



Prison Rape Elimination Act Webinars Recap, Q & A

October 29, 2014

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Objectives

- PREA 101
- PREA NC Survey Results
- PREA Statewide Approach
- Overview of NC Corrections Facilities (Prisons, Jails, & Youth Facilities)
- DPS Policy, Procedures, & Facility Guidelines
- Maintaining Professional Boundaries w/Inmates

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 immediately applicable to the Federal Bureau of Prisons
- 2013 – First 3 year audit cycle began 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 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 territories subject to a five percent reduction in certain department grant funding after declining to 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.**

Services, Training, Officers, & Prosecutors (VAWA STOP)

The Violence Against Women Act of 2013 added a purpose area to the STOP program statute for “developing, enlarging, or strengthening programs addressing sexual assault against men, women, and youth in correctional and detention settings,” 42 U.S.C. § 3796gg(b)(17). This purpose area is a “prison purpose,” which makes the PREA requirement applicable to STOP.

Frequently Asked Questions on the STOP Violence Against Women Formula Grant Program and the Prison Rape Elimination Act (PREA) Certification Requirement

Please tell us what would help make your agency better equipped to provide advocacy services to this population.

Education & Training

Funding (staff, travel, training)

MOUs

My biggest concern with serving this population is.....

Training

Resources

Ethical dilemma

Community Reputation

Safety



Statewide Collaborative Partnership Approach to Prison Rape Elimination Act



NCCASA/NCDPS

A Collaborative Partnership

October 2011 – First documented PREA correspondence from NCDPS

November 2011 – NC PREA Administrator attended NCCASA Member Meeting

March 2012 - Correspondence on updates w/forthcoming standards

September 2012 – Follow-up discussions

November 2012 – Draft proposal submitted to NCDPS for review & discussion

NCCASA/NCDPS

A Collaborative Partnership

May 2013 – NC PREA Administrator attended Biennial conference member meeting- discussed requirements of standards

October 2013 – Meeting to establish joint proposal for regional PREA implementation

December 2013 – Meeting to discuss funding options, surveying RCCs & establish regular meetings.

February 2014 – Initial Monthly Meeting

March 2014 – Survey RCCs

NCCASA/NCDPS

A Collaborative Partnership

May 2014 – Established regular monthly meeting dates & webinars

June 2014 – Proposed plan presented @ membership meeting

June 2014 – First PREA webinar

PREA Standards and Service Providers

The PREA Standards say that facilities must:

1. Offer survivors emergency care, a forensic exam, and ongoing treatment
2. Follow a coordinated response to incidents
3. Attempt to enter into working agreements with community service providers

PREA Standards and Service Providers

Facilities must also:

- Allow survivors access to advocates **in as confidential a manner as possible**
- Provide treatment that is consistent with the community standard of care

PREA Services

- Crisis Intervention, Information, & Referral
- Medical, Legal, and General Advocacy
- Systems Coordination & Advocacy
- Support Groups
- Therapy

MOUs

- NCDPS
- Jails

Education & Training

- Webinar Series
 - Rape Crisis Centers
 - Correction Officials
- In-Person Trainings
 - Joint Regional Workshops

PREA

Advisory & Advocacy Board (PAAB)

Purpose: Develop the partnership, process, & preparation needed for PREA implementation & victim advocacy services.

