Prison Rape Elimination Act 101

Connecticut Alliance to End Sexual Violence

December 15th, 2021
The mission of the PRC is to assist adult prisons and jails, juvenile facilities, lockups, community confinement, 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.
Mute

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Submitting questions

To submit a question related to the content of the presentation, use the chat feature on your Zoom toolbar, as seen below.
• Welcome & introductions
• Housekeeping & logistics
• Detention in the United States
• Sexual Abuse in Detention Settings
• The PREA Standards
• Reporting and Investigations in Detention
• Questions
• Resources
• Evaluations
Training Series

- December 15th – PREA 101
- January 19th – Providing Services to Incarcerated Survivors
- January 28th – Coaching Session with JDI #1
- February 23rd – Strengthening Victim Services Partnerships
- February 25th – Coaching Sessions with JDI #2
- March 25th – Coaching Sessions with JDI #3
Kris Mady

He/Him/His & They/Them/Theirs
Program Director
Just Detention International
kmady@justdetention.org
Jamila Cervantes

They/Them/Theirs

Program Officer

Just Detention International

jcervantes@justdetention.org
JDI’s Mission

Just Detention International is a health and human rights organization that seeks to end sexual abuse in all forms of detention.

JDI carries out its mission by:

• Working with corrections officials, rape crisis advocates, and policymakers to make detention facilities safe
• Promoting public attitudes that value the dignity and safety of people in detention
• Supporting incarcerated survivors of sexual abuse and sexual harassment
JDI’s Core Principle

No matter what crime a person may have committed, rape is not part of the penalty.
"The assault wasn't my fault, and just because I was incarcerated, I did not deserve to be raped."

- Johanna, a prison rape survivor
Language

• We will be using the word ‘incarcerated person’ or 'prisoner' instead of ‘inmate’

• We will also be using the term 'survivor' rather than 'victim'

Photo credit: Marek Uliasz
Self Care

- Slow Down
- Keep Calm
- Be Positive
- Take It Easy
- Unplug
- Enjoy Life
- Have Fun
- Breathe
- Relax
- Go Outside
- Meditate
Introductions
Detention in the United States
What Is Detention

- Prisons
- Jails
- Lockups
- Community confinement facilities
- Juvenile facilities
- Immigration facilities

Photo credit: Just Detention International
Traumatizing Nature of Detention

- Constant surveillance
- Lack of autonomy and privacy
- Lack of control over environment
- Routine searches of person/cell
- Frequent use of restraints
- Isolation
- Minimal health services

Photo credit: Just Detention International
How many people are locked up in the United States?

The U.S. locks up more people per capita than any other nation, at the staggering rate of 698 per 100,000 residents. But to end mass incarceration, we must first consider where and why 2.3 million people are confined nationwide.

State Prisons 1,291,000
Local Jails 631,000
Federal Prisons & Jails 226,000

Sources and data notes: See https://www.prisonpolicy.org/reports/pie2020.html
Many adults who are incarcerated across the United States are:

- Men
- Black
- People with mental illness

BLACK PEOPLE ARE INCARCERATED AT FIVE TIMES THE RATE OF WHITE PEOPLE

© Just Detention International
Complex Trauma Histories

Previous trauma may include:

- Child abuse
- Sexual abuse
- Domestic violence
- Gang violence
- Police violence
- Limited resources

Photo credit: Steve Liss, Open Society Foundation
How many Connecticut residents are locked up and where?

16,000 of Connecticut’s residents are locked up in various kinds of facilities

State Prisons
14,000

Federal Prisons
1,500

Youth 140
Involuntary Commitment 170

Sources and data notes: See https://www.prisonpolicy.org/reports/correctionalcontrol2018.html
Landscape of Detention in CT

**Operated by Federal Bureau of Prisons**
- One facility: FCI Danbury
- Population: 1,046

**Operated by CT Department of Correction**
- 13 adult facilities (jails with pre-trial detainees and prisons with sentenced incarcerated people), 1 youth facility, 30 contracted Community Confinement Facilities
- Population: 9,431
- CT DOC houses 1,075 youth (ages 14-24)

**Operated by State of Connecticut Judicial Branch**
- Two juvenile detention centers: Bridgeport, Hartford
- Statewide pretrial detention admissions (2020 FY): 747 youth
- Average stay: 23 days, average daily pop: 44 people

Sources:
Connecticut Racial/Ethnic Disparities

State v. Incarcerated Population (%)

<table>
<thead>
<tr>
<th></th>
<th>Native American</th>
<th>Asian</th>
<th>Hispanic/Latino</th>
<th>Black</th>
<th>White</th>
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<tbody>
<tr>
<td>CT Census</td>
<td>1</td>
<td>5</td>
<td>17</td>
<td>12</td>
<td>80</td>
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<tr>
<td>CT DOC</td>
<td>0.3</td>
<td>0.4</td>
<td>28</td>
<td>43</td>
<td>28</td>
</tr>
</tbody>
</table>

Sources:
Sexual Abuse in Detention Settings
Video: Rodney video

Photo credit: The New York Times
Approximately 200,000 adults are sexually abused behind bars every year in the U.S.

