

# PRISON RAPE ELMINATION ACT

## LESSONS LEARNED

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### FLORIDA JUVENILE JUSTICE ASSOCIATION

### 2015 ADOLESCENT CONFERENCE

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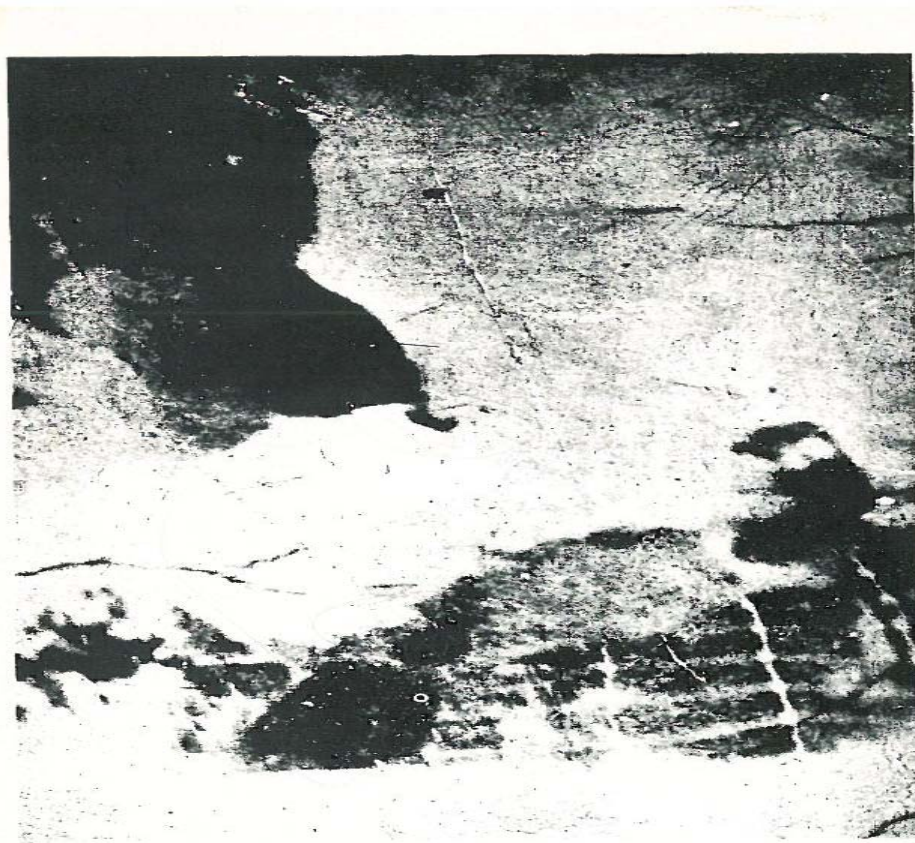


# Prison Rape Elimination Act

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## WHAT IS IT?