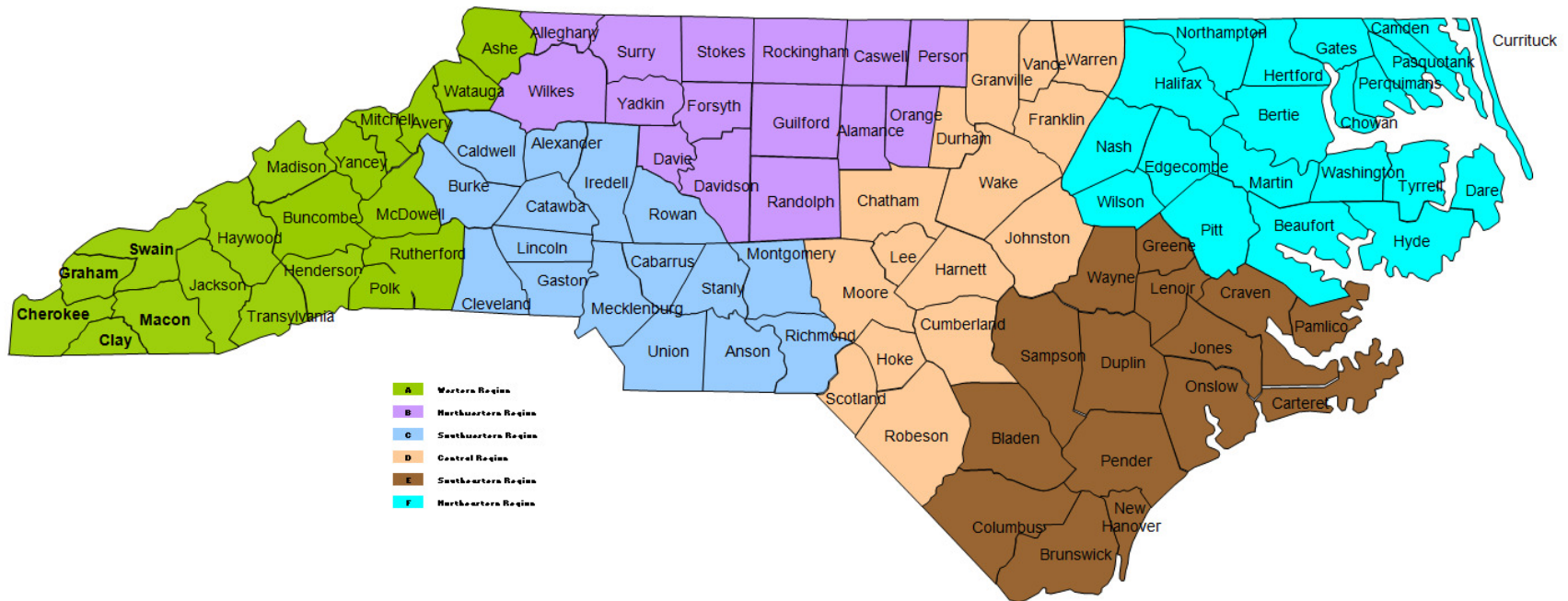
Members: Local RCCs, correctional officials, allied professionals

Partnerships: Mirror statewide approach within your region & communities

PAAB

- Provide guidance to RCCs, Correction Officials, Allied Professionals, & community organizations
- Assist in educational & training needs that include but not limited to, workshops, roundtables, seminars, trainings & presentations
- Create samples of standardize forms, letters, and other resource documents.
- Distribute information to community at large regarding PREA
- Collect & provide NCCASA w/local & region information for the purposes of determining needs & work collaboratively with NCCASA to advocate for change
- Engage in systems advocacy as needed for individuals & groups
- Provide referrals to resources
- Attend conferences, education seminars, webinars, & trainings
- Remain current on local, regional, state, & federal resources.
- Serve on boards & task forces to further PREA goals.

North Carolina Program Regions



- A Western Region
- B Northwestern Region
- C Southwestern Region
- D Central Region
- E Southeastern Region
- F Northeastern Region

PREA Advisory & Advocacy Board (PAAB)

Region A (Western) – Buncombe, Transylvania

Region B (Northwestern) – Ashe, Guilford, Orange, Alamance,
Rockingham

Region C (Southwestern) – Mecklenburg, Stanly

Region D (Central) – Durham, Chatham, Lee, Wake

Region E (Southeastern) – Craven, Carteret

Region F (Northeastern) – Pitt/ Martin/Washington/Beaufort, New
Hanover/Brunswick, Nash/Edgecombe

NC DPS PREA Administrator, PREA Coordinator, Buncombe County

The Advocate

Common principles:

- Survivors deserve care, support, health, and safety
- Perpetrators should be held accountable
- No one deserves to be raped
- Changing rape culture is critical to eliminating sexual violence

Your Approach

- Trauma-informed and survivor-centered
- Promote healing and well-being
- Listen and believe survivors
- Set boundaries and explain limitations
- Follow mandated reporting requirements

The Corrections Official

Focus: SAFETY & SECURITY

- Public safety and public health
- Care, custody, and control
- Officer safety and inmate safety

The security of the facility equates to the safety and care of inmates.