STUDY SHOWS NEARLY EQUAL RATES OF SEXUAL ABUSE BY STAFF AND OTHER INCARCERATED PEOPLE

7.1% of youth in juvenile facilities reported being sexually abused while in detention

Source: Bureau of Justice Statistics, Sexual Victimization Reported by Youth in Juvenile Facilities, 2018 (December 2019). © Just Detention International
Staff-on-Youth Sexual Abuse

- Talked about sex, joked or shared sexual stories with youth: 82%
- Told youth about personal life outside of work: 77%
- Told youth they felt emotionally close/had special feelings: 74%
- Gave youth money/other special gifts: 55%
- Got youth out of trouble/made things easier: 54%
- Gave youth pictures or wrote letters: 49%

Sexual abuse may include:

- Sexual harassment
- Protective pairing
- Domestic violence
- Sexual exploitation
- Gang abuse
- Rape
- Abusive searches
Which groups do you think are most likely to be targeted for sexual abuse?
### Individuals at Increased Risk

Incarcerated people with an increased risk of sexual victimization:

<table>
<thead>
<tr>
<th>Category</th>
<th>Risk Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>People who have a mental illness or developmental disability</td>
<td>&gt; 3X more likely than the overall population</td>
</tr>
<tr>
<td>Previously Sexually Victimized</td>
<td>6X more likely</td>
</tr>
<tr>
<td>Lesbian, Gay, Bisexual</td>
<td>&gt; 6X more likely</td>
</tr>
<tr>
<td>Transgender</td>
<td>&gt; 8X more likely</td>
</tr>
</tbody>
</table>

"Although you may think that I'm not like you, we may not be so different. I want to have control over my own body and my life, just as you do. I absolutely did not want to have sex with that man in the jail, but I felt powerless to refuse him."

- Cecilia, a trans woman and former member of JDI’s Survivor Council
The PREA Standards
Poll – PREA Experience

How comfortable are you with the PREA standards?

1. Very comfortable – I have a strong understanding of the standards and my role

2. Sort of comfortable – I understand the intent, but still have questions

3. New to PREA – I don’t know too much about PREA
PREA Standards Checklist

- Keep people safe
- Protect survivors from abusers
- Provide multiple ways to report
- Offer medical and mental health care
- Increase accountability
- Provide survivors access to victim services
PREA Violation vs Rule Violation

**Sexual Abuse / Sexual Harassment**
- Perpetrator: Staff or other incarcerated person
- PREA violation
- Crime

**Consensual Sex**
- Between incarcerated people
- Never with staff
- Rule violation
- Not a crime
The PREA standards are not binding on rape crisis centers.

It is the responsibility of corrections agencies to implement and comply with the PREA standards.

Under the standards, corrections agencies are required to “attempt to” establish an MOU with local rape crisis centers.
Keep People Safe

- Create good policies and procedures
- Designate a PREA Coordinator\(^1\)
- Ensure adequate staffing and supervision\(^2\)
- Limit cross-gender viewing and searches\(^3\)

\(^1\) PREA Standard §115.11 (Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator)
\(^2\) PREA Standard §115.13 (Supervision and monitoring)
\(^3\) PREA Standard §115.15 (Limits to cross-gender viewing and searches)
Protect Survivors From Abusers

• Conduct staff training\(^1\)
• Provide education to the incarcerated population\(^2\)
• Review screening and classification processes\(^3\)
• Protect those who report sexual abuse from retaliation\(^4\)

\(^1\) PREA Standard §115.31 (Employee training)
\(^2\) PREA Standard §115.33 (Inmate education)
\(^3\) PREA Standards §§115.41 (Screening for risk of victimization and abusiveness)
\(^4\) PREA Standard §115.67 (Agency protection against retaliation)
Provide Access to Medical and Mental Health Care

- For emergencies
- For ongoing care
- Provided at no cost to the survivor

(1) PREA Standards §115.81 (Medical and mental health screenings; history of sexual abuse) §115.82 (Access to emergency medical and mental health services), and §115.83 (Ongoing medical and mental health care for sexual abuse victims and abusers)
Provide Access to Victim Services

• Forensic exam and accompaniment

• Accompaniment at investigatory interviews

• Confidential follow-up services

• Confidential emotional support via phone or letter

• Equal opportunity and meaningful access to services

(1) PREA Standard §115.21 (Evidence protocol and forensic medical examinations)
(2) Ibid.
(3) PREA Standard §115.53 (Inmate access to outside confidential support services)
(4) Ibid.