**This picture is not a illusion. It is an actual picture of a familiar object.**

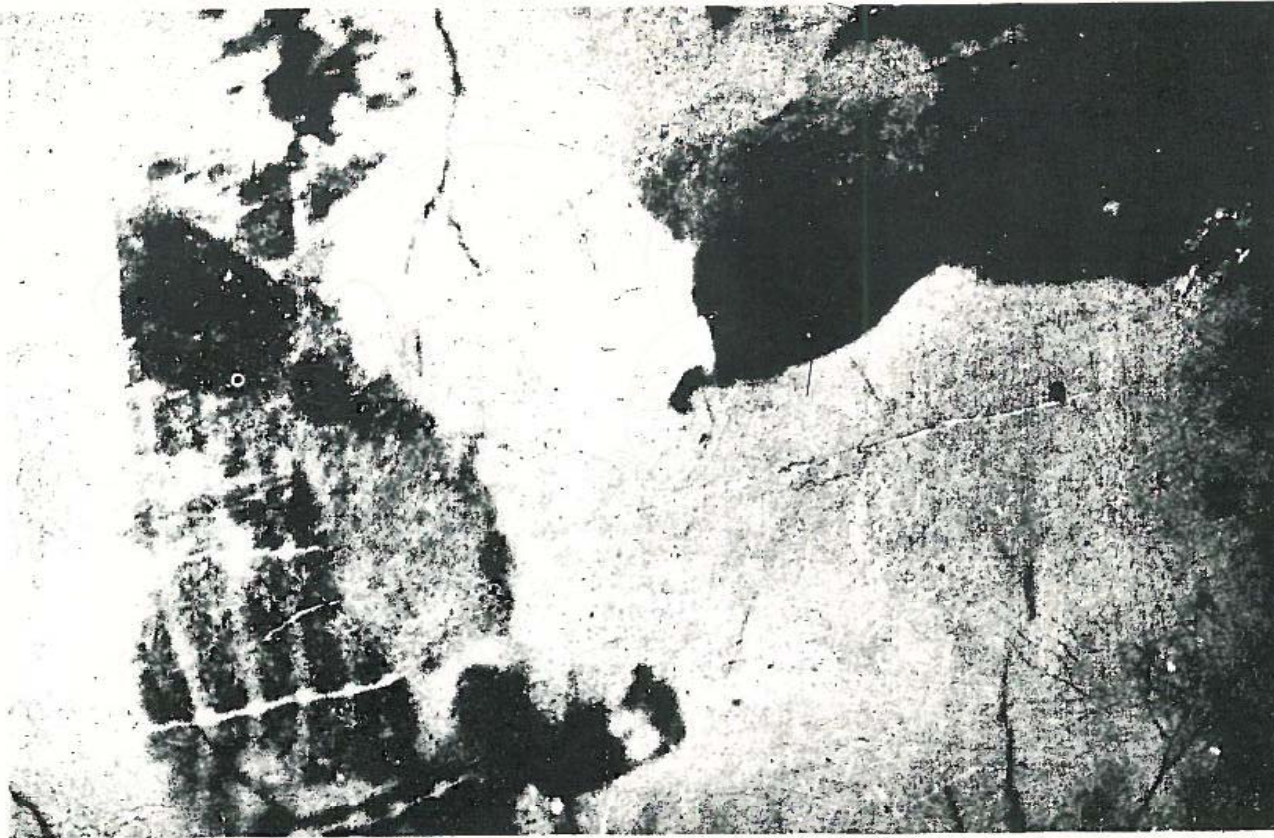




# Prison Rape Elimination Act

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Does this help?







# Prison Rape Elimination Act

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# Prison Rape Elimination Act

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## **What is PREA ?**

### **PRISON RAPE ELIMINATION ACT**

- Federal law enacted in 2003
- Establishes a 'zero-tolerance' for sexual assault and rape
- Incorporates a number of standards for detection, prevention, reduction and treatment
- Requires collection of data on all sexually related incidents
- Federal audits occur every 3 years



# PREA LESSONS LEARNED

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- **PRE-Audit Preparation**
  - **Have a team of all department heads**
  - **Tour your facility together–**
    - ✦ **Identify blind areas, check positioning of staff, ensure youth can perform bodily functions/showers/changing clothes without staff viewing**
    - ✦ **Ensure PREA material is available to youth and that they contain both phone numbers and addresses (posters, pamphlets, etc.)**
    - ✦ **Ensure staff are making appropriate announcements**
  - **Review each standard alongside your current policy.**
  - **Create files for each standard**
    - ✦ **Identify documents that will be reviewed**
    - ✦ **Obtain MOU's with victim advocate**
    - ✦ **Verify where SAFE/SANE services are provided**



# PREA LESSONS LEARNED

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- **PRE-Audit Preparation**
  - **Contact your peers that have already been through the process**
  - **Ensure all staff have received training, including specialized training**
  - **Discuss during shift briefings on a regular basis**
  - **Discuss during all staff meetings**



# PREA LESSONS LEARNED

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- **PRE-Audit Preparation**
  - **Standards that could be N/A**
    - ✦ **115.312 – Contracting with other entities**
    - ✦ **115.321(a)&(c) Evidence protocol and forensic exams**
    - ✦ **115.334 - Reserved**
    - ✦ **115.352 – Exhaustion of administrative reviews**
    - ✦ **115.366 – Facility’s ability to protect resident from contact with abuser**
    - ✦ **115.368 – Post-allegation protective custody**
    - ✦ **115.371 – Criminal and administrative agency investigations**
    - ✦ **115.372 – Evidentiary standard for administrative investigations**





# PREA LESSONS LEARNED

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- **PRE-QUESTIONNAIRE**
  - **Answer all questions**
  - **Prepare your flash-drive – folders for each standard and add information that is only applicable to that standard**
    - ✦ **Make sure your FOP has been personalized to reflect your specific facility**
    - ✦ **Be sure to add the page number and where the auditor can locate it in your FOP or FDJJ 1919**
    - ✦ **The less work they have to do up front the better it is for you come the day of audit**
  - **Be responsive, get the information to the auditor on time**



# PREA LESSONS LEARNED

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- **Audit**
  - **Provide the Auditor with a go to person when they are at the facility**
  - **Ensure that there is a way to monitor the youth during the interview (maintain sight contact)**
  - **Prepare your staff and youth for Auditor interviews**
    - ✦ **Review the auditor questions for**
      - **Staff**
      - **Youth**
      - **Administrators**
      - **Medical and Mental Health staff**



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Relevant standards that should be maintained by the facilities;

## PREVENTION

- **A staffing plan that incorporates a 1 to 8 staffing ratio**
  - This is NOT a staff schedule
  - Where the documentation is made
  - This plan details when facility does not meet this ratio
  - Tracks the reasons for not meeting the 1 to 8 ratio
    - Addresses blind areas
  - Addresses video monitoring system
- **Ensures youth with limited English proficiencies have an equal opportunity to participate and benefit from DJJ's effort to prevent, detect and respond to sexual abuse and sexual harassment.**
  - How does facility provide it?
  - Language Line Solutions is an alternative
  - Keep a master list of all staff that speak other languages including sign.
- **The agency shall not hire or promote anyone or use a contractor that has engaged in any sexual abuse**
  - Documentation of background screening according to FDJJ policy 1800