- Inmates are community members
- Officials want to see them succeed in life
- Offer a second chance

Their Approach

- Safety and security for all staff, visitors, and inmates or residents
- Dependence on rules and regulations that minimize agency liability and damage to persons or property
- Provision of educational and therapeutic programs
- Assistance with re-entry into the community

SECURITY PRACTICES

- Identify Inmates
- Remain Observant
- Emergency Responses-
Ensuring Your Safety
- Vehicle Keys and Personal
Belongings
- Eligibility- Who can come
into the facility?
- Training- Facility

GENERAL THINGS YOU SHOULD KNOW

- Smoking/Cell Phones
- Procedures at all Facilities
 - Identification
 - Authorized and Unauthorized items
 - Standard of Dress
 - Search Notification
 - Property
 - Of Person
 - Authority to Detain

Key Differences in Culture

- Corrections agencies are paramilitary and hierarchal
- Respect for authority is perceived to increase safety
- Outsiders are sometimes met with suspicion
- Safety and security are paramount
- Incarcerated Survivors have limited autonomy

Advocate: Self Identification Checklist

- Agency is often underfunded or under-resourced
- Senior level employees wear multiple hats
- Vicarious trauma and long hours play a role in staff turnover
- Staff entered the helping profession because they care for others or about injustice
- Staff are distrustful or cautious around law enforcement

Corrections Staff: Self Identification Checklist

- Agency is often underfunded or under-resourced
- Employees wear multiple hats
- Vicarious trauma and long hours play a role in staff turnover
- Staff entered law enforcement or corrections because they care about the community and justice
- Staff are distrustful or cautious around community-based organizations

Some Things to Remember

- Demonstrate your commitment to safety and willingness to follow facility rules
- Work respectfully and cooperatively with corrections staff while remaining a survivor advocate
- Be clear about your role
- Talk about ways you share goals or a vision with corrections
- Maintain your bottom line that no one deserves to be sexually abused

Prisons

- Inmates serving more than a year
- Large facilities
- Heavy surveillance and different levels of security
- Programming and employment programs
- There are 61 state prisons in NC

Jails

- House inmates with shorter terms, from a few hours to a year, or more
- Many of those in jail have not been convicted of a crime
- Limited programming
- Often have mixed gender units or wings
- Operated by Sheriffs
- 96 jails in NC — generally one per county

Lockups

- Operated by law enforcement & vary in size
- Hold inmates immediately after arrest, detained, or are being transferred to and from court, jail, prison, or other agency.
- Length of stay is up to 72 hours

Community Confinement

- Residents pose little or no risk to the community
- Require employment or education
- Include halfway houses, drug treatment centers, and mental health programs

Immigration Detention

- Operated by Federal government or private contractors
- Considered civil or administrative confinement, not criminal or punitive
- There are none of these facilities in NC

Tribal Facilities

- Operated by Nations or the Bureau of Indian Affairs
- Small jails or youth facilities
- Inmates typically held for misdemeanors
- One, similar, is scheduled to open in Cherokee Reservation in 2014

Juvenile Facilities

- State-run facilities tend to mirror adult prison system
- Private contractor facilities are part of child welfare system
- Staff is a mixture of custodial and clinical
- NC has 4 facilities

North Carolina Juvenile Justice

- North Carolina is one of two states that automatically try 16 and 17 year-olds as adults
- In 2008, 186 juveniles were housed in state prisons
- A “Raise the Age” bill to raise the age of juvenile jurisdiction has passed in the NC House

