



Unsafe in Custody: Addressing Sexual Abuse in Police Lockups

September 4, 2013
11:00am – 12:30pm PDT



Today's Moderator



Vivian Jojola
Program Director
Just Detention International



Mission and Core Goals

JDI is a nonprofit health and human rights organization that seeks to end sexual violence in all forms of detention.

Core goals:

1. To hold government officials accountable
2. To change public attitudes about sexual violence behind bars
3. To ensure survivors get the help they need



Special Thanks

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The opinions, findings, conclusions, and recommendations expressed in this webinar are those of the presenters and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.



Webinar Agenda

- I. Overview of Police Lockups
- II. PREA Standards for Lockups
- III. LAPD Partnership
- IV. A Survivor's Story
- V. Prevalence, Impact and Response
- VI. Questions and Answers

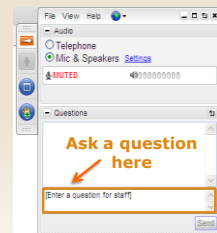


Keith, a survivor of sexual abuse in detention. Photo: James Stenson



Webinar Logistics

- Use the **question box** to submit requests for help, questions, or comments
- An archive of this webinar will be emailed to you later this week
- It will also be posted on JDI's website:
www.justdetention.org/advocate-resources



PREA and Police Lockups



Dianne Beer-Maxwell
Program Manager
International Association of Chiefs of Police



IACP's Elimination of Sexual Abuse in Confinement Initiative

- Sexual abuse in confinement and officer misconduct are serious concerns
- DOJ developed and released standards to prevent, detect, and respond to sexual abuse in lockups
- IACP is working to:
 - Conduct a needs assessment on PREA readiness in lockups
 - Conduct a national awareness raising campaign for law enforcement leaders
 - Assist in the development of an audit instrument and measures of compliance for lockups



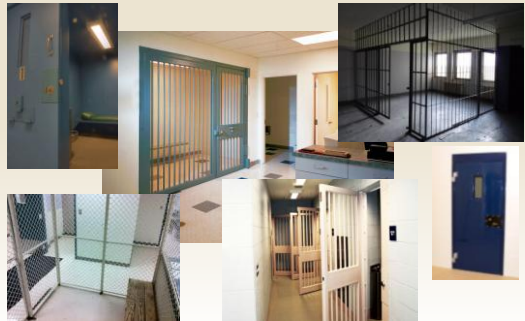
What constitutes a lockup under PREA?

Lockup means a facility that contains holding cells, cell blocks, or other secure enclosures that are:

1. Under the control of a law enforcement, court, or custodial officer; and
2. Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.



What Does a Lockup Look Like?



Applicability of PREA to Lockups

- The PREA standards apply to all local lockups, even those with one cell used to detain people for only a few hours
- States are required to ensure that any local facilities they contract with are PREA compliant
- It is also possible that private litigants may assert that noncompliance is evidence that the facility is constitutionally deficient, which could be an *additional liability* for the agency



Applicability of PREA to Lockups

It is good agency management practice to:

- Effectively prevent, detect, and respond to sexual abuse in confinement facilities
- Voluntarily strive for significant compliance with the PREA standards, which represents strong agency leadership
- Reduce agency exposure to civil liability



Lockup Standard Related to Victim Services

Responsive Planning (§115.121(d))

Access to victim advocacy services if detainee is transported for forensic exam



Developing an Institutional Coordinated Response Plan (§115.165(a))

The agency shall develop:

A written plan to coordinate actions taken in response to a lockup incident of sexual abuse, among first responders, medical and mental health practitioners, investigators and agency leadership



Developing an Institutional Coordinated Response Plan

The Institutional Coordinated Response Plan can also be a model for:

- Steps to take when a detainee is at risk (§115.162)
- Protection from retaliation (§115.167)
- Sexual abuse incident reviews (§115.186)



Collaboration

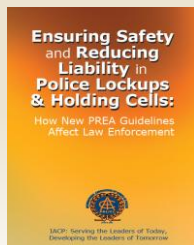
Local victim advocates can provide:

- Victim advocacy services
 - as offered at a local hospital (115.121(d)) OR
 - through an agreement with your agency to provide victim accompaniment
- Staff training
 - including on detecting and responding to victims of sexual abuse (115.121(b))
- Ongoing mental health support



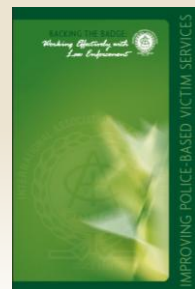
Talking to Law Enforcement about PREA

Ensuring Safety and Reducing Liability in Police Lockups and Holding Cells
(www.theiacp.org/PREA)



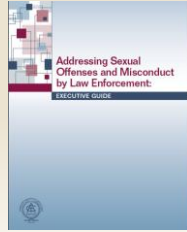
Building Relationships

- Do you have an existing relationship?
- Who is the right person in the agency to start the conversation with?
- What resources can you provide?



Working with Victims in Lockups

- Addressing Sexual Offenses and Misconduct by Law Enforcement (www.theiacp.org)
- Enhancing Law Enforcement Response to Victims (www.responsetovictims.org)



LAPD Partnership



Captain David Lindsay
Los Angeles Police Department
Jail Division



Derek Murray
Program Director
Just Detention International



LAPD Partnership



LAPD Partnership



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Survivor Account: Erica Hejnar



Prevalence, Impact and Response



Linda McFarlane, MSW, LCSW
Deputy Executive Director
Just Detention International



Prevalence

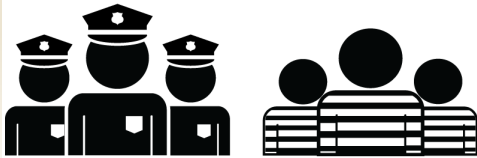


Source: Bureau of Justice Statistics, *Sexual Victimization Reported By Former State Prisoners, 2008*, May 12, 2012. (Approximately 9.6% of former state prisoners reported one or more incidents of sexual abuse during the most recent period of incarceration in a jail, prison, or post-release community-treatment facility.)



Prevalence

STUDY SHOWS NEARLY EQUIVALENT RATES OF ABUSE BY STAFF AND OTHER INMATES



Source: Bureau of Justice Statistics, *Sexual Victimization In Prisons and Jails Reported By Inmates, 2011-12*, May 16, 2013.



Prevalence



Source: Bureau of Justice Statistics, *Sexual Victimization In Prisons And Jails Reported By Inmates, 2008-09*, August 26, 2010.



Common Effects of Sexual Abuse in Jails

- Rape Trauma Syndrome and PTSD
- Sexually transmitted diseases and HIV
- Increased suicidal thoughts or attempts
- Worsening of psychiatric disorders



Michelle, a survivor of sexual abuse in jail



Providing Ongoing Services

- Be patient and consistent
- Avoid discussing a survivor's criminal background unless directly relevant to the services
- Adapt interventions to the community confinement environment
- Trust your expertise



The Role of Community Advocates

Local victim advocates can provide:

- Victim advocacy services as offered at a local hospital or through an agreement with your agency to provide victim accompaniment
- Staff training -including detecting and responding to victims of sexual abuse and dynamics of sexual abuse
- Ongoing support



Questions & Answers



Dianne Beer-Maxwell
IACP

Derek Murray
JDI



Capt. David Lindsay
LAPD

Linda McFarlane
JDI



For More Information


For more information about the **Sexual Abuse in Detention Resource Center** and additional resources, visit:
www.nsvrc.org/projects/sexual-abuse-detention-resource-center

Direct questions to: info@justdetention.org

For more information about **Just Detention International**, visit www.justdetention.org.

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Thank you for joining us today!

Please complete a brief evaluation of today's webinar. Your feedback is very important to us.

Here is a link to the evaluation (we will also email it to you shortly):

www.justdetention.org/en/unsafe-in-custody-evaluation.aspx

Please also forward it to anyone else who may have joined you.

THANK YOU!

