



Prison Rape Elimination Act: Basics, Overview of the Standards, Compliance & Governor's Certification



Prison Rape Elimination Act (PREA)

- Unanimously passed both houses of Congress in 2003
- First Federal Law to address sexual abuse in detention (prisons, jails, juvenile facilities, lockups, community confinement)
- Required data collection efforts, a grant program, a bipartisan commission, and national standards

Prison Rape Elimination Act (PREA)

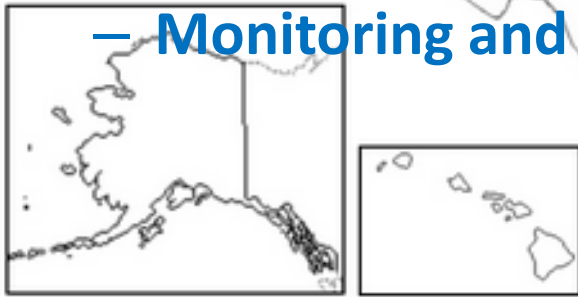
- **No one** deserves to be sexually abused
- Sexual abuse in detention is unacceptable and **not** part of the punishment
- Tolerating sexual abuse in detention is harmful to individual inmates & to the SA movement
- Sexual abuse is a crime no matter where it is committed.
- Sexual abuse in detention jeopardizes safety & security of everyone

PREA Timeline

- 2003 – Passage of Legislation
- 2009 – DOJ receives the National Prison Rape Elimination Commission (NPREC) draft standards & begins rulemaking process
- 2012 – DOJ issues final standards, which are immediate applicable to the Federal Bureau of Prisons
- 2013 – First 3 year audit cycle begins August 20, 2013
- 2014 - FFY 2014 is the first year for potential grant reductions through DOJ grants to states

PREA Standards

- Released by DOJ on May 17, 2012
- Applies to corrections facilities nationwide
- Comprehensive set of guidelines related to all aspects of custodial sexual abuse:
 - Prevention
 - Detection
 - Response
 - Monitoring and Data Collection



PREA Standards

- A three (3) year audit compliance process
- One third of each type of facility operated by an agency, or private organization on behalf of any agency, audited **every** year.
- Audits began August 2013

PREA Standards and Service Providers

Victims of sexual abuse in confinement deserve advocacy & treatment services comparable to those available in the community.

PREA Standards and Service Providers

- Access to victim advocates for forensic medical exams & outside confidential support services (115.21, 115.121, 115.321; 115.53, 115.253, 115.353)
- Coordinated response planning (115.65, 115.165, 115.265, 115.365); and
- Emergency medical services (115.82, 115.182, 115.282, 115.382) and on-going mental health care for victims (115.83, 115.283, 115.383).

Attempt to enter into written working agreements with community service providers

PREA State List

- The PREA statute requires the department to make publicly available the lists of states and territories that submitted certifications and assurances, and those that will be subject to a five percent reduction in certain department grant funds.
- <http://www.bja.gov/Programs/PREAcompliance.pdf>
- *States that certified full compliance (2)*
- New Hampshire
- New Jersey

PREA State List

- *States and territories that submitted an assurance (46)*

- Alabama
- Alaska
- American Samoa
- Arkansas
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Georgia
- Guam
- Hawaii
- Illinois
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan
- Minnesota
- Mississippi
- Missouri*
- Montana
- Nevada
- New Mexico
- New York
- **North Carolina**
- North Dakota
- Ohio
- Oklahoma
- Oregon
- Pennsylvania
- Puerto Rico
- Rhode Island
- South Carolina
- South Dakota
- Tennessee
- US Virgin Islands*
- Vermont
- Virginia
- Washington
- West Virginia
- Wisconsin
- Wyoming

*Governor's
stating juvenile
facility full
compliance

PREA State List

- *States and the territory subject to a five percent reduction in certain department grant funding after declining provide an affirmation or certification of compliance (8)*
- Arizona
- Florida**
- Idaho
- Indiana
- Nebraska
- Northern Marianas Islands**
- Texas
- Utah

- **States and territories that not have yet provided sufficient information from the governor to indicate whether or not they will affirm or certify compliance

Governor's Certification

- On May 15, 2014, Governor McCrory submitted an assurance letter that not less than 5% of NC USDOJ funding for prison purposes shall be used only for the purpose of enabling NC to adopt an achieve full compliance with the PREA standard.
- All facilities in the State under the **Governor's operational control**, including facilities operated by private entities on behalf of NC.
- Does not include those under the control of **counties, cities, or other municipalities, or privately-operated facilities not operated on behalf of the Governor.**

Governor's Certification

- Governor uses most recent agency audit results
- Audits are a primary, but not the only factor
- Other relevant information
 - Self audits/assessments using available instrument

NC Federal Grant Funding Impact

- Office of Justice Programs
 - BJA's Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program (estimated \$160,450)
 - Office of Juvenile Justice & Delinquency Prevention's (OJJDP) Juvenile Justice & Delinquency Prevention Act Formula Grant Program (estimated \$20,323)
 - Office on Violence Against Women
 - STOP (Services, Training, Officers, & Prosecutors) Violence Against Women Formula Grant Program (estimated \$183,609)

Acknowledgements

- Just Detention International
- Washington State Department of Corrections (DOC), Washington Coalition of Sexual Assault Programs, and Washington Office of Crime Victim Assistance.
- National Criminal Justice Association, National Governor's Association, US DOJ Bureau of Justice Assistance, National PREA Resource Center, National Council on Crime & Delinquency
- National Sexual Assault Resource Sharing Project
- National Alliance to End Sexual Violence

PREA Resources

- Just Detention International – www.justdetention.org - is a health & human rights organization that seeks to end sexual abuse in all forms of detention (1980).
 - **June 25 - *On the Inside: The Logistics of Providing Services Behind Bars*** - Liability and confidentiality in relation to the PREA & the unique role of the rape crisis advocate. Logistics of setting up services for incarcerated survivors, including writing memoranda of understanding, planning for funding and other resources, and troubleshooting.

PREA Resources

- National PREA Resource Center - www.prearesourcecenter.org - aim is to provide assistance to those responsible for state and local adult prisons and jails, juvenile facilities, community corrections, lockups, tribal organizations, and inmates and their families in their efforts to eliminate sexual abuse in confinement.

Upcoming PREA Webinars

- **July 23- Understanding the Culture of Corrections in NC** – The purpose of this webinar is to provide participants with better understanding of NC Correction Facilities by presenting an overview of NC Criminal Justice System, Inmate Demographics, Vulnerable Incarcerated Populations & the Role of Correction officials.
- **August 27 - Maintaining Professional Boundaries w/Inmates** – Presenter will offer insight on nuances in providing advocacy services with an incarcerated victim in a correction facility.
- **September 24 - Policy, Procedures, & Facility Guidelines** – Participants will obtain working knowledge of correction facilities policy, procedures & facility guidelines & protocols to assist them in providing advocacy inside a corrections facility.

PREA Advisory Board

Region A (Western)

Region B (Northwestern)

Region C (Southwestern)

- Brandy Redmile Stephens, Safe Alliance, Mecklenburg
- Donna Miller, Esther's House, Stanly

Region D (Central)

- Rebecca Gibson, DCRC, Durham
- Jamie Reyno, Interact, Wake
- Elizabeth Nieves, FVRC, Chatham

Region E (Southeastern)

- Promise Place, Craven

Region F (Northeastern)

- Tracey Kennedy, REAL Crisis Intervention, Pitt, Martin, Washington, Beaufort
- Lozen Parker Pittman, My Sister's House, Nash, Edgecombe

Thank you

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