Demographics of Prisoners



North Carolina Coalition Against Sexual Assault

NCCASA
EDUCATION ♦ ADVOCACY ♦ LEGISLATION

North Carolina Prison Distribution

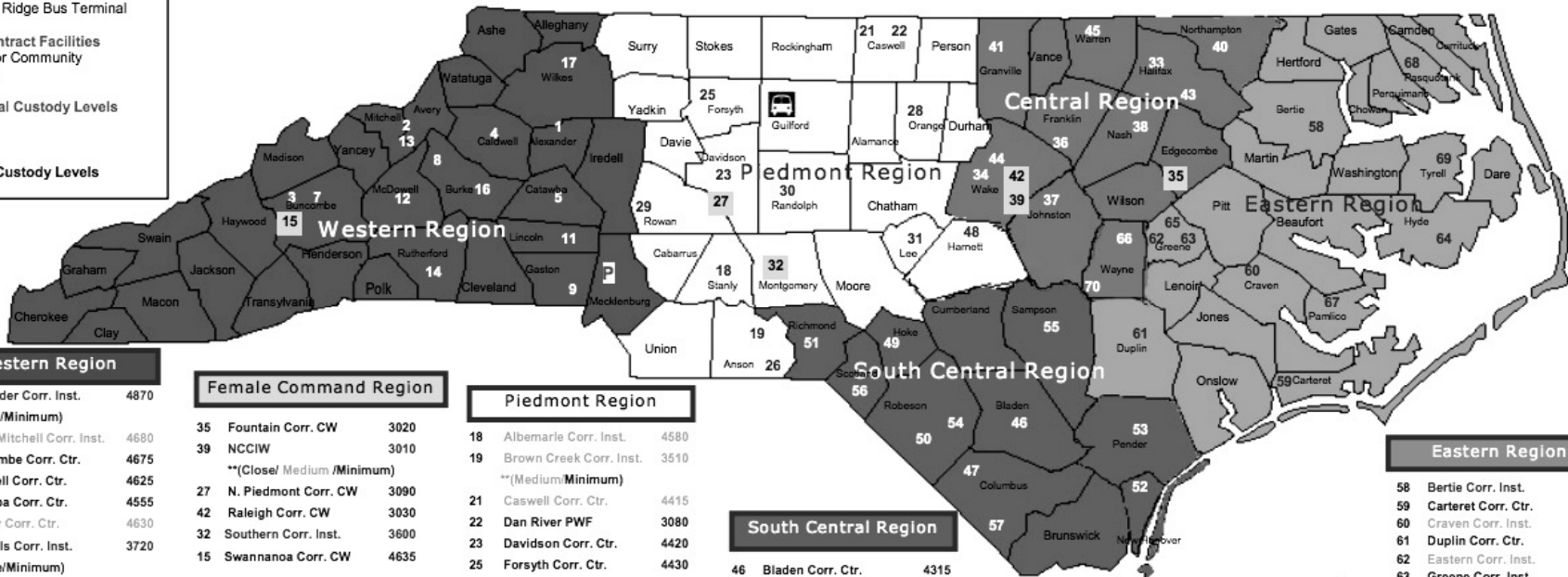
LEGEND

Sandy Ridge Bus Terminal

Private Contract Facilities
P Center for Community Transitions

Correctional Custody Levels
Minimum
Medium
Close
**Multiple Custody Levels

NC Department of Public Safety, Prisons Facility Listings by Region



Western Region

1	Alexander Corr. Inst.	4870
**(Close/Minimum)		
2	Avery Mitchell Corr. Inst.	4680
3	Buncombe Corr. Ctr.	4675
4	Caldwell Corr. Ctr.	4625
5	Catawba Corr. Ctr.	4555
7	Craggy Corr. Ctr.	4630
8	Foothills Corr. Inst.	3720
**(Close/Minimum)		
9	Gaston Corr. Ctr.	4515
11	Lincoln Corr. Ctr.	4525
12	Marion Corr. Inst.	3730
**(Close/Minimum)		
13	Mt. View Corr. Inst.	4855
14	Rutherford Corr. Ctr.	4655
16	Western Youth Inst.	3905
**(Close/Minimum)		
17	Wilkes Corr. Ctr.	4665

Female Command Region

35	Fountain Corr. CW	3020
39	NCCIW	3010
**(Close/ Medium /Minimum)		
27	N. Piedmont Corr. CW	3090
42	Raleigh Corr. CW	3030
32	Southern Corr. Inst.	3600
15	Swannanoa Corr. CW	4635

Piedmont Region

18	Albemarle Corr. Inst.	4580
19	Brown Creek Corr. Inst.	3510
**(Medium/Minimum)		
21	Caswell Corr. Ctr.	4415
22	Dan River PWF	3080
23	Davidson Corr. Ctr.	4420
25	Forsyth Corr. Ctr.	4430
48	Harnett Corr. Inst.	3805
26	Lanesboro Corr. Inst.	4865
28	Orange Corr. Ctr.	4240
29	Piedmont Corr. Inst.	3500
**(Medium/Minimum)		
30	Randolph Corr. Ctr.	4445
31	Sanford Corr. Ctr.	4360

South Central Region

46	Bladen Corr. Ctr.	4315
47	Columbus Corr. Inst.	4355
49	Hoke Corr. Inst.	4320
50	Lumberton Corr. Inst.	4365
51	Morrison Corr. Inst.	3930
**(Medium/Minimum)		
52	New Hanover Corr. Ctr.	4170
53	Pender Corr. Inst.	4150
54	Robeson Corr. Ctr.	4340
55	Sampson Corr. Inst.	4345
56	Scotland Corr. Inst.	4860
**(Close/ Medium /Minimum)		
57	Tabor Corr. Inst.	4885
**(Close/Medium)		

Central Region

33	Caledonia Corr. Inst.	3305
34	Central Prison	3100
36	Franklin Corr. Ctr.	4215
37	Johnston Corr. Inst.	4230
38	Nash Corr. Inst.	3710
66	Neuse Corr. Inst.	3060
40	Odom Corr. Inst.	3310
41	Polk Corr. Inst.	3980
43	Tillery Corr. Ctr.	3320
44	Wake Corr. Ctr.	4265
45	Warren Corr. Inst.	4290
**(Medium/Minimum)		
70	Wayne Corr. Ctr.	4175