Photo credit: grasswire.com
Increase Accountability

- All reports taken seriously and investigated\(^1\)
- Perpetrators held accountable\(^2\)
- All incidents reviewed\(^3\)

\(^1\) PREA Standards §115.61 (Staff and agency reporting duties), §115.71 (Criminal and administrative agency investigations), §115.72 (Evidentiary standard for administrative investigations), and §115.73 (Reporting to inmates)
\(^2\) PREA Standards §115.76 (Disciplinary sanctions for staff), §115.77 (Correction action for contractors and volunteers), and §115.78 (Disciplinary sanctions for inmates)
\(^3\) PREA Standard §115.86 (Sexual abuse incident reviews)
Reporting and Investigations in Detention
Agencies must provide multiple, internal ways for incarcerated people to privately report:

- Sexual abuse and sexual harassment
- Retaliation by other inmates or by staff for reporting sexual abuse and sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to the sexual abuse and sexual harassment
- Agencies must also have at least one external option
The Differences Explained

External (Outside) Reporting 115.51
- Purpose: Official reporting option not part of corrections agency
- Who: Staff and incarcerated individuals
- Advocate involvement? NO

Third-Party Reporting 115.54
- Purpose: Report sexual abuse or sexual harassment on someone's behalf
- Who: Family, friends, others
- Advocate involvement? NO

Confidential Support Services 115.53
- Purpose: Services to any survivors, no matter where or when abuse occurred
- Who: Incarcerated individuals
- Advocate involvement? YES
The corrections agency must establish:

• A method to receive third-party reports of sexual abuse and sexual harassment

• Make third-party reporting information publicly available
Anyone can report abuse on behalf of an incarcerated person at adult facilities via:

- PREA Investigative Unit hotline: (770) 743-7783
- PREA Director's Office, in writing or by phone:

  Dave McNeil  
  945 Highland Ave.  
  Cheshire, CT 06410  
  (203) 250-8136
After an initial report is made, an investigation will be initiated

- If the sexual abuse was within 120 hours, a forensic exam may be done to gather evidence
- Specially trained investigators will gather any additional evidence
- Investigators will interview alleged victims, suspected perpetrators, and witnesses
Definitions

Substantiated
- Report that was investigated and determined to have occurred

Unfounded
- Report that was investigated and determined to not have occurred

Unsubstantiated
- Report that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred
Following an Investigation

• If the abuse was perpetrated by a **staff member**, and was determined to be substantiated or unsubstantiated a survivor should also be notified when:
  
  • The staff member is no longer posted within their unit or is no longer employed at the facility

• If the abuse was perpetrated by **another incarcerated individual**, and was determined to be substantiated or unsubstantiated a survivor should also be notified when:
  
  • The agency learns that the alleged abuser has been indicted or convicted of a charge related to sexual abuse within the facility
200,000 people were sexually abused in detention in 2011.

8,763 reports were filed.

902 reports were substantiated.*

Join us for Providing Services to Incarcerated Survivors, the second webinar in this series on January 19th!

We will be discussing best practices for advocates who are working with incarcerated survivors:

- On the hotline
- Via letters
- At forensic exams
- And more!
Questions & Answers
Additional Resources

• PREA prison and jail standards for adults and youth facilities: https://www.prearesourcecenter.org/implement/prea-standards/prisons-and-jail-standards
  https://www.prearesourcecenter.org/implement/prea-standards/juvenile-facility-standards

• PREA Standards in Focus: https://www.prearesourcecenter.org/StandardsinFocus

• JDI Advocate resources: https://justdetention.org/resources/service-providers-resources/service-provider-resources/

• JDI Resource Guide for Survivors of Sexual Abuse Behind Bars: https://justdetention.org/service/
Additional Resources

- OVW Webinar Series – Vulnerable and Underserved: https://justdetention.org/webinar/#archived

- Fact Sheets for Service Providers: https://justdetention.org/resource/publication/


- Recommendations for Administrators of Prisons, Jails, and Community Confinement Facilities for Adapting the U.S. Department of Justice’s A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents: http://1.usa.gov/1LSlID5
Additional Resources

• JDI PREA Resources (No One Left Behind)
  https://justdetention.org/resources/prea-resources/

• FAQ: Are rape crisis centers or other victim service providers appropriate entities to serve as external reporting entities, pursuant to PREA Standard 51(b)?
  https://www.prearesourcecenter.org/frequently-asked-questions/are-rape-crisis-centers-or-other-victim-service-providers-appropriate
Jurisdictions can request assistance by completing a web form on the PRC website under the “Implementation” tab and clicking “Request for assistance” under “Training”.
Michela Bowman
PRC Co-Director
mbowman@prearesourcecenter.org

Jenni Trovillion
PRC Co-Director
jtrovillion@prearesourcecenter.org

For more information about the National PREA Resource Center, visit www.prearesourcecenter.org.

To ask a question, please visit our Contact us page.
For More Information

Tara Graham, National Program Director, Just Detention International
tgraham@justdetention.org or 202-680-3408

Kris Mady, Program Director, Just Detention International
kmady@justdetention.org

Edward Cervantes, Senior Program Officer, Just Detention International
ecervantes@justdetention.org

Jamila Cervantes, Program Officer, Just Detention International
jcervantes@justdetention.org
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