be used to enhance the safety and security of detention facilities in native communities.

A question and answer session will be held at the end of this webinar.

### **Who Should Attend:**

Detention professionals from tribal detention facilities and confinement facilities operated by the Bureau of Indian Affairs, tribal law enforcement officers, and victim advocates.

[Link to Registration is on the PRC website](#)

# Upcoming Regional Training...

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## **Preventing and Addressing Sexual Abuse in Tribal Detention Facilities: The Impact of the Prison Rape Elimination Act**

**Date/Time:** September 12, 2013, 8:00 – 5:00 pm (MDT)

**Event Host:** The American Probation and Parole Association & Pueblo of Laguna Detention Facility

**Event Location:** Route 66 Casino & Hotel, 14500 Central Avenue, SW, Albuquerque, NM

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# PREA Toolkits for Jails and Juvenile Facilities



## Implementing the Prison Rape Elimination Act: A Toolkit for Jails



1 / 5

### Welcome

Welcome to the PREA Toolkit for Jails! This folder contains introductory information and instructions on how to use the Toolkit.



Welcome

(5)



Introductory Information

(1)



Self-Assessment Checklist

(1)



# For More Information

For more information about the **National PREA Resource Center**, visit [www.prearesourcecenter.org](http://www.prearesourcecenter.org). Direct questions to [info@prearesourcecenter.org](mailto:info@prearesourcecenter.org)

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For more information about the **American Probation & Parole Association**, visit [www.appa-net.org](http://www.appa-net.org). Direct questions to [tmullins@csg.org](mailto:tmullins@csg.org).

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