Eastern Region

58	Bertie Corr. Inst.	4880
59	Carteret Corr. Ctr.	4110
60	Craven Corr. Inst.	3085
61	Duplin Corr. Ctr.	4125
62	Eastern Corr. Inst.	3400
63	Greene Corr. Inst.	4140
64	Hyde Corr. Inst.	4180
65	Maury Corr. Inst.	4875
67	Pamlico Corr. Inst.	4850
68	Pasquotank Corr. Inst.	3740
**(Close/Minimum)		
69	Tyrrell PWF	3070

Demographics - NC Prisons

As of October 28, 2014,
there are **38,117** prison inmates in North
Carolina

35,358 of them are male
2,759 are female

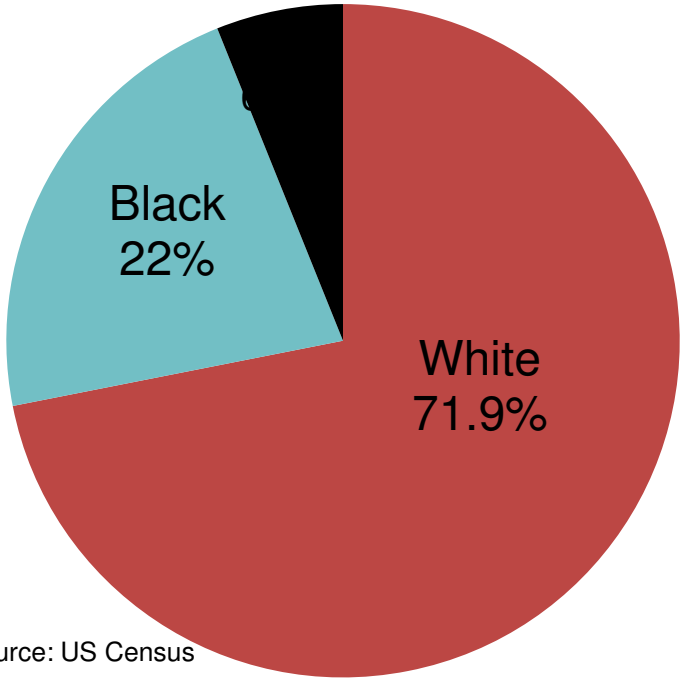
Demographics of Prisoners

**The majority of
prisoners are:**

- Black and Latino
- Men
- Convicted of nonviolent crimes

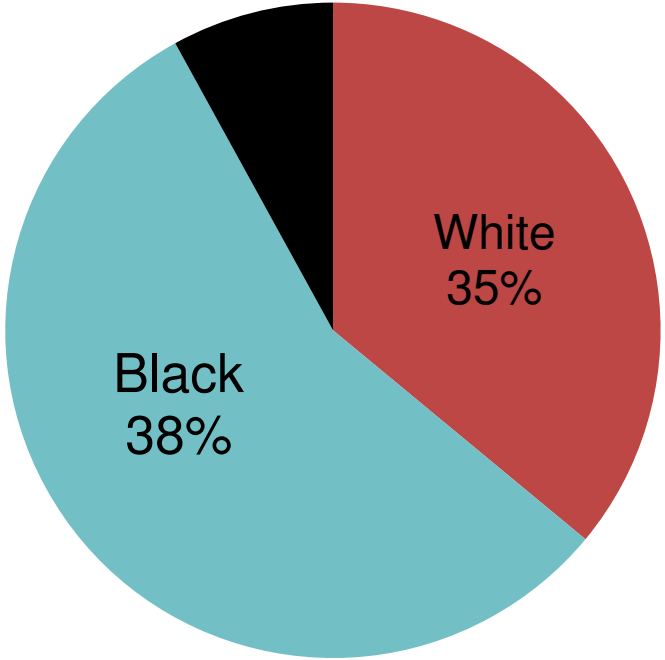
Demographics: Race

NC Population by Race and Ethnicity



Source: US Census

NC Prison Population by Race and Ethnicity



Source: NC Division of Adult Correction
2011-2012 Annual Statistics Report

General Knowledge About Prisons

- NC houses approx. 38,000 inmates in 61 state facilities;
- Receives Felons/ misdemeanants sentence by the courts to serve active incarceration;
- Process at 1 of 9 facilities to determined appropriate custody classification and prison;