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## PREVENTION cont'd

- **All youth will be screened for vulnerability to victimization and abusiveness**
  - Facility will complete a Vulnerability to Sexual Abuse (VSAB) on each youth admitted
    - ✦ VSAB will remain in youths file and be periodically reviewed
      - This can be accomplished by your Case Manager during a routine meeting with youth
      - Must be completed when there is an allegation of either victimization or the subject of an investigation
  - This form will be used to determine placement and room assignments
    - ✦ Documentation will be kept in youths file
    - ✦ Be sure that individual making the room assignment signs the VSAB



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## REPORTING

- Each facility will have a 'Coordinated Response' that details every staff's responsibility in the event of a PREA related incident.
  - This details each persons responsibility, first responder, supervisor, medical, mental health and administrators.
  - Should contain the phone numbers that would be needed; including local hospital and victim advocate
- Each facility will have a cooperative agreement (or documented attempts) with a local rape crisis facility for victim advocacy services and also know where SAFE/SANE medical staff is available.
  - The Florida Council Against Sexual Violence is an excellent resource to find the local rape crisis center ([fcasv.com](http://fcasv.com))





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## REPORTING (cont)

- **Maintain files of all investigations**
  - **Must contain all documents to show proof that all required actions were completed**
  - **Must include documented notification to the youth at the conclusion of the investigation**
  - **Must contain the Incident Review document if Substantiated or Unsubstantiated**



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## TRAINING AND EDUCATION

- All employees in residential and detention facilities will be trained using the PREA SkillPro training
  - Documentation will be kept in employees training file
  - All staff will be retrained every 2 years
- All volunteers and contractors will be trained regarding DJJ's commitment to eliminating sexual abuse according to FDJJ policy 1919
- All Medical and Mental Health staff are required to complete a specialized PREA training in SkillPro.
- All youth will receive information at intake & will be educated on DJJ's PREA policy within 10 days after admission
  - Documentation will be kept in youths file
  - DJJ has created a video for this purpose



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## Reminders:

- Where does facility document when they do not meet the PREA required 1 to 8 and 1 to 16 staffing ratios?
- What is facilities plan to provide interpretive services?
- How does facility document youth received PREA orientation (within 48hrs) and education (within 10 days) of admission?
- Is the VSAB being completed?
  - Is VSAB signed by staff making room assignment



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- Does facility have a PREA Coordinated Response plan for sexual assault and abuse incidents?
- Does facility have a MOU with local rape crisis center?
- Can the facility provide documentation for training?
  - Employees?
  - Youth?
  - Contractors and volunteers?
- Does facility provide multiple ways for youth to report sexual assaults/abuse /harassment?
  - Are youth aware of these?



# PREA LESSONS LEARNED

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## Helpful Resources

- **Florida Council Against Sexual Violence**
  - fcasv.com provides a list of certified Sexual Assault Nurse Examiners (SANE) and Sexual Assault Forensic Examiners (SAFE)
- **Languageline Solutions provides interpretive services for youth**
  - <http://www.languageline.com>
- **Certified DOJ PREA Auditors for consultation**
  - Peter Plant- G4S, [peter.plant@us.g4s.com](mailto:peter.plant@us.g4s.com)
  - Bobbi Pohlman – G4S, [bobbi.pohlman@us.g4s.com](mailto:bobbi.pohlman@us.g4s.com)
  - Jeff Wenhold – DJJ, [Jeff.Wenhold@djj.state.fl.us](mailto:Jeff.Wenhold@djj.state.fl.us)
  - Gene McMahan – DJJ, [gene.mcmahan@djj.state.fl.us](mailto:gene.mcmahan@djj.state.fl.us)





# PREA LESSONS LEARNED

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## Helpful Resources

- National PREA Resource Center
  - <http://www.prearesourcecenter.org>
- Florida Department of Juvenile Justice PREA webpage
  - [http://www.djj.state.fl.us/partners/prison-rape-elimination-act-\(prea\)](http://www.djj.state.fl.us/partners/prison-rape-elimination-act-(prea))



# PREA LESSONS LEARNED

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- **Post Audit**
  - 30 days after the on-site audit the Auditor will complete an Interim Audit Report
  - Some of the issues that Auditors find can be corrected before their **30 day Interim Report** is completed
    - ✦ You will be given a chance to correct issues
    - ✦ If all issues are corrected in 30 period the interim report will then be considered your final report
  - If the Interim Audit Report indicates there are standards that were not met, there is a 180 day period for the program to meet the standards before the **Final Audit Report** is completed.



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Questions?