CLASSIFICATION & ASSIGNMENT

- Sentence Types
 - Misdemeanant
 - Felon
- Custody Types
 - Close
 - Medium
 - Minimum

CLASSIFICATION & ASSIGNMENT

- Major Factors
 - Risk
 - Potential for Escape
 - Seriousness of Crime
 - Appropriateness
 - Obeying rules and regulations

Demographics – NC Jails

In 2006, at the last Bureau of Justice Statistics
Census of Jails, there were
17,682 jail inmates
in North Carolina

Data from the Bureau of Justice Statistics Census of Jail Facilities

Demographics

The majority of those in jail:

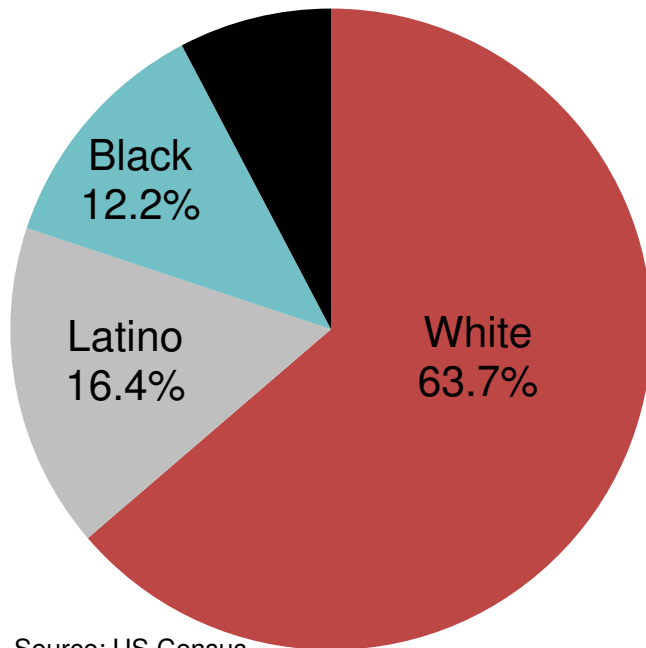
are Men

are black or white

**have *NOT* been convicted of a
crime**

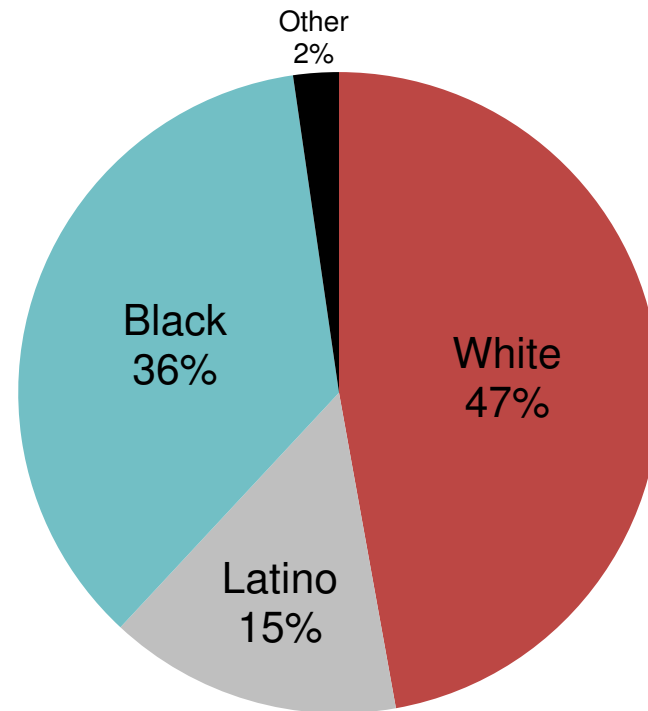
Demographics: Race

US Population by Race and Ethnicity



Source: US Census

US Jail Population by Race and Ethnicity



Source: Bureau of Justice Statistics
Jail Inmates at Midyear 2013 -
Statistical Tables

Youth Demographics

**On any given day,
approximately 70,000
young people are
locked up in the U.S.**

Typical Charges against Youth

- Truancy
- Running away
- Incorrigibility
- Curfew violations
- Alcohol and drug use or possession

Youth Demographics

Youth in the Juvenile Justice System



30-50%

have a special
education disability



have experienced
trauma prior to
their incarceration

Sources: 1) Murphy 1986; Brier 1989; Winters 1997; Robinson and Rapport 1999; National Center on Education, Disability and Juvenile Justice 2001; U.S. Department of Education 2001; National Council on Disability 2002b; Rutherford et al. 2002. 2) Abram, K.M., Teplin, L.A., Charles, D.R., Longworth, S.L., McClelland, G.M., and Dulcan, M.K. 2004. *Post-traumatic stress disorder and trauma in youth in juvenile detention*. Archives of General Psychiatry 61:403-410.

Prevalence of Sexual Abuse in Prisons and Jails

**Roughly
200,000 adults
are sexually
abused behind
bars every year
in the U.S.**

Prevalence of Sexual Abuse in Confinement



1 IN 10

former adult state inmates reported being sexually abused while in detention

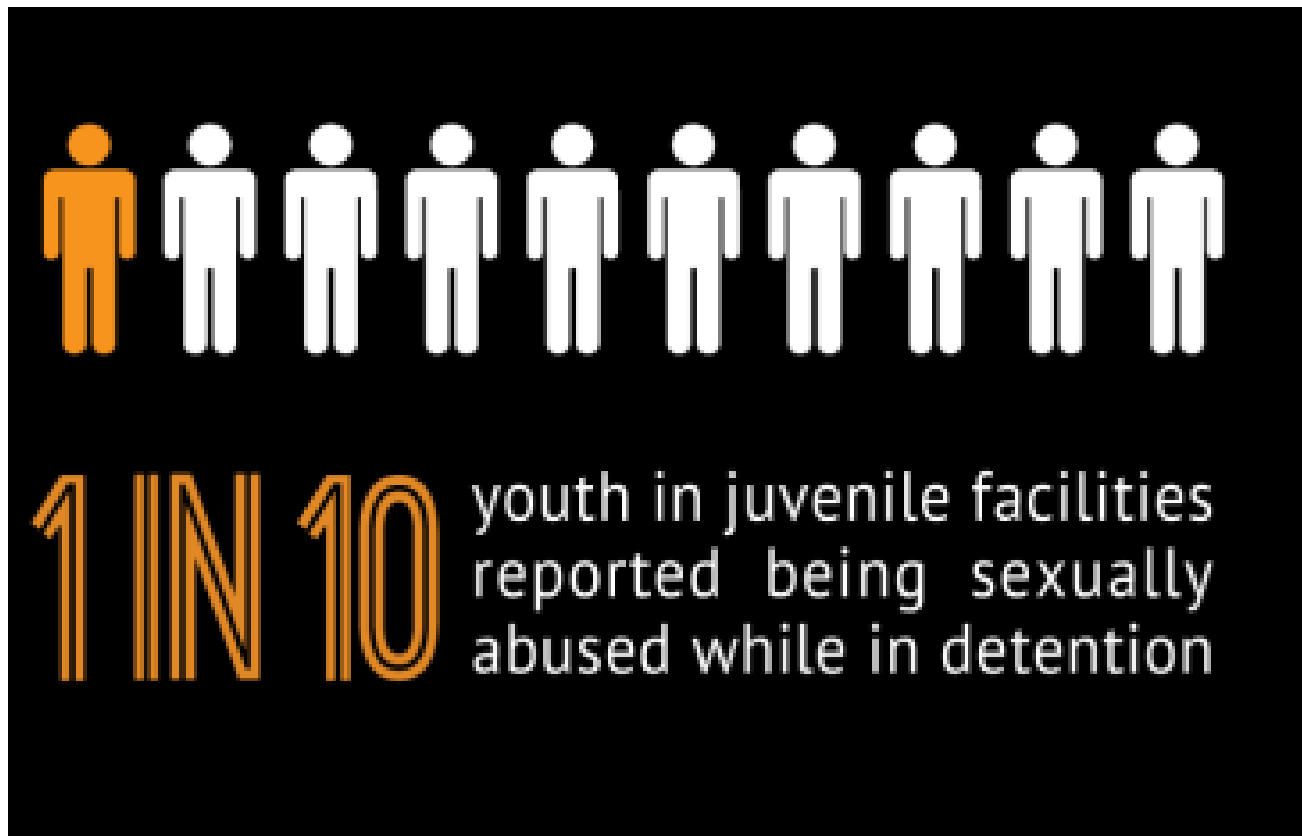
Prevalence

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



Source: Bureau of Justice Statistics, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12*, May 2013. © Just Detention International

Prevalence of Sexual Abuse in Youth Facilities



Prevalence of Sexual Abuse in Youth Facilities

Youth are
THREE TIMES
more likely to be
sexually abused by
staff than by other youth

Poll

Who do you think perpetrators are more likely to target in the community?

Submit your answers in the chat box.

Who do perpetrators tend to target in detention?

- People living with a disability or mental illness
- Those with previous history of trauma or sexual assault
- Lesbian, gay, bisexual, transgender, and intersex (LGBTI) inmates or those who are perceived to be
- Gender non-conforming inmates

Those marginalized in the community are generally those victimized in detention

Targets for Staff Sexual Abuse

Who is the average victim of sexual abuse by staff in prisons and jails?

Targets for Staff Sexual Abuse

Black, Latino, or multiracial

Younger than 24 years old

Male

Demographics of Youth Survivors

Black youth were most likely to be targeted by staff

Girls were more likely than boys to be abused by other youth

LGBTI youth residents were abused by other youth more than any other group

INMATE BEHAVIOR

- Disorderly Conduct
- Misuse of Prison Supplies
- Agitating
- Security Threat Group
- Sexual Misconduct
- State and Federal Laws

INMATE BEHAVIOR

- Attitude Toward Officials
- Obedience To Orders
- Work
- Contraband
- Bartering And Trading
- Bribes
- Gambling

INMATE DISCIPLINARY OFFENSES

- All disciplinary offenses are divided into 4 classes A through D.
- Class A offenses are the most serious and Class D are the least serious

CON GAMES: MOTIVATION

- Demonstrate power by beating the system
- Trying to make a name or reputation
- Want to make their time easy
- Recruiting staff to be drug supplier

CON GAMES: HOW IT WORKS

- Befriending a staff member
- Flattery/Building up an employee's ego
- Feigning sickness or mental illness
- Crying or playing on emotions
- Offer of protection
- Embarrass staff member
- Pushing the employee until the employee loses temper

CON GAMES: HOW IT WORKS

- Play one staff member against another to create dissention
- Ask for small favor and then blackmail employee
- Get staff to discuss personal life, other staff, or inmates
- Act as informants and expect favors in return

CON GAMES: PREVENTION

- Professionalism
- Communication monitoring
- Procedural knowledge
- Confident command
- Chain of Command
- Documentation
- Protect yourself

NC GENERAL STATUTE 14-27.7

- Intercourse consent is no defense:
 - Class E felony
 - The penalty for a class E felony shall be a fine at the discretion of the court and imprisonment for a term, between 15 and 63 months depending on the amount and kind of prior offenses
 - Staff can be found personally liable
 - Staff may also be prosecuted under misdemeanor statute

PRISON RAPE ELIMINATION ACT

- Establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States.
- Make the prevention of prison rape a top priority in each prison system.
- Develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape.

SEXUAL ABUSE ELIMINATION POLICY

- The North Carolina Division of Adult Correction is committed to a standard of zero-tolerance of sexual abuse toward inmates, either by staff or by inmates.
- Provides guidelines for:
 - Prevention
 - Detection
 - Response
 - Investigation
 - Prosecution
 - Tracking of inmate on inmate and staff on inmate sexual abuse.

DUTY TO REPORT

- Employees have a duty to report through the chain of command any findings of sexual relationships between inmates as well as staff having sexual relationships with inmates.

PREA Resources

<http://www.nccasa.org/resources/prison-rape-elimination-act-prea>

PREA Resources

<https://www.ncdps.gov>

- Administration
- Prison Rape Elimination Act

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).
 - October 29 @ 2 pm - In Danger: Lesbian, Gay, and Bisexual Survivors Behind Bars
 - Archived webinars
 - Monthly calls w/coalitions
 - Much of powerpoint was built from the framework of Just Detention International (JDI) webinars

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.
 - Webinars

PREA Resources

American University Washington School of Law (WCL) - <http://www.wcl.american.edu/endsilence>

An End to Silence - The Project on Addressing Prison Rape is committed to eliminating sexual abuse for individuals in custodial settings. A leader in addressing the implications and implementation of the Prison Rape Elimination Act of 2003 (PREA) and its national standards, since 2000, the Project has provided training, technical assistance and legal guidance for correctional agencies, advocates and survivors who want to effectively prevent, respond and eliminate sexual abuse in custodial settings, as well as high level corrections decision makers on key issues in addressing & responding to the Prison Rape Elimination Act.

Funded by government & private grants to address & respond to sexual abuse of people in custody, the has four goals: (1) training; (2) technical assistance; (3) legal expertise regarding sexual abuse in custodial settings; and (4) providing guidance on issues correctional agencies and advocates face in addressing PREA and responding to sexual abuse in custodial settings.

Questions





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